

UNFINISHED DECOLONIZATION:

The deep wounds of the Kanak conflict and the urgent need for post-conflict justice

*Human rights, political challenges and future prospects for the Kanak people.
In light of the Pacific Peoples' Mission (2025)*

THE REINSTITUTION OF NEW CALEDONIA ON THE UN LIST OF NON-SELF-GOVERNING TERRITORY TO BE DECOLONIZED (1986)

1. **Resolution 41/41 A:** Crucial step where the General Assembly declares that New Caledonia is a non-self-governing territory within the meaning of the Charter.
 - a. *Reinstates the jurisdiction of the Decolonization Committee (C-24).*
 - b. *It obliges France to submit annual reports to the UN.*
 - c. *This definitively internationalizes the New Caledonian issue.*

1. Legal Impact

This resolution links the exercise of French national law to international decolonization standards, preventing any purely internal solution without UN oversight.

Resolution 41/41 A = Permanent International Control

1. **UN Charter (Chapter XI) / Articles 73 & 74:** Obligations of administering powers to develop autonomy and to take into account political aspirations.
1. **Resolution 2625 (XXV):** Establishes the principle of equal rights of peoples and their right to self-determination as a pillar of cooperation between States.
1. **Resolution 1514 (XV): The "Charter of Decolonization".** Proclaims the need for a swift and unconditional end to colonialism. **Right to self-determination / Colonial domination / Transfer of powers / Peaceful process / Transfer of authority / Cohesion and shared destiny / Responsibility**
1. **Resolution 1541 (XV):** Principles to guide Member States in determining whether the obligation to communicate information, provided for in paragraph e of Article 73 of the Charter, is applicable to them or not.

CROSS-CUTTING STANDARDS & TREATIES

Instrument	Fundamental Legal Contribution
ICCPR & ICESCR	Common Article 1 states: "All peoples have the right to self-determination" (Civil, political, economic and social law).
UNDRIP (2007)	United Nations Declaration on the Rights of Indigenous Peoples Key to the recognition of Kanak identity and land/cultural rights.
CERD	Convention against the Elimination of Racial Discrimination . Foundation for the fight against structural inequalities denounced in 2025.

AXIS 1: LEGAL FRAMEWORK

**THE CONVENTIONAL & LOCAL FRAMEWORK
(THE PATH TO NEGOTIATED PEACE)**

1983: Nainville-les-Roches

Recognition of the "innate and active right" of the Kanak people to independence.

1998: Nouméa Accord.

Decolonization process within the Republic.
Irreversible transfers.

1988: Matignon-Oudinot

End of the "Events".
Civil peace and a 10-year transition period.

2025: Resolution 80/98

Reactivation of the 1960 principles in the face of the political impasse.

Contemporary Factors of the Kanak Revolt



Trigger: Political crisis & questioning of the Nouméa Accord (electoral thawing process) and the UN decolonization process (Res 1514) of 1960.



Structural Cause: Persistent socio-economic and cultural marginalization of the Kanak people.



Non-compliance with the Agreements: Violation of the principle of Good Faith and irreversibility of the Nouméa Accord (Human Rights Committee, Nov 2024).



Political Exclusion: Non-association and non-consent, free and enlightened customary and political institutions of Kanak,



Ignored Alerts: UN reports (Anaya 2011, Cali Tzay- Gina Romero- Ashwini KP- Irene Khan 2024) on the critical situation of the rights of the Indigenous Kanak people, but also not taken into consideration by the **Committee on the Abolition of Torture 2025 and the Human Rights Committee 2024 and the C24 Decolonization Committee 2024-2025**



STRUCTURAL INEQUALITIES: FRANCE CONDEMNS ITSELF

The NCCHR: National Consultative Commission on Human Rights, a French institution accredited to the **United Nations** adopted an alarming opinion on January 29, 2026, following a request from the Customary Senate itself.

32.5%

Kanaks below the poverty line
(vs 9% for the rest of the population.)

4.4%

Kanak assets are executives
(vs 15.7% for non-Kanaks)

8%

Kanaks gain access
to higher education (vs 54% of Europeans)

90–95%

of the prison population is Kanak
(39–43% of total population)

"These are not activist figures, these are the figures from France about France, those of the NCCHR."

A DECOLONIZATION PROCESS EMPTY OF ITS SUBSTANCE

1998

Nouméa Accord

Treatise on decolonization
constitutionalized
(Title XIII)

2021

3rd referendum

Without FPIC (Free, Informed
and Prior Consent)
during
Kanak mourning

→ 56% abstention

2024

Attempted thawing of the electoral body

Challenge
unilateral

→ anti-colonial insurrection

2025

Bougival Project

Without FLNKS
nor customary Senate

→ violation of the United
Nations Charter (Art. 73)
→ UNDRIP violation
→ violation of Res 1514
→ violation of the Nouméa
Accord

Mission 2025 & CNCDH: the same compass

Mission of the Peoples of the Pacific

EPKNC + PCC + PANG solidarity
concrete regional (Pacific Way)

Direct testimonies from the communities
→ Advocacy C-24, MSG, Pacific Forum

CNCDH Opinion : Jan. 2026

recommendations to public authorities
→ Human rights as a compass
→ Independent investigations
→ Return of transferred prisoners

3 NON-NEGOTIABLE LEVERS

1

**Strict CLIP (Free, Informed and Prior
Consent)**

Art. 19 DNUDPA
+ Res. 1514

2

**Parity
decision-making**

FLNKS & Customary Laws
co-signatories

3

**Guarantee
international**

UN · FIP · MSG
Res. 41/41A / Res 1514 / Res 1541 / UNDRIP

FUTURE PROSPECTS: THE MISSION OF THE PEOPLES OF THE PACIFIC AND INTERNATIONAL BODIES

Five converging recommendations: PANG + NCCHR + UN (international law). They exactly match what international law requires:

1. **Recommendation 1:** Human rights as a compass (NCCHR+ PANG + Res. 80/98)

Any discussion on how to resolve the crisis must be based on a human rights-based approach; this is not a political option, it is a legal requirement.

1. **Recommendation 2:** Independent investigations (NCCHR + CDH + PANG + CAT 2025)

Regarding the use of force and ill-treatment, including of minors, only independent investigations can restore confidence in institutions.

1. **Recommendation 3:** Return of transferred detainees and respect for prison rights (NCCHR + Human Rights Committee + CAT)

Immediate, non-negotiable action.

1. **Recommendation 4:** Strict application of the CLIP (NCCHR + art. 19 UNDRIP + Res. 1514 + PANG +)

No future agreement without the genuine consent of the Kanak people through their legitimate institutions.

1. **Recommendation 5:** Decision-making parity + international guarantors (Res. 41/41A + Res. 80/98)

The FLNKS and the customary bodies are co-signatories. The UN, the Pacific Islands Forum and the MSG act as guarantors of impartiality.

CONCLUSION

Decolonization: a living, demanding, evolving process.

HUMAN RIGHTS

Violations documented by UN mechanisms AND by the French NCCHRtself.

POLITICAL CHALLENGES

Blockage resulting from identified and correctable structural deficiencies.

PERSPECTIVES

Pacific solidarity (Mission 2025) and the NCCHR recommendations are paving the way.

*“France, as an administering power, cannot evade the norms of jus cogens.
For Kanaky and for all indigenous and struggling peoples of the world, the path leads
guided by a single compass: rigorous respect for human rights and international law.*