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Summary record of the 3rd meeting

Held at Headquarters, New York, on Tuesday, 8 October 2019, at 3 p.m.

Chair: Mr. Bahr Aluloom (Iraq)
later: Mr. Ahidjo (Vice-Chair) (Cameroon)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 3 p.m.

Agenda item 55: Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations (*continued*) (A/74/23 (chaps. V and XIII) and A/74/63)

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1. **Mr. Santos Maraver** (Spain) said that Gibraltar, the last colony in Europe, was the anachronistic remnant of an unjust past. In 1704, the United Kingdom, as an ally of one of the belligerents in the Spanish War of Succession, had occupied Gibraltar, failing to restore it to Spanish sovereignty after the hostilities ceased. Under the Treaty of Utrecht, Spain had ceded to the United Kingdom only the town and castle of Gibraltar, together with its port, fortifications and forts, without ceding Territorial jurisdiction. The United Kingdom had then proceeded to exploit moments of Spanish weakness, including a series of yellow fever outbreaks between 1815 and 1854, to occupy the isthmus and surrounding waters, thereafter refusing to withdraw and expanding the territory it had illegally occupied by constructing fences and military installations. Spain had never accepted the British occupation and would continue to request restitution of the territories seized from it by force.

2. For over half a century, the General Assembly and the Fourth Committee had mandated Spain and the United Kingdom to begin negotiations on ending the colonial situation, specifying in a series of resolutions that the decolonization of Gibraltar must be governed by the principle of territorial integrity rather than the principle of self-determination, and setting 1 October

1969 as the deadline for decolonization. Those negotiations could only take place with full respect for international law and within the framework of established United Nations doctrine. However, in that connection, the administering Power had behaved erratically. It had deliberately ignored United Nations resolutions when it had held a referendum on questions of sovereignty in 1967, which had been condemned by the General Assembly in its resolution 2353 (XXII). It had unilaterally suspended negotiations after appearing to move towards a mutually acceptable solution. No progress had been made in over fifty years, with the logic of force continuing to prevail over the force of logic.

3. The question of Gibraltar was far more than a matter of illegitimate occupation or violation of territorial integrity. The presence of a colony within Spain produced harmful effects beyond the political sphere. Gibraltar's special tax regime distorted the region's economy to the detriment of the Treasuries of Spain and Europe. While his Government felt that the prosperity of Gibraltarians could help to improve relations and provide social and economic benefits, it would not allow the economic imbalance or the tax regime, which enabled illicit trafficking, to harm Campo de Gibraltar.

4. In the context of negotiations to ensure that the United Kingdom would leave the European Union in an orderly manner, Spain and the United Kingdom had negotiated a series of agreements and memorandums of understanding that would apply to Gibraltar, in order to mitigate the negative repercussions, provided that the comprehensive agreements reached with the European Union were ratified by the United Kingdom.

5. Spain remained open to dialogue and was ready to reach an agreement with the United Kingdom in order to put in place a new regional cooperation scheme that would benefit the inhabitants on both sides of the border, including the Spanish population of Campo de Gibraltar, which was most affected by the problems arising from the colonial situation.

Agenda item 59: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)

Hearing of representatives of Non-Self-Governing Territories and petitioners

6. **The Chair** said that, in line with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and petitioners would be invited to take a place at the petitioners' table, and all would withdraw after making their statements.

Question of Anguilla

7. **Ms. Cluff** (Special Adviser to the Premier and Overseas Representative of Her Majesty's Government of Anguilla) said that Anguilla was the oldest continuously British nation in the Caribbean and the only one to have fought Britain to remain British. As a British Overseas Territory, Anguilla was classified as a contingent liability of the United Kingdom. That negative characterization and the lack of awareness concerning the Territory, both within the Government of the United Kingdom and among the public, led to infringements on democracy vis à vis Anguilla and inappropriate behaviour driven by sheer ignorance.

8. While the attitudes of the current and penultimate Governments of Anguilla differed on decolonization, both administrations recognized that the issue belonged in the hands of the Territory's people. The United Kingdom had upheld its duty to Anguilla in the aftermath of Hurricane Irma. However, it had become apparent that senior politicians in the United Kingdom did not realize the position of the Territories in respect of the country's own international aid budget, reflecting a lack of understanding on their status. The historic neglect of Anguilla had thus been revealed to the world once again, with the Territory dependent upon neighbouring islands for support in key public services despite the great strides it had made since the Anguilla revolution 50 years earlier. The island's situation stood to be tested further by Brexit and climate change.

9. The inability of the people of Anguilla, as British citizens, to enjoy the same rights as their peers in the United Kingdom was particularly untenable after a 369-year relationship with that country, half of which her people had spent in enslavement. Democratically elected local officials were made to feel subservient to the cohort of relatively junior civil servants in the United Kingdom Government responsible for administering the Overseas Territories, many of whom were assigned to a territory for a brief period and regarded their assignments as a stepping stone in their careers. She expressed concern at the potential for their conduct to undermine the island's welfare and democratic endeavours, citing the lack of recourse should such a situation arise.

10. Attempts to thwart freedom of expression at the highest levels of the Government of Anguilla constituted questionable behaviour based on placing the needs of individual officials ahead of those of an entire British nation. Such behaviour ran counter to the stated objective of the United Kingdom to uphold the Overseas Territories' right to the same high standard of government as in the United Kingdom, including human

rights, rule of law and integrity in public life. Applying such principles to the administration of the Overseas Territories by the United Kingdom would be mutually beneficial.

11. Brexit would curtail authorized interaction between Anguilla and the outside world, leaving its Governor, a United Kingdom civil servant, as the island's only official voice on external affairs, and the Territory with limited political representation within the United Kingdom. The bundling of British Overseas Territories for administrative purposes meant that the manner in which those Territories were presented to the outside world, including in communiqués from the Joint Ministerial Councils, did not give true insight into each Territory's position, reflecting instead the agendas of the most dominant members of that forum. The United Nations itself made regular reference to that material, little of which reflected the position of Anguilla. The conduct of the Joint Ministerial Councils was dominated by the sovereign State and guided by its political agenda, which often thwarted her Territory's democratic objectives, such as increasing its growing population's access to the National Health Service.

12. While integration or affiliation with another Member State were unlikely options for Anguilla, the Territory was not yet in a position to seek independence, given the current level of support provided by the administering Power for its development and the uncertainties surrounding Brexit. During that intervening period, she wondered how the Organization could ensure that the United Kingdom would honour its stated commitments of diversity, success and opportunities in the Territories and would not abuse its position of dominance. The issue of decolonization was not one of stark options but rather of evolution. However, if the opportunity to promote such evolution was not nurtured, the British citizens of Anguilla would remain second-class vis à vis both their peer group in the United Kingdom and the inhabitants of other Territories whose socioeconomic ties with a sovereign State were stronger.

13. By opting to continue as a Non-Self-Governing Territory, a nation should not be made to diminish the democratic and human rights of its people, the position in which Anguilla nevertheless found itself at present. Island colonies at risk of annihilation ahead of hurricane season had a legitimate fear of losing the financial support of the sovereign State, upon which they depended for recovery. Restricted access to support from the outside world left territories hostage to their ties to the administering Power. For Anguilla, the relationship transcended financial concerns, encompassing nearly four centuries of shared heritage, culture and values.

However, it was disappointing that the relationship was neither a modern one nor one that was in every instance respectful of the citizens of Anguilla.

14. She encouraged the Committee to regard decolonization as an evolutionary process and consider formally classifying the stages of that progression towards independence, accepting that there were some cases where independence was simply not viable. A funding mechanism outside the control of the sovereign State and to which third parties could contribute might be made accessible to the Territories, in support of their transition towards independence. Sustainable awareness-raising and confidence-building programmes could be offered to the populations of the Territories, providing an unbiased platform that would enable them to decide on decolonization free from political influence and fear. The exercise of human rights by the citizens of the Territories should be audited, and any deficiencies should be brought to the attention of the sovereign States in the General Assembly. Such a forum would prevent States from avoiding important issues, thereby assisting in cases where certain Territories enjoyed better treatment than others and exposing racial and other biases. The Committee should also ensure that only credible sources endorsed by the Territories represented them before the Organization. Lastly, communiqués or other statements issued by the sovereign State should not be accepted as fully comprehensive, given that, in the case of British Overseas Territories, competition could result in the voices of thousands being drowned out by the few.

Question of French Polynesia (A/C.4/74/2 and A/C.4/74/2/Rev.1)

15. **Mr. Fritch** (President of French Polynesia) said that French Polynesia was an autonomous country composed of 118 islands whose 270,000 inhabitants were spread out across a territory the size of Europe. Each of the 80 inhabited islands had a health centre, a school and a city hall, and the entire population had insurance coverage. With help from the French State, his Government had funded the telecommunications infrastructure that covered the entire country.

16. In May 2018, French Polynesia had held general elections, in which his pro-autonomy party had won a majority that represented two-thirds of elected officials in the legislative assembly. He had been democratically elected to serve another five-year mandate. The pro-independence party had garnered 23.1 per cent of overall votes. His electoral victory attested to the Polynesian people's will to retain the institutional framework of French Polynesia and its lack of interest

in becoming independent, a reality that the Committee must accept without judgment.

17. Polynesians were represented in every sector of French Polynesian society and effectively ran the country, whose population was 80 per cent indigenous. It was in no way a colony; it did not suffer oppression. The pro-independence party had simply been unable to convince the population of the merits of its separatist programme. Independence was no panacea; it might suit some countries and not others. Moreover, it was not the sole means of safeguarding a people's dignity or well-being, which relied instead on such fundamental priorities as access to education, health, culture, as well as on the quality of its leadership.

18. Yielding to the will of the pro-independence minority would amount to re-enacting the parable of the prodigal son, without the possibility of changing course. It was not up to the United Nations to impose a desire for independence on his people, which had democratically chosen to remain an autonomous country within the Republic of France. As it would serve no good purpose to keep French Polynesia on the list of Non-Self-Governing Territories, he solemnly requested that the General Assembly remove his country from that list. He also called on fellow members of the Pacific Islands Forum to support his position; it would be nonsensical to classify French Polynesia as a territory awaiting decolonization, as it was a full-fledged, equal member of the Forum alongside other countries.

19. **Mr. Rohfritsch** (Vice-President of French Polynesia) said that at the local elections in French Polynesia in May 2018, 77 per cent of Polynesians had clearly expressed their wish to preserve the bonds between the Territory and the Republic of France, by voting for electoral lists that upheld the Territory's status as part of France. Addressing the various geographical, development and other challenges faced by French Polynesia – a territory isolated and scattered across an area of 5.5 million square kilometres – should be the priority, not passing judgment on the history of the great powers. The benevolent, reassuring presence of France would support French Polynesia in that endeavour, particularly at a time when climate change caused primarily by industrialized nations proceeded unchecked. International resolutions continued to proliferate but were not implemented, and debates about acceptable levels of global warming raged on as nations like his scrambled to find tangible solutions to rising sea levels and acidification of lagoons imperilling their living conditions. In such conditions, artificial debates about the decolonization of Polynesia amounted to a trivial matter for the vast majority of Polynesians as the fate of the islands hung in the balance, and the prospect

of their being swallowed by the rising ocean remained a very real possibility. As a democratically elected member of the Government of French Polynesia, he called for his people's right to self-determination to be upheld in a manner that respected the democratic vote of Polynesians, who had broadly rejected the option of separating from the Republic of France.

20. **Mr. Moarii**, speaking in his capacity as a fishing vessel owner and fisheries sector veteran, said that certain French Polynesian separatists were trying to convince the Committee that the French State was confiscating the Territory's natural resources for its own benefit. However, the locally owned and operated fishing industry in French Polynesia was world renowned and its resources were protected, with an exclusive economic zone restricted to Polynesian businesses. For its part, the French State supported investments made by Polynesian companies through tax exemption schemes and helped French Polynesia monitor its vast exclusive economic zone, while the Government of French Polynesia implemented a strategy aimed at enabling Polynesians to benefit from their natural resources. The partnership with the French Government provided the necessary logistical support for French Polynesians to exercise sovereignty over their waters and resources and develop local businesses.

21. **Ms. Tetuanui** (Member of the Senate of France and Member of the Assembly of French Polynesia) said that nuclear testing was a part of the history of French Polynesia. In order to move forward, the Territory would have to transcend that history while holding the French State accountable for its role in it. The recognition by the French Government of the consequences of nuclear testing, in legislation it had recently enacted, constituted an important step forward and guaranteed the sustainable economic and social development of the Territory. As part of the effort to compensate sufferers of radiation-induced diseases, she had personally advocated for amendments to the Morin Law of 2010. As a result of the legislative reforms, measures had been taken to respond effectively to victim claims and the number of persons recognized as victims of nuclear testing entitled to compensation had risen dramatically. The successful initiative had been the product of a transparent dialogue with the French Government. In addition, France would continue to conduct environmental monitoring of old nuclear testing sites in Moruroa and Fangataufa. The 2018 transfer of a major military site owned by France to French Polynesia had enabled her Government to build a nuclear-era memorial in conjunction with the French Government, in a bid to educate the French Polynesian youth on their history. The President of the French Republic would visit the

Territory in 2020 to affirm his country's commitment to the community that had contributed significantly to its nuclear strength and to honour its commitment to remedy the economic, environmental and health damage that had been done to the Territory.

22. **Mr. Pihaatae** (Ma'ohi Protestant Church) said that the testing of nuclear weapons was one of the most egregious acts ever perpetrated against humankind. The after-effects of the 193 atmospheric and underground tests conducted in his homeland by France between 1966 and 1996 continued to plague his people. The impact of those tests had been equivalent to that of detonating 720 bombs of the kind dropped on Hiroshima in his country's atmosphere and 210 of them underground.

23. Twenty years on, the intergenerational repercussions remained a challenge to the health and well-being of his people, as the current mishandling of the nuclear waste generated by the tests posed a lingering danger of monumental proportions for the entire region. Since 2013, the General Assembly had adopted a series of resolutions recognizing the significant health and environmental impacts of the nuclear tests conducted by the administering Power in his Territory during that period. The resolutions had also taken note of the two reports of the Secretary-General on the environmental, ecological, health and other impacts of the testing and had requested continuous subsequent updates on said impacts. Several petitioners addressing the Committee in 2016 had expressed deep concern about the inadequacy of the reports, which had comprised a mere compilation of replies from two United Nations agencies, barely addressing the issue.

24. In October 2018, the Ma'ohi Protestant Church had submitted a communication to the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, with the intention of revealing various blatant violations of the human rights of the people of Ma'ohi Nui perpetrated by the administering Power during and after the nuclear testing era. He requested that the communication, which unfortunately had yet to appear in the working paper on the question of French Polynesia released by the secretariat of the Special Committee on decolonization, be published as an official document.

25. **Mr. Bhagwan** (Pacific Conference of Churches) said that the colonial legislation governing Ma'ohi Nui/French Polynesia ensured the full unilateral authority of its administering Power over the natural resources of the Territory, in violation of the rights of the Ma'ohi people. Examples of those violations had been the subject of independent expert analyses that were key

in informing the relevant United Nations bodies of the challenges faced by the Territories and the insufficient implementation of the decolonization mandate. Such independent analysis separated the facts from political spin designed to lend unwarranted legitimacy to contemporary dependency governance models, such as the illusory autonomy administratively exercised by the elected Government of French Polynesia.

26. Unsurprisingly, limited progress had been achieved towards genuine decolonization, as opposed to mere colonial reform and modernization through attempts to justify colonialism, casting serious doubt on the extent of political will for the Organization to carry out its decolonization mandate. Indeed, the failure to implement actions mandated by the General Assembly threatened to relegate the debate to an exchange of opinions between those who recognized the true nature of contemporary colonialism and those who had made an accommodation with it. However, the purpose of the process was not to air differing opinions but instead to provide Member States with the opportunity to examine the extent of genuine self-governance in the Territories.

27. Implementation of the mandate therefore remained the major stumbling block as the end of the third International Decade for the Eradication of Colonialism drew near. The re-inscription of Ma'ohi Nui on the United Nations list of Non-Self-Governing Territories in 2013 had been a historic moment achieved with great expectations that the United Nations would live up to its promise. He remained optimistic that the mandate would be implemented with the renewed energy and political will to advance the Territory to the full measure of self-governance with equal rights and justice.

28. **Ms. Tairua** (Union chrétienne des jeunes gens), welcoming the amended version of the paragraph contained in the Special Committee's 2019 resolution on the territory of Ma'ohi Nui/French Polynesia ([A/AC.109/2019/L.24](#)), which requested the Secretary-General to report on the full consequences of the French nuclear testing in Ma'ohi Nui, said that the continuous updates that the Secretary-General was asked to provide should be far more extensive in future reports than those given in the two previous reports. In July 2019, over 2,000 people had taken to the streets of the capital of Ma'ohi Nui to commemorate the first French nuclear test conducted on the Territory, indicating that its youth had a strong awareness of the French nuclear legacy.

29. The paragraph in the resolution in which the Special Committee took note of efforts by the administering Power concerning the recognition and compensation of victims of nuclear testing ran counter to the administering Power's actual policy of negligible

risk and negligible exposure, which limited recognition and compensation instead of enhancing them. In that connection, the Secretary-General's future reports should draw upon a broader range of publications issued by scientists and available in the public domain that provided a comprehensive analysis of the impact of nuclear testing. Doing so would make the future follow-up process more credible than had previously been possible, given the incomplete analysis contained in earlier reports.

30. **Mr. Neuffer** (Association Moruroa e tatou) said that, even as recently as 2010, the French Government had devised a compensation scheme containing a clause suggesting that the nuclear tests had posed a negligible risk. That scheme had resulted in a handful of claims for compensation – out of hundreds – being approved, despite his people's disproportionately high rates of thyroid cancers and leukemia. Public outrage over the compensation scheme had led the French National Assembly to vote in February 2017 to remove the element of negligible risk, only to insert the element of negligible exposure in 2018, by way of an amendment to a budgetary rider in a 2019 act on finance. The criterion of non-accountability established therein amounted to a reformulation of the negligible risk clause.

31. It was highly disappointing that such important developments had not been mentioned in the resolution on Ma'ohi Nui/French Polynesia and that important conclusions from existing United Nations research had been omitted from the Secretary-General's two previous reports. Those omissions included the findings of the United Nations Scientific Committee on the Effects of Atomic Radiation, namely, that the testing of nuclear weapons in the atmosphere caused the largest collective dose to date of human-caused sources of radiation.

32. Despite the need for a more comprehensive report, the General Assembly in its resolution [73/112](#) had inexplicably deleted the entire operative paragraph that would have requested the Secretary-General to provide continuous updates to his report on the environmental, ecological, health and other impacts of the 30-year period of nuclear testing in French Polynesia. While he welcomed the reinsertion of that critical language in the 2019 version, he was left to conclude that the opaque informal consultations with the administering Power had precipitated such a substantive deletion, indicating that the administering Power had orchestrated it, resorting to its usual stealth diplomacy in violation of its obligations under the Charter of the United Nations.

33. **Ms. Hinamoeura Cross** (Société Les Saveurs du Vaima) said that she had come before the Committee to denounce the two crimes against humanity committed

by France in French Polynesia, namely, conducting nuclear tests and leaving the Territory's people to defray the cost of treating the illnesses caused by those activities. Her female relatives had been afflicted with thyroid-related ailments, and she had been diagnosed with leukemia six years earlier. The complaint filed by former president Oscar Temaru to the International Criminal Court in 2018, accusing France of crimes against humanity for its nuclear testing in French Polynesia, had finally driven her to break her silence and research the history and health repercussions of those tests on her people. She subsequently learned that in the 1960s, the French authorities had detonated a thermonuclear bomb 150 times more powerful than those that had destroyed Hiroshima and Nagasaki in 1945, and had proudly proclaimed that their nuclear tests were laying the groundwork for great progress. The fallout from that so-called progress included stillbirths, disabilities and cancer cases, condemning generations of her people to illness and death.

34. **Mr. Koubbi** (Bar Association of Paris) said that he was the legal representative of a movement that was fighting for sovereignty, self-determination and independence, fundamental rights enshrined in the two United Nations covenants on human rights. In various resolutions, the General Assembly had echoed the conviction that the people of Polynesia must be allowed to freely determine their political status, also acknowledging and expressing concern about the impact of nuclear tests carried out in the Territory by the administering Power. The current President of French Polynesia had recently declared that the French State must take responsibility for the health and environmental consequences of those tests; his response amounted to an admission that he had been lying to his people about those consequences for 30 years.

35. The administering Power's claim that the pro-independence parties did not have a majority was invalid, given that it had not changed its position since former President of French Polynesia Oscar Temaru had won the elections in 2004. Since 2013, French Polynesia had been re-inscribed on the list of Non-Self-Governing Territories; the rule of such a territory by a pro-autonomy leader since 2014 made for an untenable situation. He could attest that France was subverting its own Constitutional law to undermine the actions of the former President and all who were fighting for self-determination. To conclude, there was no justification for the failure to uphold Constitutional law in respect of the Polynesian people.

36. **Mr. Geros** (Tavini Huiraatira Group within the Assembly of French Polynesia) said that the intergenerational impact of the nuclear tests conducted

by France in the Pacific region had yet to be addressed. Over the previous seven decades, the Secretary-General had acknowledged the terrible toll of the 2,000 nuclear tests carried out worldwide. The French State and its proxy turncoats, including the current President of French Polynesia, had publicly admitted that they had lied to the Territory's people about the dangers of those tests. It was therefore unsurprising that the President had hastened to have the Secretary-General's annual report on the consequences of the French nuclear tests removed from the resolution adopted by the Special Committee on decolonization in 2018, and the French State was orchestrating a cabal to sideline the leader of the sovereignty party and to silence a local anti-nuclear radio station.

37. **Ms. Valentina Cross** (City of Teva I Uta, Tahiti) said that the bid by the colonial President of Ma'ohi Nui/French Polynesia to present the Ma'ohi people as pleased with their contribution to the French nuclear programme was repulsive. Her people had been unwitting guinea pigs of French nuclear tests for 30 years and had subsequently been lied to by France and local collaborators, including the current president. In actual fact, the conditions imposed by the French on compensation granted to the victims of nuclear tests had led to the dismissal of all but a handful of claims. She was therefore encouraged that the language on a monitoring role for the Secretary-General on the nuclear question had been restored in the 2019 version of the General Assembly resolution on Ma'ohi Nui/French Polynesia.

38. She reiterated the request that the report of the Secretary-General be considerably more substantive than the reports submitted at previous sessions. The Secretariat offices concerned with scientific matters had been disturbingly reluctant to contribute detailed analysis for inclusion in the previous report. The Secretary-General should use his good offices to encourage those entities to contribute effectively to his report, so as to definitively debunk the false narrative of safe nuclear tests in Ma'ohi Nui.

39. *Mr. Ahidjo (Cameroon), Vice-Chair, took the Chair.*

40. **Ms. Tevahitua**, speaking in her personal capacity, said that she had welcomed the attention to the nuclear question affecting her region in the communiqué issued by the Pacific Islands Forum in 2018, which made specific references to the Marshall Islands and Kiribati. However, the omission of any reference to the consequences of 193 French nuclear tests affecting Ma'ohi Nui/French Polynesia was unacceptable. Such an omission was particularly glaring as the colonial Government of French Polynesia had been granted full membership of the Pacific Islands Forum. The

challenges associated with the French nuclear tests in Ma'ohi Nui should be included in any regional assessment. Nonetheless, the call in the communiqué for an assessment of the contamination issue in the Pacific, by an appropriate body, was welcome.

41. **Ms. Mercier** (Association Fareta a Tevaitau) said that the administering Power of French Polynesia had failed to transmit information on French Polynesia/Ma'ohi Nui to the United Nations, in flagrant violation of Article 73 *e* of the Charter of the United Nations. The French Government simply refused to accept the decision made by the General Assembly in 2013 to place French Polynesia back on the list of Non-Self-Governing Territories. Nonetheless, France still aimed to influence the resolutions on French Polynesia by inviting its diplomatic allies to present amendments to draft resolutions, with a view to presenting a more favourable image of the administering Power.

42. It was unsurprising that the list of Non-Self-Governing Territories had not become shorter, given that administering Powers like France refused to honour their commitments to collaborate with the United Nations to achieve the decolonization of Territories. The colonial reforms of the so-called "autonomy statute" did not redress the power imbalance that continued to characterize the territorial, non-self-governing status of French Polynesia/Ma'ohi Nui. Moreover, the unilateral power wielded by the French Government was upheld by French electoral law, ensuring that its proxy political party remained in power. Any attempt to convince Member States of the legitimacy of modern colonialism was shameful. Further discussion was unnecessary; the time had come for concrete action to make progress towards decolonization.

43. **Ms. Atger-Hoi** (Tahaa Taekwondo Sports Association) said that Ma'ohi Nui/French Polynesia had merely administrative autonomy and no actual political power. Moreover, even that administrative autonomy could be unilaterally reversed by the administering Power at any time and for any reason. Thus, Ma'ohi Nui/French Polynesia could in no way be described as autonomous, as actual power remained in the hands of the administering authority, the French State, which exercised that power through the unilateral imposition of French laws and regulations. Changes in governance arrangements that were unilaterally made by the administering Power under the guise of "modernization" were in fact merely changes in form, not substance. Moreover, General Assembly resolution [67/265](#) had recognized the status of French Polynesia as a Non-Self-Governing Territory within the meaning of the Charter of the United Nations.

44. **Mr. Villar** (Tavini Huiraatira Group) said that the President of French Polynesia had transmitted the report of the Pacific Islands Forum on the 2018 general election in French Polynesia to the Special Committee via a letter revealing both biases and inconsistencies on the part of the President. In his letter, he had failed to mention a major conclusion of the report, which was that the current presidential ruling party was in power due to a non-democratic process that had automatically granted it a supplement of 19 seats within the Assembly of French Polynesia. That scheme had been put in place by the administering Power, which exercised full authority over the electoral system, undermining the forces of genuine self-determination in his country. Moreover, the report had recommended that the unequal allocation be changed to a fair system, giving no undue advantage to the ruling party. The supposed self-governance of the Territory was an illusion that amounted to a system of dependency, under the guise of so-called autonomy.

45. **Ms. Panie** (Fouché-Panie Genealogy Office) said that the so-called "democratic political authorities" were wilfully misleading her people and the international community by characterizing their system as a legitimate form of self-government. It was no longer in the interests of her people to further delay the self-determination process, which should lead to complete self-government, rather than the current illusion thereof.

46. The implementation of the General Assembly decolonization mandate through the actions set out in its resolutions was crucial. The administering Power was legally obliged to submit information on French Polynesia under Article 73 *e* of the Charter of the United Nations and was violating that obligation with impunity. She suggested that the General Assembly should strengthen the language of its resolutions in its request for the fulfilment of such obligations, reflecting and condemning the non-compliance of the administering Power.

47. **Mr. Chailloux**, speaking in his personal capacity, said that, almost 20 years since the General Assembly had called for the development of work programmes for the individual Territories, there remained a clear lack of accountability over the implementation of decolonization resolutions. The aim of the three International Decades for the Eradication of Colonialism was to focus attention on the decolonization of the small island Territories. That the United Nations system had not fulfilled its responsibility to implement even the most basic of actions, repeatedly mandated over two decades, was disappointing. It was also unclear why resources for those work programmes had never been included in the United Nations budget. Political will must be sufficient for Member States to ensure that the

mandates were accurately reflected in the budget, directly linking the actions in decolonization resolutions to resource allocation. A case-by-case work programme for Ma'ohi Nui/French Polynesia would provide Member States with valuable insight into the actual situation in the Territory, separating opinion from fact regarding the prevailing colonial condition and paving the way for a genuine self-determination process.

48. **Mr. Stanley Cross** (Bar Association of Papeete, Tahiti) said that France continually failed to recognize the reinscription of French Polynesia onto the list of Non-Self-Governing Territories and continued seeking to manipulate the language of the related resolution through third parties. The opaque manoeuvrings of the administering Power meant that it could wield its influence without ever having to engage in the decolonization process at the United Nations on a formal basis.

49. A work programme for Ma'ohi Nui could be initiated with or without the participation of the administering Power at the outset and was the best way forward for a self-determination process that would lead to genuine decolonization. The absence of such programmes continued to limit the information and analysis necessary for Member States to make informed decisions, thus slowing the pace of progress, evidenced by the track record on decolonization over the previous three decades. Furthermore, the self-described "democratic political authorities" sometimes used the lack of analysis to argue for the legitimization of their version of colonialism.

50. **Ms. Crolas** (City of Faa'a, Tahiti) said that the construction of the international airport in the 1950s had turned Faa'a into the rear base for nuclear tests, resulting in obstructed access to the sea, the establishment of military zones, intensifying sound pollution from air traffic and frequent flooding. There had also been a major influx of families from the islands, employed to work on the French atomic tests, which had led to ghettoization and a visible lack of social well-being. Moreover, while the French Government reaped considerable economic benefits from the nuclear launches, airport and airspace, the islands inhabitants received nothing.

51. After striving for several decades, in 2013, her country had been reinstated on the list of countries not yet decolonized; the permanent sovereignty of her people over their natural resources had been recognized in 2016; and a communication had been submitted to the International Criminal Court in 2018 on a case of crime against humanity. Nonetheless, her people continued to suffer after more than three decades of lies as victims of

nuclear tests and their consequences, as well as of an unsuitable education system, social inequality, unemployment and exploitations.

52. **Ms. Heimata Estall** (Association des agents communaux, Mairie de Faa'a) said that, in its resolutions 71/120 and 73/112, the General Assembly recognized the inalienable right of the people of French Polynesia to the ownership, control and disposal of their natural resources, including marine resources and undersea minerals, and urged the administering Power to ensure the permanent sovereignty of her people. Furthermore, the annual resolution on the implementation of the Declaration on decolonization was applicable to all Non-Self-Governing Territories, including Ma'ohi Nui/French Polynesia. Relevant decisions by the International Court of Justice had also confirmed that the people of Non-Self-Governing Territories were the rightful owners of their natural resources. The lack of participation by the administering Power in the work of the Committee on the question of French Polynesia, in violation of the Charter of the United Nations, prevented the assessment of its compliance with international law, or lack thereof, that clearly confirmed that the ownership of those resources lay with the people of the Territories.

53. **Ms. Naia** (Association Naia a Naia) said that the French nuclear tests carried out between 1966 and 1996 had been imposed upon the population as a direct result of colonization, and the United Nations must take into account the crimes against humanity that had been committed against her people. In that regard, she welcomed the efforts of the International Law Commission on its draft articles relating to crimes against humanity. Furthermore, the former President of French Polynesia had recently submitted a communication to the International Criminal Court on the practices that constituted such crimes, following the three decades of French nuclear tests on her Territory. However, no reference to that communication had been made in the draft resolution on the question of French Polynesia. It was unclear why the United Nations had not taken such developments into account, possibly due to pressure exerted by the administering Power behind the scenes. The actions of France were those of a modern colonial power that rejected Article 73 of the Charter of the United Nations. She called for the French President to respect his claims that colonization was a crime.

54. **Ms. Tama** (Association des locataires du lotissement social Erima) said that, since the reinscription of Polynesia in May 2013, petitioners had repeatedly requested a programme of work, which was the recognized, mandated approach in the decolonization process. It was therefore regrettable that it had not been mentioned in the resolution submitted to

the Fourth Committee; that mandate should be included in the resolution for the 2020 session.

55. An outline of the programme of work had been established, updating the procedure previously adopted by the General Assembly to include an in-depth analysis of the dependent relationship between Territory and administering Power; a public education programme; an official visiting mission from the Special Committee; and a self-determination process leading to a transition towards full sovereignty. The entire process must involve the participation of the United Nations, whose mission it was to ensure the right to decolonization.

56. **Ms. Ollivier** (Pharmacie de Carrefour-Auae, Faa'a) said that colonization constituted political, military, economic and religious domination of a Territory by a foreign power, devoid of respect for the views of the indigenous peoples. The Maohi people had its own identity and culture that the French Government had vainly tried to suppress.

57. Since the installation in 1962 of the atomic experimentation centre in Mururoa, 193 ballistic missiles had been launched, without regard for the health and environmental consequences. France continued in its actions, without recognizing its victims and endeavouring to compensate as few of them as possible. It had lied about the risks involved, as demonstrated by the chemical accidents that had been detrimental to the health of inhabitants.

58. As acknowledged by the French President Emmanuel Macron during his presidential campaign, colonization was a crime against humanity. While the administering Power had purportedly given her people full authority over certain domains such as health, in reality it had also imposed limits. Worse still, the current President of French Polynesia had associated himself with the lies of the administering Power, recognizing a level of shared or associated guilt, thus absolving France of its full responsibility.

59. After two centuries of colonial administration and the sacrifice of hundreds of French Polynesian victims of the two world wars and the ballistic missile launches, she asked the Fourth Committee to remind France of its commitments to accompany the Maohi people towards achieving emancipation.

60. **Mr. Tehaamatai** (City of Pajara, Tahiti) said that the administering Power maintained full control and sovereignty over the natural resources of Ma'ohi Nui/French Polynesia, in violation of international law. He requested that the United Nations clarify the conflict between French organic law, which allowed for the management and exploration of natural resources to be

monitored by the Territorial Government, and the provisions of the United Nations Convention on the Law of the Sea. By claiming the exclusive economic zone of Ma'ohi Nui/French Polynesia, France made itself the second largest maritime power in the world, generating significant revenue and geopolitical influence by exploiting the Territory's resources. The provisions of that Convention extended the sovereignty of the administering Power to the aerial zone above the Territory's exclusive economic zone. In that regard, the French Government had created two taxes: a fee charged to all airlines whose planes crossed the aerial zone and an airport tax collected on every ticket for entry into or travel from Ma'ohi Nui/French Polynesia.

61. **Mr. Salmon** (Association Tamarii Pereaitu) said that France had received a significant source of income since the 1970s from its spatial programme in French Guyana. Meanwhile, in French Polynesia, a significant quantity of mineral natural resources had been found within the exclusive economic zone of Ma'ohi Nui/French Polynesia. The ownership and control of those resources was governed by a French law which gave the administering Power unilateral power, in violation of International Court of Justice decisions and General Assembly resolutions. A wide range of current and potential sources of income derived from his Territory represented revenue that should be used in the development of its new economic and social model. Instead, such revenue was currently being transferred to France.

62. **Mr. Brotherson** (National Assembly of France) said that, as a result of colonization, use of his native language, Reo Tahiti, had significantly diminished. Furthermore, since 1963, there had been 193 nuclear tests on the Ma'ohi islands of Moruroa and Fangataufa. There were visible cracks in Moruroa as a result of underground testing with one failed test leading to a plutonium leakage in a nearby lagoon. In response, he had submitted a written request to the French Government to remove all nuclear waste and pollution from Moruroa. However, he anticipated a negative answer, citing a lack of funding or technology. Such an excuse was incomprehensible as France had invested more than \$100 million in monitoring the cracks in Moruroa, over one hundred times more money than the total compensation granted to Polynesian victims thus far. Fair and thorough evaluation by the United Nations of the consequences of French nuclear testing was crucial.

63. The current President of French Polynesia had lied by pledging that he would not ask the United Nations to remove his country from the list of Non-Self-Governing Territories. Loss of independence had been imposed on

the Territory and the people of Ma'ohi Nui wished for a path towards self-determination.

64. **Mr. Tuheiava** (Assembly of French Polynesia) said that, until its reinscription on the list of Non-Self-Governing Territories, Ma'ohi Nui/French Polynesia had remained in a state of dependency for nearly 65 years, below the level of self-government, but outside of the United Nations review process. As the third International Decade for the Eradication of Colonialism concluded, the initiation of a programme of work to facilitate the implementation of the General Assembly decolonization mandate was crucial. The current discussion in the Committee had evolved into a static contest of opposing opinions, supporting either continued colonialism or decolonization. A programme of work would provide an in-depth examination of the existing colonial relationship and a road map for complete decolonization, under the auspices of the United Nations.

65. The request of the current president of the Government of his Territory to remove his country from the list of Non-Self-Governing Territories ran counter to the spirit of the Charter of the United Nations. Instead, the Special Committee should include a decision relating to a programme of work for Ma'ohi Nui/French Polynesia in its 2020 resolution on the Territory, a process in which his people remained fully available to assist any Member States.

66. **Mr. Yadav** (Vanuatu) asked whether a decolonization programme of work for French Polynesia had been activated and, if not, what structure such a programme of work would take. He also asked whether the reports of the Secretary-General on the consequences of nuclear testing had assisted in shedding light on the current situation and provided recommendations in areas such as radioactive contamination and victim compensation.

67. **Mr. Tuheiava** (Assembly of French Polynesia) said that while the programme of work had been included in annual United Nations resolutions since 1999, it had yet to be established. A programme of work was essential to a genuine decolonization process. Without it, the colonial Government would continue to argue that the colony was self-governing before the international community. However, since 2013 the General Assembly had recognized the non-self-governing status of French Polynesia. A programme of work would allow an in-depth examination of the democratic deficits of its colonial status and would establish a systemic process leading to genuine self-determination.

68. Issues relating to the consequences of nuclear testing remained very much unresolved. The

administering Power and its proxies, who currently formed the colonial Government, had lied by claiming that the tests were safe. However, the health consequences clearly indicated that such tests were crimes against the people of French Polynesia. Impacts included high rates of cancer and related diseases, birth defects and environmental contamination. Meanwhile, the French so-called "compensation scheme" for nuclear victims rejected the majority of individuals. As expressed on repeated occasions, the reports of the Secretary-General were grossly inadequate.

Question of Gibraltar (A/C.4/74/3 and A/C.4/74/3/Rev.1)

69. **Mr. Garcia** (Deputy Chief Minister of Gibraltar) said that much progress had been made on decolonization in the years following the Second World War and there were now less than 2 million people living in Territories dependent on colonial powers. However, the people of Gibraltar had first appeared before the Committee in 1963 and had therefore been waiting for over half a century to realize their right to self-determination. The decolonization process could only truly be celebrated once it was concluded.

70. Since 1963, Gibraltar had been addressing the United Nations to assert its right to self-determination, but the lack of response seemed to suggest that the United Nations did not wish to work with Gibraltar. In 2007, a new Constitution had come into force in Gibraltar, under which Gibraltar enjoyed a greater degree of self-governance than ever before. The Constitution had been sent to the Special Committee, and once again, there had been no reply. Every year, Gibraltar had stated that it would welcome a visiting mission, but the United Nations had not come.

71. Gibraltar embraced the same values as all countries that had previously been unable to exercise the right to self-determination: democracy, good governance, human rights and the rule of law. The right of peoples to determine their own future underpinned those values. The people of Gibraltar were separate and distinct from the colonial power, defined by an influx of different nationalities that had enriched its society for over three hundred years. Furthermore, the tactics of coercion used under the Spanish Dictator General Franco through the closing of the border between Gibraltar and Spain must never again be used as a political weapon.

72. Later that month, Gibraltar and the United Kingdom could be leaving the European Union, even though the overwhelming majority of the people of Gibraltar had voted to remain. Gibraltar had held discussions with European Union member States including Spain, which had resulted in special

provisions on Gibraltar in the withdrawal agreement. It was clear that goodwill and mutual respect were possible in finding positive solutions that were in the interests of both sides. It was crucial to ensure that, in the context of Brexit, citizens and businesses were able to continue with their daily lives.

73. His Government hoped to work with the Special Committee and Fourth Committee to remove Gibraltar from the list of Non-Self-Governing Territories. The freely and democratically expressed wishes of the people of Gibraltar must be paramount.

74. **Mr. Matthews** (Self-Determination for Gibraltar Group) said that there was growing resentment among the people of Gibraltar towards the Committee, stemming from the fact that they felt disrespected and ignored. It was incomprehensible that, 30 years into the third and final International Decade for the Eradication of Decolonization, Gibraltar was still advocating for its right to self-determination and seeking its removal from the list of Non-Self-Governing Territories, a request that the Committee had not even acknowledged.

75. He asked why no visiting missions had been sent to his country, despite numerous invitations extended to the Committee. Such a visit would be important in demonstrating that Gibraltar had done enough to be delisted. It would also allow the Committee to investigate the false claims by Spain regarding Gibraltar. The absence of such a visit led the people of Gibraltar to believe that the United Nations was shirking its responsibilities.

76. The political right in Spain mistakenly saw Brexit as an opportunity to impose Spanish sovereignty over Gibraltar. However, no amount of pressure or coercion would bend the will of the people of Gibraltar in defending their sovereignty and way of life. As the arbitrator of the right to self-determination, the Committee must take decisive and firm action.

Statements made in exercise of the right of reply

77. **Ms. Viney** (United Kingdom) said that her Government had sovereignty over Gibraltar and the waters surrounding it and that, as a separate Territory recognized by the United Nations and included since 1946 on its list of Non-Self-Governing Territories, Gibraltar enjoyed the rights accorded to it under the Charter of the United Nations. The people of Gibraltar enjoyed the right to self-determination. The 2006 Gibraltar Constitution, which had been endorsed by referendum, provided for a modern and mature relationship between Gibraltar and the United Kingdom.

78. The United Kingdom reiterated that it would not enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their freely and democratically expressed wishes; nor would it enter into a process of sovereignty negotiations with which Gibraltar was not content.

79. **Mr. Gutiérrez Segú Berdullas** (Spain), responding to the comments made by the representative of the United Kingdom concerning Gibraltar, said that the United Nations had noted on many occasions that the status of Gibraltar as a colony undermined the territorial integrity of Spain. The United Kingdom and Spain should engage in bilateral negotiations to resolve the dispute and ensure the decolonization of Gibraltar, as proposed by the United Nations. General Assembly resolution [2353 \(XXII\)](#) stipulated that any colonial situation which partially or completely destroyed the national unity and territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations. In that resolution, the General Assembly stated that the 1967 referendum had contravened various resolutions on the implementation of the Declaration on decolonization. Spain regretted the efforts of the administering Power and the authorities of the colonized Territory to change their political relationship and deny the existence of colonial ties, while at the same time claiming the right to self-determination.

80. Spain did not recognize any legal basis of British sovereignty over the maritime areas of Gibraltar, namely, the Treaty of Utrecht of 1713. Spain had ratified the United Nations Convention on the Law of the Sea on the clear understanding that that instrument was not applicable in the case of Gibraltar. His Government was clear about the limits of its territory, which included the waters surrounding Gibraltar. Spanish ships had been operating in those waters without incident since time immemorial; the recent controversy had arisen only in response to certain alleged incidents.

The meeting rose at 6.05 p.m.