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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the General Assembly on 9 December 2021

[*on the report of the Special Political and Decolonization Committee
(Fourth Committee) (A/76/425, para. 37)*]

76/98. Question of New Caledonia

The General Assembly,

Having considered the question of New Caledonia,

Having examined the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2021,¹

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling its resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960, and stressing principle VI of the annex to resolution 1541 (XV),

Recalling also the provisions of the Nouméa Accord,² which, inter alia, underscores the importance of the transfer of powers and skills in a timely manner from the administering Power to the people of New Caledonia,

Reaffirming that the natural resources are the heritage of the peoples of the Non-Self-Governing Territories, including the indigenous populations,

Concerned about any activities aimed at exploiting the natural and human resources of the Non-Self-Governing Territories to the detriment of the interests of the inhabitants of those Territories,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote equitable political, economic and social development in the Territory, including

¹ *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 23 (A/76/23).*

² [A/AC.109/2114](#), annex.



measures in the area of environmental protection, in order to provide a framework for its peaceful progress to self-determination,

Recalling the peaceful conduct of the first and second self-determination referendums in New Caledonia on 4 November 2018 and 4 October 2020, respectively, in which the question “Do you want New Caledonia to accede to full sovereignty and become independent?” was asked, in accordance with the Nouméa Accord and the respective decisions of the Committee of Signatories to the Nouméa Accord of March 2018 and November 2019,

Noting the meetings held in Paris from 26 May to 1 June 2021 between the administering Power and political parties in New Caledonia,

Taking note of the decision taken in June 2021 by the administering Power that the date of the third self-determination referendum in New Caledonia would be held on 12 December 2021,

Recalling the report of the Special Rapporteur on the rights of indigenous peoples on the situation of Kanak people in New Caledonia, submitted to the Human Rights Council at its eighteenth session, held from 12 to 30 September and on 21 October 2011,³ following his visit to the Territory in February 2011, and stressing the importance of addressing concerns related to the human rights of indigenous Kanak people, including in eliminating the existing inequalities between the three provinces of the Territory,

Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region, including through the hosting of New Caledonian delegates in the French diplomatic and consular missions in the region,

Recalling the conclusions of the nineteenth Melanesian Spearhead Group Leaders Summit, under the historic inaugural chairmanship of the Front de libération nationale kanak et socialiste, held in Nouméa from 19 to 21 June 2013, including the Leaders Declaration of the Group reaffirming the strong commitment to and support, including technical assistance, for the self-determination of New Caledonia, in accordance with the Charter and the Nouméa Accord,

Recalling also the admission of New Caledonia as a full member of the Pacific Islands Forum at the forty-seventh Pacific Islands Forum, convened in Pohnpei, Federated States of Micronesia, from 8 to 10 September 2016,

Recalling further the exchange of letters between the Department of Political Affairs of the Secretariat and the Melanesian Spearhead Group secretariat on the sharing of information on New Caledonia,

Mindful that New Caledonia has entered the most seminal phase of the Nouméa Accord process, a period that requires continued close monitoring by the United Nations of the situation in the Territory in order to help the people of New Caledonia to exercise their right to self-determination in accordance with the objectives set out in the Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples,⁴

Recalling the Charter of the Kanak people, common base of the fundamental values and principles of the Kanak civilization, which was proclaimed in April 2014 by the customary authorities, Great Chiefs, Chiefs, Presidents of District Councils and Presidents of the Clan Chiefs Councils, as the sole traditional custodians of the Kanak people of New Caledonia, and noting the concern of the Customary Senate

³ A/HRC/18/35/Add.6, annex.

⁴ Resolution 1514 (XV).

that their interests should be adequately heard by the administering Power and territorial Government on matters of importance to the indigenous people of New Caledonia,

Recalling also the dispatch of two United Nations visiting missions to New Caledonia in 2014 and 2018, which included visits to Paris, as well as the release of the respective reports of the visiting missions of the Special Committee,⁵

Noting with gratitude the strengthened cooperation of the administering Power with regard to the work of the Special Committee relating to New Caledonia, including its facilitation of the 2014 and 2018 visiting missions, as well as the conduct of self-determination referendums in New Caledonia on 4 November 2018 and 4 October 2020, in accordance with the Nouméa Accord,

Acknowledging the successful conduct by New Caledonia of provincial elections on 12 May 2019,

Recalling the information presented to the Pacific and the Caribbean regional seminars on the implementation of the Third International Decade for the Eradication of Colonialism, held in Nadi, Fiji, from 21 to 23 May 2014, and in Managua, from 19 to 21 May 2015, on the situation in the Territory, including on the issues related to the 2014 elections, and recalling also the recommendations of the Pacific regional seminar held in Managua from 31 May to 2 June 2016, as annexed to the report of the Special Committee for 2016,⁶

Taking note of the information provided by the administering Power at the Caribbean regional seminars held in Grand Anse, Grenada, from 2 to 4 May 2019, and in Kingstown from 16 to 18 May 2017, as well as by New Caledonian parties at the latter seminar on developments in the Territory, including on the first referendum on self-determination, and the recommendations adopted by the seminar in 2017, which are annexed to the report of the Special Committee for 2017,⁷

Aware of the challenges encountered in the 2014 provincial electoral process, particularly with regard to the work of the special administrative commissions in updating the special electoral roll, the non-existence of the supplementary electoral roll from 1998 and the unavailability of the 1998 general electoral roll prior to 2014, and their potential impact on the referendum on self-determination, and taking note of the positive progress made since 2014 on the electoral process for the self-determination referendum,

Recalling the invitations from the administering Power to the Electoral Assistance Division of the former Department of Political Affairs and the current Department of Political and Peacebuilding Affairs of the Secretariat to dispatch electoral expert missions to New Caledonia in May 2016 and in subsequent years to observe the work of the special administrative commissions and the advisory committee of experts for the establishment and revision of the special electoral list, including, in particular, for the self-determination referendums in New Caledonia on 4 November 2018 and 4 October 2020, consistent with the Nouméa Accord,

Recalling also the transmission by the administering Power to the Special Committee of the final report of the electoral expert mission to New Caledonia conducted in 2016, as well as of the list of measures implemented by the administering Power to follow up on the recommendations of the mission,

⁵ A/AC.109/2014/20/Rev.1 and A/AC.109/2018/20.

⁶ Official Records of the General Assembly, Seventy-first Session, Supplement No. 23 (A/71/23).

⁷ Ibid., Seventy-second Session, Supplement No. 23 (A/72/23).

Noting the concerns of the people of New Caledonia regarding the importance of and need for clarity through an educational campaign by the administering Power concerning the potential referendum outcomes, and the relevant measures to this end taken since 2018 by the administering Power,

Recognizing the need for the Special Committee to ensure that the appropriate bodies of the United Nations actively pursue a public awareness campaign aimed at assisting the people of the Territory in gaining a better understanding of the options for self-determination,

Recalling its resolutions [74/270](#) of 2 April 2020, entitled “Global solidarity to fight the coronavirus disease 2019 (COVID-19)”, [74/274](#) of 20 April 2020, entitled “International cooperation to ensure global access to medicines, vaccines and medical equipment to face COVID-19”, [74/306](#) of 11 September 2020, entitled “Comprehensive and coordinated response to the coronavirus disease (COVID-19) pandemic”, [74/307](#) of 11 September 2020, entitled “United response against global health threats: combating COVID-19”, [75/156](#) of 16 December 2020, entitled “Strengthening national and international rapid response to the impact of the coronavirus disease (COVID-19) on women and girls”, and [75/157](#) of 16 December 2020, entitled “Women and girls and the response to the coronavirus disease (COVID-19)”, as well as other relevant resolutions,

1. *Reaffirms its approval* of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2021;

2. *Reiterates its endorsement* of the reports, observations, conclusions and recommendations of the United Nations visiting missions to New Caledonia conducted in 2014 and 2018;

3. *Expresses its appreciation* to the administering Power and the Government of New Caledonia for the close cooperation and assistance extended to the visiting missions;

4. *Reaffirms* that it is ultimately for the people of New Caledonia to determine freely and fairly their future political status in accordance with the relevant provisions of the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution [1541 \(XV\)](#) and other relevant resolutions and decisions;

5. *Notes* the continuing concerns expressed regarding the challenges encountered in the provincial elections process with respect to the persistent varying interpretations of the restricted electorate provisions and the voter registration appeal process, and encourages efforts by the administering Power and the people of New Caledonia to address in an amicable and peaceful manner the concerns of all stakeholders under the existing relevant laws in the Territory and in France, while also respecting and upholding the spirit and letter of the Nouméa Accord;

6. *Recalls* the peaceful conduct of the self-determination referendums, in accordance with the Nouméa Accord, on 4 November 2018 and on 4 October 2020, resulting in 56.67 per cent against full sovereignty and independence and 43.33 per cent in favour in the first referendum and 53.26 per cent against full sovereignty and independence and 46.74 per cent in favour in the second referendum, and the

provisions of the Nouméa Accord with regard to an additional referendum on self-determination;

7. *Takes note* of the decision taken by the administering Power that 12 December 2021 would be the date of the third self-determination referendum in New Caledonia, and calls upon the administering Power and all relevant stakeholders in New Caledonia to ensure the peaceful, fair, just and transparent conduct of the self-determination referendum in New Caledonia, in accordance with the Nouméa Accord;

8. *Expresses the view* that adequate measures for conducting the upcoming consultation on access to full sovereignty, including a just, fair, credible and transparent electoral roll, as provided in the Nouméa Accord, are essential for the conduct of a free, fair and genuine act of self-determination consistent with the Charter and United Nations principles and practices;

9. *Welcomes*, in that respect, the continuous high-level political dialogue and commitment in good faith undertaken by the parties in the framework of the Committee of Signatories to the Nouméa Accord to establish the parameters for the conduct of a conclusive act of self-determination, including the setting of an electoral roll, as provided in the Accord;

10. *Recalls* the outcome of the twelfth meeting of the Committee of Signatories, held on 3 October 2014, which, *inter alia*, stressed the commitment of the administering Power to enable the people of New Caledonia to decide their future status in a fair, credible, democratic and transparent self-determination process consistent with the Nouméa Accord;

11. *Notes with interest* the convening of the extraordinary meetings of the Committee of Signatories held in Paris on 5 June 2015, 2 November 2017, 27 March 2018, 14 December 2018 and 10 October 2019, regarding the New Caledonia self-determination process, including, in particular, the electoral roll for the referendum and related issues;

12. *Calls upon* France, the administering Power, in the light of the observations, conclusions and recommendations of the visiting missions, to consider further strengthening the education programme to inform the people of New Caledonia about the nature of self-determination so that they may be better prepared to face a future decision on the matter, and requests the Special Committee to provide all available assistance in that regard;

13. *Commends* the observations, conclusions and recommendations of the visiting missions to the Government of France, as the administering Power, and the Government of New Caledonia for appropriate action;

14. *Notes with appreciation* the facilitation by the administering Power of visiting missions to the Territory before the 2018 self-determination referendum, and welcomes the willingness expressed by the administering Power to the Special Committee to facilitate a new visiting mission, in-person or virtual, to New Caledonia before the third self-determination referendum, while taking into account the situation with regard to the COVID-19 pandemic in New Caledonia, and further encourages continued cooperation with the Committee with regard to the third referendum;

15. *Urges* all the parties involved, in the interest of the people of New Caledonia and within the framework of the Nouméa Accord, to maintain their dialogue in a spirit of harmony and mutual respect in order to continue to promote a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all sectors of the population, based on the principle that it is for the people of New Caledonia to choose how to determine their destiny;

16. *Reaffirms* its resolutions [68/87](#) of 11 December 2013 and [69/97](#) of 5 December 2014, in which the General Assembly, inter alia, reaffirmed that in the absence of a decision by the Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter XI of the Charter, the administering Power concerned should continue to transmit information under Article 73 e of the Charter with respect to that Territory;

17. *Welcomes* the actions taken by the administering Power to continue to transmit to the Secretary-General information as required under Article 73 e of the Charter, particularly the submission on 7 December 2020 on the most recent developments in New Caledonia;

18. *Notes* the continuing concerns expressed by the Kanak people regarding their underrepresentation in governmental and social structures, incessant migratory flows, the impact of mining on the environment, and the relevance of taking into account the interests of local ownership and equity in natural resources development, and the importance of addressing them in a timely manner;

19. *Urges* the administering Power to maintain effective measures that safeguard and guarantee the inalienable right of the people of New Caledonia to their natural resources and to establish and maintain control over the future development of those resources, and requests the administering Power to take all steps necessary to protect the property rights of the people of New Caledonia;

20. *Commends* the “Cadres for the future” programme, and encourages further enhancement of the training and capacity-building of high-level executives in the public and private sectors in the Territory, particularly in view of the ongoing transfer of powers from the Government of France to New Caledonia, while ensuring that the transfer of powers is undertaken in a manner consistent with the Nouméa Accord;

21. *Recalls* the observations and recommendations contained in the report of the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples on the situation of Kanak people in New Caledonia, made in the light of relevant international standards, to assist with ongoing efforts to advance the rights of the Kanak people in the context of the implementation of the Nouméa Accord and the United Nations-supported decolonization process;

22. *Requests* the Secretary-General, the specialized agencies and other organizations of the United Nations system to provide economic, social and other assistance to New Caledonia and to continue to do so, as appropriate, after it exercises its right to self-determination;

23. *Welcomes* the strengthening of the economic and social rebalancing initiatives undertaken by the administering Power, and urges its continuation in all areas and communities of the Territory, especially for the well-being of the Kanak indigenous people;

24. *Stresses* the importance of ensuring the timely transfer of competencies from the administering Power to New Caledonia, provided under the Nouméa Accord;

25. *Encourages* the administering Power, with the cooperation of the Government of New Caledonia, to maintain and enhance safeguards for and guarantees of the inalienable right of the people of the Territory to own, access, use and manage their natural resources, including proprietary rights for their future development;

26. *Recalls* the provisions of the Nouméa Accord to the effect that New Caledonia may become a member or associate member of certain international organizations, and notes the continuing strengthening of ties between New Caledonia and both the European Union and the European Development Fund;

27. *Also recalls* the accession of the Front de libération nationale kanak et socialiste to the Chair of the Melanesian Spearhead Group, the hosting, for the first time in New Caledonia, in June 2013, of the meetings of officials and leaders of the Group, the successful completion of the chairmanship of the Group by the Front de libération nationale kanak et socialiste, in June 2015, and the opening, in February 2013, of the Front de libération nationale kanak et socialiste unit at the headquarters of the Group secretariat in Port Vila;

28. *Acknowledges* the contribution of the Jean-Marie Tjibaou Cultural Centre to the protection of the indigenous Kanak culture of New Caledonia;

29. *Welcomes* the cooperative attitude of other States and Territories in the region towards New Caledonia, its economic and political aspirations and its increasing participation in regional and international affairs;

30. *Takes note* of the information shared by participants from New Caledonia at the Pacific and the Caribbean regional seminars on the implementation of the Third International Decade for the Eradication of Colonialism held since May 2014, including on measured progress made in the social, economic, political and environmental spheres and more focused efforts, particularly on the rebalancing initiatives and electoral roll concerns, necessary for the long-term shared mutual benefit of all New Caledonians, and urges the administering Power and the Government of New Caledonia to devote appropriate attention to addressing these issues;

31. *Acknowledges* the peaceful conduct of provincial elections in New Caledonia on 12 May 2019, the preceding municipal elections and the subsequent efforts to form a new Government of New Caledonia, and encourages constructive engagement by all stakeholders in further developing New Caledonia for all, including by respecting and upholding the Nouméa Accord;

32. *Welcomes* the renewed decision of the administering Power to invite the Electoral Assistance Division of the Department of Political and Peacebuilding Affairs of the Secretariat to conduct a mission in order to observe the work of the special administrative commissions and the advisory committee of experts for the establishment and revision of the special electoral list, and looks forward to examining its recommendations, and further encourages the administering Power to facilitate the work undertaken in this regard;

33. *Stresses* the importance of the agreement between the signatories to the Nouméa Accord that the progress made in the emancipation process shall be brought to the attention of the United Nations;

34. *Notes* the socioeconomic, health and related challenges posed by the COVID-19 pandemic to New Caledonia since 2020 and the commendable efforts by the Government of New Caledonia and the administering Power to prevent and stop the spread of the virus in the Territory, and encourages the international community, including the United Nations, to support the provision of timely access to COVID-19 vaccines for the people of New Caledonia;

35. *Decides* to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Nouméa Accord;

36. *Requests* the Special Committee to continue the examination of the question of the Non-Self-Governing Territory of New Caledonia and to report thereon to the General Assembly at its seventy-seventh session.