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PRESENTATION BY

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(EXPERT)

SELF, DETERMINATION AND SELF-DETERMINATION IN DECOLONIZATION - ISSUES, PROGRESS AND PROSPECTS IN THE PACIFIC

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Self, determination and self-determination (or identity, sense of purpose, and shared commitment to decolonization) are – in varying aspects, combinations and significance – issues in the remaining non-self-governing territories in the Pacific. The situation is not unique in history or to the region. Following discussion of the role of self-determination in the history of decolonization and the United Nations' (UN) approach towards colonialism, this paper goes on to discuss the diverse ways in which issues concerning self, determination and self-determination affect contemporary efforts at decolonization in the Pacific. This is not intended to suggest that, important though they are, these are the only - or necessarily the most significant - issues in each of the entities on the UN list of non-self-governing territories; the paper also looks briefly at other issues relevant to decolonization in the region.

Decolonization and the United Nations

The UN Charter contains references both to self-determination and to the specific circumstances of non-self-governing territories. The former include the statement in Article 1(2), Purposes and Principles, that member-states are committed to the development of

friendly relations among nations ... based on respect for equal rights and self-determination of peoples.

This commitment appears to be focused on the circumstances which gave rise to World War II – namely, the German, Italian and Japanese invasions of other countries – and not specifically on non-self-governing territories. The circumstances and rights of the latter are addressed directly in Chapter XI (Articles 73-74), the Declaration Regarding Non-Self-Governing Territories, and with specific regard to Trust Territories (the former German territories and Turkish provinces administered under the League of Nations' mandates system following World War I) in Chapter XIII.

Thus, Article 73 states very firmly that UN members responsible for the administration of non-self-governing territories

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recognize the principle that the interests of the inhabitants of these territories are paramount.

They are committed [the actual words employed are 'accept as a sacred trust the obligation']

to promote to the utmost ... the well-being of the inhabitants of these territories.

Of particular relevance to this paper, the same Article then specifies that the administering powers will –

a. ... ensure, with due respect for the culture of the peoples concerned, their political, economic, social and educational advancement, their just treatment, and their protection against abuses;

and

b. ... develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement.

The Article goes on (in e.) to commit UN members to facilitate transparency and a measure of accountability by providing the UN Secretary-General with regular reports on the non-self-governing territories for which they are responsible.

Chapters XII and XIII (Articles 75-91) build on the League of Nations' mandates system by establishing the UN Trusteeship system.

The UN Charter does not clearly define 'non-self-governing territory' or the reference to 'self-government' in Article 73 (which was, perhaps, inevitable when the founding states party included countries where the self that governed was confined to a small, dictatorial elite, including the former Soviet Union - itself often described as an empire - are considered). However, it seems unlikely that the term 'self-government' refers specifically or is limited to - though it also does not preclude - the stage frequently described as '[internal] self-government' that was often the penultimate step in non-self-governing territories' transition from colonial rule to independence.

Apart from these commitments, including the reporting requirement outlined, the Charter itself does not require that the UN be directly involved in the decolonization of non-self-governing territories, except in the case of trusteeships - where criticisms and recommendations included in triennial visiting missions' reports to trust territories could have quite powerful influence on colonial governments and their representatives on the ground (the colonial administrations).

However, successive UN General Assembly (UNGA) Resolutions, particularly from 1960 on, both expressed and reinforced an international atmosphere in which self-determination leading to decolonization of non-self-governing territories became not only a right but inevitable.

According to the list on the UN website (2014a), 100 entities have, at different times, been classified as non-self-governing or trust territories, 11 of which were trust territories. There are currently still 17 non-self-governing territories listed. However, useful as the list is when assessing the UN's role in monitoring formal colonial rule and decolonization, it is pertinent to observe that the list contains separate entries for some entities which were, in fact, governed together – and does not mention Algeria, which was governed as part of France until it became independent, following a referendum, in 1962, and the decolonization of which had quite widespread influence on critics and opponents of colonialism elsewhere (it also makes no mention at all of other countries which have, for at least part of their recent history, been subject to what their people have regarded as foreign-controlled empires).

In 1960, which was, in many respects, an important turning-point in the history both of colonialism and of decolonization, 19 countries emerged from the UN's list of non-self-governing territories to become independent. They include some former French territories, which were formed out of much larger colonial entities, as well as the former British and Italian Somalilands, which combined to become Somalia. The admission of newly-independent states to membership of the UN was widely regarded as an important sign of their legitimacy – and, in effect, the end-point of formal decolonization. Thus, the number of recently decolonized UN members more than doubled. Many such states played a pro-active role in promoting further decolonization around the world.

In most cases, independence was the product of nationalist – or, at least, anti-colonial – agitation (the two have not always coincided) and/or concern on the part of the colonial powers at the foreign policy, economic and other costs of continuing colonial rule.

In December 1960, the UNGA agreed to Resolution 1514(XV), which was both a product and a source of significant change in international attitudes and the UN's role in regard to decolonization. The Declaration on the Granting of Independence to Colonial Countries and Peoples contained in the Resolution was a product of the way in which the governments of new states – and others (for diverse historical, ideological and other reasons) – worked through the UN to promote an end to colonialism globally. However, their number did not include any Pacific island states, the first of which to become independent was Samoa in 1962 (the country was known as 'Western Samoa' until 1997).

The Preamble to the Declaration on the Granting of Independence to Colonial Countries and Peoples, recognizes what it describes as

the passionate yearning for freedom in all dependent peoples and the decisive role of such people in the attainment of their independence;

the perception that –

the peoples of the world ardently desire the end of colonialism in all its manifestations;

the negative impacts colonialism has on many different aspects of development and international relations; and the ways in which colonialism ‘militates against the UN ideal of peace’ (presumably a reference to the force that was deployed in defence of continued colonial rule in Algeria and some other territories, and the growing disorder to which resistance and outright opposition to colonial rule were giving rise elsewhere). Referring to the racism which was common practice in many colonies – and, in some cases, legally enforced (see, for example, Stevens and Wolfers 1977) – the Preamble describes liberation from colonial rule as ‘irresistible and irreversible’.

The substantive provisions of the Declaration then go on to describe ‘[t]he subjection of peoples to alien subjugation, domination and exploitation’ as ‘a denial of human rights’, and contrary to the UN Charter (Article 1).

Article 2 proclaims that –

All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Addressing, at least by necessary implication, the claim often made by their rulers that they are ‘preparing’ the people of non-self-governing territories to play a greater role in government and/or aspects of development, Article 3 proclaims declares that –

Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

Article 5 suggests that such inadequacies can never be other than a pretext, as distinct from a reason, by calling for ‘immediate steps’ to be taken in all non-self-governing territories –

to transfer all powers to the peoples of those territories without any conditions or reservations

in accordance with what is expected to be ‘their freely expressed will and desire.’

In condemning any attempt at 'partial or total disruption of ... national unity and the territorial integrity of a country', Article 6 makes clear the expectation that the boundaries of new states will coincide with those of their colonial predecessors, a provision to which there have been some noteworthy exceptions. In the Pacific, these exceptions include the division of the former Gilbert and Ellice Islands Colony into Kiribati and Tuvalu, following a referendum in the latter; the separation of the former United States Trust Territory of the Pacific Islands into the Federation of Micronesia, the Republics of Marshall Islands and Palau, and the Commonwealth of the Northern Mariana Islands; as well as the integration of the former Trust Territory of New Guinea and the Australian Territory of Papua, which were governed as the 'Territory of Papua and New Guinea' following World War II, to form the Independent State of Papua New Guinea in 1975.

In setting out the principles which should guide member-states in determining whether the UN Charter, Article 73e requires them to transmit information on a particular entity, Resolution 1541(XV), passed on the day after the previous Declaration, specifies the characteristics of a non-self-governing territory, as well as the possible, internationally acceptable outcomes of decolonization.

Filling the gap in the Charter previously observed, this Resolution defines a non-self-governing territory as one which is 'geographically separate and ... distinct ethnically and/or culturally' from the administering power (Principle IV).

Decolonization – or attaining the 'full measure of self-government' specified in the UN Charter – can be achieved in three ways:

- (a) Emergence as an independent State;
- (b) Free association with an independent State; or
- © Integration with an independent State (Principle VI).

The UN's acceptance of (b) or (c) is dependent on certain conditions. Thus –

- free association should be the result of a free and voluntary choice by the peoples of the territory concerned expressed through informed and democratic processes; they must retain the right to modify its status through processes which are both democratic and constitutional; and the internal constitution of the freely associated entity must be made by its people 'without outside interference' (or, in terms which are familiar in the Pacific, it should be 'home-grown') – though this does not preclude consultations in accordance with the agreement on free association (Principle VIII); while

- integration with an independent state follows attainment of 'an advanced stage of self-government with free political institutions' which enable informed and democratic choice, in which the UN 'could, when it deems it necessary,' provide supervision (Principle IX).

Almost a year later, the UNGA reviewed implementation of the previous Declaration. In reference to Article 5, which calls for the immediate, unconditional transfer of all powers to the people of non-self-governing territories, it 'noted with regret that, with a few exceptions', this had not occurred (Resolution 1654 (XVI), preamble). Article 4 of the new Resolution provided for the establishment of the Special Committee on Decolonization to monitor progress, make recommendations, and report to the UNGA on implementation.

Thus were the foundations laid for contemporary understandings of the nature and outcome of colonial rule, and the work of the Special Committee on Decolonization. Significant aspects of these Declarations and the work of the Special Committee have subsequently been elaborated in the UNGA's Resolutions containing Declarations on Principles of International Law, Friendly Relations and Co-operation among States ... (2625(XV) of 1970), the Establishment of a New International Economic Order (3201(S-VI) of 1974), and the Right to Development (41/128 of 1986). They have also been cited and elaborated in other Resolutions, including the Declaration embodying the Millennium Development Goals (whose Values and Principles refer to both the right to development and the right to self-determination of peoples under colonial domination and foreign occupation [UNGA Resolution A/55/L.2, (III.11 and I.4)] respectively).

Interestingly, the preamble to the UNGA's 2007 Declaration on the Rights of Indigenous Peoples (A61/295)

affirms the fundamental importance of the right to self-determination of all peoples,

and asserts that

nothing in this Declaration may be used to deny any peoples their right to self-determination exercised in conformity with international law.

In language which seems to have obvious – if controversial – implications for non-self-governing territories with substantial indigenous populations now in the minority, namely New Caledonia and Guam, the operational paragraphs of the Declaration go on to assert that Indigenous peoples –

have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development;

and

in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions (Articles 3 and 4).

Thus has the UN been both a driver and a stage for member-states, particularly former colonies, pressing for self-determination and decolonization. Pacific island countries have been among the beneficiaries, particularly when it comes to the visits and recommendations of UN Visiting Missions to the former Trust Territories of Nauru, the Pacific Islands, and New Guinea, and the flexible outcomes of decolonization given enhanced legitimacy by Resolution 1654 (XV). The Special Committee on Decolonization has followed – and built on – precedent by sending visiting missions of its own to non-self-governing territories in the Pacific. These missions have generally been more purpose specific, for example to monitor the referendum in the Ellice Islands in 1974, which led to Tuvalu's separate independence from Kiribati when the former Gilbert and Ellice Islands Colony was disbanded (McIntyre 2012: 143), and the 2006 and 2007 referenda in Tokelau, and to assess the situation in New Caledonia in March 2014.

Further afield, Alaska and Hawaii had become states of the American federation (in 1959), before the UN Declaration on the Granting of Independence to Colonial Countries and Peoples or passage of Resolution 1541(XV) specifying the alternative outcomes to which decolonization might lead. The Indian Ocean territory of Cocos Islands was integrated as a territory of Australia in 1984.

Meanwhile, the enhanced international legitimacy of outcomes other than independent statehood facilitated the transition of Cook Islands and Niue into free association with New Zealand (in 1965 and 1974) respectively. The Commonwealth of the Northern Mariana Islands, part of the former UN Trust Territory of the Pacific Islands, entered into free association with the former trustee power, the United States of America (USA), in 1990

However, even so, at time of writing – approximately one-third of the way through the UN's Third Decade for the Eradication of Colonialism – just over a third (six out of 17) of non-self-governing territories on the UN's list are in the Pacific. In fact, with the addition of French Polynesia in 2013, the list has recently grown.

The references to non-self-governing territories in the UN Charter remain.

While the UN Trusteeship Council has completed the work assigned to it at the UN's foundation, relevant provisions in the UN Charter are also still in place. The chamber where the Trusteeship Council used to meet continues to be available for the purpose. It is accordingly unclear if the UN's role in relation to trusteeship is now a matter of history – with some of the consequential changes yet to receive attention – or if it might possibly

be invoked again in changed circumstances, as activists in some former colonies and other entities incorporated in other, larger entities might hope.

What is clear from the case of French Polynesia is that inclusion on the UN list of non-self-governing territories is not just a matter of applying a definition framed in general terms but of diplomacy: the considered decision – and resulting vote(s) – of UN member-states to follow the precedent set in regard to New Caledonia in 1986 and re-inscribe another entity that had previously removed from the list in 1947.

Much the same is true when it comes to explaining why other entities which might be classified – and which some residents, outside observers, and activists regard – as non-self-governing territories are not on the list. Examples in the Pacific include the French territory of Wallis and Futuna; Chile's 'special territory' of Easter Island (Rapa Nui); and, to the West, the particularly controversial instance of former Dutch New Guinea, now Indonesian Papua, in the formal decolonization of which and (re-)integration as part of Indonesia the UN played an important – and controversial – role (Wolfers 2013: 182).

In the last-mentioned case, the Indonesian Government – in apparent response to continuing pressure for international recognition by activists from the former Dutch territory – issued an invitation at the 2013 Summit of the Melanesian Spearhead Group (MSG – whose members are Fiji, Papua New Guinea, Solomon Islands, Vanuatu and the Front de Liberation Kanak et Socialiste ['Kanak Socialist National Liberation Front' – FLNKS]) to send a delegation to see conditions in Papua for themselves. Interestingly, the Summit was hosted by the FLNKS in Noumea, the capital of the French 'overseas collectivity', New Caledonia, where it does not currently have majority support in the Congress. The Government of Vanuatu decided not to participate in the delegation, which visited Indonesian Papua in January 2014.

It is to the consequences of inclusion in the UN's list of non-self-governing territories that this paper now turns – namely, issues involved in defining the self, developing and expressing determination, and giving practical effect to self-determination in order to bring about decolonization. In doing so, it is as well for the reader to be aware that, just as the formal status of non-self-governing territories is determined, at least for the UN, by inclusion in the UN's list, so formal decolonization leads to removal. Important though they may be – and relevant as some UN Resolutions and programmes are to addressing such issues – perceived dependency, neo-colonial exploitation and underdevelopment, or cultural and other forms of intellectual colonialism do not necessarily lead to inclusion on the list; nor does removal from the UN's list of non-self-governing territories mean that such issues have been successfully addressed. The right to development, the Millennium Development Goals, and other commitments by UN members continue to be accordingly important – and, in some cases, such as sustainable development and, for many Pacific islands states and territories, in particular, pro-active efforts to prevent and deal with the consequences of global warming, they are becoming increasingly urgent.

The self (or identity)

The boundaries and populations of many non-self-governing territories and countries decolonized since the formation of the UN have been defined by decisions made in the late nineteenth century by ministers and officials in Europe drawing lines on maps. Often ignorant of – and indifferent towards – local circumstances, they were frequently straight-lines which took little account of geography or differences, similarities and connections between communities whose inclusion/exclusion in regard to a particular territory were being defined (much the same is, incidentally, true of many internal administrative boundaries drawn up under colonial rule).

However, the circumstances of colonial rule mean that, somewhat ironically, anti-colonial nationalism has often been a product of shared experiences of colonial rule (and, in the case of some sub-national and separatist movements of internal administrative arrangements). While other shared characteristics – such as physical appearance, language(s), and culture – have contributed, the construction of an imagined community (Anderson 1991) which draws on the history and common perceptions of colonialism has often been critical. The latter may include both positives in areas such as health, education, and the rule of law, as well as negatives such as economic exploitation, environmental degradation, and the insensitivity of immigrants to local conditions and the interests and aspirations of indigenous peoples or residents of longstanding.

As decolonization proceeds, questions arise as to who really belongs? in particular, who is entitled to participate in determining a non-self-governing territory's future? The responses to these questions are likely to have a significant influence on a territory's constitutional status when colonial rule comes to an end, and on who is entitled to stay on and on what terms.

Pitcairn Islands is unique among the remaining non-self-governing territories in the Pacific – and, perhaps, globally – in that all of its regular inhabitants are descended from immigrants (though the ancestors of most current residents arrived there more than 200 years ago). It might be regarded as a colony of settlement in an extreme form. Numbering only about 50, the people living on Pitcairn total less than one percent of the population of the smallest independent country, Nauru – and are dependent on short-term appointments from overseas (usually, the United Kingdom [UK]) for the provision of vital services, including a doctor, a teacher, and a policeman, and on communications with and visits by the UK High Commissioner, who also holds the post of High Commissioner to New Zealand, and other officials for other aspects of government. In such circumstances, it is scarcely surprising that, conscious and proud as they might be of their shared historical heritage – which features in the ways the territory's image is projected overseas - the need and opportunity for self-determination does not appear to be a prominent issue. Consistent with the commitment by Prime Minister, Hon. David Cameron, that where the people of the remaining British territories 'choose to remain British we will respect and welcome that choice' (Foreign and Commonwealth Office

2012:5), the UK has made clear its willingness (according to the Working Paper prepared for the UNGA [A/AC.109/2014/4: 11]) to 'maintain and deepen its special relationship with them.'

As archaeologists unearth and other scholars discover the long history of human movements in and across the Pacific, so the issue arises at what point people can be described as 'indigenous' to a particular place. The rights of people of mixed descent have been issues of bitter, sometimes offensive contention in a number of countries, particularly during the transition to independence (and recently in Australia). The claim that there are people who really belong and should be accorded certain rights that should not be readily available to others has been the ostensible reason – or, at least, a defence – for military coups and other, sometimes violent political exchanges in the Pacific and elsewhere.

In the case of the current non-self-governing territories in the Pacific, the populations of American Samoa, Tokelau, and the latest addition to the list of non-self-governing territories, French Polynesia, are classified as largely indigenous – though separated in the case of American Samoa from their fellow-Samoans in the neighbouring independent state of Samoa; and outnumbered almost 5:1 in the case of Tokelau by Tokelauans who have chosen to live and work abroad. American Samoans are classified as 'non-citizen nationals' (*Guam Pacific Daily News*: 5 July 2013). Most of the Tokelauans who live overseas did not meet the residential requirements to vote in the 2006 and 2007 referenda (Maclellan 2006).

Fewer than half of the residents of Guam and New Caledonia are indigenous – just over 37% in Guam, and 40% in New Caledonia. It is, therefore, scarcely surprising that there has been widespread and protracted public debate in both territories as to who should be eligible to vote on self-determination (Maclellan 2006).

In Guam, the answer seems to be persons who can trace their resident ancestry back to 1950 – mainly, indigenous Chamorro (Guampedia 2014).

In French Polynesia, the question of whether the territory should become independent is an important source of division among political leaders and parties (Maclellan 2014).

In New Caledonia, the Matignon Accords which were signed in 1988, following a period of four years in which 80 or so people were killed in violent confrontations between pro- and anti-independence movements, provided for residents who had lived there for at least 10 years to be eligible to vote in the referendum on independence to be held 10 years later.

The Noumea Accord (Paragraph 4), which deferred the referendum when it took over from the previous Accords in 1998, describes decolonization as

the way to rebuild a lasting social bond between the communities living in New Caledonia today, by enabling the Kanak people to establish new relations with France, reflecting the realities of our time (translation from *Australian Indigenous Law Reporter* 2002).

However, the right of migrants from metropolitan France to vote in the referendum, now deferred to some time between 2014 and 2018, is unclear. Do they need to have been eligible to vote in 1998 (when 10 years residence was required), or is 10 years residence enough on its own, even if achieved subsequently? The issue is certainly contentious. It is likely to have a major influence on the outcome of the forthcoming referendum. The report of the Special Committee's visiting mission, whose leader issued a media release saying it was 'mostly well received' when it visited New Caledonia in March 2014, can be expected to cast light on the issue.

Meanwhile, another source of contention in New Caledonia is the commitment, also part of the agreements reached in the context of the Noumea Accord, that such key expressions and symbols of national identity as the name, flag, anthem, motto and banknote designs for New Caledonia would be 'jointly devised' in order both to express Kanak identity as well as the shared future (UNGA Working Paper A/AC.109/2014/16:21). While the anthem, motto, and banknote designs were agreed in 2010, and have been gradually put into effect, the name and flag remained in contention. A compromise was subsequently reached that the Kanak and French flags would both be flown when the Prime Minister of France visited later in the same year, though the question of which flag(s) to fly continues to be a divisive issue for Kanaks and French residents alike.

Thus do issues concerning definition of the 'self' play a part in decolonization – with former colonies of settlement such as Australia and New Zealand, the illegal seizure of power in Southern Rhodesia (now Zimbabwe) by Ian Smith and his supporters in 1965 (which seemed to inspire some expatriates in the Pacific), and the ongoing situation in Fiji, including the military and other coups allegedly prompted by indigenous concern at the roles and influence of persons of Indian descent, providing precedents that might reasonably interest indigenous and other residents in non-self-governing territories in the Pacific. Acceptance of difference(s) may help to bring people together. Attempts to promote unity may divide. Questions regarding the 'self' in non-self-governing territories may be key to the processes and prospects for self-determination - and to the possibility and eventual outcome(s) of peaceful and orderly decolonization.

Determination (or sense of purpose)

The preceding discussion suggests that, among the seven non-self-governing Pacific territories currently on the UN's list, issues concerning the self or sense of a shared identity are at the centre of politics in New Caledonia and French Polynesia – and, to a lesser extent, Guam. They divide many of their indigenous people from residents of

immigrant origin or descent, though they may, in certain respects, resemble and even facilitate co-operation with others through organisations such as the MSG and other sub-regional (Melanesian, Micronesian, and Polynesian), Pacific regional, and even Asia-Pacific groupings of countries and territories, non-governmental organisations, and communities (Wolfers 2014). In doing so, such issues may have significant influence on the ability and determination with which different players pursue decolonization.

In language which might puzzle anyone not closely acquainted with the details of the USA's links with its non-self-governing territories, American Samoa is an 'unorganized and unincorporated territory', which seems to mean that the American Congress has not enacted a specific Organic Law for the territory, which is not an integral part of the USA with the benefits that accompany statehood (McCormick 1993a: 654, n.1.). Guam is an 'unorganized territory', which means that it, too, lacks the benefits of statehood (McCormick 1993b: 657). While the particular interests of the indigenous people of Guam remain important public issues there, the preference of many American Samoans for integration with the USA suggests a shared willingness to dispense with a separate identity – for the sake of the benefits expected to follow. An important issue as far as the elected representatives of the current 50 states of the USA are concerned is their reluctance to agree to equal rights of representation in Congress, particularly the Senate (where every state, irrespective of size, is represented by two Senators).

Information provided at a previous Pacific Regional Seminar suggests that for, at least, some Tokelauans personal, political rivalries outweigh the case for focusing on the issues at stake in self-determination – hence the failure of both the 2006 and 2007 referenda to achieve the two-thirds support required under the Tokelau Constitution for free association with New Zealand.

Pitcairn Islands is unique among the remaining non-self-governing territories – and would be so among decolonized and other independent states – in that it is a place with such a small population that it seems fair to conclude that everyone knows everyone else, and local residents recognize the benefits which come from having foreign officials living there. In fact, the Strategic Development Plan 2012-2016 (Pitcairn Islands 2012: 20) specifically advocates the attraction of sufficient numbers of immigrants to raise the population by about 60% (!) to 80.

In New Caledonia, calls for an independent Kanaky (and some unfortunate violence on the way) date back to the 1950s, when the Melanesian population was first allowed to vote (Ntomy 1993a) - before the people of other Melanesian territories (except, in some cases, at local level). The Matignon and Noumea Accords are the products of efforts to maintain peace until a referendum is held on New Caledonia's political future. Meanwhile, New Caledonia has moved through a series of arrangements by which France has intended to manage government there - to become a French 'overseas collectivity' with unique features, such as an irreversible transfer of powers and the reservation of

certain rights (including the rights to vote and to employment) to persons who meet the residential requirements for citizenship of New Caledonia (Robertson 2014).

Meanwhile, the main Kanak nationalist party, the FLNKS has become a member of an otherwise state-based organization, the Melanesian Spearhead Group (MSG), and, as previously mentioned, hosted the MSG Leaders Summit in 2013.

Thus do some of the realities of decolonization acknowledged in successive UNGA Resolutions, including the role and likely influence of more powerful colonial states, affect the determination or purposefulness of anti-colonial, pro-independence movements in non-self-governing territories.

As Resolution 1541(XV), Principle VII, recognizes specifically in regard to free association, the relevant colonial power(s) must be consulted. Their interests and resources are likely to have a significant influence in defining both processes and eventual outcomes of non-self-governing territories' decolonization. This was the case in most of the now-independent and freely-associated states in the Pacific, and is currently so when it comes to the reluctance, previously mentioned, of members of the USA Congress to allow American Samoa to become a full – and equal – state of the American federation. It, obviously, applies to the prospects for achieving Kanak and French Polynesian aspirations for independence.

A genuine commitment to national self-reliance and developing a truly 'home-grown' constitution, as in Samoa and subsequently in Papua New Guinea, can make a real difference (though, even then, education, experience and precedent may limit the truly available options). But there may nonetheless be people who resent the loss of their previous citizenship and seek to reclaim it (Nalu 2010), even if such citizenship did not entitle them to entry to the colonizing country, as was the case with Australia's Papuan citizens.

However, much often depends not only on the sense of self and the determination with which non-self-governing territories are decolonized and then proceed to govern themselves but on the power, resources and will of their former colonial rulers, including the support they are able and willing to provide following formal decolonization.

Self-determination

The UN's commitment to decolonization – and the related discrediting of colonialism (which was once a source of pride for colonial countries and their representatives in colonial fields) – has had a significant, arguably decisive, impact on decolonization in the Pacific, though, as the preceding discussion suggests, there is still much to be done in and for the remaining non-self-governing territories.

While there have been local movements which have resisted and even actively opposed colonial rule, the reality has been that decolonization in the Pacific has largely been driven by the former colonial powers. Samoa, where the Mau played a critical role in pressing for independence, is a notable exception to this generalization. In other former non-self-governing territories, the realities of dependence on the funds, administrative capacity and other resources available to colonial powers – and, in some cases, a deeply felt, if unfortunate, sense of psychological dependence – help to explain how decolonization has occurred with only nominal self-determination (I can, for example, recall the deep anxiety expressed by – and, evident in the shaking physical demeanour of – a then-prominent political leader from what was then still a territory in the Pacific, a man who was a genuinely and deeply committed nationalist, when we happened to see a newspaper poster in the street announcing the inevitability of early independence for his future country). This is not to say that similar circumstances are likely to prevail in the remaining non-self-governing territories in the Pacific. But experience is, surely, a relevant consideration when it comes to achieving the objectives of the UN's Third International Decade for the Eradication of Colonialism.

The commitment to national self-determination on the part of a significant number of Kanak and indigenous French Polynesian leaders, parties and supporters seems clear – with the role of indigenous communities and a preference for independence underlined. But the resistance to independence – and so to following such a course – among members of communities of immigrant descent is strong. In both territories, parties sympathetic to the latter's views are currently in government.

For the UK and France, a sense of responsibility towards their non-self-governing territories, combined with what might be a continuing interest in maintaining a global presence – hence credibility as a permanent member of the UN Security Council and in other aspects of international relations – might be relevant at a time when China, India, Indonesia, and Asia in general, Brazil, and South Africa are widely described as on the rise (though China is, of course, already a permanent member). The USA has an obvious interest in retaining access to naval and other defence support facilities in American Samoa and Guam, much though Chamorro people may continue to criticize and seek redress for the impacts of the USA's previous nuclear tests.

In the case of the UK and the USA, the sense of responsibility and national interest in maintaining a continuing presence does not extend to integration of their respective non-self-governing territories into – or with – the UK and the USA themselves. In the USA, both American Samoa and Guam are represented in the House of Representatives by members with limited voting rights, but other members of Congress are reluctant to agree to the equality which admission as a state of the federation would entail.

The French Government has been – at least, formally – willing to develop closer options.

A key focus of New Zealand's external relations is on the South Pacific. But, even there, a parliamentary enquiry into New Zealand's relations in the Pacific has questioned the continuing viability and value of maintaining existing relationships of free association with Niue and Cook Islands, particularly when the financial and other support required by their governments is considered in the light of the emigration which has been occurring (New Zealand House of Representatives 2010). The numbers of migrants from Cook Islands and, especially, Niue, are, in fact, much larger than the remaining populations (many times so in the case of Niue). As previously mentioned, the majority of people from Tokelau do not live and work there.

In such circumstances, so the argument goes, there is a case for reconsidering existing arrangements. The same might be said of the options open to Tokelau. After all, the self-determination of many individuals and families from islands in the New Zealand Realm has led them to see advantage in going – and living – abroad for employment and other opportunities.

Thus do key aspects of the relationship between self-determination and decolonization become clear(er), at least as far as the contemporary Pacific is concerned, even as the UN website lists former trust territories as if they have all actually 'achieved self-determination' (UN website 2014b) – as distinct from yielding to pressure from their former colonial rulers to bring their formal responsibilities as trustees to an end, as was, surely, the case in a number of trusteeships. In practice, much has depended – and continues to depend – on the colonial powers, and the interests they believe they still have in their non-self-governing territories. It is subject to such considerations that their policies – and, in significant respects, the options available to the seven Pacific territories currently on the UN's list – are likely to be determined. Combined with the discussion of the self and determination earlier in this paper, the implications for the UN's Third Decade for the Eradication of Colonialism seem clear: while it may well include further decolonization, it seems unlikely that it will see a complete end to colonial rule in each and every non-self-governing territory on the UN's list.

What then? Another similar UN Decade? Or another approach?

Conclusion

The preceding discussion has highlighted key differences – and associated tensions – between self-determination and decolonization in and affecting the remaining seven non-self-governing territories in the Pacific. In doing so, it has not directed attention to issues which are often of greater and more immediate concern to many residents of these territories. While it has also drawn attention to other islands and groups which seem to meet the criteria specified in UK Resolution 1541(XV) discussed above, the paper has deliberately not advocated whether or not they should be included on the UN list: that is the responsibility of UN members.

However, for the small and ageing population of Pitcairn, which has been ambiguously described as 'declining' (PILON 2012) – one can only hope that the reference applies only to numbers - the real challenge is to increase population through immigration.

In other Pacific territories, economic opportunity seems key – with cultural and political identity also high on the agenda for the indigenous inhabitants of New Caledonia and French Polynesia.

The right to migrate for purposes of obtaining paid employment seems central in a number of territories, though the costs of maintaining the framework of free association within which migration occurs is being seriously questioned in New Zealand.

An issue of the greatest relevance – indeed, critical - to the very survival of all seven Pacific territories (and to the region as a whole) is the impacts that global warming is likely to have on life in the islands. Arrangements to facilitate and provide sustainable livelihoods following evacuation are under active preparation in Kiribati, and must, surely, be high on the public agenda elsewhere.

What, then, becomes of the evacuees? In addition to taking up residence, will they have to change their sense of self (or identity) and apply for naturalization in order to acquire the rights available to citizens of their host countries? What can be done to maintain their languages, cultures and other aspects of their selves?

Following the latest findings of the Inter-Governmental Panel on Climate Change, these are becoming pressing issues. Yet there are not even agreed terms to describe the situation. People forced to leave their homelands as a result of global warming are not 'refugees' (despite widespread use of terms such as 'climate change refugees'): they are not (at least not yet) outside their country of nationality and do not have 'a well-founded fear of persecution' - at least, as usually defined, let alone on the grounds prescribed in the International Refugee Convention. What rights will they have? Can they migrate and resettle elsewhere not simply as individuals and families, but as communities?

On another front – and following on from its interest and role in New Caledonia, in particular - the Special Committee on Decolonization might help to ensure the integrity of the forthcoming referendum by monitoring preparations, the conduct of the vote, and then, perhaps, implementation of the outcome preferred by voters (itself possibly subject to further negotiation both in New Caledonia and with the French government). This is not to suggest that this referendum is likely to be affected by the arbitrary selection processes, intimidation, and bribery of participants or the propaganda which detracted from the 1969 Act of Free Choice in former Dutch New Guinea (then Irian Jaya, and now Indonesian Papua), which the author observed – though the UN mission and other diplomats did not, or, at least, chose not to acknowledge publicly. But playing a positive role in the New Caledonia referendum and providing a practical, preferably reassuring report, based on experience in another part of the Melanesian Pacific, might help guide

preparations for and conduct of the referendum on the political future of Papua New Guinea's Autonomous Region of Bougainville which the Bougainville Peace Agreement and implementing laws guarantee will be held when specified conditions are met between 2015 and 2020.

While some of the questions raised in this paper do not fall strictly within the purview of the Special Committee on Decolonization, they are, surely, of the utmost relevance – and urgency – to its mandate for decolonization in the Pacific (and, almost certainly, by extension in other low-lying small island territories on the UN's list of non-self-governing territories).

In light of the conclusions outlined above – that the UN seems unlikely to achieve the main goal of the Third Decade for the Eradication of Colonialism, and that issues such as global warming and the prospects for sustainable development require attention – it seems that a strong case can be made to appoint a panel of independent experts, with closely defined terms of reference and a tight deadline, to conduct a desk-top review of the quite considerable body of documents produced by and for the Special Committee on Decolonization and the achievements (such as they are) of the three UN Decades for the Eradication of Colonialism, with a view to reporting its findings and such recommendations as might arise to the UN Secretary-General; and, through him, to the Special Committee and, ultimately, the Fourth Committee and the General Assembly for consideration, both in regard to the achievements and prospects of the UN Decades and helping to identify the way ahead for the Special Committee on Decolonization.

References

Anderson, B. O'G., 1991. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Verso, London (revised text and edn)

Australian Indigenous Law Reporter, 2002. 'Noumea Accord – Digest', 7(1).

Guam Pacific Daily News, 2013. 'Citizenship case dismissal sets up status fight', 5 July.

Foreign and Commonwealth Office, 2012. *The Overseas Territories: Security, Success and Sustainability*, Parliament of the United Kingdom, London

Guampedia, 2014. 'Commission on Decolonization', online <http://Guampedia.com>

Maclellan, N., 2006. 'The Modern House of Tokelau: Self-determination in a Pacific Atoll Nation', *APSN Net Policy Forum*, 23 February; online <http://nautilus.org/apanetl/0603a-maclellan-html/>

_____, 2014. 'The Battle for French Polynesia's Future', *Islands Business*, February, 16-23

- McCormick, M., 1993a. 'Guam', in Ntuny 1993b: 518-539
- _____. 1993b. 'American Samoa', in Ntuny 1993: 433-461
- McIntyre, W. David, 2012. 'The Partition of Gilbert and Ellice Islands', *Island Studies Journal*, 7(1): 135-146
- Nalu, Malum, 2010. 'Jonathan Baure breaks silence on border crossing to Australia', online <http://malumnalu.blogspot.com.au/2010/12/jonathan-baure-breaks-silence-on-border....>
- New Zealand House of Representatives, 2010. *Inquiry into New Zealand's Relationships with South Pacific Countries: Report of the Foreign Affairs, Defence and Trade Committee*
- Ntuny, M. A., 1993 a. 'New Caledonia' in Ntuny 1993b: 595-621
- _____. (general ed.), 1993b. *South Pacific Islands Legal Systems*, University of Hawaii Press, Honolulu
- PILON (Pacific Islands Law Officers' Network) 2012. 'Pitcairn, Henderson, Ducie and Oeno Islands, Country Report for PILON 2012, online http://www.pilonsec.org/index.php?option=com_content&view=article&id=118:31st-annual-meeting-country-reports&catid=36:country-reports&Itemid=108
- Pitcairn Islands, 2012. Strategic Development Plan 2012-2016; online <http://www.government.pn/policies/Pitcairn%20Island%20SDP%202012-2016.pdf>
- Robertson, S., 2014, 'The Politics of Identity in New Caledonia: A Review' (draft paper)
- Stevens, F. S. and Wolfers, E.P. (eds), 1977. 'Colonialism and After', *Racism: The Australian Experience. A Study of Race Prejudice in Australia*, Australia and New Zealand Book Co. Pty Ltd, Sydney, Volume 3 (2nd edn)
- United Nations website, 2014a. 'Trust and Non-Self-Governing Territories (1945-1999)', online <http://www.un.org/en/decolonization/nonselvgov.shtml>
- _____, 2014b. 'Trust Territories that have achieved self-determination'; online <http://www.un.org/en/decolonization/selfdet.shtml>
- Wolfers, E. P., 2013. 'Self-determination and decolonization in the Pacific – Links, lessons and future options for the United Nations', in Crowl, L., Crocombe, M.T.

and Dixon, R. (eds), *Ron Crocombe: E Toa! Pacific writings to celebrate his life and work*, USP Press, Suva, 173-194

_____, 2014. 'Pacific Regionalism', in Hawksley, C. and Georgeou, N. (eds), *The Globalization of World Politics: Case Studies from Australia, New Zealand and the Asia Pacific*, Oxford University Press, South Melbourne, 92-95

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