

with the Outline Law of 1956 and had vanished in 1963. The third had grown out of the Pisani statute, adopted in 1985, which provided for the holding of a referendum by 31 December 1987; that statute had been adopted as a result of a demonstration organized by FLNKS on 11 November 1984 to call for a boycott of the Lemoine statute, which had resulted in 15 deaths. The fourth and last had arisen with the current statute, which had been obtained after the murder of some 20 people by the French army during a demonstration to protest against the pro-French parody of a referendum organized by the Chirac-Pons Government in September 1987.

Those grave incidents had aroused democratic consciousness in France, leading to a change in the parliamentary majority and the opening of new negotiations in Paris. Those negotiations had culminated in 1988 in the so-called Matignon-Oudinot Agreement and the adoption by referendum of an act establishing a new, transitional status for Kanaky, pending the holding of a referendum on self-determination in 1998. That act provided for the decentralization of local powers through the establishment of three provinces.

The referendum act set a general goal, over a 10-year period, of redistribution among the country's regions and population groups. Such redistribution should make it possible, through local development, for population groups to have a voice, regardless of social and economic constraints. It provided for the sharing of wealth and the mobilization of productive investment for the development of the country's regions and islands.

During the medium-term assessment of the Agreement, held in Paris in February 1993, FLNKS had made it clear to the two other signatories that it deemed the degree of implementation of the redistribution programmes to be insufficient in all areas, including local economic development, education, training, health and social services and primary infrastructure.

In the view of FLNKS, five years after implementation of the Matignon-Oudinot Agreement there had been no significant improvement in the situation of the indigenous Kanak people, the principal victims of colonization in Kanaky, which would have indicated that any real decolonization was under way in the Territory. FLNKS had continued to participate in the process by calling for the opening of the talks on the 1998 referendum and the future of the country.

In signing the Agreement, the late President Tjibaou had assumed that, following the Ouvéa massacre, France, which prided itself on being the birthplace of human rights, would ultimately recognize the right of the Kanak people to independence and thus

move towards independence for them. That prospect was a long way from being realized.

The decolonization of Kanaky and of the Kanak people had a long history largely because France had always declined to accept United Nations principles and procedures and continued to consider their case as falling solely within the framework of the French Constitution. In 1946, France had withdrawn New Caledonia from the list of countries to be decolonized. In 1963, France had abrogated the Outline Law providing for self-determination and, following the Territory's reinclusion in the list in 1986, had refused to cooperate with the Special Committee.

On behalf of FLNKS, Mr. Neaoutyine stated that the 1988 Agreement related only to the 10-year transitional status which was to bring about redistribution and prepare for a self-determination referendum, which had still not been discussed despite their requests. Moreover, the Rassemblement pour la Calédonie dans la République (RPCR) was already seeking to prolong the status quo of 25 years' standing to beyond the year 2000. It no longer seemed possible to prepare the country for independence on the basis of a common will, either with RPCR or the current French Government.

The representative of FLNKS also emphasized the danger posed by the flow of foreign migrants, which continued to make the Kanak people a minority in their own home. FLNKS had no control over the electoral corpus for 1998, in view of which it wished to obtain United Nations intervention in the referendum process. It needed anti-colonialist partners to assist the Territory in resolving the issues which had so far remained without a solution. Moreover, there was the question of the relative weakness of a people made a minority in their own home.

On behalf of FLNKS, Mr. Neaoutyine stated that the struggle for dignity and independence was an inalienable right of all peoples throughout the world and was not negotiable.

He reiterated that the objective of FLNKS remained that of full sovereignty and independence and that, since 1853 and 1958, in addition to their stolen freedom, the unkept promises were more than ever a deceit, an abuse and an insult to the progressive conscience of mankind.

Non-Self-Governing Territories of the Caribbean region

Mr. Carlyle Corbin, representative of the Non-Self-Governing Territories of the Caribbean region, referred to perceived constitutional limitations affecting the access of the Non-Self-Governing Territories to programmes and activities of the United Nations system, and of the international community as a whole.

He indicated that a successful decolonization process would be determined in large measure by the level of implementation by the United Nations of its own mandates in the field of decolonization.

One such mandate was the participation of Non-Self-Governing Territories in the United Nations system. He described briefly the background to the legislative authority for such participation, emanating from resolutions of the United Nations General Assembly and Economic and Social Council.

Mr. Corbin outlined a number of activities in furtherance of participation of Non-Self-Governing Territories in the United Nations system that might be of interest to the Pacific region.

He pointed out that the Caribbean Development and Cooperation Committee (CDCC) had been involved in that issue on behalf of Caribbean Non-Self-Governing Territories since 1985, and from 1985 to 1992 had adopted a number of resolutions on the question.

He made particular reference to a 1988 resolution creating the Working Group of Non-Independent Caribbean Countries, and subsequent resolutions defining its mandate.

He also noted that part of that mandate was to begin consultations with Pacific non-independent countries to ensure that the activities of CDCC would benefit Non-Self-Governing Territories in the Pacific region.

Mr. Corbin went on to outline a number of recommendations of the Seminar held in Grenada in 1992 which might be of interest to the participants in the Pacific Seminar, including collaboration between the Special Committee and the relevant regional institutions in the Caribbean and Pacific in requesting specialized agencies of the United Nations system to increase the participation of the Non-Self-Governing Territories as associate members, and initiation of a dialogue with the governing councils of United Nations bodies to facilitate that activity; actions by United Nations technical organizations to examine ways of permitting the participation of Non-Self-Governing Territories in programmes, especially relating to the environment, assistance to small island developing countries, population and other areas; actions by the General Assembly and the Economic and Social Council providing for observer status in their technical activities, as in the case of the United Nations Conference on Environment and Development, held at Rio de Janeiro in June 1992, and observer status in the General Assembly.

Regarding recent developments, the representative reported the adoption by CDCC in 1992 of a resolution calling for formal collaboration between the Working Group of Non-Independent

Caribbean Countries and the Special Committee on activities to benefit the Non-Self-Governing Territories in the Pacific and the Caribbean.

He also noted successful efforts by the Working Group in obtaining observer status for the Non-Self-Governing Territories in the Pacific and the Caribbean at the Rio de Janeiro Conference and the Global Conference on the Sustainable Development of Small Island Developing States, to be held in Barbados in 1994, and ongoing efforts with regard to the International Conference on Population and Development, to be held at Cairo in 1994.

III. CONCLUSIONS OF THE SEMINARS

At the end of the seminars, participants adopted summaries of the discussions. The essential elements of the views expressed at the two seminars are set out below.

Political issues

Participants in the seminars reaffirmed the importance of the Charter of the United Nations, particularly Article 73 e concerning Non-Self-Governing Territories, as well as General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and resolution 1541 (XV) of 15 December 1960, containing the principles which should guide Members of the United Nations in determining whether or not a Non-Self-Governing Territory can be said to have reached a full measure of self-government by (a) emergence as a sovereign independent State; (b) free association with an independent State; or (c) integration with an independent State.

Participants praised the United Nations, in particular the Special Committee, for the role they had played in the decolonization process during the past 33 years. They expressed continued support for the Declaration and the need for its implementation in the remaining Non-Self-Governing Territories.

Participants reaffirmed that the question of territorial size, geographical isolation and limited resources should not constitute an obstacle to the exercise by the peoples of the Non-Self-Governing Territories of their right to self-determination.

Where General Assembly resolution 1514 (XV) had not been fully implemented, the international community should continue to bear responsibility for the Territories until the peoples concerned had an opportunity to exercise freely their right to self-determination.

Some participants considered that sovereignty resides in the people of some of the Non-Self-Governing Territories and their duly constituted Governments.

Participants called upon the Special Committee to continue to review the list of Non-Self-Governing Territories to which the Declaration applies.

Participants were generally of the view that in the decolonization process there is no alternative to the principle of self-determination. All options consistent with resolution 1541 (XV) should therefore be considered legitimate as long as it can be ascertained that they are the freely expressed wishes of the peoples concerned.

It was suggested that the question of free association should be studied further. Some participants suggested that there was scope for developing, within United Nations norms on decolonization, as another option for some very small Non-Self-Governing island Territories, a political status combining aspects of both integration with an independent State and free association with an independent State. It was suggested that this option could involve a supportive constitutional relationship with the former administering authority or another independent State in the region; could permit the island Territory to exercise autonomy to the full extent of its people's desire, including the exploitation of its exclusive economic zone and the right to be a member of relevant international organizations; could commit the partner State to providing ongoing economic and other assistance, in conjunction with other States and international organizations; and could be safeguarded not only by a contractual relationship with the island Territory but also by a treaty obligation to the international community. The status should be freely chosen by an act of self-determination, with the right to change the status by a further act of self-determination at a future date.

Some participants stated that free association should take the form of a revocable compact, unilaterally terminable by either party.

Participants considered that the peoples of the Non-Self-Governing Territories have the right to formulate, amend and adopt their own constitutions.

Some representatives of Non-Self-Governing Territories and participants called upon administering Powers to recognize international standards with respect to the migration of settlers and other migrants into Non-Self-Governing Territories, as such migration contributes to demographic disruption and threatens the genuine exercise of self-determination.

Some representatives of Non-Self-Governing Territories proposed that provisions be implemented for representatives of elected Governments of Non-Self-Governing Territories to participate in the meetings of the Special Committee and its subcommittee or other appropriate organs of the United Nations during consideration of their Territories with regard to decolonization.

Participants called upon the Special Committee to intensify its dissemination of information on decolonization directly to the peoples of the Non-Self-Governing Territories, with a view to raising awareness among the peoples of the applicability of international principles to the self-determination process. They recommended that the Territories themselves should also provide up-to-date information to the Committee in time for the preparation of its working papers.

Some participants, including representatives of Non-Self-Governing Territories, called upon the Special Committee to concentrate its efforts on the particular problems of the remaining Non-Self-Governing Territories, which differ in many respects from previous colonial situations.

Participants considered that the Special Committee should re-examine the nature of the information it disseminates to Non-Self-Governing Territories concerning self-determination. They believed that the United Nations had a unique opportunity and responsibility to bring together the most advanced solutions for converting national separation into global unity. To this end, they called for creative solutions to replace traditional practices and outdated resolutions.

Representatives of Non-Self-Governing Territories and participants called for greater measures of cooperation with the Special Committee by administering Powers.

Some participants noted that for many very small Non-Self-Governing island Territories, the real enemy was the fear of future neglect. They considered that the Special Committee should focus not only on how soon their colonial status could be terminated but on how they could be assured that they would have the right to maintain their own special identity and at the same time receive the continuing economic and other assistance on which their well-being depended.

Participants recognized that there might be Non-Self-Governing Territories which were content with the current relationship with their administering Powers, and at present wished no change in their political status.

In that regard, some participants urged the Special Committee not to emphasize that all Non-Self-Governing

Territories should conduct an act of self-determination by the year 2000, so that they could continue to keep open their options on future political status. They urged the continuation of the Special Committee after the year 2000, in order to provide international oversight for those Non-Self-Governing Territories which did not wish to make a definitive decision on their future political status before that date.

Economic and social development

Participants expressed the view that the administering Powers, in cooperation with the territorial Governments and the specialized agencies, should take the necessary measures to ensure sustained and balanced development of the economies of the Non-Self-Governing Territories, based on the needs and plans of those Territories. Participants noted that economic development in many Non-Self-Governing Territories was hindered by factors such as their relatively small size, limited internal markets, lack of natural resources, vulnerability to natural disasters and heavy dependence on imports. They recommended that in Territories whose economies were mainly based on one industry, serious attempts should be made at diversification. Sectors such as fishing and agriculture should be developed and educational awareness campaigns should be conducted to sensitize the peoples of the Territories to the negative effects of too much reliance on imported food.

Some participants urged the Special Committee to seek formal collaboration with relevant regional groups, with the goal of increasing participation of Non-Self-Governing Territories in programmes and activities of the different organizations of the United Nations system.

Some participants called upon the Special Committee to request the Economic and Social Council and the General Assembly to include provisions in their resolutions for elected Governments and/or authorities to participate in technical meetings in an observer capacity.

Participants called upon administering Powers to recognize the right of the peoples of the Non-Self-Governing Territories to complete jurisdiction over the disposition of the land and ocean-based resources in Non-Self-Governing Territories.

Given their small economies, many participants recognized that it was extremely difficult for the Non-Self-Governing Territories to achieve economies of scale similar to those of larger countries. Some participants suggested that the General Assembly should be encouraged to invite the administering Powers to facilitate the promotion of trading relationships between the

Non-Self-Governing Territories and the neighbouring States of the region.

Participants noted that, given their attractive climate and environmental conditions, the tourism industry had become an important economic activity in some Non-Self-Governing Territories. While recognizing that tourism could be a major source of revenue for those Territories owing to their limited natural resources, participants considered that, in the development of that industry, account should be taken of the need to ensure that scarce land resources were not alienated from the people of the Territories; moreover, the expansion of tourist facilities should be carefully monitored to avoid cultural disruption and marginalization of the local population.

Participants also noted that, in order to promote diversification and economic development in Non-Self-Governing Territories, tourist facilities located on their soil should primarily rely on the use of locally purchased products. Regarding the protection of the environment, participants suggested that national parks should be created in areas particularly vulnerable to environmental damage, and information programmes should be launched to educate the local population, as well as tourists, on the need to safeguard the environment.

Participants took note of the vulnerability of the Territories to illicit activities, such as drug trafficking, money laundering and other forms of crime and, in this connection, called upon the administering Powers concerned and the international community to take all necessary measures in cooperation with the territorial Governments to combat those problems.

Participants emphasized the need to provide the populations of the Non-Self-Governing Territories with the necessary educational and technical skills for public administration. Some noted, however, the problem of the "brain-drain" which affects a number of the Territories. It was also pointed out that Territories with relatively high standards of living attracted large numbers of immigrants with resultant effects on the ownership of economic interests, among other matters. This combination of in-and-out migration patterns has seriously affected the demographic composition of some populations, which, in turn, could have a substantial impact on the expression of popular desires with respect to self-determination.

Participants believed that regional organizations should assist Non-Self-Governing Territories in increasing their access to markets and should institute measures to enable Non-Self-Governing Territories to benefit fully from existing preferential trade arrangements.

Participants also believed that international organizations should assist Non-Self-Governing Territories in upgrading their indigenous technological infrastructures and in promoting successful local technologies.

Participants recalled that regional organizations could assist in developing a regional programme of cooperation in the management of regional exclusive economic zones, which would aim, inter alia, at protecting marine resources from illegal exploitation, delimiting maritime boundaries and reviewing fisheries legislation. They expressed the hope that those Non-Self-Governing Territories having observer status in the South Pacific Forum Fisheries Agency would benefit from the programme and that other Territories would be encouraged to participate in it.

Participants recommended that the Special Committee should urge regional organizations such as the Caribbean Community and the South Pacific Forum to provide special opportunities in their programmes, activities and conventions for the full and meaningful participation of the Non-Self-Governing Territories.

Participants recommended that the Special Committee should request the United Nations Development Programme, the United Nations Environment Programme and the World Bank to make accessible appropriate resources and expertise to the Non-Self-Governing Territories in order to enable them to participate in regional organizations.

Environment issues

Regarding protection of the environment, participants suggested that national parks should be created in areas particularly vulnerable to environmental damage, and information programmes should be launched to educate the local population, as well as tourists, on the need to safeguard the environment.

With regard to environmental issues such as global warming, participants noted with alarm that rising sea levels could have potentially disastrous effects on some Non-Self-Governing Territories, since even a relatively small rise of the ocean level could cause extensive damage to waterfront-based industries and public facilities and ultimately even threaten the Territory's existence. Participants called for the observance by all States of the decisions reached at the United Nations Conference on Environment and Development, held in June 1992 at Rio de Janeiro, concerning the need to preserve and protect the environment while permitting sustainable development to take place.

Participants also noted the vulnerability of many Non-Self-Governing Territories to natural disasters and stressed

the need for them to be included in the programmes and projects of the United Nations system, including those of the International Decade for Natural Disaster Reduction.

Participants urged the Special Committee to request the administering Powers of the remaining Territories to make accessible appropriate resources and expertise in their Territories, so as to enable them to initiate biodiversity conservation programmes of their own and/or to participate in other regional environmental programmes.

Participants considered that the Special Committee should urge the administering Powers to provide legal and political opportunities for their Territories to participate fully in regional conventions and programmes relating to their environment and future livelihood.

IV. AFTERMATH

At a meeting in New York on 7 August 1992, the Special Committee adopted the recommendation that the conclusions and recommendations of the Seminar held in Grenada should be taken into account in its consideration of the situation in the Caribbean Territories.

At a meeting in New York on 14 July 1993, the Special Committee approved the report of the Seminar held in Papua New Guinea.

The Committee reported on the proceedings of the seminars to the General Assembly at its forty-seventh and forty-eight sessions, respectively, drawing special attention to the views expressed by representatives of the peoples of Non-Self-Governing Territories.
