

**Reverend Taaroarii MARAEA**  
**President of the Ma'ohi Protestant Church**  
**Statement to Special Committee on Decolonization (C-24)**  
**United Nations, New York, N.Y.**  
**27th June 2019**

*Madam Chair,*  
*Distinguished Members of the Special Committee,*

I have the honour to address you in my capacity as President of the Ma'ohi Protestant Church. I wish to express my deepest gratitude for allowing myself to speak before this Committee on the question of Ma'ohi-Nui/French Polynesia.

I wish to draw the attention of the Committee to the communication submitted in early October 2018 to the **Office of the Prosecutor of the International Criminal Court (ICC) in The Hague, Netherlands**, and a second communication submitted on 30 October 2018 to the **Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes, in Geneva, Switzerland**, both in relation to the 30 years of French nuclear testing in our territory.

In this regard, the International Law Commission is to be commended for its ongoing work on the draft articles on **crimes against humanity**. This work is especially important in giving further clarity to what constitutes such a crime and the requisite recompense.

I take note that the *2019 Working Paper on Ma'ohi-Nui/French Polynesia* makes only a short reference to both ICC and Human Rights Committee complaints while the draft resolution on Ma'ohi-Nui/French Polynesia omits any reference to it altogether.

We continue to pose the question as to why these developments are not worthy of U.N. consideration, or whether there is undue pressure exerted by the administering Power behind the scenes to censor such references. Nevertheless, our people will continue to monitor how the U.N. deals with these **stealth diplomacy tactics** in future.

To this end, I recall that as a presidential candidate, Emmanuel Macron stated that:

*"Colonization is a crime. It's a crime against humanity. It's truly barbarous and it's part of a past that we need to confront by apologizing to those against whom we committed these acts... At the same time, we must not sweep this past under the rug..."*

We hold the now-French President to this commitment. However, the actions of a U.N. member State and P-5 member - is that of a contemporary colonial power **utterly dismissive of Article 73 of the U.N. Charter**, reflecting the opposite of his earlier lofty words. It is, in fact, doing its best to "*sweep the issue under the rug*" by seeking to persecute those who have stood bravely in the face of the colonial power.

This was one of the motives of the Ma'ohi Protestant Church for submitting an official communication to the relevant U.N. Special Rapporteur to the Human Rights Committee.

Recently, the Administering Power monitored a revision process of the bilateral Organic Law regarding Ma'ohi-Nui/French Polynesia within its Parliament in Paris. As a matter of fact, the new preambular paragraph of such Organic Law now reflects a so-called "positive contribution" provided by the territory of Ma'ohi-Nui/French Polynesia in favour of the colonial nuclear programme implemented by France.

This provocative language currently being adopted by the French Parliament is an outrageous "mis-interpretation" of the painful history and the sufferings that the Ma'ohi People went through without its consent.

The Ma'ohi Protestant Church is nevertheless extremely pleased that the Committee resolution this year has restored an amended version of the paragraph in its 2019 resolution on our territory, and we strongly request that the committee ensures that the "continuous updates" requested of the Secretary-General in the resolution are far more extensive than the two previous reports.

***Thank You, Madam Chair.***

**Reverend François PIHAATAE**  
**Coordinator of Moruroa E Tatou Association**  
**Statement to Special Committee on Decolonization (C-24)**  
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*Madam Chair,*  
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We acknowledge with appreciation the progressive recognition by the General Assembly of 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"* beginning with Resolution 71/120 of 6 December 2016, and most recently by Resolution (73/112) of 7 December 2018 which "urges the administering Power to ensure this permanent sovereignty pursuant to relevant resolutions of the General Assembly.

In this connection, it is to be noted that the annual resolution on the Implementation of the Decolonization Declaration applicable to all territories including Ma'ohi-Nui/French Polynesia consistently *"urges the administering Powers to take effective measures to safeguard and guarantee the inalienable rights of the peoples of the Non Self-Governing Territories to their natural resources, and to establish and maintain control over the future development of those resources..."*:-

The willful absence of the administering Power in participating in the work of this committee on the "Question of Ma'ohi-Nui/French Polynesia," in violation of the U.N. Charter, precludes the opportunity to assess their level of compliance with international law - or lack thereof - that clearly confirms that the ownership of these resources lies with the people of the territories.

Despite this clear "rule of law on natural resources," we continue to advise that **the administering Power has kept full control and sovereignty over our natural resources** in violation of international law.

These violations of the administering Power were examined in depth in the 2019 report *"Enduring Colonization: How France's Continuing Control of French Polynesian Resources Violates the International Law of Self-Determination,"* published by Blue Ocean Law, the Pacific Network on Globalisation, and the International Justice and Human Rights Clinic at Allard Law School, University of British Columbia.

Some of the key findings of the analysis are particularly poignant:

- France's continued control over and interference with the islands' resources works to **disenfranchise the people of Ma'ohi-Nui/French Polynesia**, violating their fundamental right to self-determination, particularly their right to freely determine their own economic, social, and cultural development.
- In its recent efforts to develop seabed mining programs in the region, France continually asserts sovereignty over Ma'ohi-Nui waters. At the same time, it has failed to consult with – let alone obtain the consent of – indigenous, coastal, and local communities within Ma'ohi-Nui/French Polynesia, who are most likely to be affected by this new extractive activity.
- The **failure to clean up or otherwise remedy damage done by France's 30 year nuclear testing program** in the islands constitutes another violation of Ma'ohi-Nui people's right to benefit from their natural resources and to chart a course of economic development of their own design. Existing military installations and contaminated atolls continue to **affect terrestrial and marine resources** and **contribute to ongoing food insecurity**, in addition to debilitating health and environmental impacts.
- Self-determination standards oblige a much greater devolution of powers from France to Ma'ohi-Nui/French Polynesia and the **strict non-alienation of Ma'ohi-Nui people from their natural resources**.

*Thank You, Madam Chair.*

**Ms. Tiare-Maohi TAIRUA**  
**President of the Association Union Chrétienne des Jeunes Gens**  
**Statement to Special Committee on Decolonization (C-24)**  
**United Nations, New York, N.Y.**  
**27th June 2019**

*Madam Chair,*  
*Distinguished Members of the Special Committee,*

Independent expert analysis as the *Blue Ocean Report on the French control of natural resources of French Polynesia* as **a violation of international law**, the 2014 Independent Report on "*The French Nuclear Testing in Ma'ohi-Nui/French Polynesia*," the 2013 independent "*Self-Governance Assessment on Ma'ohi-Nui/French Polynesia*" (already acknowledged by the General Assembly) and others could prove highly useful in informing the C24 and other relevant U.N. bodies of the challenges faced by the territories amid the insufficient implementation of the decolonization mandate in relation to French Polynesia and other territories similarly situated.

Such independent analysis separates the facts from the political "spin" designed to lend **an unwarranted legitimacy to contemporary dependency governance models** such as the illusory autonomy administratively exercised by Ma'ohi-Nui/French Polynesia proxies.

The overall lack of implementation of actions contained in decolonization resolutions since the beginning of the first International Decade for the Eradication of Colonialism in 1990 is disturbing, and brings into serious question the extent of political will for the U.N. to carry out its mandate to bring an end to contemporary colonialism.

It is, therefore, not surprising that there has been limited progress in achieving the goals of genuine decolonization, as opposed to mere colonial reform and modernization through attempts to justify **contemporary colonialism**. As one global decolonization expert observed before this committee in 2018:

*"This lack of implementation of actions mandated by the General Assembly can have the effect of relegating the debate to an exchange of differing opinions between those who recognize the true nature of contemporary colonialism, and those who have made an accommodation with it, irrespective of its democratic deficiencies. But this is not supposed to be about opinion. Rather, it is about **providing member States with the opportunity for in-depth examination of the extent of genuine self-government in these territories on the basis of the requisite criteria of full political equality.**"*

**Implementation of the mandate** is the fundamental challenge, and continues to be the major stumbling block as we reach the end of the third International Decade for the Eradication of Colonialism. The re-inscription of Ma'ohi-Nui/French Polynesia on the U.N. list of non self-governing territories in 2013 was a **historic moment**, achieved with **great expectations** that the U.N. would live up to its promise.

We remain optimistic that a **genuine process of implementation** of these mandates will be enacted with the renewed energy and political will to advance our territory to the full measure of self-government with equal rights and justice.

*Thank You, Madam Chair.*

**Mr. Philippe NEUFFER**  
**Attorney at Law in Tahiti**  
**Statement to Special Committee on Decolonization (C-24)**  
**United Nations, New York, N.Y.**  
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*Madam Chair,*  
*Distinguished Members of the Special Committee,*

One of the most **egregious acts** perpetuated on mankind has been the testing of nuclear weapons in spite of the known human cost, and the challenges to just compensation and reparation for the veterans and for their widows and children. The aftermath of 30 years of French nuclear testing in our homeland continues to plague our people, victims of 193 atmospheric and underground nuclear tests from 1966 to 1997. This was equivalent to 720 Hiroshima bombs in our atmosphere, and 210 underground. It has been 20 years since the final nuclear testing came to an end in 1996, and the moral and practical recognition of the health and social consequences of the testing which have been confirmed as inter-generational, remain a major challenge to the health and well being of our people. The current mishandling of the nuclear waste generated by these tests is a lingering danger of monumental proportions for Maohi Nui/French Polynesia and the entire Pacific region.

The General Assembly has adopted a series of resolutions since 2013 "*recognizing the significant health and environmental impacts of this nuclear testing*" conducted by the administering Power in my country over this period. The resolutions further recognized the consequences of those activities on the lives and health of the people, especially children and vulnerable groups, as well as the environment of the entire Pacific region.

The General Assembly resolutions have also made the natural linkage between the aftermath of the French nuclear testing in our region and the work of the U.N. Scientific Committee on the Effects of Atomic Radiation. The resolutions also take note of the two reports of the Secretary-General on the environmental, ecological, health and other impacts of the testing, and have requested the Secretary-General to provide continuous updates on the impacts of the testing.

Interestingly, the French had devised a compensation scheme in 2010 containing a clause suggesting that the nuclear tests were of "negligible risk." This resulted in only a handful of approvals for compensation from hundreds of claims made by our people - despite disproportionate rates of thyroid cancer and leukemia with overall cancer rates over 30 per cent

higher than average. Because of extensive public outrage in our community over this sham compensation scheme, the French National Assembly voted in February 2017 to remove the element of "negligible risk" but by the end of 2018, "**negligible exposure**" was re-inserted in the programme by way of an amendment to a budgetary rider in the 2019 French Finance Act establishing a "criterion of non-accountability" - "negligible risk" by different form.

It is highly disappointing for us that such important developments are not referenced in the U.N. resolution on French Polynesia, and important conclusions from existing U.N. research were omitted from the two previous Secretary-General reports.

And it is highly deceiving for the people of Maohi Nui that the wives and the children of veterans of French nuclear tests still are not recognized as direct victim, and don't have the compensation they deserve.

*Thank You, Madam Chair.*

**Mr. Richard Ariihau TUHEIAVA**  
**Elected Member of the Assembly of French Polynesia**  
**Statement to Special Committee on Decolonization (C-24)**  
**United Nations, New York, N.Y.**  
**27th June 2019**

*Madam Chair,*  
*Distinguished Members of the Special Committee,*

I have the honour to address you in my capacity as an elected member of the House of Assembly of Ma'ohi-Nui/French Polynesia from the Tavini Huiraatira party.

Since the adoption of Resolution 67/265 of 17 March 2013, the General Assembly has adopted seven resolutions on Ma'ohi-Nui/French Polynesia calling for specific actions to be undertaken in furtherance of our decolonization process. These resolutions have recognized the **inalienable right of our people to self-determination and independence**, and have reaffirmed that Ma'ohi-Nui/French Polynesia **remains a non self-governing territory within the meaning of the United Nations Charter**.

The General Assembly also adopts its annual resolution on the implementation of this Decolonization Declaration which is applicable to all territories, including Ma'ohi-Nui/French Polynesia, which have not achieved a full measure of self-government. The Assembly adopted these resolutions on the self-determination and independence of our territory on the basis of careful review and assessment of the actual dependency relationship which existed in 2012, and which informed its consensus adoption of its resolution 67/265 of 17 March 2013. **The political status of Ma'ohi-Nui/French Polynesia has not changed since 2013 despite cosmetic adjustments to the so-called Autonomy Statute made unilaterally by France in 2019 as an attempt to avoid a true self-determination process.**

*Madam Chair,*

Accordingly, the General Assembly is consistently clear that Ma'ohi-Nui/French Polynesia *“remains a non self-governing territory within the meaning of the (U.N.) Charter”* and **this should remain our point of departure**. What must follow now are the **ways and means to implement this General Assembly decolonization mandate** through the actions adopted in its resolutions.

Continued violation by the administering Power of Article 73 of the U.N. Charter in withholding its cooperation with the U.N. on our territory can no longer be used **as an excuse or rationalization for not implementing this mandate**. On this point, this Committee may wish to

consider **strengthening its repeated language** in resolutions which only politely expresses *"regret that the administering Power has not responded to the request to submit information on French Polynesia under Article 73(e) of the U.N. Charter."*

In fact, it is not a mere request. It is an **international legal obligation** that is being violated. The resolution on the question of Ma'ohi Nui/French Polynesia should reflect this non-compliance for what it is - **a violation of the Charter** which should be condemned, as in the same language of General Resolution 1699(XVI) of 19 December 1961 on similar violations.

Since the re-inscription in 2013, a **work programme** for Ma'ohi-Nui/French Polynesia has been requested repeatedly, and included in the resolution on such territory. I wish to state again that **this is the recognized approach to initiate the self-determination process**. The outline of a **work programme for Ma'ohi-Nui/French Polynesia** has been drafted to update the procedure adopted by the General Assembly in its Resolution 57/91 of 6 December 1999, and can be provided at the appropriate time.

This updated outline is divided into **five phases** beginning with 1) **an in-depth examination of the intricacies of the dependency relationship** between the territory and the administering Power, proceeding with 2) **an extensive public education programme** in the territory with 3) **a subsequent C-24 visiting mission**, followed by 4) **an act of self-determination** – to select a choice from the legitimate political status options - and 5) **the transition to the full measure of self-government**. The entire process would involve the participation of the relevant U.N. institutions.

*Madam Chair,*

This committee in its 2018 resolution on Ma'ohi-Nui/French Polynesia inexplicably recommended to the Fourth Committee the deletion of 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”. Our pleas to the C-24 and Fourth Committee that the language be restored could not be honored in 2018, but promises were made that the issue would be addressed this year.

**We are very pleased that these promises were honoured and the language has been restored in this year's draft resolution.** We strongly request that the Committee ensures that the “continuous updates” requested of the Secretary-General in the resolution are far more extensive than the two previous reports. In this connection, I would humbly urge the researchers for the Secretary-General's report to avail themselves of a broader range of information available in the public domain to include such documents, as the 2014 Independent Report on *“The French Nuclear Testing in French Polynesia”* prepared by renowned scientists, or the Commission of the Tavini Huiraatira Party that was submitted to the Office of the Prosecutor of the ICC last 2 October 2019. **Thank You, Madam Chair.**

**Reverend James Bhagwan**  
**Secretary-General of the Pacific Conference of Churches**  
**Statement to Special Committee on Decolonization (C-24)**  
**United Nations, New York, N.Y.**  
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*Mrs. Chairman,*  
*Distinguished Members of the Special Committee,*

Toward the end of the first International Decade for the Eradication of Colonialism in December, 1999, the General Assembly adopted its annual resolution on the **Implementation of the Decolonization Declaration** which directed the Special Committee on Decolonization (C-24) for the first time:

*"To develop a constructive programme of work on a case-by-case basis for the Non Self-Governing Territories...to facilitate the implementation of the mandate of the Special Committee and the relevant resolutions of the United Nations, including resolutions on specific territories."*

This December will mark some 20 years of directives from the General Assembly to the C-24 to develop such work programmes for the individual territories. Yet, as we know, there is a clear **lack of accountability on implementation** of decolonization resolutions. It is to be recalled that the genesis of the three international decades for eradication of colonialism was to focus attention on the decolonization of the small island territories which comprise most of the territories remaining on the U.N. list.

*Mrs. Chairman,*

It is curiously disappointing that the U.N. system has been able to resist its responsibility to implement even the most basic of actions repeatedly mandated for two decades. The silence on the **implementation** of the decolonization mandate by the Special Committee is deafening. It is unclear why resources for these work programmes and other long mandated research and analysis has never been included in the U.N. budget. It is likely that there would be little or no programme budgetary implications to initiating the work programme mandate. But the political will must be sufficient for member States to ensure that the UN budget accurately reflects these mandates.

Since the relevant re-inscription of Ma'ohi-Nui/French Polynesia on the U.N. list in 2013, the Pacific Conference of Churches (P.C.C) have listened to persistent calls from pro-decolonization petitioners addressing this Committee to request that **a case-by-case work**

**programme be initiated for this territory.** We remain of the view that this would provide the member States with valuable insight and analysis on the actual situation in the territory. Coupled with the *independent Self-Governance Assessment* already recognized by the General Assembly, a work programme would serve to **separate opinion from fact about the prevailing colonial condition in the Territory of Ma'ohi-Nui/French Polynesia.** This would pave the way for a genuine self-determination process informed by the ongoing experience of the referendum process underway in New Caledonia.

It is to be noted that the mis-interpretation of resolutions mandating these work programmes appears to require the cooperation of the administering Power at the outset of the process. If this were so, then you would be giving France an effective veto over a work programme for Ma'ohi-Nui/French Polynesia. It is to be remembered that France continues to flaunt the U.N. Charter by not recognizing the reinscription of this territory, as they so arrogantly asserted at the Caribbean regional seminar in Grenada last May. On this point, we remain concerned that **the opaque, behind-the-scenes "informal cooperation" between the C-24 and the administering Power** continues to be acceptable. In reality, they are afforded the unwarranted opportunity to resist committee engagement on the question of Ma'ohi-Nui/French Polynesia.

I wish to support and emphasize such view that **a work programme for Ma'ohi-Nui/French Polynesia can be initiated with or without the administering Power participation at the outset,** and is the best way forward to begin the self-determination process leading to genuine decolonization. The absence of these programmes, despite decades of their inclusion as priorities of the General Assembly, continues to limit the information and analysis so necessary for member States to make informed decisions. The ensuing vacuum of analysis has contributed to the slow pace of progress in decolonization. This is evident by the track record on decolonization over these three decades. It is this vacuum of analysis which can sometimes be used by the self-described "democratic political authorities" to argue that their version of benevolent colonialism should be legitimized by the international community.

*Thank You, Madam Chair.*