

Distr. RESTRICTED
PRS/2014/DP.2

ORIGINAL: ENGLISH

THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Pacific regional seminar on the implementation of the Third International Decade for
the Eradication of Colonialism: accelerating action

Denarau, Nadi, Fiji
21 to 23 May 2014

PRESENTATION BY

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(EXPERT)

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(French Polynesia)

Statement to Special Committee on Decolonization

U.N. Pacific Regional Seminar

Nadi, Fiji 21-23 May 2014

Mr. Chairman,

Representatives of U.N. member states,

Distinguished representatives of regional bodies and non self-governing territories,

Ladies and gentlemen,

As per my position of elected member of French Polynesia within the French Senate, also elected member of the House of Assembly of French Polynesia from the Group “Union Pour La Démocratie” (U.P.L.D.), and as invited Expert to this meeting, it is my privilege to extend warmest regards from the people of Ma’ohi Nui/French Polynesia, and express our acknowledgement to the Government and the People of Fiji for the hospitality and care since the opening of this meeting.

Above all, we wish to express our sincere congratulations to you on your election to serve as Chairman of the Special Committee on Decolonization. We also wish to extend our greetings to your predecessor, Ambassador Diego Morejón who was instrumental in the smooth integration of consideration of our country as the 17th non self-governing territory on the U.N. list, following the re-inscription of French Polynesia through consensus General Assembly Resolution 67/265 on 17th May last year. We are supremely confident with Ecuador at the helm of the Committee – a strong member state from the Global South who stands on principle.

Mr. Chairman,

Last Saturday, on 17th May 2014, thousands of our people commemorated the first anniversary of French Polynesia’s re-inscription on the list of the U.N. Special Committee on Decolonization with a series of activities nationwide, including marches, demonstrations and vigils to celebrate the monumental achievement of breaking the isolation we experienced since the unilateral delisting of our territory in 1947. The men, women, children, disabled from all walks of life began their march from several points throughout the island of Tahiti over the course of several days under blazing sun, finally converging on the city of Faa’a in the late

afternoon where a permanent memorial was unveiled displaying the full text of the resolution on re-inscription. This monument is a symbol of the relentless efforts of an increasing part of the Ma'ohi People of French Polynesia that understood the absolute importance of international support for our struggle to overcome contemporary colonialism in our territory. This monument also serves as solemn acknowledgement of the support of the international community, and especially the smallest of our brother Pacific countries, which stood with us as we pursued this important step in exercising our right to self-determination.

French Polynesia's future is now under the watchful eye of the United Nations consistent with Chapter 11 of the United Nations Charter, which states that the administering powers must prepare the territories for full self-government consistent with international law. We fully expect that France, as the administering power, will live up to its international legal obligations in this regard. It is regrettable, however, that the administering power has failed to transmit information on our territory this year pursuant to its obligation under Article 73 (e) of the Charter (as noted in the 2014 Report of the Secretary-General (A/69/69)).

The international community cannot countenance such pretense as if the consensus resolution of re-inscription had never been adopted by the General Assembly. If countries are allowed to pick and choose which parts of the U.N. Charter they would implement, and which parts they would not, then their aggressive claims of adherence to the international 'rule of law' in other international scenarios ring particularly hollow. We recall that following the re-inscription of our brother territory New Caledonia in 1986, the General Assembly expressed its regret in its resolution the following year that no information had been transmitted by the administering power. We would consider it consistent and wholly applicable that the same language be included in this year's Special Committee resolution on French Polynesia as a reminder of the administering power's Article 73 (e) obligation.

Mr. Chairman,

The political evolution of our territory is now properly under the watchful eye of the United Nations, and we have turned our attention to the task of implementation of the decolonization mandate, including international instruments and decolonization resolutions which are fully applicable to our territory.

In this connection, we have taken particular note of the issues of voter eligibility and the electoral process with implications for the self-determination of the Kanak People of New Caledonia, precipitating a U.N. visiting mission last March. From aside, we look it very interestingly and with strong concerns, in particular because it seems that the final say regarding a fair, genuine and equitable act of self-determination planned in this neighbor Territory since 1988, after costing two many lives and struggle at the United Nations level, is being literally left into the hands and control of the Justice system of the Administering Power itself. However, as per our own experience, we wish to recall that when bilateral dialogue or confrontation between our administering power and our territory shall cover a self-determination process, frontier

between Justice and Politics has already been very seriously questioned in the past (ex: *Pouvanaa OOPA* case). We look forward to reviewing the findings of the report of the U.N. Mission, bearing in mind the exclusive control and demonstrated manipulation of our own electoral system, in Ma'ohi Nui – French Polynesia, by the same administering power, inconsistent with the right to self-determination. Accordingly, the doctrine of 'transfer of powers' contained in the Decolonization Declaration of 1960 must be invoked if a process of self-determination is to be fair, and if the results are to be genuine.

In a broader sense, repeated General Assembly resolutions supporting a primary U.N. role in the political education programme on the legitimate decolonization options of political equality must be operationalized, along with other actions mandated by decolonization resolutions. The blueprint for decolonization is clear. The international community must insist that the respective administering powers and the U.N. system as a whole must be held to account in implementing the decolonization mandate.

Mr. Chairman,

At the 2013 seminar in your beautiful capital of Quito, the myth of the so-called "autonomous" status of French Polynesia was debunked. True autonomy by any credible definition cannot provide for wholesale **unilateral authority** exercised by an administering power. What was – and is presently termed - "autonomy", is in fact nothing more than colonial status by another name. An *Independent Assessment on the level of self-government of French Polynesia*, applying governance indicators developed several years ago, has detailed the democratic deficits inherent in the so-called "autonomy" status. This Assessment, which we are seeking to have published as a document of the General Assembly, will serve to provide necessary analysis of the increasingly complex situation on the ground in our territory, and would provide much needed political analysis to complement the informational Secretariat Working Paper, which omitted certain key issues.

Mr. Chairman,

In this regards, I wish to highlight two specific concerns about the concrete aspects of the colonial *status quo* in French Polynesia concluded between pro-France political factions in Tahiti and the administering power at such period, under the *aegis* of successive *Organic Laws*: the access, ownership and rights of the Ma'ohi People of French Polynesia on its huge *Economic Exclusive Zone* that covers 5 millions square kilometers of deep ocean and represents on its own 48% of France maritime zone, is under the full control of our administering power when it comes to the sensitive item of "strategic metals" such as rare earths, manganese, cobalt, etc. Hence, the licensing right of exploration and exploitation negotiated with foreign companies doesn't require the consent of the local elected government of French Polynesia and its People. To a similar extent, the tremendous incomes of the tax annually paid by more then 10 airlines companies to land on and depart from Tahiti International Airport is collected directly by the Ministry of Finances of our administering power in Paris, whereas this relies on 'tourism development' in

our territory which is a competency granted to the local elected government. In the meantime, the control of immigration in French Polynesia still remains in full hands of the administering power that keeps refusing to facilitate visas delivery mechanisms to increasing flows of tourists arriving from China and more generally, from Asia. Such colonial *status quo* remains fully inconsistent with the relevant provisions of Resolution 1514 adopted in December 1960 by the U.N. General Assembly.

The constitutional context of the “communes” of French Polynesia, created by a French law in Paris back in 1971 is inconsistent with both French Constitution’s own principle of ‘free administering collectivities’, and Resolution 1514 of the UN General Assembly adopted in 1960. Indeed, the 48 communes of French Polynesia are enjoying equal level of constitutional recognition within the French Republic than the elected government of French Polynesia.

It means that in only one territory, two different French collectivities, constitutionally at the same level, are interacting locally under a specific hierarchy of competencies set up by our administering power. Indeed, French Polynesia’s communes are under legal, judicial and technical control of the administering power (legislative status, electoral system, competencies, accountability, etc.), but politically and financially remains under direct influence of the local elected government of French Polynesia (subsidies, tax system, etc.), according to a complex mechanism created by colonial *status quo* since 1996. This context generates a very confusing approach of the democracy in our territory, despite the so-called “autonomous” status granted by the latter.

Mr. Chairman,

The General Assembly last December adopted the second of two resolutions adopted by the General Assembly last year. In this connection, Resolution 68/93 on the Question of French Polynesia, mandated a number of actions to be undertaken. Of particular note is the “*request to the Secretary-General, in cooperation with relevant specialized agencies, to compile a report on the environmental, ecological, health and other impacts as a consequence of the 30-year period of nuclear testing in the territory.*” We are disappointed that the Secretary General’s report has not yet been published to this point, and look forward with great anticipation to the results of his findings when it does become available.

Thus, in the interim, we wish to bring to the attention of this meeting the completion in January 2014 of an Independent Report on the French Nuclear Testing in French Polynesia that is also intended for publication as a General Assembly document for the information of all member States.

Mr. Chairman,

Our people were heartened that the international community for the first time through Resolution 68/93 took a decision to focus attention on the violation of their human rights caused by some 30 years of nuclear testing. The extent of their enormous suffering, illness, premature

deaths, and other tragic ramifications caused by the nuclear testing has never been revealed to the international community, and the true nature of the tragedy remains unavailable to our people and the world at large.

We must note with concern that the first Secretariat Working Paper made very light reference to the issue of the French nuclear testing, and coupled with the absence of the Report of the Secretary-General's on the impact of the testing, we are concerned as to whether this issue is being given its due attention. In this regard, we stand with our brother Marshall Islands who have courageously challenged the continued delay by the nuclear weapons states to abolish these weapons of mass destruction.

In conclusion, I wish to express the gratitude to the member States of the Special Committee for their efforts in shepherding the re-inscription of French Polynesia, and look forward to working with the Special Committee in the most important phase of implementation of the decolonization mandate. We are very much looking forward to addressing the Special Committee on Decolonization more precisely during the next meeting of late June this year.

Thank you, Mr. Chairman.

Richard, Ariihau TUHEIAVA