
Chapter 2 concluded that the fundamental political pillars, on which the compromise of the Noumea Accord was based, included defining restricted electorates in certain local elections and the final referendum(s) to meet Kanak concerns at the weakening effect on their vote by immigration inflows from elsewhere in France; and the fairer distribution of the benefits accruing from the nickel resource between the Kanak north and islands, and the mainly European south. Developments surrounding these two critical elements unfolded at the same time as the fledgling New Caledonian government began to test its wings, operating as a collegial executive, with resultant strains.

Restricted electorate and related issues, including immigration

Differences over defining the electorate in the Organic Law

Leaders of the different parties, both pro-France and pro-independence, and representatives of France signed the Noumea Accord on 5 May 1998. On 19 March 1999 the French national assembly gazetted its Organic Law, setting out the provisions by which the Noumea Accord would be implemented. Its wording (see below) led to strong disagreement about the definition of the electorates for local elections, known as the restricted electorate, a concept that was fundamental to the new notion of New Caledonian citizenship, specified in the Accord’s Article 2 (as noted in Chapter 2). The wording was at best a gaffe or, at worst, a cynical effort to favour the pro-France political groups, given the centrality of the restricted electorate/citizenship issue to the negotiations.

It should be acknowledged that the very idea of defining different electorates for different elections, based on years of residency, was an innovative and flexible response to Kanak concerns, on the part of French authorities, within a constitutional system which claimed above all to be unitary and indivisible, in the sense of delivering one vote to one person (see Diémert in Tesoka and Ziller 2008, 234). Previously, the Matignon Accords had introduced the notion of a 10-year residence requirement for a vote in the independence referendum.
planned for 1998, however, the implementing law had been itself the subject of a referendum, to circumvent scrutiny by the constitutional council. The Noumea Accord, in contrast, introduced a new notion of New Caledonian citizenship linked with the 10-year residence requirement for local elections, and was subject to constitutional amendment, a device construed again to prevent consideration by the constitutional council (see Faberon and Ziller 2007, 390). It was a unique and difficult concept for the French legal draftsmen.

For the ultimate referendum(s) on the future of New Caledonia, Article 2.2.1 of the Accord, and Organic Law Article 218 (full text at Appendix I), defined the electorate as including those with 20-years residence to the referendum date no later than 31 December 2014 (i.e., those resident before December 1994); those eligible to vote in 1998; those having customary civil status or, if born in New Caledonia, having New Caledonia as the centre of their material and moral interests or having one parent born there with such material and moral interests; voting age persons born before 1 January 1989 who lived in New Caledonia from 1988 to 1998; and those born after 1 January 1989 having one parent who could vote in 1998. There was little difference between the meaning of what was enshrined in Article 2.2.1 of the Accord, and that which was subsequently spelled out in Article 218 of the Organic Law, although there was one obvious difference, the Accord referring to 20-years residence to 2013, and the Organic Law referring instead to 20-years residence to 31 December 2014. But, no complications arose (to the time of writing, mid 2012, at least) from the wording of these provisions.

For local elections, i.e., provincial assemblies and congress, it had been agreed that the electorate would be a narrower group, including those eligible to vote in 1998 as well as essentially those who had been resident for 10 years. But questions arose from the wording of the provisions applying to some voters as they appeared in the Organic Law, i.e., whether those on a particular annex list needed 10-years residence to the date of any particular congressional or provincial election being held during the Noumea Accord period (envisaged in 1999, 2004, 2009, 2014), or simply 10-years residence to 1998.

It was the wording of Article 2.2.1 of the Accord that gave rise to the ambiguity that led to a particular interpretation being enshrined in Article 188 of the Organic Law (see Appendix I). Article 2.2.1 of the Accord defined the electorate for the local provincial and congressional elections as including (a) those able to vote in 1998, (b) those on an annex list of those not normally able to vote in New Caledonia but who had 10-years residence ‘at the date of the election’, i.e., without specifying which election was referred to; and (c) those reaching voting age after 1998 who either had 10-years residence to 1998, or a parent either eligible to vote in 1998 or a parent on the annex list as having 10-years residence ‘at the date of the election’ (again unspecified). Thus, this provision referred at
one point (under (c)) to voters with 10-years residence to 1998, and in (b) and elsewhere in (c) to voters on an annex list, with 10-years residence ‘at the date of the election’. The inference, for pro-independence supporters, was that ‘at the date of the election’ referred to the 1998 vote referred to in (a).

But, when it appeared in March, Article 188 of the Organic Law, as the implementing legislation, referred to (a) those able to vote in 1998, (b) those on an annex list and resident in New Caledonia for 10 years ‘at the date of the election to the Congress and to the province assemblies’ and (c) those attaining majority age after 1998 either with 10-years residence in 1998, or having had one of their parents fulfilling the conditions to be a voter in the 8 November 1998 referendum, or having one of their parents registered on the annex and with 10-years residence in New Caledonia ‘at the date of the election’ (i.e. unspecified election but with the implication that it would be the specific election to the congress and province assemblies referred to at (b)).

The wording of Article 188 referring to congress and provincial elections, and the confusion of meanings in the Noumea Accord article variously to 10-years residence to 1998, and to annex list voters with 10-years residence to an unspecified election, provided for ambiguities and ill feeling, which were to plague subsequent years.

The differences reflected fundamentally different ideological approaches. For the pro-independence groups, preserving the unique voting rights of the electorate as it stood in 1998 meant respecting the special place of the indigenous, Kanak, and for some, Caldoche, resident, amidst a fear of being outnumbered by continued influxes of newcomers. It was part of the agreed, ‘rebalancing’ process under the Accord, and the basis for the concept of New Caledonian citizenship and the objective of common destiny (see the position of the pro-independence party Union Calédonienne, Nouvelles Calédoniennes 7 February 2005; comments by Roch Wamytan, Nouvelles Calédoniennes 8 May 2003). The pro-independence groups argued for the ‘frozen’ (gelé or figé) interpretation, i.e., 10-years residence requirement to 1998, since this would freeze the electorate at the time of the Noumea agreement, and not include future immigrants from elsewhere in France who would distort the balance between pro-independence and pro-France support, in favour of the pro-France lobby. For this interpretation, the ‘annex list’ of those ineligible to vote remained that in operation in 1998.

The pro-France groups took as their starting point the defence of the fundamental right of each person to vote without exclusion (see, for example, the viewpoint of the Association of the Defence of the Right to Vote, Nouvelles Calédoniennes 17 March 2005; and the position of the pro-France Rassemblement, Nouvelles Calédoniennes 15 February 2005). They argued for the ‘sliding’ (glissant) interpretation, i.e., 10-years immediately preceding any provincial election,
which, for the 1999, elections would mean people on the annex list resident for 10 years to 1998, but for subsequent elections held in 2004, 2009 and 2014, would include people who had 10-years residency immediately before each of those elections — i.e., on subsequent annex lists that did not exist at the time the Noumea Accord was agreed. This would include French newcomers who could be relied upon to inflate the pro-France vote.

In the event, the French constitutional council ruled in favour of the ‘sliding’ interpretation, favouring the broader interpretation of the ‘annex list’, which favoured the pro-France groups (see Christnacht 2004 p. 65).

To remove any ambiguity and settle mounting concerns amongst the pro-independence group, the government of Prime Minister Lionel Jospin initiated a change to the constitution to re-establish its own interpretation of the frozen, restricted electorate. This involved a considerable procedural effort to make a creative compromise conceived in a particular local circumstance consistent with the fundamental one-person – one-vote principle of the French constitution. Presumably to hasten this unusual provision through the necessarily cumbersome processes (which involved convening the Versailles Congress, or joint session of both the national assembly and the senate), it was hooked for administrative purposes to another, unrelated, amendment on the independence of the French national superior magistrature. A statutory provision expanding the concept of citizenship and legislative powers for French Polynesia was also attached to this amendment (see Chapter 5). Both amendments failed, however, in 2000 when the magistrature amendment was abandoned having been judged not to have attracted sufficient support.

This device, whereby important New Caledonian and French Polynesian legislation was attached and randomly made hostage to a piece of unrelated national legislation, is a stark example of how the overseas collectivities’ statutory needs are subordinated, often unnecessarily, to metropolitan political process. The issue reflected the paradox of reconciling indigenous rights with Republican constitutionalism. In New Caledonia, given the controversy about the restricted electorate issue, concerned local players could be forgiven for believing that the device was construed precisely to slow down the implementation of these pieces of legislation, and suspecting the commitment of the French State. In any case, that was the effect (see, for example, conclusions of the pro-independence group Palika’s annual congress in 2004 questioning the French State’s ambiguous positioning and its capacity to guarantee balanced Noumea Accord institutions, and calling for the immediate re-establishment of the fixed restricted electorate, Nouvelles Calédoniennes 17 November 2004).
Discontent amongst the pro-independence group, particularly the Kanaks, not surprisingly continued to simmer, so much so that when President Jacques Chirac visited Noumea in 2003 he promised to resolve the problem before the end of his mandate in 2007. In 2003 the Melanesian Spearhead Group (MSG) focused the attention of the Pacific Islands Forum (PIF) on the ‘lack of implementation of certain provisions of the Noumea Accord, in particular the electoral process and issues relating to New Caledonia’s referendum process’ (MSG Attachment to 2003 Auckland Forum Communiqué), urging the Forum’s ministerial committee to focus on the issues in a planned visit in 2004 (see also Chapter 6). In October 2005, Front de Libération Nationale Kanak et Socialiste (Kanak Socialist National Liberation Front, FLNKS) leader Roch Wamytan included concerns about the restricted electorate in a speech that he made to the United Nations (UN) Fourth Committee on Decolonisation (see UN Document A/C.4/60/SR.5, October 2005, 11), proving in the process that the UN procedures remain relevant to the New Caledonia situation.

Meanwhile, more recently arrived European residents of New Caledonia, with the backing of pro-French parties, had taken their case claiming that they had been deprived of a vote in local elections, to the French State Council, which, in 1998, rejected their claims, as did the Appeals Court (Cour de cassation) in response to similar claims in June 2000, and the Administrative Appeals Court in October 2003. Separately, aggrieved citizens took their cases to international courts. The European Human Rights Court decision on 11 January 2005, while indicating that the 10-year residence requirement seemed disproportionate to the goal pursued, recognised the validity of the statutory requirement taking into account the ‘local necessities’, which justified it. And the UN Human Rights Committee indicated on 15 July 2002 that the dispositions of the New Caledonia statute relating to voting rights were not contrary to the International Civil and Political Rights Convention (see Faberon and Ziller 2007, 393–94).

It was only in February 2007, almost nine years after the Accord was agreed, that the French legislative amendment was implemented, confirming the frozen electorate interpretation, and clarifying what had become for the independentists a continuing sore. To compound the ambiguous drafting in the first place, the procedural handling meant that France appeared to have redressed Kanak and independentist grievances only after three of its own courts and two international institutions had supported them. The word of the French State was thereby once again proven suspect.
Immigration: Removal of ethnic categories from the census

In a related development, Chirac further raised Kanak and pro-independence concerns. When he visited Noumea in July 2003, on the eve of a scheduled local census, he met a group of young New Caledonians and answered ‘impromptu’ questions. One young white New Caledonian referred to the forthcoming census and complained that she could not tick any of the ‘ethnic membership’ boxes on the form, not being Kanak, Wallisian, or Asian but ‘just’ being a French citizen. Professing outrage, Chirac described these questions in the census as irresponsible and illegal, saying ‘There is only one reply to such a question, you are all French and there are French people of all ethnic origins’ (RFO TV News 24 July 2003). He commanded that the New Caledonian census would thenceforward not seek information about ethnic origins. The census had to be deferred for a year while forms and procedures were reviewed.

This decision was troubling for Kanaks for two reasons. First, knowledge of their numbers and locations in the archipelago was an important instrument of rebalancing economic development, which was a fundamental element of the Noumea Accord. Second, ethnic figures revealed the extent of immigration from metropolitan France and other French overseas territories, and French encouragement of such immigration had historically been one of the Kanak and pro-independence group’s prime concerns, and underpinned concerns about voting rights and calls for the restricted electorate. Jean-Pierre Doumenge, for example, noted that, to that point, France had specifically retained the ethnic classification for New Caledonia, given the evolutionary process arising from the Matignon and Noumea Accords (in Faberon and Gautier 1998); and that the ethnic statistic was relevant to the prediction that there would be a Kanak majority over time (Doumenge and Faberon 2000, 65). In response, some Kanak groups (Union Syndicale des Travailleurs Kanaks et des Exploités, Federation of Unions of Kanak and Exploited Workers, USTKE; Union Calédonienne (Caledonian Union, UC); Calédonie mon pays, (Caledonia my country) boycotted the 2004 census. The FLNKS agreed to participate only with the promise of a parallel ‘cultural’ survey of villages as a gesture to these concerns, even though such a survey was not comparable to a full census.

Concerns about the implementation of the restricted electorate, and ongoing immigration, were shared by some Caldoches (see Muckle 2009, 191). Shared local concerns over immigration-related issues contributed to a gradual coalescence of interests between some elements of the pro-independence and pro-France groups leading to a political realignment that incorporated both (elaborated below, Political transition and realignment).
More broadly, in the South Pacific context, the French State’s doing away with ethnic indicators was anomalous. Other regional countries, including Australia, New Zealand, and Fiji, routinely counted ethnic numbers if only to assist in the economic development of disadvantaged groups. The decision to exclude those indicators from the census thus had important social and political ramifications, the more so because it was taken deliberately by the Chirac government.

In practice, the boycott rendered the 2004 census virtually useless on many counts and, up to early 2011, even official published statistics continued to draw upon 1996 figures as the most recent reliable figures (the two main sources are New Caledonia’s Institut de la statistique et des études économiques, Institute for Statistics and Economic Studies (ISEE); and France’s national Institut national de la statistique et des études économiques, National Institute for Statistics and Economic Studies (INSEE); see for example ISEE 2008 and Figure 4.1).

It was notable that there was no regional reaction to this change, reflecting the weakened impact of the MSG, and the tentative preliminary engagement in regional organisations by the new, pro-France-led New Caledonian Government. In its annual working paper on New Caledonia, preparatory to the annual UNGA resolution on New Caledonia, however, the UN Decolonisation Committee noted the removal of the ethnic category in the census and local indigenous opposition to it (UNGA Fourth Committee 2008, 2).

It was only in late 2008, perhaps conscious of the reference in the UN Working Paper, that France reversed the decision and announced that the ethnic categorisation question would be reinstated in the 2009 census. In the event, however, the New Caledonian Government questioned the manner of conducting the 2009 census and its result, claiming the outcome understated the population increase, an important indicator on which funding from France is based (Lepot 2010). The New Caledonian Government claimed that some households were not covered, and queried the coverage of the census, noting the numbers and efficacy of census agents had been affected by a flu outbreak at the time, and an unusually high turnover of agents. It queried the results for some suburbs and the census’ migration figures. ISEE announced it would do a further study on immigration inflows in mid 2010 (Lepot 2010). Apart from the overall population figure and the three provincial figures, the publication of most figures from the 2009 census was delayed until April 2011, with the annotation initially that this was awaiting ‘authentication by decree’ (ISEE website 2009 census, accessed 13 May 2010) and, subsequently, that the figures were ‘not available’ (ISEE website 2009 census figures, accessed 3 December 2010 and 12 January 2011). By April 2011 the ethnic composition figures were included in ISEE’s website, however they too were qualified, by the inclusion of extra categories which prevented direct comparison with previous census figures (see below).
Immigration inflows: Continuing increases from metropolitan France and *outre-mer* (Overseas France)

Despite the disruption to ethnic category numbers from 1996, the signs are that immigration from metropolitan France and other French overseas territories has increased since the 1998 Noumea Accord was agreed (see analysis below), and this has not gone unnoticed. New Caledonia’s vice-president, the FLNKS’ Déwé Gorodey, in her opening speech to a 2008 colloquium marking the 20-year anniversary of the Matignon Accords, referred early to the concerns of the drafters of the Matignon and Noumea Accords to legitimise the sharing by immigrants of a common destiny with the Kanak people, and concluded her speech by noting the fragility of the pact, which depended on trust (Regnault and Fayaud 2008, 25). FLNKS leader Wamytan, at the same colloquium, referred to the continued influx of metropolitan immigrants from 2000 to 2004 (Regnault and Fayaud 2008, 47). Palika leader Paul Néaoutyine at the December 2008 Noumea Accord Signatories Committee meeting flagged immigration as a continuing concern (*Relevé de conclusions* 2008, 7).

Table 4.1a shows the official breakdowns of Kanak\(^1\) and European population percentages in various censuses since 1887. The graph in Figure 4.1, represents those figures from 1911 to 1996. Table 4.1a also includes figures reported by ISEE in April 2011 on the basis of the 2009 census, but these figures included extra ethnic categories and it is not possible to compare them with earlier years (see below). For analytic purposes, Table 4.1b includes the percentage breakdown of the communities in 1996 and the qualified, but not directly comparable, figures reported from the 2009 census in April 2011.

The increases in the ‘Others’ categories between 1911 and 1931, followed by the postwar dramatic fall from 1946 to 1956, can be attributed to the early development of the nickel industry, when workers were imported, many temporarily, from Indonesia and Vietnam. The number of ‘Others’ has increased dramatically and steadily with the nickel boom, and since, and has included Wallisians from Wallis and Futuna, Tahitians, Indonesians, Vietnamese and other Asians, Ni-Vanuatu, and others.

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\(^1\) We use the term ‘Kanak’ in this population section to refer to New Caledonia’s indigenous Kanak population. Official ISEE–INSEE statistics often refer to ‘Mélanésiens’ (Melanesians) when referring specifically to New Caledonia’s Kanaks, but do not include other Melanesians such as ni-Vanuatu who are reported separately as ‘ni-Vanuatu’ or are included in their ‘Others’ category.

Table 4.1a New Caledonia — Population: Kanaks, Europeans and others 1887–2009

<table>
<thead>
<tr>
<th>Year</th>
<th>Kanaks number</th>
<th>%</th>
<th>Europeans number</th>
<th>%</th>
<th>Others* number</th>
<th>%</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1887</td>
<td>42,500</td>
<td>68.0</td>
<td>18,800</td>
<td>30</td>
<td>1200</td>
<td>2.0</td>
<td>62,500</td>
</tr>
<tr>
<td>1901</td>
<td>29,100</td>
<td>53.5</td>
<td>22,750</td>
<td>41.8</td>
<td>2,550</td>
<td>4.7</td>
<td>54,400</td>
</tr>
<tr>
<td>1911</td>
<td>28,800</td>
<td>56.9</td>
<td>17,300</td>
<td>34.2</td>
<td>4,500</td>
<td>8.9</td>
<td>50,600</td>
</tr>
<tr>
<td>1931</td>
<td>28,600</td>
<td>50.0</td>
<td>15,200</td>
<td>26.6</td>
<td>13,400</td>
<td>23.4</td>
<td>57,200</td>
</tr>
<tr>
<td>1946</td>
<td>31,000</td>
<td>49.4</td>
<td>18,100</td>
<td>28.9</td>
<td>13,600</td>
<td>17.0</td>
<td>62,700</td>
</tr>
<tr>
<td>1956</td>
<td>34,969</td>
<td>51.1</td>
<td>25,260</td>
<td>36.7</td>
<td>8,351</td>
<td>12.2</td>
<td>68,580</td>
</tr>
<tr>
<td>1969</td>
<td>46,200</td>
<td>46.0</td>
<td>41,268</td>
<td>41.0</td>
<td>13,111</td>
<td>13.0</td>
<td>100,579</td>
</tr>
<tr>
<td>1976</td>
<td>55,598</td>
<td>41.7</td>
<td>50,757</td>
<td>38.1</td>
<td>26,878</td>
<td>20.2</td>
<td>133,233</td>
</tr>
<tr>
<td>1983</td>
<td>61,870</td>
<td>42.6</td>
<td>50,757</td>
<td>37.1</td>
<td>29,524</td>
<td>20.3</td>
<td>142,151</td>
</tr>
<tr>
<td>1996</td>
<td>86,788</td>
<td>44.1</td>
<td>67,151</td>
<td>34.1</td>
<td>42,897</td>
<td>21.8</td>
<td>196,836</td>
</tr>
<tr>
<td>2004*</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>230,789*</td>
</tr>
<tr>
<td>[2009c]</td>
<td>99,078</td>
<td>40.3</td>
<td>71,721c</td>
<td>29.2c</td>
<td>74,781c</td>
<td>30.5c</td>
<td>245,580</td>
</tr>
</tbody>
</table>

a. Other: Includes Wallisians from Wallis and Futuna, Tahitians, Indonesians, Vietnamese, Ni-Vanuatu and others, except for 2009 (see note c)

b. There was no ethnic category in the 2004 census and it was subject to a boycott call by some parties

c. ‘Others’ in 2009 included new categories ‘métis’ or mixed race, ‘Caledonians’, and more ‘non-declared’ and, for this reason, the figures are not comparable with 1996 or earlier years, see Table 4.1b


Table 4.1b New Caledonia — Ethnic composition of population, 1996 and 2009 (Limited comparability)

<table>
<thead>
<tr>
<th>Community</th>
<th>1996%</th>
<th>[2009]%</th>
<th>[2009]% main groups reallocatedb</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kanak</td>
<td>44.1</td>
<td>40.3</td>
<td>44.3*</td>
</tr>
<tr>
<td>European</td>
<td>34.1</td>
<td>29.2</td>
<td>33.9*</td>
</tr>
<tr>
<td>Wallisian (Wallis and Futuna)</td>
<td>9.0</td>
<td>8.7</td>
<td>10.4*</td>
</tr>
<tr>
<td>Tahitian</td>
<td>2.6</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td>Indonesian</td>
<td>2.5</td>
<td>1.6</td>
<td></td>
</tr>
<tr>
<td>Vietnamese</td>
<td>1.4</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>ni-Vanuatu</td>
<td>1.1</td>
<td>.9</td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td>5.0</td>
<td>16.3</td>
<td></td>
</tr>
<tr>
<td>Of whom*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Asian</td>
<td>(.8)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mixed race, multiple</td>
<td>(8.3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Caledonian</td>
<td>(5.0)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>(1.0)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-declared</td>
<td>(1.2)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Figures based on new census formulation with new categories under ‘Others’, shown

b. Figures calculated by ISEE reallocating some of the mixed race figures attached to the three main ethnic communities

The ISEE noted that the large increase in the ‘Others’ category in the 2009 census (Table 4.1b) occurred in part because that census offered additional options under ‘Others’ for the citizen to nominate, including new categories of ‘métis’ or ‘mixed race’, ‘Caledonian’, and ‘non-declared’ (Rivoilan and Boustet 2010). Why the 2009 census would do this when the ethnic category issue was so controversial was not explained. The ISEE not only set out the full breakdown (second column of Table 4.1b), which showed a marked decline in the Kanak and European populations and increase in the other categories, but went on to reallocate some of the ‘mixed race’ figures to the sensitive Kanak and European categories, resulting in a pattern similar to that in 1996, albeit with a slight increase in the Kanak community over 1996, and a slight decrease in the European category (columns 2 and 3 of Table 4.1b). How it was decided whether a person of mixed race was allocated to the European or Kanak group was not explained. The resultant uncertainties around these two key and sensitive indicators mean that they cannot reliably be used for comparative purposes. Still, they point to a continuation of the underlying general trends evident from Table 4.1a and Figure 4.1.

One trend maintains a steady and large increase in recent immigration from other parts of Overseas France, mainly from French Polynesia and Wallis and Futuna, which inevitably reduces the proportion of the population that is indigenous.
Overall, as Figure 4.1 shows, the numbers of Europeans and ‘others’ combined have increased steadily over time, rendering the Kanaks more of a minority over time (see Increasing European immigration, below).

According to Gérard Baudchon, then head of the ISEE, of the 34.1 per cent of the population in the ‘European’ category in 1996, more than half (or about 20 per cent of the population) were people of European ancestry who were born in the territory. Around a third (he estimated about 12 per cent of the population) had come from metropolitan France (Baudchon with Rallu in Cadéot 2003, 248). As a point of comparison, he noted that only around nine per cent of French Polynesia’s population was born in metropolitan France (88 per cent being Polynesian), and four per cent of Wallis and Futuna’s population (87 per cent being Polynesian).

Declining Kanak proportion of a more diverse population

While Kanak numbers dropped dramatically with the influx of European settlers late in the nineteenth until the early twentieth century, troughing in 1931, Table 4.1a and Figure 4.1 show that they increased thereafter, particularly after World War II and, again, after 1969. These changes are attributable to the early effect of disease and violence by the incoming settlers, and the return of confidence and prosperity after the world wars. The proportion of Kanaks in the total population was on a steadily decreasing trend from 68 per cent in 1887, down to about half by 1956, 46 per cent in 1969 and reaching a low of 41.7 per cent in 1976 (see Table 4.1a).

The relative decline in the 1970s underpinned Kanak independence claims and concerns about becoming a minority in their own country. There are some striking statistics. Alain Christnacht noted that the number of Europeans doubled from 1956 to 1976, with the number of Melanesians increasing by only two-thirds, and Asians, Polynesians and others by three times (2003, 3). Thus, Melanesians lost their majority position. It is estimated that from 1970 to 1976 alone, 15,000 Europeans came into the territory, from metropolitan France or others of its overseas territories, bringing the European population to almost the same number as Melanesians (Chesneaux and Maclellan 1992, 147).

Since then, the Kanak proportion increased to about 44 per cent in 1996, the last clear comparable census, with the 2009 census indicating either a similar figure (44.3 per cent in column 3, Table 4.1b) or a decline to 40.3 per cent (column 2, 2009).
Table 4.1b). This 2009 figure of 40.3 per cent for the Kanak population, before ‘reallocation’ increased it to 44.3 per cent as shown in Table 4.1b, shows a significant decline. Indeed it is lower than the 1976 all-time low of 41.7 per cent, and would be a serious concern to pro-independence Kanaks.

In both 1996 and the known 2009 results (i.e., both before and after ‘reallocation’ of the mixed race group), New Caledonia’s largest population groups remain the Kanaks who represented 44.1 per cent in 1996 and 40.3 per cent (or 44.3 per cent ‘reallocated’) in 2009; then the Europeans: 34.1 per cent in 1996, 29.2 per cent (or 33.9 per cent ‘reallocated’) in 2009; followed by the Wallisians from Wallis and Futuna: nine per cent in 1996, 8.7 per cent (or 10 per cent ‘reallocated’) in 2009 (ISEE-INSEE TEC 2008 and 2009 published 2011). Kanaks also may be increasingly seen as one of a number of growing Pacific Islander communities relative to others. In 1996, Pacific Islanders represented 57 per cent of the population, compared to 43 per cent non-Islanders, mainly European and Asian. While exact comparison cannot be made with 2009 because of the ‘Others’ category issue, taking figures before reallocation of the ‘mixed race’ category (column 2 of Table 4.1b), the total of Kanak, Wallisian, Tahitian and ni-Vanuatu alone is 55.9 per cent and it could be assumed that most of the 8.3 per cent of ‘mixed race’ respondents would be of Pacific Islander origin. ‘Post-reallocation’ figures (column 3 of Table 4.1b) show Pacific Islanders as at least 57.6 per cent of the population (Kanak, Wallisian, Tahitian and ni-Vanuatu). Thus it seems that the Pacific Islander component is increasing while the non-Islander component (mainly Europeans and Asians) is declining.

Kanaks have traditionally lived primarily in the Northern and Islands provinces, whose populations are declining, as evident in Table 4.5. There has been increasing internal migration from those provinces to Southern Province (see analysis by Faberon and Ziller 2007, 357–58). Table 4.5 shows that in 2009, 74.5 per cent of the population was in Southern Province, 18.4 per cent in Northern Province (compared to 21 per cent in 1996), and a low 7.1 per cent in Loyalty Islands Province (compared to 10.6 per cent). In 2009, Kanaks formed 96.6 per cent of the population of Loyalty Islands Province, 73.8 per cent of Northern Province (Europeans 12.7 per cent and other communities 5.7 per cent), and 26.7 per cent of Southern Province (Europeans 35.9 per cent, Wallisians 11.4 per cent and other communities 9.7 per cent) (Rivoilan and Boustet 2011). Around 50 per cent of the Kanak community (whose numbers were qualified in the 2009 census, as indicated above) lived in Southern Province, whereas 90 per cent of all other communities lived there (Rivoilan and Boustet 2011).

In the past, Kanak fertility rates have been high relative to other residents, but they are declining. In 1997, the territory-wide average was 2.67 children per woman, while the rate was 3.3 in Loyalty Islands, and 2.9 in Northern Province, both provinces where Kanaks predominate (Baudchon and Rallu in Cadéot
2003, 248); compared to 2.5 in Southern Province. Figure 4.2 graphs the overall declining trend from 1981 to 2007. Internal migration by Kanaks from the Kanak provinces to Southern Province (see Table 4.5) limits the capacity to make assumptions about Kanak fertility rates on the basis of Province. However, in 2007, the territory-wide average dropped to 2.2, and all Provinces showed a drop from 1997, with the Loyalty Islands at 2.4, Northern Province 1.9, and Southern Province 2.2. Figure 4.2 shows that fertility rates for the predominantly Kanak provinces is declining more steeply than rates in the predominantly European Southern Province.

![Fertility index change by province](image)

**Figure 4.2 New Caledonia — Fertility index change by province 1981–2007**

Source: ISEE-TEC, Éditions Abrégées, 2010, *Indice de fécondité par province*

Continuing immigration (see following sections) on a declining, minority Kanak base mean that Kanaks are unlikely to become the majority in New Caledonia for the foreseeable future. More importantly, as Table 4.1a and Figure 4.1 show, Kanaks were in the minority in 1994, which is the year of 20-year residence eligibility for the electorate voting in the final referendum(s) 2014 to 2018 (see Restricted electorate and related issues, including immigration, above).

As noted earlier, the influxes of outsiders in the past have consisted predominantly of Europeans from metropolitan and Overseas France; with some non-Kanak Islanders mainly from Wallis and Futuna, Vanuatu, and Tahiti; and Asians, principally from Indonesia, Vietnam and Japan who came as workers on the mines in the early twentieth century. All three inflows have occurred as a result of deliberate French policy that held sway for varying reasons at different times. The next sections concentrate on the two most sensitive inflows, those of Europeans (read French) and of Wallisians.
Increasing European immigration

France has encouraged the long-term presence of its metropolitan nationals. The size of the European population in Overseas France grew through the nineteenth century in response to the French State’s establishment of convict and agricultural settlements (see Chapter 1). Table 4.1a and Figure 4.2 show that the numbers of Europeans increased at the turn of the century, declined until the mid 1930s, and rose, particularly after 1956, and again after 1969 and 1989. The decline early in the twentieth century coincided with the period of colonial torpor described in Chapter 1. The increases after 1956 can be attributed to Gaullist policies encouraging settlement of the territories, and an influx of French expatriates from Algeria (known as pieds-noirs). From 1969 the numbers reflect the influx of experts and administrators associated with the nickel boom, and those encouraged by Prime Minister Pierre Messmer’s famously vaunted aim to head off independence claims of Kanaks by outnumbering them (see Chapter 2). The European population stabilised from 1976 to 1989 as the événements took hold. After the signature of the Matignon Accords in 1988, Figure 4.2 shows that the European population steadily increased, as did the Kanak (‘Melanesian’) population. This reflects inflows of expertise accompanying the development of the nickel projects and the relative stability secured by the Matignon and Noumea Accords. While figures after 1996 are less reliable, there is evidence that influxes from other parts of France occurred, partly because of development of the nickel resource, and partly as a result of French salary and retirement incentives (see below).

Public official statistics after 1996 are broken down unevenly, for example see Table 4.3, the columns of which were published in the ISEE-INSEE Censuses of 2004 and 2009, comparing periods of varying length, i.e., six, seven, eight and five years. ISEE-INSEE’s Situation Démographique 2008 and 2009 offer annual population and migration figures and estimates, enabling a rough comparison of per annum migration at Table 4.4.

Although the figures set out in Table 4.1a show the European proportion of the population declining steadily from 41 per cent in 1969 to 34.1 per cent in 1996 (and 29.2 per cent, or, at most, 33.9 per cent in 2009, see tables 4.1a and 4.1b), they do not tell the full story. Many people of European origin tended to say in the censuses that they were New Caledonians of European origin (i.e., rather than born in metropolitan France) (see Faberon and Ziller 2007, 357–58 and Baudchon and Rallu in Cadéot 2003, 248), meaning they were not included in the European category and may have been registered in categories such as ‘others’ or ‘undeclared’. In the 1996 census, a breakdown of the non-Kanak, non-European population (the broader ‘others’ category of 21.8 per cent in Table 4.1a) showed that figure included Wallisians (by then nine per cent of the total population), Tahitians (2.6 per cent), Indonesians (2.5 per cent), Vietnamese
and other Asians (1.9 per cent), Ni-Vanuatu (1.9 per cent) and 4.6 per cent of the population as either ‘others’ (6829 or 3.5 per cent) or ‘undeclared’ (2209 or 1.1 per cent) (ISEE statistics cited in Faberon and Ziller 2007, 359). Thus, as many as a further 4.6 per cent of the population represented in this ‘others’ or ‘undeclared’ group may have been European, which could bring the European proportion to as much as 38.7 per cent in 1996.

In 2009, when the ‘others’ group included many more categories, there were as many as 16.5 per cent who defined themselves as ‘mixed race’ (8.3 per cent), ‘Caledonian’ (five per cent), ‘undeclared’ (1.2 per cent), or ‘other’ (one per cent) (ISEE Census 2009). INSEE included some (4.7 per cent) of the 8.3 per cent ‘mixed race’ group in its ‘reallocated European’ figure of 33.9 per cent (column 3, Table 4.1b), but the criterion they used is unknown, so there may have been more who were European; and up to 7.2 per cent more (i.e., certainly many of the ‘Caledonian’ category, plus some from ‘undeclared’ and ‘other’) could conceivably be added to that figure.

Thus, the manner of presentation of ethnic breakdown figures, especially in 2009, can understate the European category.

**Migration inflows 1989–1996**

Table 4.3 fills out the picture from Figure 4.1 for the period from 1983 to 2009. Based on official ISEE-INSEE statistics, which vary in periods applied, and including figures from the boycotted 2004 census, it shows natural growth in the population of 2.6 per cent from 1989 to 1996, with migration inflows at .7 per cent, or over 9000 people in that period (compared to 2.1 per cent per annum from 1983–1989).

The 1989–1996 figure is similar to the extensive immigration of the nickel boom at the end of the 1960s and early 1970s (11,000 immigrants came to New Caledonia between 1969 and 1976, see Doumenge and Faberon 2000, 65). The official statistician, ISEE-INSEE, noted that, after the nickel boom around 1970, new arrivals had slowed by 1989, attributing the increase from 1989 to 1996 to the signature of the Matignon Accords in 1988 (ISEE-INSEE 2004 Census). Table 4.3 shows that per annum net migration significantly increased to 1996 (from 163 in 1983–1989, to 1298 1989–1996), and Table 4.4, too, shows relatively large increases in per annum inflows from 1990 to 1994 (an average of 1267 per year for that 5 year period). Most of these immigrants were French, as Table 4.2 shows that the number of people in New Caledonia born in France or its overseas departments increased from 17.2 per cent in 1983 to 17.5 per cent in 1996.
These figures are important as all of those arriving before 1994 will be eligible to vote in the 2014–2018 referendum(s) and, being mostly French, would be likely to vote pro-France in such a referendum.

**Migration inflows 1996–2009**

After 1996, figures are affected by the 2004 boycott, the non-inclusion of an ethnic category in the 2004 census, the qualification of the ethnic category figures from the 2009 census, and they continue to be reported and analysed by the French authorities over differing time periods. Moreover, figures on migration inflows for 2009 were only released in April 2011 and were unclear, applying two different methodologies (see Royer 2011).

Still, tables 4.2, 4.3 and 4.4 report overall population, natural and migration inflow increases, and country of birth figures and are less affected by the problems with the 2009 ethnic categories (albeit that all are affected by the 2004 boycott, and Table 4.3 by the presentation of different time periods and methodologies). They show an overall trend of continued steady migration mainly from France and the overseas French entities.

**Table 4.2 New Caledonia — Place of birth 1983–2004**

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<thead>
<tr>
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<tbody>
<tr>
<td>New Caledonia</td>
<td>76.8</td>
<td>78.0</td>
<td>76.7</td>
<td>76.8</td>
<td>75.6</td>
</tr>
<tr>
<td>France/other Overseas depts</td>
<td>11.6</td>
<td>10.8</td>
<td>12.4</td>
<td>13.9</td>
<td>15.0</td>
</tr>
<tr>
<td>French Pacific entities:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wallis and Futuna</td>
<td>3.5</td>
<td>3.6</td>
<td>3.4</td>
<td>2.9</td>
<td>2.9</td>
</tr>
<tr>
<td>French Polynesia</td>
<td>2.1</td>
<td>1.8</td>
<td>1.7</td>
<td>1.3</td>
<td>1.3</td>
</tr>
<tr>
<td>Total France/Overseas France</td>
<td>17.2</td>
<td>16.2</td>
<td>17.5</td>
<td>18.1</td>
<td>19.2</td>
</tr>
<tr>
<td>Foreigners</td>
<td>6.0</td>
<td>5.8</td>
<td>5.8</td>
<td>5.1</td>
<td>5.2</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

a. Census subject to a boycott call by some pro-independence parties

Source: ISEE-INSEE *Recensement de la Population de la Nouvelle-Calédonie au 31 août 2004; Recensement 2009 Tableau 1*
### Table 4.3 New Caledonia — Demographic summary 1983–2009

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Population (start of period)</td>
<td>145,368</td>
<td>164,173</td>
<td>196,835</td>
<td>230,789</td>
</tr>
<tr>
<td>Population (end of period)</td>
<td>164,173</td>
<td>196,836</td>
<td>230,789</td>
<td>245,580</td>
</tr>
<tr>
<td>Variation (start to end)</td>
<td>18,805</td>
<td>32,663</td>
<td>33,954</td>
<td>14,791</td>
</tr>
<tr>
<td>Net natural increase</td>
<td>17,826</td>
<td>23,552</td>
<td>27,817</td>
<td>14,134</td>
</tr>
<tr>
<td>Apparent net migration</td>
<td>979</td>
<td>9111</td>
<td>6137</td>
<td>657*</td>
</tr>
<tr>
<td>Natural increase (%) pa</td>
<td>2.0</td>
<td>1.9</td>
<td>1.5</td>
<td>N/A</td>
</tr>
<tr>
<td>Net migration (%) pa</td>
<td>0.1</td>
<td>0.7</td>
<td>0.4</td>
<td>N/A</td>
</tr>
<tr>
<td>Total per annum change</td>
<td>2.1</td>
<td>2.6</td>
<td>1.9</td>
<td>1.2 Est*</td>
</tr>
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</table>

Per annum apparent net migration**

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>Migration</th>
<th>Year</th>
<th>Population</th>
<th>Migration</th>
<th>Year</th>
<th>Population</th>
<th>Migration</th>
<th>Year</th>
<th>Population</th>
<th>Migration</th>
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</thead>
<tbody>
<tr>
<td>1990</td>
<td>168,635</td>
<td>1078</td>
<td>2000</td>
<td>211,200</td>
<td>571</td>
<td>2010</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

** Source: from Table P1 — Évolution générale de la situation démographique en Nouvelle-Calédonie, ISEE Situation Démographique 2008 ; Recensement 2009
Table 4.5 New Caledonia — Population by province 1976–2009

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</thead>
<tbody>
<tr>
<td>Loyalty Islands</td>
<td>10.9</td>
<td>10.7</td>
<td>10.9</td>
<td>10.6</td>
<td>9.6</td>
<td>7.1</td>
</tr>
<tr>
<td>Northern Province</td>
<td>24.0</td>
<td>21.5</td>
<td>21.0</td>
<td>21.0</td>
<td>19.2</td>
<td>18.4</td>
</tr>
<tr>
<td>Southern Province</td>
<td>65.1</td>
<td>67.8</td>
<td>68.1</td>
<td>68.4</td>
<td>71.2</td>
<td>74.5</td>
</tr>
<tr>
<td>Of which Noumea</td>
<td>55.8</td>
<td>58.5</td>
<td>59.4</td>
<td>60.4</td>
<td>63.4</td>
<td>66.7</td>
</tr>
<tr>
<td>New Caledonia</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

a. Census subject to a boycott call by some pro-independence parties

Source: ISEE-INSEE Recensement de la Population de la Nouvelle-Calédonie au 31 août 2004; ISEE Recensement 2009 Tableau 2

Table 4.4 shows that the large per annum inflows from 1990 to 1994 (an average of 1267 per year for that 5-year period), were followed by lower inflows from 1995 to 1999 (an average of 504 per year for that 5-year period), followed by similar inflows to those of the early 1990s from 2000 to 2009 (average of 1162 per year for the 9-year period). Jean-François Royer applies various methodologies to the 2009 census results and reports that, from 2004 to 2009, per annum net migration inflow was 900 people (mean of 5 years), compared with 500 from 1996 to 2004 (mean of 8 years) and 1200 from 1989 to1996 (mean of 7 years) (Royer 2011, 3). Despite qualifications, Table 4.3 shows a trend of increased migration inflows of 1.7 per cent per annum from 1996 to 2009, although at a lesser rate than the 2.6 per cent rate from 1989 to 1996 over seven years, with an apparently greater increase from 1996 to 2004 (1.9 per cent per annum over eight years) than thereafter (1.2 per cent 2004 to 2009 or five years, estimate). Royer postulates that the fluctuation and, according to some (for example, the New Caledonian Government who had questioned the results), surprising relative lack of growth in the population to 2009, had occurred because of young New Caledonians travelling to France and other places, including Australia, for higher studies, rather than reduced migration flows per se (Royer 2011, 3 and 4).

And, after 1996, even more of the newcomers came from France, either the hexagon or its overseas entities. ISEE reported that, from 2004 to 2009, 18,500 people born outside New Caledonia settled there, of which 75.5 per cent were from metropolitan France, 17.3 per cent from other countries, 4.9 per cent from Wallis and Futuna and 2.3 per cent from French Polynesia (Rivoilon and Broustet 2011, 2) (Differences between these numbers and the figures in tables 4.3 and 4.4 can be explained by different methodologies, including calculation of the net apparent migration inflow, which covers arrivals and departures, not simply arrivals).

In 2009, results reported in Table 4.2 show that, of 245,580 inhabitants, 75.6 per cent were born in New Caledonia, 19.2 per cent in metropolitan or other
parts of outre-mer or Overseas France, and 5.2 per cent in foreign countries. The table shows that the number of people in New Caledonia who were born in France or its overseas departments increased from 17.5 per cent in 1996 to 19.2 per cent in 2009, exceeding the increase in the difficult 1980s period when French immigration was considered a problem. In 1996, the flawed 2004 census, and 2009, the percentage of French/Overseas France-born was 17.5 per cent, 18.1 per cent and 19.2 per cent respectively, each more than the 17.2 per cent in 1983.

Pierre Cadéot’s analysis of the 1996 census shows that 23.3 per cent of residents of New Caledonia (see Table 4.2), and 35 per cent of those of the greater Noumea area, were born outside the collectivity. Of those born outside New Caledonia, 75 per cent were French, of whom 50 per cent were born in the metropole, the others from elsewhere, mainly the former French possessions in North Africa, Indochina, and New Hebrides (Cadéot 2003, 57).

Annual estimates for natural population increase show a declining trend from 2000 to 2007, averaging 3086 a year, standing at 2886 in 2007 (ISEE-INSEE 2008). However their figures for migration inflows slightly increased, averaging 1020 per year in that time, and standing at 1134 in 2007, increasing to 1760 in 2008 (see Table 4.4). Given earlier trends (Table 4.2) it can be assumed that most of the migration inflow was from metropolitan France or from other French overseas entities.

Even accepting the probable underestimate of the population increase of 1.9 per cent per annum from 1996 to 2004, owing to the census boycott by some locals, to a total increase of 33,953 over the five-year period (Table 4.3), official statistics note that this growth was far greater than in metropolitan France (.5 per cent), and French Polynesia (1.8 per cent) (ISEE-TSEE Recensement 2004).

Overall, these figures suggest a significant recent increase in numbers of migrants into New Caledonia from other parts of France. Added to the apparent understatement in statistics of the size of the ‘European’ (born in France) group, it is clear that the proportion of Kanaks relative to other communities is declining, in a generally more diverse population.

The development of three major nickel projects (see Nickel and rebalancing development, below) in the early 2000s has inevitably meant an increase in the number of French experts and companies to service them (Gérard Baudchon and Jean-Louis Rallu in Cadéot 2003, 250), just as the 1970s nickel boom saw similar inflows. This influx can be expected to continue and grow as the nickel projects develop.
Retirement incentives

Apart from the inflow of personnel relating to the production of nickel, a second factor underlying a large influx of immigrants from metropolitan and Overseas France has been the active encouragement by the French State of retirement by French officials to its overseas collectivities, including New Caledonia (and French Polynesia) (Chauchat 2006, 140).

From 1950, there have been special payments, or surrémunérations (extra remuneration) for French civil servants working in the overseas territories. As an example, when Mathias Chauchat was writing in 2006, the extra payments brought the normal salaries of working civil servants in New Caledonia to as high as 194 per cent of mainland French civil servants (in the more remote communes, a mere 173 per cent in Noumea, Chauchat, 143). In French Polynesia, the payments were even higher, going up to 204 per cent in some islands. Little by little, these special payments attached to retirement, and not only of Overseas France civil servants, but to any civil servant retiring to the French overseas entities, which was thereby expressly encouraged by the French State. In 2006 (and as of September 2008), retirees, not just former civil servants who had worked in the French Pacific territories, but any civil servant retiring from metropolitan France or other overseas territories, were paid 175 per cent of their normal retiring pensions if they retired to any of the French Pacific territories, with more if they had dependent children, and special extra entitlements for former military personnel (Chauchat, 147). Chauchat ascribes these payments to an active State policy encouraging movement of people to the overseas entities (140) and, clearly, such incentive payments are designed to encourage a strong presence of inhabitants from the hexagon, as opposed to local indigenous peoples.

From 2003 to 2006 there were three parliamentary efforts to curtail these payments, to address the soaring costs (which Chauchat 2006, 149, put at €2.2 billion in 2001, although Overseas France Minister Yves Jégo indicated that the sum was €295 million in 2007, perhaps measured differently, see Flash d’Océanie, 4 July 2008) given the relative attractiveness of the overseas entities to retirees, which removed the need for special incentive payments, but mainly to redress the situation where many beneficiaries had had no previous connection with the French overseas entities to which they were retiring. All three attempts met with opposition by the Overseas France minister at the time, who said such changes would need wide consultation, would profoundly impact the small economies, and could result in law and order problems (for example, Minister Girardin comments to senate review in 2005, Chauchat 2006, 176).

In April 2008, however, new President, Nicolas Sarkozy, said that the implementation of this system would be progressively curtailed, underlining
that this was because it applied to people who had never worked in the particular overseas entity to which they were retiring (RFOFr website, April 2008, *Retraites : Menaces sur les fonctionnaires d’Outre-mer*, accessed 15 September 2008). In July 2008, Jégo, announced that the scheme was coming to an end (*Flash d’Océanie*, 4 July 2008). At that time, 83 per cent of civil servant retirees in New Caledonia (and 59 per cent of those benefitting in French Polynesia) had never served anywhere but metropolitan France. The French national assembly passed legislation by the end of 2008 that provided for a gradual phase-out of the provisions, to be completed by 2027.

The various (not necessarily consistent) figures quoted by French authorities show that such immigration had been increasing dramatically, particularly in recent years, from 2000 onwards. A French budget report showed that the scheme had experienced a 70 per cent increase in costs in 2005 over the payments in 2000 (*Flash d’Océanie* 4 July 2008). Jégo told *Les Nouvelles Calédoniennes* on 28 July 2008 that there had been a tripling of the numbers of such retirees in New Caledonia from 1658 in 1989 to 5198 in 2005. ISEE figures (*Tableaux de l’Économie calédonienne*, Caledonian Economic Tables 2008, *Les fonctionnaires retraités en Nouvelle-Calédonie*, Retired Civil Servants in New Caledonia) showed there were 3927 retired French State officials receiving pensions in New Caledonia in 1990, and 3954 in 2001, after which there were big increases, almost doubling, to 5451 in 2007, receiving pensions worth a total of CFP20.3 million($A334 million, converted 16 March 2009). The daily newspaper *Les Nouvelles Calédoniennes* estimated that there were about 6000 recipients in 2008, on the basis of local statistics (*Nouvelles Calédoniennes* 28 July 2008, accessed 9 September 2008). Of New Caledonia’s population, estimated to be just over 230,000 in 2008, 6000 French mainland or overseas retiree migrants is a significant figure, especially when the entire population grew at 1.9 per cent, around 4000 people, per annum in the five years to 2004 (Table 4.2, and see Faberon and Ziller, 358).

Those estimated 4000 retirees in residence by 1994 (on the basis of ISEE TEC 2008 figures, above) will be able to vote in the final referendum(s), having 20-years residence to 2014. These retirees, being newcomers from other parts of France, would be likely to vote pro-France. With the retirement incentives not fully cutting out until 2027, all of the 6000 or so retirees currently in New Caledonia would have a personal interest in the outcome of the Noumea Accord and their rights in a post-Accord New Caledonia.

**Inflows from Wallis and Futuna and ethnic violence**

The historic, relatively large and continuing influx of people from Wallis and Futuna is a sensitive issue in New Caledonia. The absence of the ethnic breakdown
from the 2004 census is particularly relevant here. The qualifications of the 2009 census reporting on ethnic categories highlight these sensitivities, since the published figures show ‘reallocations’ from the new ‘mixed race’ category only for three communities: Kanak, European and Wallisian. Despite the apparent drop in numbers of people born in Wallis and Futuna in the flawed 2004 and 2009 censuses at Table 4.2 (from 3.4 per cent of the population in 1996 to 2.9 per cent in 2004 and 2009), and the apparent drop in proportion of Wallisians from 9.0 per cent in 1996 to 8.7 per cent in 2009, which shifts to an increase to 10 per cent in 2009 after ‘reallocation’ (Table 4.1a), other indicators are that their numbers are in fact increasing. A 2008 census of Wallis and Futuna showed that there were 13,445 Wallisians in Wallis and Futuna, representing a 10 per cent decline in population from 2003 (Hadj 2009), and the main destination of the emigrants is New Caledonia. There are more Wallisians in New Caledonia than in Wallis and Futuna. The 1996 census reported 17,763 Wallisians in New Caledonia then, while Flash d’Océanie of 27 August 2008 reported an estimated 20,000 Wallisians in New Caledonia at that time.

The inflows are set to continue. There is no source of income for Wallis and Futuna other than direct inflows from the French State and remittances from workers in New Caledonia (and to a lesser extent French Polynesia), and it is French policy to facilitate these remittances. Part of the Noumea Accord involved special commitments by New Caledonia towards Wallis and Futuna, specified in Article 225 of the 1999 Organic Law. An agreement was signed between the French State, New Caledonia and Wallis and Futuna in December 2003 providing working rights for Wallisians in New Caledonia, with the State undertaking to cover social services costs for Wallisians residing there for at least 10 years. This unusual provision appears to have originated in the strong support Wallisians in New Caledonia have traditionally given to the pro-France political groups.

Violent disturbances

Wallisian immigration has been inflammatory. The only major outbreak of violence in New Caledonia since the événements of the 1980s has centred on ethnic differences with the Wallisians.

In 2001, ethnic violence erupted at the outlying mission township of Saint-Louis near Noumea, where local Melanesian Kanak communities uneasily lived side-by-side newcomers from Wallis and Futuna, who are Polynesians. Kanak tribes had been established in the area since the late nineteenth century. Wallisian workers began to be settled there from the 1960s (see Maclellan 2005a, 8–9). Ethnic differences were exacerbated by the fact that Wallisians, along with most newcomers from other French metropolitan and overseas collectivities, tended to support the pro-France group (Henningham 1992, 185). Problems were
compounded by differences between two rival Kanak leaders, Robert Moyatea, who supported the pro-France Rassemblement–UMP group; and Kanak clan chief and FLNKS leader Wamytan. There were allegations that the pro-France Rassemblement Pour la Calédonie dans la République (Rally for [New] Caledonia within the Republic, RPCR) leader Jacques Lafleur had encouraged settlement of Wallisians in the Saint-Louis area to shore up electoral support in the Noumea outer area against the FLNKS.

Tensions mounted from 2001, and included a longstanding road blockade and violence engaging the local gendarmerie. At the height of the disturbances two Kanaks and a Futunan were killed, and a police officer and a French priest were shot. In July 2003, 250 French gendarmes intervened against Wallisian troublemakers. This attack occurred the same month that Chirac visited New Caledonia. It was followed by the removal of the Wallisian community from their homes, to be resettled in housing elsewhere in Noumea, in what could be described as an ethnic cleansing operation.

The unstable situation at Saint-Louis is a recent example of the fundamental volatility of New Caledonia, and shows how the French presence, even as a guarantor of law and order, continues to be based on military muscle. It also highlights the complexity of the political scene, where strong French action was taken to support the grievances of the Kanak, pro-independence peoples there.

Tension persists between the Kanaks and Wallisians, including occasional violent attacks on individuals.

Other immigration issues

To respond to Kanak concerns about immigration, the managers of the major nickel projects under construction have devised elaborate ways to limit the impact of imported labour. Inco used a prefabricated design for construction, largely outside New Caledonia, of the building element of the massive Goro project in the south. From 2006 to 2009, Inco imported close to 5000 workers from the Philippines for the construction phase of the project. The workers were flown in on charter aircraft, stayed for temporary rotations, usually six months, at campsites where they were housed without being allowed to circulate beyond the site. Xstrata are planning to do the same thing to meet labour demands when construction begins on a smelter in the north, at Koniambo. The arrangement resulted in industrial protests in late 2006 (see Flash d’Océanie 10 August 2007), arguably laying the basis for continuing strikes and the ultimate formation of the union-based Labour Party (see Political transition and realignment, below).
It remains to be seen how well a similar arrangement will work in the north, where the mining sites are located in the midst of Kanak settlements, and where the local Kanak people are keen to be employed. There are potential human rights issues relating to these workers.

**Control over immigration**

Another, related question is that of control over immigration. The Noumea Accord does not refer specifically to immigration, but does provide, under ‘Shared Powers’, at Article 3.2.2 that the New Caledonian executive will be ‘associated with the implementation of rules relating to entry and stays of foreigners’ (the implication being that it is the French State that has the principal power). And, under ‘New responsibilities immediately transferred to New Caledonia’ at Article 3.1.1, the Accord specifically indicates that local inhabitants’ employment rights will be respected, and that regulation will be strengthened over people not settled in New Caledonia. But, in the Organic Law of 1999, the French Government’s control over entry and stay of foreigners is stated explicitly (Article 21). Article 34 provides for the High Commissioner to ‘consult’ the local government on entry and stay and on visas for stays of more than three months, with the local government being ‘informed’ of decisions taken.

Currently, it is the French Government that has control over entry into New Caledonia, with the local government (the New Caledonian executive ‘Government’ or cabinet) approving work permits for foreigners. The executive considers every application by a foreigner to work in New Caledonia, on a case-by-case basis. The system is unwieldy, and foreign experts are in limbo while the bureaucracy churns through their applications, and many have no choice but to enter on tourist visas to do contracted work.

The New Caledonian Government has no power, however, to limit the entry or employment of French nationals from elsewhere in France or Overseas France, notwithstanding the protective provisions of Article 3.1.1 of the Accord.

It is significant that immigration is not mentioned in the five régalien or core, sovereign, powers to be the subject of the final referendums.

**European Union immigration**

Another potentially troublesome area for New Caledonia arises from the consequences of European citizenship of its inhabitants. All French nationals are citizens of the European Union (EU), including Melanesians, Caldoches, immigrants from other French entities such as French Polynesia and Wallis and Futuna, and French officials and their families on temporary posting in the collectivity. There is also a small number, difficult to quantify from official

statistics, but apparently growing (see Faberon and Ziller 2007, 267, also discussion in Chapter 6 of the effects on the French collectivities), of non-French EU citizens (who would be included in the ‘foreigner’ category of Table 4.2, which in total was 5.8 per cent in the last comprehensive census, 1996, and 5.2 per cent in 2009).

Chapter 6 outlines in some detail the impact of EU membership on the French Pacific entities. France has negotiated special non-reciprocal rights for its citizens in New Caledonia relative to the EU. Thus New Caledonians can vote in EU elections, travel to and work in EU countries, and export goods to the EU at preferential rates, while there are restrictions on similar EU rights in the French collectivities.

Still, there is unease in New Caledonia (as in French Polynesia) about these provisions and their potential effects, particularly if EU immigration, especially from parts of Europe other than France, were to grow and add to the complexities of French inflows. This unease is reflected in low voter turnouts in elections for representatives to the EU parliament (21.82 per cent in June 2009, see background in Chapter 6).

In electoral arrangements negotiated by France, the EU has accepted that EU voters are not able to vote in New Caledonia’s provincial and congressional elections, recognising the special reasons for which the restricted electorate was devised in New Caledonia. EU law provides, however, that any EU citizen may vote in municipal elections in any EU member country, including the EU overseas collectivities of member states, after a six-month residency period and registration with the local commune. The Noumea Accord does not specify a restricted electorate for municipal elections. Locals fear the effect of votes in municipal elections from newly arrived European residents, who lack understanding of the history of the restricted electorate and the sensitivities underlying it (Maclellan 2005b, 413). The broad number of EU residents includes French nationals who are otherwise ineligible to vote locally, such as French and European newcomers, and newcomers from other French collectivities, arriving since 1998; and French officials posted temporarily in New Caledonia and their families; who could be expected to support pro-France political groups. The dimensions of the potential impact of the European vote is evident in New Caledonia, where the eligible voting population was 154,228 in the June 2009 EU election, compared to 135,000 who were eligible to vote in the May 2009 provincial elections. In 2009 the winning Pacific candidate was Maurice Ponga, a longstanding Kanak UMP (pro-France) representative who had retired from the congress.
Immigration: Summary

Managing the effect on Noumea Accord commitments of immigration inflows from metropolitan and Overseas France, and potentially the EU, is a continuing concern for the Kanaks, the Caldoches, and the French State. The way in which the French State handled the definition of the restricted electorate, Chirac’s decision to remove ethnicity from the census, which has been belatedly but only incompletely rectified, and the inclusion of non-comparable ethnic categories in the 2009 census, renewed local concerns about France’s commitment to its word, particularly given continued increases in numbers of newcomers from the rest of France. Local concern consolidated into new political alignments (discussed below).

Sarkozy’s early attention to curtailing retirement provisions designed to encourage French migration into the Pacific entities was a positive development for Kanaks and other long-term residents, although the phase-out will not take full effect until 2027, well beyond the Noumea Accord deadlines.

Population inflows from the other French entities, particularly Wallisians, has created different and more serious concerns. The only significant recurrence of violence since the événements occurred in 2001–2003 over ethnic and political issues arising from the presence of Wallisians in a Kanak tribal area. The import of thousands of temporary immigrants from the Philippines to work on the major nickel projects also presents potential problems, including human rights issues. And EU citizenship has created obligations which complicate implementation of the Noumea Accord.

The French State’s handling of these issues will be a critical determinant of trust and stability for the future. Concern has been noted earlier by pro-independence leaders Nêaoutyne, Gorodey and Wamytan. UN Special Rapporteur James Anaya, in his 2011 report on New Caledonia, is highly critical of the handling of ethnic data collection by French authorities, saying that the ‘formal equality’ underlying it ‘mask (sic) ongoing discrimination’ (Anaya 2011).

Nickel and rebalancing development

The second core issue that is critical for the success of the Noumea Accord, is the more balanced distribution of economic returns to the collectivity between indigenous and non-indigenous interests. This principle had been established by Michel Rocard in the Oudinot Accord, hammered out after signature of the Matignon Accord, i.e., to restore economic, social and cultural balance, which was dubbed the ‘bet on intelligence’ by Rocard (see Angleviel 2003). By far the most valuable resource at this stage is nickel, and this has been the principal focus of the rebalancing effort.
New Caledonia has over a quarter (possibly up to 40 per cent) of world nickel reserves, is the third-largest nickel producer in the world and the largest producer of ferro-nickel (Horowitz 2004, 299, Maclellan 2005c). Folklore amongst old mining hands has it that, in an ancient geological upheaval, what is now New Caledonia broke away from the vast Gondawanaland (the major part of which now forms Australia), turned upside down and exposed massive reserves of red iron along the whole of Grande Terre. Wilfred Burchett in 1941 wrote of the expanses of the red ore so dense that lakes formed because water simply sat on top of soil so iron-rich it prevented absorption (161). New Caledonia’s nickel reserves are the more valuable at a time when world demand for nickel is increasing, and as China and India industrialise and consume more stainless steel, of which nickel forms the principal component, in household and other products, although the 2008–2009 global financial crisis has impacted on these trends.

The French State is the largest contributor to New Caledonia’s budget, contributing CFP121.5 billion or $A2 billion in 2007, about a sixth of its GDP of an estimated CFP768.1 billion ($A13 billion, converted 7 July 2009) that year (ISEE TEC 2008 p. 96; ISEE website <http://www.itsee.nc>, accessed 28 October 2008). But nickel is by far the largest single source of income: nickel mineral and matte exports were worth an estimated CFP177 billion ($A3 billion) in 2007, when prices were high, contributing around a quarter of New Caledonia’s economic growth between 1998 and 2006 (ISEE TEC 2008 p. 91, Bilan économique 2009, 5). (Raw nickel is currently exported to Australia (worth around $A85 million in the financial year 2007–2008, DFAT website <http://www.dfat.gov.au>, accessed 7 July 2009).) The vast bulk of these profits, however, accrue to French interests (see below, Greater returns of profits, for breakdown of SLN ownership).

While the principal funding and investment effort in New Caledonia is directed towards expanding the nickel sector, to date (mid 2012) the single nickel producing unit remains SLN’s 150-year-old Doniambo plant in the south; and the only completed new processing plant, the enormous Goro nickel complex, is also in the south, albeit not yet producing, after substantial financial setbacks (see below). While much planning and groundwork has been achieved in the north, completion of these projects is still a long way off, in part a consequence of the global financial crisis.

Ambiguity in the responsibility for mineral resources

Under the Noumea Accord, the New Caledonian government was given responsibility over the exploration, exploitation, management and conservation of natural resources in the Exclusive Economic Zone (EEZ) (Article 3.1.1), a
significant concession. But there are ambiguities. The transfer or responsibility for hydrocarbons, potash, nickel, chrome and cobalt is under the heading of ‘Shared Powers’ (between the French State and New Caledonia) (Article 3.2.5), without specifying when or how these powers will be fully transferred. The New Caledonian Government was given responsibility for drafting mining regulations (but see paragraph below), and the provinces the power to enforce them. The State participates in a mining council.

But, in the 1999 Organic Law implementing the Accord, the State is described (Article 21, point 7), as being responsible for regulation in matters mentioned in Article 19, point 1, of Decree No. 54-1110 of 13 November 1954 reforming the regime of mineral substances in the overseas territories, and installations which use them. That decree covers substances that are useful in research and activities relating to strategic substances linked to national defence (including related to atomic energy, see Faberon and Ziller 2007, 380). In Article 22 of the Organic Law, New Caledonia is given (at point 10) responsibility for the regulation and exercise of rights of exploration, exploitation, management and conservation of natural, biological and non-biological resources in the exclusive economic zone; and (point 11), for regulation relating to hydrocarbons, nickel, chrome and cobalt (my italics) (Organic Law 1999 points 10° Réglementation et exercice des droits d’exploration, d’exploitation, de gestion et de conservation des ressources naturelles, biologiques et non-biologiques de la zone économique exclusive; and 11° Réglementation relative aux hydrocarbures, au nickel, au chrome et au cobalt). The lack of specification of the exploration and other rights on the latter resources lying other than in the EEZ is an effective qualifier.

The ambiguity is related to earlier qualifiers of the mineral responsibility in the Matignon Accords and its Referendum Law of 1988. According to a senate report at the time, any strategic primary resource linked to national defence and mentioned in the referendum law of 9 November 1988 endorsing the Matignon Accord remained the responsibility of the French State. Article 8 point 7 of that law referred to ‘any strategic primary substances as defined for the entire territory of the Republic’ (see Referendum Law 88-1028 of 9 November 1988; and French Senate Document No. 180 p. 68, report by M. Jean-Jacques Heist on the draft Organic Law).

The ambiguity, at the least, gives rise to confusion. Thus, Frederic Angleviel noted that there is an overriding stipulation, defined by the French Council of State, relating to strategic ore (uranium) and oil, which could enable the predominance of national interests over local or international ones (New Pacific Review 2003, 157). Lafleur maintained (Personal communication March 2009) that the French State continued to hold power over the subsoil of the EEZs, regardless of the provisions of the Accord. Australian companies interested in exploration offshore have had difficulty clarifying which State or New Caledonian
authority was responsible for what. The ambiguity over responsibility for such an important resource has the effect of limiting external interest in investment during the Noumea Accord period, which may well be the intent, and raises the question of whether France intends to retain control over the development of minerals-related industry. Indeed, in a major speech in New Caledonia in August 2011, Sarkozy clearly stated that the French Government would retain control of Eramet, a major participant in nickel development in New Caledonia ‘today and tomorrow’ (Sarkozy 2011).

Greater returns of profits from SLN France to New Caledonia

Still, France has ensured that more of the returns from nickel production return to New Caledonia than in the past, although French interests retain the largest shares.

Until the time of writing (mid 2012), the only productive nickel processing unit is the 150-year-old Doniambo plant just out of Noumea, in the mainly European Southern Province. The plant is run by Société Le Nickel (Nickel Company, SLN). The French State acquired a 50 per cent share and exclusive ownership in 1947 (see Horowitz 2004, 292) and it has retained a large ownership since. The 1969 Billotte Laws shored up French control over mining during the 1960s/1970s nickel boom and, indeed, were designed to head off Canadian interests in the industry at the time (see Chapter 2). In 1983, the French State owned 70 per cent of SLN by way of its public company, ERAP (Entreprise de recherches et d’activités pétrolières), the remaining 30 per cent being equally divided between Elf Aquitaine and Imétal, two other French companies; by the late 1990s the French State share had increased to 85 per cent in a new conglomerate, Eramet (Entreprise de recherches et d’activités métallurgiques).

These days, while the French State’s share in SLN has been reduced, the largest share of SLN’s revenues continues to return to France (see also Horowitz 2004, 300 and Henningham 1992, 78). This predominance is an issue for the pro-independence groups. The FLNKS sought a 51 per cent share for New Caledonia in SLN (Néaoutyine 2006, 164). Today, French company Eramet remains the largest shareholder in SLN (56 per cent), and Nishin Steel Japan owns another 10 per cent. In a deal struck in 1999, however, as background to the Noumea Accord, New Caledonia now has a 34 per cent share in SLN through the New Caledonian company STCPI (Société Territoriale Calédonienne de Participations Industrielles, [New] Caledonian Territorial Company for Industrial Participation). When STCPI was created in 1999, it acquired 30 per cent of SLN and 5.1 per cent of SLN’s parent company Eramet. This was substantially less than the 51 per cent sought by the FLNKS. Under an option arrangement established in
July 2007, STCPI’s share of SLN was revised upward to 34 per cent of SLN along with a downward revision of its share of Eramet to 4.1 per cent (see <http://www.euroinvestor.co.uk>, accessed 20 October 2008; and <http://www.sln.nc>, accessed 21 October 2008).

Apart from New Caledonia’s (STCPI) 4.1 per cent share of SLN’s parent company Eramet, the other major shareholders in Eramet are French. They include the French Duval family (37 per cent); Areva (26 per cent), a strategic nuclear power-related company that is 93 per cent owned by the French State (but with negotiations at the time of writing for outright purchase of Areva by the French State’s Fonds stratégique d’investissement); a private French investor Romain Zaleski (13 per cent); a US company Northern Trust (three per cent); and remaining shares, of which the ownership is unknown (see <http://www.transnationale.org/companies/eramet.php> and <http://www. eramet.com>). There is an agreement between the Duvals and Areva that they will vote and act together (see <http://www.pressreleasepoint.com/eramet-sorameceir-and- areva-renew-their-shareholders039-agreement>).

STCPI continues to seek to increase its holdings in both SLN and Eramet. As indicated above, Sarkozy has publicly stated the French State’s intention of retaining control of Eramet (Sarkozy 2011).

With these changes in shareholdings in favour of New Caledonia, through STCPI, New Caledonia has benefitted substantially. Through the nickel boom years of 2007 and 2008, SLN paid over CFP20 billion (€167 million or $A300 million, converted 7 July 2009) in taxes and CFP2.3 billion (€19.2 million or $A33 million) in dividends to the New Caledonian government. SLN claims it spent another CFP25 billion or €209 million ($A366 million) in local purchases, and CFP663 million or €5.55 million ($A9.7 million) in training and working conditions in New Caledonia. In addition SLN spent CFP35 billion or €293 million ($A513 million) on expanding Doniambo’s capacity to 75,000 tonnes (see Doniambo expansion, below) (<http://www.sln.nc>, accessed 17 March 2009).

Extended production of nickel in the south and new production in the north

At the same time, plans were set in place to develop mining outside of the European-dominated south. Chapter 2 describes how, as a background prerequisite to the signature of the Noumea Accord, the mainly Kanak Northern Province was endowed with the Koniambo mountain range, and with a share in the establishment by a multinational company (initially Falconbridge, and subsequently taken over by Anglo–Swiss company XStrata) of a processing plant at Koniambo. The development of a third processing unit at Goro in the
mainly European Southern Province by Canadian company Inco was a further arm of this agreement to achieve balanced development, along with expansion of production to 75,000 tonnes a year of the Doniambo plant in the south.

The success of this rebalancing strategy will be integral to the continued peaceful presence of the French in New Caledonia and, more broadly, in the South Pacific. Leah Horowitz (2004), in a perceptive review of nickel politics, notes that the balanced development of projects in the north and the south will reflect the expectations under the Noumea Accord itself, i.e., the expectations of the Kanaks that economic independence will lead to the possibility of political independence, and the expectations of the pro-France groups in the south (and the French State itself) that rebalanced economic development will, by its very prosperity, head off independence demands. She wrote that ‘The Koniambo Project is thus viewed either as representing the possibility of greater political and economic autonomy for Kanak as a precursor to independence or, in contrast, as yet another in a series of actions that have used economic gains to deter pro-independence aspirations’ (2004, 309).

Challenges affecting rebalancing success of the mining projects

At the outset it must be recognised that development of even one major nickel plant in an island economy is a massive undertaking, involving billions of dollars, complex technological and metallurgical challenges, labour concerns, social and environmental factors. Such projects challenge any government. For France, the development of the three nickel projects in New Caledonia represents the largest French mining interest ever on its soil. Indeed the Goro project alone is the largest French mining venture within sovereign French territory (see Newman 2001). Undertaking this multi-strand project thousands of miles from the capital in an island environment adds further dimensions of complexity. And the fact that it is being done at the same time as it is developing the statutory framework for the entity of New Caledonia, within its Noumea Accord commitments, adds another complication. Even for the French State, the projects are enormous (as Noumea’s Mayor Jean Lèques, charmingly put it, even the most beautiful woman can only give what she has, Personal communication March 2009).

Added to that is the fact that the relatively inexperienced New Caledonian Government, and provincial administrations, under their new-found powers from the 1998 Noumea Accord, are tackling these large projects in their first years of existence, while developing legislative frameworks along the way.

A second consideration is that, accepting that producing the annual existing 50,000–60,000 tonnes of nickel from the Doniambo plant adjacent to the
relatively sophisticated infrastructure of Noumea has never been simple or straightforward throughout the 150 years of its existence, it is even more complicated to envisage establishing a further plant in the south, which is still relatively near to Noumea. Factors include the far greater volume of ore to be processed, the new technology involved (acid leaching), the extensive infrastructure in terms of port facilities and power generation required, and the extremely fragile nature of the environment at Goro and Prony Bay.

But, development of a similar plant in the northern tip of Grande Terre, where Koniambo is located, multiplies the demands by several degrees. While there has been a Northern Province Government which has run the province effectively since it was created by the Matignon Accords in 1988, particularly under the current province president, the respected and capable Néaoutyine, local government there is a relatively new phenomenon. Because most economic development has taken place around Noumea, there is far less infrastructure and support in the north, even in the small provincial capital Koné, 200 kilometres north of Noumea, let alone at nearby Koniambo. The logistical requirements for development are enormous. The initial investment in establishing housing, shops, schools and transport within the area to service the new plant is considerable.

Added to all these elements are the normal vagaries of the international market and multinational business activity. The biggest single threat to the success of the rebalancing plan in the nickel sector is, as in the past, the volatility of the market. The global financial crisis of 2008–2009 has had devastating effects on the rebalancing effort. For example, the all-time high price for a tonne of nickel in early 2007 was $US54,000. With the effects of the global financial crisis, the price dropped to below $US10,500 by early 2009. By November 2012 the price centred at approximately $US16,000. Moreover, in October 2008, two major bankers who proposed backing the critical northern Koniambo project (the failed Lehman Brothers, and the Hong Kong Shanghai Bank) withdrew from the project (Flash d’Océanie, 20 October 2008).

The French State’s support for the nickel projects, financial, administrative, and especially in law and order and the framework of judicial and legislative backing, on a daily basis, led by its successive high commissioners there, is its most important indicator of good faith and commitment to its word under the Matignon and Noumea Accords. At the same time, this commitment by the French State is a strong indicator of its will to keep New Caledonia French. There is no doubt that the running of the major nickel projects favour French interests, businesses and personalities.
Southern Province — Doniambo expansion

Investment: $US380 million
Projected production: 75,000 tonnes p.a. (from 62,000 tonnes in 2007)
Projected employment: 2200 (from current 2000)

In 2001, SLN initiated a program to expand its capacity at the existing Doniambo plant from around 60,000 tonnes of nickel per annum, to 75,000 tonnes per annum after establishing an enrichment plant at Tiébaghie in late 2008. With the dramatically lowered nickel prices consequent to the global financial crisis, these plans were revised.

Doniambo’s production reached 62,000 tonnes in 2007 as nickel prices rose, but with the effects of the global crisis, production dropped to 51,000 tonnes in 2008. Profits dropped from CFP70 billion ($A1.1 billion, converted March 2009) in 2007, to CFP8 billion ($A130 million) in 2008. (See above, Greater returns of profits, for details of SLN’s ownership.)

By late February 2009, when the company was losing CFP100 million a day ($A1.6 million, converted March 2009), SLN Managing Director Pierre Alla announced a series of measures, including reduced working hours, to meet revised production needs without retrenching staff (Nouvelles Calédoniennes 21 February 2009). As the largest employer in New Caledonia, these measures met stiff union opposition, including by the prominent militant, mainly Kanak union the USTKE, which had just formed a political party, thereby exacerbating divisions on the pro-independence side of politics in the lead-up to the May 2009 provincial elections (see Political transition and realignment, below). Despite work on expanding production capacity at Doniambo, effective increases will depend on world markets.

Southern Province — Goro

Investment: $US4.3 billion
Projected production: 60,000 tonnes p.a. (possibly 2013) nickel
5000 tonnes p.a. (possibly 2013) chrome
Projected employment: 2000 (construction)
(plus 4000–5000 temporary imported workers)
800 (production)
2,000 (indirect at production)

The massive Goro project has been a hard-won effort on the part of Inco (which became Vale Inco in 2006 when the Canadian company was taken over by Brazil’s Companhia Vale do Rio Doa, or CVRD, later Vale). Inco had had interests in New Caledonia since 1902. In 1969, it undertook exploration in the Goro area,
a large stretch of bright red land, rich with ore. The Billotte Laws, described in Chapter 2, were expressly designed to prevent local authorities from dealing with Inco and to keep control of negotiations in French hands. Inco’s work in New Caledonia has been long and has required considerable patience.

In 1999 Inco constructed a pilot project to test the new hydrometallurgical process, itself an impressive refinery. Construction of the huge Goro plant, which is 100 times bigger than the pilot project, began in 2002. As the first of the planned projects, the start of construction threw up a range of difficulties, which needed to be tackled by the relatively inexperienced New Caledonian Government under its new powers. Getting it right was fundamental, not only to the success of the Goro project itself, but for the other planned New Caledonian projects in the south (Prony) and north (Koniambo).

Problems emerged as soon as the bulldozers reached the ground, and massively increased the cost of investment. Despite dramatically increasing nickel prices at the time, driven by growing demand in China, barely a year after they began, Inco had to suspend operations, from late 2002 until 2005, to re-cast the project, in the wake of local concerns and demands impacting on costs. The revised project boosted the investment cost from $US1.4 billion to $US2 billion, but this was to rise to $US3.2 billion by 2008, and $US4.3 billion by 2011. Concerns focused on local employment and workers rights, environmental issues, and cultural issues arising both from the neighbouring Kanak communities and the Caldoches.

A shared concern was that the Kanaks and Caldoches would be bypassed in the project. The Kanaks were concerned that their status as indigenous residents and their relationship to the land at Goro would not be respected. They wanted assurances that their communities would receive some of the financial benefits and employment opportunities. They were concerned about environmental issues, and particularly opposed a plan to dump manganese wastes into the ocean. They established a committee, *Rheebu Nhuu* ('eye of the land') under the leadership of Raphaël Mapou, and staged protests, strikes and blockades. This grouping represented a further fragmentation of the FLNKS parties (see Political transition and realignment, below). Separately, the customary senate established a resource management council (see Waddell 2008, 206). In 2003, sponsored by Inco, Mapou and others travelled to Canada where they met Inuit leaders from whom they took further cues on ways to secure assurances and make claims for compensation.

For their part, established Caldoche small business and contractors were concerned about being sidelined by large foreign firms and personnel including from Canada and neighbouring Australia, in providing goods and services to the mining project. Not surprisingly the scale of the project was unfamiliar and
overwhelming for many of them. Cultural issues, of a different nature than for
the Kanaks, also emerged. After decades of protection and isolation from the
region, the Caldoches were unused to the manner and ways of foreign company
representatives who came to set up local offices. Small matters such as the kind
of electric plugs used (the regional Australian standard or the French European
one which had prevailed till then) set off accusations of foreign takeover.

What followed was an example of practical cooperation and teamship in a tense
and fractious environment. The French State, through the office of the then
High Commissioner, Daniel Constantin, played a key advisory role. Constantin's
input was underrated at the time, mainly because of his low-key approach and
discretion.

In consultation with senior French and province officials, Goro’s management,
led by Inco’s Brisbane headquarters and its local CEO at the time, Alla,
undertook a thorough review of the project and developed mechanisms to deal
with local concerns. A brief consultation of Goro’s website reveals the result:
a pilot committee of the Southern Province; a local community involvement
program to ensure the provision of opportunities to local contractors; a
community participation program for the employment and training of local
communities, including Kanak communities; a business participation alliance;
a community relations office; and, a worksite accord that was concluded with
project workers. The company also took groups of Kanak leaders to Toronto to
meet senior company representatives and see how Inco operated in its Canadian
projects.

Share participation by the three provinces of New Caledonia was also devised.
Vale Inco has a 69 per cent interest in the project. The three provinces of New
Caledonia together hold a 10 per cent equity interest. This was increased from an
initial five per cent following FLNKS opposition to the Southern Province grant
outright, in 2002, of an exploration permit to Inco relating to the neighbouring
Prony site (see below). The New Caledonian share is paid to the Société de
Participation Minière du Sud Calédonien (SPMSC, South [New] Caledonian
Mining Participation Company), of which 50 per cent is owned by the Southern
Province and 25 per cent each by the other two provinces (see Faberon and Ziller
company called Sumic, Nickel Netherlands, Japan’s Sumitomo Metal Mining Co.
Ltd. and Mitsui Co. Ltd. own the remaining 21 per cent interest in the project.

Apart from its business and community consultation, Inco complied with the
environment code set up by France’s INERIS (Institut National de l’Environnement
Industriel et des Risques, National Institute for Industrial Environment and
Risk). For its part, the French State enabled the inclusion of the neighbouring Southern Coral Reef on the UNESCO Common Heritage list, while negotiating arrangements allowing for the Goro project activities in Prony Bay.

Inco also established extensive training facilities and, to deal with concerns about imported labour, devised a method of prefabrication for the construction phase, whereby 400 modules making up the plant were to be constructed in the Philippines. The company brought in close to 5000 workers from the Philippines during the construction phase (2006 to 2008), chartering planes from the Philippines, immediately bussing the workers to campsites where they were confined for the duration of their contracts (generally up to six months), and returning them to the Philippines in the same way. Given the extreme sensitivity of the local population to immigration issues, French immigration and security personnel were engaged to ensure quiet movement in and out of the small island, with minimal social disruption or media attention.

The plant will process low-grade ore using hydrometallurgical technology. It is estimated that there are 50 years of reserves remaining. At capacity, the site will produce 60,000 metric tonnes of nickel per annum and 4300 to 5000 metric tonnes of cobalt. It will generate around 800 local jobs directly, and 2000 indirectly and during the construction phase.

Construction was due for completion in 2008, with production to begin in phases from 2009. The global financial crisis, however, declining nickel prices, and technical problems delayed production, which was suspended at the time of writing (mid 2012). One report referred to a production date of 2013 ('Voila encyclopedie website ‘Vale Inco Nouvelle-Calédonie’ accessed 13 June 2011).

**Southern Province — Prony**

| Investment: | $US1.5 billion |
| Projected production: | 60,000 tonnes p.a. (2023) nickel 6000 tonnes p.a. (2023) chrome |
| Projected employment: | n/a |

In 2002, Lafleur, then president of Southern Province, granted an exploration permit to Inco for the Prony mining resource, contiguous to Goro. The grant potentially allowed Inco to double its production capacity at Goro, at a time when Inco was re-examining the viability of the Goro project in the face of cost overruns and local opposition. The decision was controversial at the time. Lafleur’s own supporters in the provincial assembly resented his lack of consultation, and the Kanaks believed that Inco was granted the licence free of charge (Néaoutyine 2006, 169). News of the permit was not well received in
New Caledonia and, arguably, contributed to the defeat of Lafleur’s party by a more broad coalition of pro-France and pro-independence supporters in 2004 provincial elections, in which Lafleur lost the Southern Province presidency (see Political realignment and transition, below).

The grant was challenged in the administrative tribunal, and taken to the Paris appeal courts. In June 2008, a judgement was pronounced against the allocation of the licence to Inco. The new Southern Province president, Philippe Gomes, called for tenders. Vale Inco, SMSP and SLN all tendered and the rights were granted to the French company SLN. This bolstered the longstanding French State and private French interests that were already vested in New Caledonia. It is worth noting that, in the meantime, Inco’s former CEO Alla, who had overseen the construction of the Goro project, had taken up the position as director-general of SLN. In this way, French-dominated interests once again held sway over the beleaguered Inco. It is ironic that the original concerns that one company, Inco, should not dominate both Goro and Prony projects did not prevent the single, major French company SLN being accorded Prony rights, notwithstanding its dominance of the nickel industry through the only working unit, Doniambo.

Few believe that the Prony development will proceed speedily. Alla believed in 2009 that it would be 15 years (i.e., 2023) before production would begin. In proceeding with the project, SLN will necessarily conduct negotiations with Vale Inco, who manage the neighbouring Goro project, over joint infrastructure issues — including energy requirements and other inputs — efficiencies that were at the heart of the earlier decision to grant the Prony licence to the operators of the Goro project in the first place. The granting of the licence to SLN gave power to the dominant French company with its own interests at Doniambo, to dictate the pace of production.

**Northern Province — Koniambo**

| Investment: | $US3.8 billion |
| Projected production: | 54,000 tonnes p.a. (mid 2012 to 2014) |
| Projected employment: | 2000 (construction) |
| | 750 (production) |
| | 2000 (indirect at production) |

The Koniambo nickel project in the mainly Kanak Northern Province is a critical element of rebalancing efforts. The Koniambo deposit is a rich resource. It is estimated that it holds reserves sufficient for 100 years of production (Néaoutyine 2006, 170). Under the terms of the Bercy Agreement (see Chapter 2),
which granted the Koniambo massif to the Northern Province company Société Minière du Sud Pacifique (SMSP), the Canadian multinational Falconbridge was obliged to complete a feasibility study, make the decision to construct a refinery, and establish an investment program by 1 January 2006 to forestall the return of the Koniambo massif to its original owners, Eramet and SLN. In 1996 the Northern Province company and Falconbridge submitted a plan for construction of the plant to the French Government, which was approved. As the deadline approached, Falconbridge was subjected to a takeover bid by Inco, which would have meant an effective monopoly of the two major planned nickel projects by the one multinational. Behind the scenes, French officials sought alternative investors to stave off domination of all of the new major New Caledonian projects by Inco. There was also interest by Chinese companies, which was of concern to senior French officials.

In the event, Falconbridge was taken over by the Anglo–Swiss company Xstrata (which already had a 20 per cent stake in the company) in 2005. Xstrata holds 49 per cent interest in the Koniambo Nickel SAS company, with SMSP holding 51 per cent. The project involves refining ore through established pyrometallurgical processes, and producing 54,000 tonnes of nickel a year, equal to the annual production at Doniambo. The deadlines for the project feasibility study were duly met, and construction of infrastructure providing access to the site, roads, a port and townships, began in early 2007. Earthworks for the refinery site were concluded by early 2009.

With the withdrawal of two major backers of SMSP’s share in the wake of the global financial crisis (Hong Kong and Shanghai Banking Corporation and Lehman Brothers), two New Caledonia-based French companies, Caisse d’Epargne and the Bank of New Caledonia extended credit lines, but for amounts that were far short of what was needed by SMSP ($US212 million over 20 years, with SMSP Chairman Andre Dang noting that further amounts would be needed, *Oceania Flash* 6 January 2009). This arrangement was a less satisfactory solution for the Northern Province than external backers, as it restored a degree of French control.

Inevitably, the global financial crisis has meant delays in the construction phase of the refinery itself. The project involves investment of $US3.8 billion, with tax exemptions by the French State worth $US150 million. The project will also require an electric power station and dam to provide electricity and cooling for the refinery. It should create 2000 jobs in the construction phase, 750 jobs when up and running and a further 2000 indirect jobs in the area (Horowitz 2004, 307). It will also require the importation of foreign labour, which may be more difficult in the Kanak heartland than it was at Goro in the south (see Other immigration issues, below). At the seventh meeting of the Noumea Accord
Horowitz concluded in 2004 that the development of the Koniambo project suggested that the French State and the pro-France forces had succeeded ‘in their attempts to convince independence-minded Kanak — through financial assistance that increases political dependency — to focus their efforts on economic development while postponing the push for independence to a point in the indeterminately distant future’. She believed that pro-independence Kanaks ‘have used political pressure to negotiate a very favourable deal for their mining company’ (309).

In the immediate aftermath of the global financial crisis, the pro-independence parties generally understood that the pace of the project was certain to be affected, and were not unduly concerned by that fact (Personal communication 2009). Should the crisis, and delays, persist closer to the 2014–2018 Noumea Accord deadlines, however, their position could change, particularly if other projects in the south manage to increase their production, or if their own northern project should stall, again skewing production and benefits towards the south at the expense of the Kanak north.

To put the exogenous difficulties in context, Xstrata was expected to proceed with construction at a time when three nickel mines closed in Western Australia (BHP’s Ravensthorpe, Norilsk’s Cawse mine, and Xstrata’s own Sinclair mine) owing to the effects of the global financial crisis.

Northern Province — Gwangyang

The Northern Province investment arm, SMSP, has entered into a 30-year agreement with the Korean company Posco. Two joint subsidiaries have been created, the Nickel Mining Company (NMC) and the Société du Nickel de la Nouvelle-Calédonie, New Caledonian Nickel Company (SNNC). SMSP owns 51 per cent of the venture, and Posco 49 per cent. Using raw ore imported from three companies based in the Northern Province (1.8 billion tonnes over the next 30 years), the smelter in Gwangyang, Korea hoped to produce 30,000 tonnes of matte in 2010, up from 4000 tonnes of matte in 2008 (from exports of 1.8 billion tonnes of raw ore from New Caledonia). The first shipment left New Caledonia in June 2008. The Northern Province hopes to use the revenue from the venture to offset costs of the Koniambo project.
Northern Province — Poum

Consistent with the Bercy Agreement (see Chapter 2), as Xstrata’s proceeded with the Koniambo project as scheduled, SLN duly took over the Poum massif in January 2006, but, to date, there is no indication as to how this resource will be used (<http://www.sln.nc>, accessed 21 October 2008).

In summary, whereas very solid progress has been made towards increasing New Caledonian shareholdings in existing projects, and in establishing a Northern Province nickel plant, progress has fallen short of Kanak and FLNKS expectations. FLNKS and other New Caledonian groups are seeking a bigger share for New Caledonia in SLN and Eramet, the French companies controlling existing nickel production. Progress on the big projects (Doniambo expansion and Goro) in the south has been more rapid, and potentially more lucrative, than the northern Koniambo project. This has not gone unnoticed by the Kanaks. FLNKS spokesman Victor Tutugoro warned in 2002 that it would be disastrous if the Southern Province were to have two projects and the Northern Province none (in Horowitz 2004, 308).

The sleight-of-hand of southern pro-France leaders in allocating a third project to the south through the Prony permit, the subsequent legal redress and open tender which resulted in increased control by the existing dominant French company SLN, was also a blow to the confidence of the FLNKS in the context of rebalancing development. The stepping-in of two French companies to replace substantial foreign investors in the Northern Province Koniambo project similarly strengthened French control. Local concerns over job protection and the environment aggravated divisions within the pro-independence and the pro-France political groupings, to be reflected in the political developments outlined below. The huge drop in the international price of nickel with the international financial crisis in late 2008, to less than a quarter of what it was in 2007, inevitably affected the pace of the projects. While there is time for a recovery in world prices, questions about the viability of the projects and the real effect on economic rebalancing efforts are likely to remain in the critical 2014–2018 decision-making period.

Hydrocarbons

Another major source of potential revenue for New Caledonia, rarely spoken about publicly, is evidence of the presence of hydrocarbons offshore, within its EEZ.

The presence of oil and gas in the west of Grande Terre has been known since early in the twentieth century, although it was not believed to be of commercial
quality (Vialley et al 2003). From 1994, Australia and France (via Institut français
de pétrole, the French Petroleum Institute, IFP, in collaboration with the Mining
Service of New Caledonia) participated jointly in the FAUST (French Australian
Seismic Transect) within the framework of Zonéco (the program of resource
assessment of New Caledonia’s EEZ) to assess the likelihood of hydrocarbon
resources within the contiguous EEZ.

The 2001 FAUST Zonéco survey found likely petroleum potential, both oil and
gas and gas hydrate, in the northern part of the New Caledonian Basin and at the
Fairway Ridge Basin (see Vialley et al 2003), although later research (Nouzé et al
2009) disproved the gas hydrate possibilities. French and Australian scientists
have conducted numerous prospectivity assessment surveys and studies in
French and Australian waters, respectively, on either side of the EEZ/Australian
continental shelf line during the last 10 years, in areas shown at Map 3 (Location
of hydrocarbons off New Caledonia). These areas are being studied closely on
the basis of indicators of the presence of hydrocarbons (mainly sedimentary
thickness, for early background see Symonds and Willcox 1989 and Bernardel
et al 1999).

While the potential resource reserve in New Caledonian waters may be
comparatively large, there is some question about the viability of exploitation
using existing technology. The increasing price of petroleum, and its expected
scarcity in decades to come, suggest that, at some point, New Caledonia’s
offshore resources are likely to become exploitable. Some oil companies (Total
and Hardman Resources) have shown interest in exploration rights.

The hydrocarbon potential represents a strategic asset for France into the
future, and thus would bring into play the clauses placing a caveat over New
Caledonia’s responsibilities for its resources, cited earlier in this chapter (see
Ambiguity in the responsibility for mineral resources, above). Clarifying who
has control over the hydrocarbon potential offshore is likely to come into play
in the lead up to the 2014–2018 Noumea Accord deadlines.

**Progress in implementation of the Accord**

Against the background of the complex tasks of managing the immigration/
electorate issue and rebalancing the benefits of the mineral resource, other
aspects of Noumea Accord implementation have proceeded, with mixed results.
Institutions and symbols

Generally, the structures introduced by the Accord have been established and work well. These include the provincial governments and congress, along with a parallel Paris-organised Committee of Signatories to discuss and monitor the implementation of the Accord schedules.

New institutions, such as a customary senate, have been established, and are regularly consulted by legislators. A committee was formed in 2007 to consider New Caledonian symbols and, by 2008, the government had endorsed a New Caledonian anthem and motto, although issues such as a name and flag remain under discussion. Debate on the flag has exposed divisions (see The flag issue, below).

Despite the provision in the Accord for New Caledonia's special status as a 'country', the French State and pro-France groups actively avoid using the term. Instead, references are made to 'la Nouvelle-Calédonie', 'la Calédonie', the 'collectivité' or, even, the outmoded and incorrect 'territoire'. Pro-independence leaders use 'pays' (see, for example, Sarkozy 2007b; Frogier in Nouvelles Calédoniennes 8 March 2010; Néaoutyine 2009), but Australian representatives in Noumea are regularly reminded by French authorities not to use the term.

The land issue has receded in the public eye, with a conference on land held in Noumea in 2001, and ADRAF (Agence de développement rural et d'aménagement foncier or Rural Development and Land Management Agency) carrying out its acquisition and distribution with generally very little publicity. In 2008, in the context of development of the northern mine at Koniambo, agreement with customary leaders was secured for a housing estate to be built on customary land. FLNKS leaders, however, continue to monitor the land issue and claim few resources have been given to ADRAF in recent years to allow it to continue its work. The current schedule of transfers show the handover of ADRAF as being one of the last, projected to take place by January 2014 (Flash d'Océanie 21 September 2010). UN Special Rapporteur Anaya, reported in October 2011 that there was continuing frustration amongst Kanaks over land issues, and that a promised land survey and registry had not been set up. He also urged further expansion of customary rights in law (Anaya 2011).

The three provincial governments are responsible for the administration of their regions, effectively with the Kanaks governing the Northern and Island provinces, and the pro-France groups governing the Southern Province. This federal provincial system was devised to provide a means whereby the Kanaks could govern themselves within a united New Caledonia. But some think that, in the implementation, too little power has been exercised by the provinces relative to the collectivity-wide congress (Colloque 2008, Bretegnier in Regnault...
and Fayaud 2008, 49 and 91), which dilutes the power of the pro-independence groups (since, while they are in charge of two of the three provinces, it is the pro-France groups that dominate in the collectivity-wide (collegial) government). It could be argued, however, that the jury is still out on the issue. Certainly the provinces wield some key powers relating to development of resources, including mineral resources, despite ambiguities in the Noumea Accord and Organic Law (see Ambiguity in the responsibility for natural resources, above).

**Education, employment and training**

The ‘400 cadres’ (400 managers) training program (later called ‘Cadres avenir’ — future managers program) was set up in 1988 to redress the chronic underrepresentation of Kanaks in the professions (at that time, fewer than six per cent, see *Nouvelles Calédoniennes* 10 August 2009; see Haut Commissariat, 1999; and Guiart 1999, 131). At the time, a senior Kanak leader cautioned that the training program, over 10 years, would lead to the emergence of a Kanak bourgeoisie, and was part of a strategy of integration, to silence nationalist demands (Waddell 2008, 205). This may well have been the intention.

The French high commission issued a 10-year review of progress in 1999. It noted that 444 people had concluded some kind of training, 70 per cent of them Melanesian (generally meaning Kanak) (this proportion, it claimed, was consistent with rebalancing objectives), with a 70 per cent success rate defined as having an employment placement (Haut Commissariat 1999, 8). By June 2010, the committee of signatories noted the High Commissioner’s report that, by 31 December 2009, there were 1058 trainees, of whom 69 per cent were Melanesian; of the 700 of these who had returned to the collectivity, 490 were Kanaks who had been employed (*Relevé de conclusions* 2010, 5). This means that over 30 per cent of the intake was non-Melanesian. The inclusion of non-Melanesians itself is a shift from the original aims of the program, which was to focus on providing opportunity for Kanaks. It is not clear where the returning trainees have been placed for employment. These former trainees are not evident in the upper echelons of government or industry. A newspaper report in mid 2009 suggested that to that point the program had trained 41 engineers, four pilots, three doctors and two architects (*Nouvelles Calédoniennes* 10 August 2009) — a low return for the investment in the program. Anaya reported in 2011 that ‘There are no Kanak lawyers, judges, university lecturers, police chiefs or doctors, and there are only six Kanak midwives registered with the State health system, out of a total of 300 midwives in New Caledonia’ (Anaya 2011).

It is true that Kanaks are heavily engaged in government in the Northern and Islands provinces. But, in 2009, the administration of these provinces still included large numbers of French and Caldoche officials, teachers and advisers
(one Kanak leader illustrated this by referring to the Northern Province official directory, where just three of the 10 directors of departments were Kanak, and the remainder were European, Personal communication, March 2009). Anaya reported that only 57 Kanaks were represented in the middle or upper levels of the administration, of a civil service of 3660 (Anaya 2011).

Progress on efforts to enshrine protection of local employment in local law, a critical element in the concept of New Caledonian citizenship under the Accord, has been slow. A draft law prepared by the Avenir Ensemble (Future Together, AE) led government, relating to preferential employment in the local civil service, was rejected by the French Council of State, and a subsequent draft before the congress, aiming at protecting access to local jobs by local residents of 10-years’ residence was hampered by an abstention by the FLNKS in December 2009 (Muckle 2009, 190–91; Nouvelles Calédoniennes 14 January 2010). A text was agreed and voted on by July 2010, with some reservations on the criteria applying to the locals, who the law was intended to protect (Nouvelles Calédoniennes 28 July 2010). The committee of signatories, in December 2010, foreshadowed further consideration of this issue by the congress in the future (Relevé de conclusions 2010, 5). Congress’ handling of this issue was vexed, but a revised law was to come into effect in 2012.

The French State has respected its commitments to ‘accompany’ the collectivity by providing the requisite funding transfers as various responsibilities have been devolved. There remain, however, issues over the phased handover of some powers to the New Caledonian Government by the French State, particularly the responsibility for education. The Noumea Accord provided for transfer of primary school responsibility in the first term of the newly created New Caledonian Government (i.e., 1999 to 2004), which was duly completed; and secondary schooling in the second and third terms (2004–2009 and 2009–2014 respectively). Little had been done by the end of the second mandate (2009), to transfer secondary education to New Caledonia, amidst concerns by some pro-France forces that changing the French national system carried the risk of undermining standards. While this opposition came mainly from the Caldoches, French transients (posted in the collectivity) and mainly European urban population of Noumea, some FLNKS elements shared the concerns. It was only well behind schedule, in November 2009, that the New Caledonian congress passed legislation providing for the handover of the secondary education function by January 2012.

The education issue is delicate, as the French education system was a major issue in the événements period, with FLNKS supporters establishing Kanak people’s schools in the rural areas in the early 1980s. There has been some progress in responding to Kanak concerns. The primary school curriculum has been altered to cover local history, and an Académie des langues kanak, Academy of Kanak
Languages, was established in 2007. But, whereas the local French system is one with universal access, in practice it remains two-tier in New Caledonia. Kanak children attend local primary schools in the provinces, but only by travelling long distances or by boarding at very young ages, or both. Schooling is also conducted in French, a handicap for the indigenous people, particularly when it is considered that there are 28 indigenous languages in use in New Caledonia (Tryon in Faberon and Hage 2010, 399; also Mokkadem et al 1999). When important exams occur at the end of middle school, the ‘brevet’, many Kanaks are funnelled into technical streams, while academic streams tend to be dominated by non-Kanaks. Most of the 30 per cent of students who drop out of the school system are Kanaks (Macellian 2009c). Kanaks represented only 23 per cent of candidates for the baccalauréat exam in 2009, compared to 69 per cent Europeans (De l’école coloniale à l’école d’émancipation, Nouvelles Calédoniennes 22 March 2010). The 2009 Census showed that in 2009, 54.1 per cent of Europeans had the baccalauréat, compared to only 12.5 per cent of Kanaks and 14.2 per cent of Wallisians. Tertiary degrees were held by 20,233 Europeans, but only 2214 Kanaks and 470 Wallisians had the same level of education.

**Slippage in other transitional arrangements**

Implementation of the main follow-up process, convening the Noumea Accord Committee of Signatories, was fitful. After the seventh meeting in December 2008, the committee did not meet until June 2010, with Paris twice deferring scheduled meetings (from 2009 to early 2010 Nouvelles Calédoniennes 29 March 2010), citing pressing domestic preoccupations, but, perhaps, also responding to emerging differences within each of the pro-France and pro-independence groupings. The Conclusions of the Meetings reveal a hesitation and slippage in implementation, particularly on the key issues.

The seventh meeting of the committee, in December 2008, agreed that transfers in the key areas provided for in the Noumea Accord (secondary public education, and responsibility for the Agence de développement de la culture kanak (ADCK or Agency for Kanak Cultural Development) and ADRAF) should proceed. While it underlined that no transfer should be partial, it did agree that transfers could be ‘progressive’, i.e., that the pace of transfer could be negotiated. The French State agreed to provide accompanying funding. The meeting decided that certain other powers, specifically civil security, and civil and commercial law, should be treated with ‘flexibility’. In mid 2009, the transfer of these powers was deferred from 2009 to 2011 (Relevé de conclusions 2008).

In May 2010, following scheduling of the June 2010 meeting, the New Caledonian congress sought, in preparation, to endorse a convention on the transfer of responsibilities to be signed by Gomès, then president of New
Caledonia, when the committee of signatories met. UC members, however,
absented themselves from the vote and instead sought a review of progress
under the Accord (*Nouvelles Calédoniennes* 20 and 24 May 2010). The eighth
meeting essentially established a number of subcommittees to handle ongoing
issues: a pilot committee on the transfers of responsibilities, to assess progress;
a strategic industry committee to continue the work of a mining assessment
team; and, a committee to prepare for the post-2014 vote, as provided for in the
Accord (*Relevé de conclusions* 2010).

Gomès duly signed a framework agreement with French High Commissioner Yves
Dassonville, on 24 September 2010, but it simply listed some responsibilities that had
already been transferred (public service training, public telecommunications and
post office functions), and provided for the transfer of secondary and other forms of
education by 1 January 2013. The New Caledonian Government announced at the
same time that working groups were looking at transfers in further areas, including
civil and commercial law, civil status, civil security, all three levels of education,
lands and cultural institutions. Transfer of the ADCK was envisaged to take place by
January 2012, of the ADRAF by January 2014. The New Caledonian congress agreed,
in November 2009, that it would take over control of maritime affairs in its territorial
waters on 1 January 2011 and control of domestic air transport and airport police in
January 2013, although the international airport at Tontouta would remain under
French control (*Flash d’Océanie* 1 December 2009; *Oceanie Flash* 21 September 2010
and Maclellan 2009c).

The ninth committee of signatories confirmed the composition and focus of
the three pilot groups, and foreshadowed New Caledonian legislation on civil
law and security by the end of 2011. By the time of writing (mid 2012) this
legislation had not been concluded. The committee reminded all participants
of the complexity, scale and scope of change to be achieved before 2014, and
urged all parties to maintain the best conditions possible for these changes
to be effected (*Relevé de conclusions* 2011). Palika leader Néaoutyine publicly
expressed frustration after the meeting, emphasising the need to progress the
transfer of responsibilities (Néaoutyine 2011).

**External affairs responsibility**

The Noumea Accord provides for New Caledonia to take over some aspects of
external trade, air and maritime services (Article 3.1.1), the French State specifically
retaining responsibility for foreign affairs, but with New Caledonia able to have
its own representation in South Pacific countries, and certain South Pacific, EU
and UN organisations, and to negotiate agreements with these countries in its
areas of responsibility under the Accord (Article 3.2.1). The Accord specifically states that training will be provided to prepare New Caledonians for their new responsibilities in international relations (Article 3.2.1).

In practice, however, as in the other two Pacific entities, there has been little substantive investment in preparing New Caledonian local officials for such responsibilities. Although a unit for international cooperation exists under the office of the president, it is poorly staffed and resourced. Bernard Deladrière, an experienced advisor to the New Caledonian Government under Pierre Frogier, handled foreign affairs virtually single-handedly until the 2004 elections, after which the government of Marie-Noëlle Thémereau engaged a New Zealander to head its external affairs unit. From 2008 to 2009, however, the government of Harold Martin attached no priority to the external affairs unit, did not appoint a director for it and moved the unit to a different building from that occupied by the government. Staff had received little or no training in English, or in international relations and diplomacy. The 2011 committee of signatories agreed that local personnel would be attached to French embassies in the Pacific (Relevé de Conclusions 2011), the beginning of a training process — but firmly under the French umbrella. Without a solid and well trained secretariat of their own, strong English-language skills, and an identity separate to that of France, it is difficult for senior New Caledonian Government officials to participate meaningfully in the many specialised regional meetings that they ideally should attend each year.

France’s claim over Matthew and Hunter Islands

The potential complexities thrown up by New Caledonia taking on regional affairs responsibilities are illustrated by competing French and Vanuatu claims on the Matthew and Hunter Islands.

Notwithstanding the transitional nature of the Noumea Accord, France has continued to assert its claim over the islands of Matthew and Hunter, a claim that has been contested by elements of the FLNKS.

Although originally discovered by British vessels in the late eighteenth century, both France and Britain claimed the islands relatively recently (France in 1929 and Britain in 1965). France retained its claims after Vanuatu’s independence in 1980, when Vanuatu asserted its own claim. To make a point, France established a weather station on one of the islands in 1981. In November 2004, France detained a Taiwanese fishing boat for illegally fishing in Matthew and Hunter waters, but allowed the vessel to leave when the fishermen flashed a fishing authorisation issued by Vanuatu authorities. Subsequently, both France and Vanuatu agreed to negotiate an agreement on the sharing of resources in the area.
and France proposed further cooperation with Vanuatu in policing the maritime zone. In May 2005, Vanuatu threatened to take the matter up with the UN (Flash d’Océanie 25 May 2005), but did not subsequently do so.

In May 2007, as part of Law of the Sea procedures enabling members to extend their continental shelves, France lodged a submission on behalf of New Caledonia, relating, inter alia, to the area encompassing the Matthew and Hunter group. In July 2007 Vanuatu’s Prime Minister wrote to the President of France objecting to UN consideration of the submission, and subsequently registered its objection with the UN. In a letter from the office of the French Prime Minister to the Secretary-General, France wrote that it ‘takes notice of this objection’ (Gorce 2007).

In recent years, France has sent annual ‘missions de souveraineté’ (sovereignty missions) to the island groups, often with scientists aboard (see for example Nouvelles Calédoniennes 3 February 2009).

Vanuatu has called upon Melanesian solidarity in advancing its claim. In July 2009, on the eve of France’s hosting its Oceanic Summit with regional leaders, the MSG, which has its secretariat in Vanuatu, and includes Papua New Guinea, Solomon Islands, Vanuatu, Fiji and the FLNKS from New Caledonia, signed the Kéamu Declaration, stating that the Matthew and Hunter group traditionally belonged to Vanuatu. The FLNKS signatory, Tutugoro, had secured the agreement of New Caledonia’s customary senate (Flash d’Océanie 28 and 29 July 2009).

### Action on post-Noumea Accord sovereign or régalien powers

The Noumea Accord provides that votes will be held after 2014 on the transfer of responsibility for the final sovereign powers: foreign affairs, defence, justice, law and order, and currency (Article 3.3). But France has acted in two of these areas, defence and the currency, in ways that would bear on the future, post-Accord characteristics of New Caledonia.

### Defence commitments

In 2008 France constructed a large military complex in Noumea, for the first time bringing together the headquarters of all of its Pacific military forces under one roof, strategically sited at the naval dock situated not far from central Noumea. In the same year, the French installed a listening post facility near Tontouta, the international airport in New Caledonia (Nouvelles Calédoniennes 6 September 2009). And, in its defence white paper that year, the Sarkozy government announced that New Caledonia would form the base for France’s Pacific military
presence (see Chapter 7). Also in 2008, France announced a Mutual Logistical Support Arrangement with Australia, under which New Caledonia would give ongoing logistical support to Australia (see Chapter 6).

Since the defence function is one of the five régalien or sovereign responsibilities that are specifically mentioned in the Noumea Accord as being subject to a vote after 2014, the timing of France’s consolidation of its defence presence raises questions about its commitments to the Accord. Indeed, this French action is reminiscent of the declaration made by François Mitterrand about reinforcing Noumea as a military base in the troubled mid 1980s, which was designed to underline French military power to potential troublemakers (see Chapter 2).

The inconsistency with Noumea Accord principles has not gone unnoticed. Kanak leader Wamytan opposed the defence measures (Islands Business November 2009), declaring that such steps were inconsistent for ‘a country on the path to emancipation’. Acknowledging that defence was currently a French sovereign responsibility, Wamytan noted that the French State was making decisions lasting five to 20 years into the future, without involving the pro-independence signatories of the Noumea Accord.

**Question of the Euro**

One further inconsistency in the implementation of the Noumea Accord has been on another of the five sovereign powers to be addressed after 2014, the currency. New Caledonia’s currency is rooted in the colonial past. The three French Pacific territories have used the CFP from 1945, when it referred to ‘colonies françaises du Pacifique’ or French Pacific colonies, but was known as ‘Change français du Pacifique’ from 1947, although it has been defined variously as ‘cours’ or ‘comptoir français pacifique’ (all loosely meaning ‘French Pacific Currency’). France negotiated a special exception in the EU Maastricht Treaty when it adopted the Euro and stipulated ‘France will retain the right to issue currency in its overseas territories … and will be the only authority to determine parity of the cfp’ (Special Protocol Number 13, Maastricht Treaty. From 1 January 1999, with France’s adoption of the Euro, the CFP was linked with the Euro at a specified rate (EUR 1:120 CFP). Until then, it had been linked with the US dollar for a number of years through the US:French franc rate.

With France’s switch from its own franc to the Euro in 2002, the French State’s position on the CFP has been that it can be replaced by the Euro if all three French Pacific collectivities agreed to do so. Despite initial opposition, French Polynesia has agreed to the change, and the question is not an issue in Wallis and Futuna. But, for the pro-independence parties in New Caledonia, the question is a sensitive one. They see the CFP as a symbol of the past. For FLNKS leaders, resorting to the currency of the métropole, let alone that of Europe, would be
a backward step in the move to independence. Some even believe that, if a change were to be made, it would be preferable to move to the Australian dollar, given the economic realities of the region, a position which is unacceptable to the French State (Personal communication to author 2004; see also Maclellan 2005b, 413, on local concerns that a move to the Euro would be inconsistent with linkages to the Pacific region).

Most importantly, pro-independence leaders see discussion of this issue as premature. They point out that the currency is one of the five régalien issues that are to be looked at within any new political organisation resulting from the 2014–2018 consultations following a referendum (see Néaoutyine 2006, 78 and Personal communication Tutugoro 2009). They wonder why France has raised this issue and see it as divisive.

The seventh meeting of the committee of signatories in December 2008 diffused the issue by providing for working groups to ‘study’ a possible move to replace the CFP with the Euro (Relevé de conclusions 2008).

Social and cultural factors

It is difficult to assess the social effect of the implementation of the Noumea Accord to date. As in other regional island countries, urban drift is a fact of life (see Table 4.5). But, a two-tier society is particularly evident in the city. Chirac’s decision to excise the ethnic category from the 2004 census, questioning by the New Caledonian Government of official 2009 census results, and the inclusion of non-comparable ethnic categories in 2009, make it difficult to quantify the ethnic characteristics of Noumea. The 1996 census showed that of Greater Noumea’s population of 118,823, Melanesians (Kanaks) totalled 25,613 (21 per cent), Europeans 54,323 (45.7 per cent), and others 38,887 (32 per cent, including Wallisians, Tahitians, Indonesians, Vietnamese, ni-Vanuatu and others) (ISEE TEC 2008, 35). So, Kanaks were far outnumbered by Europeans and other islanders and ethnic groups.

The 2009 census showed that the population of Noumea itself (i.e., not Greater Noumea, as cited above) had increased from 76,293 in 1996 to 97,579 in 2009; and the population of the Southern Province as a whole from 134,546 to 183,007 in the same period. The populations of the two Kanak-dominated provinces showed an annual decline of 1.38 per cent and small increase of .66 per cent respectively, whereas the white dominated Southern Province grew by 2.4 per cent per annum in that period, suggesting that much of the inflow to the south consisted of Kanaks from the Northern and Islands Provinces.

Noumea has remained clearly a European city. The council housing blocks on the outskirts of Noumea, while pleasant and of a high quality, but nonetheless
council housing, were fully occupied by Kanaks, and the miserable squats in certain outlying areas solely Kanak, and growing. A 2009 survey showed that the middle classes were deserting Noumea (15 per cent decline from 1996 to 2002), which revealed a widening gap between the very well-off (who are generally European) and the squatters (mainly Kanaks) (Les classes moyennes désertent Nouméa, Nouvelles Calédoniennes 22 March 2010). The new, small and efficient public buses that service the capital were almost exclusively used by Kanaks and, occasionally, foreign tourists, rarely if ever by Caldoche or French residents.

In central Noumea, Kanaks are notable by their absence from meaningful employment in government, shops or business. They occupy low-level service jobs, such as in garbage collection and domestic cleaning. The only other visible Kanaks are the aimless groups, mainly of young Kanaks, sitting and strolling around the Place des Cocotiers.

According to Gorodey, a senior Kanak leader, many young people take refuge in music and drugs (mainly light hashish), and by returning to their villages periodically, rather than participating in modern life. Drug and alcohol use is of real concern when set in the context of Jean-Marie Tjibaou’s concerns about the reasons for, and effect of, alcohol consumption by Kanaks, which were important underpinnings for his leadership of the independence movement (Waddell 2008).

The creation of the impressive Tjibaou Cultural Centre on the Tina peninsula on the outskirts of Noumea, and of the ADCK, also reflect the society’s dichotomies. These institutions certainly represent the financial commitment of the French State to encourage the evolution of Kanak culture. But it is ironic that Renzo Piano, a European architect, designed the Tjibaou Centre’s main buildings. Although inspired by the concept of a case, or Melanesian house, in the process of construction and evolution, the construction became essentially a European one. Kanak-sponsored performances in this elegant structure have been overshadowed by large-scale rock concerts which Kanak groups organise regularly in fields and stadiums elsewhere, featuring international and local indigenous artists. Young Kanaks flock to these rock concerts in large numbers.

Anaya, while recognising the programs France has put in place, concluded in 2011 that the Kanak people are experiencing poor levels of educational attainment, employment, health, over-representation in government-subsidised housing, urban poverty, … and at least 90 per cent of the detainees in New Caledonian prison are Kanak, half of them below the age of 25.
He noted that the situation of Kanak children and youth was a particular concern, and recommended affirmative action to address this (2011).

**Mwâ Kâ and cultural symbolism**

The continuing role of Kanak cultural symbolism, and the ambiguous views of the French and local Caldoches towards it, were evident in the effort by the Conseil National des Droits du Peuple Autochtone (National Council for Indigenous Peoples Rights, CNDPA) to give a totemic monument, the *Mwâ Kâ* (literally, ‘big house’) to the city of Noumea (see Maclellan 2005a for a full discussion of this). The monument, 12-metres high and carved by representatives of the eight traditional Kanak areas, was designed to represent the unity of the people of New Caledonia. The organisers had planned to erect it on 24 September 2003, the day when France’s taking possession of New Caledonia is traditionally marked, and specifically for the 150th anniversary.

The organisers had hoped to erect the monument in the central Place des Cocotiers, in between the statues of two governors, Jean Olry (described by one organiser as a symbol of military repression) and Paul Feillet (referred to as representing economic development for profit alone).

Not surprisingly, the event was fraught with tensions and differences. Senior FLNKS leaders were at pains to emphasise that the initiative had not been an FLNKS one, but rather one introduced by a small group of Kanaks (Personal communication, 2009). On the pro-France side, Mayor of Noumea Jean Lèques declined to situate the monument in the central Place des Cocotiers as requested, with veteran Southern Province president Lafleur stepping into the breach and inviting its temporary location in a square not far from the New Caledonian Government and Southern Province offices. For different reasons, this offer displeased some Kanak activists and pro-France supporters alike. Differences over this issue highlighted, and reflected, divisions that were emerging at the time within both the pro-independence and pro-France groupings (see discussion in Political transition and realignment, below).

It was only on 24 September 2005, when a new AE government agreed to the monument’s permanent placement, that a handover ceremony took place, at a site near the Museum of New Caledonia. Some senior pro-France New Caledonian leaders did not attend the ceremony. Tensions re-emerged on 24 September 2012 when the Mwâ Kâ activists constructed local huts, or *cases*, at the Mwâ Kâ, with permission, but then declined to remove them. By mid November 2012 the mayor sent in bulldozers to remove them by force.
Family reconciliation: Tjibaou meets Wéa

More encouragingly, the easing of tensions and stable climate engendered by the Noumea Accord did allow for a rapprochement of sorts between the Kanak clans affected by the 1989 assassination of Tjibaou at Gossanah.

In 2004 Marie-Claude Tjibaou led a ritual reconciliation ceremony between the Tjibaou family at Hienghène and the Wéa family of Ouvea. This gesture, however, designed to signify not only forgiveness by the wronged family, but a unity of common cultural purpose, was itself fraught with tension. One of Tjibaou’s sons did not participate, and customary leaders in Hienghène were reserved about the ceremony. Strong emotions continue to surround not only the assassination, but the path represented by Tjibaou, leaving question marks for the future, particularly should a new young Kanak pro-independence leader emerge (for a sympathetic elaboration of the dynamics in Ouvea as opposed to elsewhere in the Kanak communities, see Waddell 2008).

Political transition and realignment

The Noumea Accord is based on an inclusive, collegial government, albeit one which votes on issues and passes local legislation, necessarily strengthening the power of a majority. The Accord, continuing measures established in the Matignon Accords, provided for three provinces, each of which elect representatives to provincial assemblies, some of which serve in New Caledonia’s congress (see Table 4.6). Southern Province elects 40 members (of whom 32 are in the congress), Northern Province 22 (15) and Loyalty Islands Province 14 (7). Elections operate on a party list system, and only parties securing more than 5 per cent of the vote can earn representation. The congress in turn elects a collegial ‘government’, or executive made up of members (similar to ministers) who hold assigned portfolios. This government may include from five to 11 members, elected on the basis of a formula reflecting the proportion of party strength in the congress. The congress has legislative powers in specified areas within its competence.

Table 4.6 New Caledonia — Political institutions

<table>
<thead>
<tr>
<th>Provincial elections</th>
<th>Congressional seats</th>
<th>New Caledonian Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Elections based on restricted electorate)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Southern Province</strong> 40 seats of which</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td><strong>Northern Province</strong> 22 seats of which</td>
<td>15</td>
<td>from 5 to 11</td>
</tr>
<tr>
<td><strong>Southern Province</strong> 14 seats of which</td>
<td>7</td>
<td></td>
</tr>
</tbody>
</table>

Source: ISEE TEC 2008 p. 3.2
The Noumea Accord envisaged elections to the provincial assemblies and Congress every 5 years, i.e., four sets of elections (1999, 2004, 2009, 2014), after which the issue of proceeding to a series of up to three referendums would be addressed.

As the following sections will show, despite, or perhaps because of, the violent differences which led to the Matignon and Noumea Accord provisions, the collegial province-based system has shown itself to be generally resilient in its first decade, surviving political division. Not unnaturally in this transition period for taking over the levers of government in a new collegial format, both major groupings have undergone significant change and fragmentation. The first three elections to the congress in the post-Noumea Accord period have reflected a number of these political changes (see Table 4.7 on Political representation 1999 and 2009), and are a good measure of the success of the Noumea Accord system.

Pro-France fragmentation

The most significant political change in New Caledonia from 1999 to 2009 was realignment within the pro-France groups. This change represented in part generational change. The old pro-France guard, led by the authoritarian and energetic, albeit ageing, Lafleur in the RPCR, renamed the Rassemblement-UMP (R–UMP) after its conservative counterpart in France, the UMP (Popular Movement Union), was challenged by a younger group, the AE led by Martin, Thémereau, Gomès, and Didier Leroux. This new party was formed just months before the 2004 elections, but managed to win 16 of the 54 congress seats in that election.

Apart from concern over the centralised style of Lafleur and related personality differences (for example, Lafleur and Leroux participated in a heated televised debate leading up to the election), the formation of the AE was driven by a feeling that Lafleur’s Rassemblement–UMP was running the congress and executive more as a majority government than as a collegial group, as was explicitly intended in the wording of the Accord. These concerns were not without foundation. At the outset, in the first years of the first term, the executive had been scrupulous to observe the externalities of a collegial government. The (RPCR) president was never seen at public functions without the (FLNKS) vice-president at his side, with amusing cartoons showing the ubiquitous image of the tall Frogier with the diminutive bespectacled Gorodey in her flowered oceanic dress. The image was a powerful symbol of the new arrangements.

But, within that first five-year term, the RPCR’s inclusiveness and patience with the FLNKS cooled. Increasingly, the exigencies of government demanded that the executive vote on key government decisions, inevitably leading to
a pattern of dominance by the majority over the FLNKS minority. By 2003 Gorodey no longer appeared with Frogier, and physically distanced herself from the RPCR/R–UMP. She declined to move into new congress headquarters, across the road from the grander Southern Province waterside offices, on the basis that the congress would be literally overlooked by Lafleur (president of Southern Province) (Nouvelles Calédoniennes 4 December 2002). (Reviving the 1980s tendency to blame Australia for problems with the Kanaks, the satirical Chien Bleu, reported an RPCR view that asserted Gorodey’s preference for the company of the Australians, a reference to the location of the Australian consulate-general in the same building as the former government offices, where Gorodey had chosen to remain, January 2003.)

Meanwhile, there were many developments, apart from concerns at how collegiality was working, which established and reinforced a commonality of interests among some pro-independence and pro-France supporters. These common concerns resulted from the French State’s handling of definition of the restricted electorate, the removal of the ethnic category from the census, and over employment protection and environment concerns highlighted by the rapidly developing nickel projects. As discussed below, the FLNKS was also experiencing further fragmentation and disaffection, partly as a result of the old divide-and-rule habits of the RPCR/R–UMP. For example, the RPCR had been instrumental in husbanding the support of immigrant Wallisians, and stirred the pot at Saint-Louis between Wallisians and Wamytan, who was chief of the local Kanak tribe there. These moves backfired when some disaffected Kanaks gravitated towards the new AE. The AE thus came to unify many Caldoches and Kanaks around common concerns. In a way it reflected a new pro-New Caledonian ideal, which eclipsed for a time other fealties, and led it to win as many seats in the 2004 congress as did the RPCR/R–UMP (Table 4.7). This development led to a shake up in the R–UMP itself, with Frogier replacing Lafleur as president, followed by the resignation of Lafleur who formed a further party, the Rassemblement pour la Calédonie (RPC) in 2006 along with Senator Simon Loueckhote. But, by 2008, Loueckhote had formed yet another pro-France party, the Mouvement de la Diversité (Diversity Movement, MDD).

The split in the pro-France camp, especially around these New Caledonian-centred issues, concerned the French State. The government of newly elected UMP candidate Sarkozy called for the AE and R–UMP to unite, which, while resulting in a short-term reshuffle, instead led to further splits in the pro-France ranks into a number of small parties. In July 2007, AE leader Martin agreed on a cooperation pact with Frogier of the R–UMP, which was opposed by other AE founders Gomès and Leroux. Thémereau and Leroux resigned from the executive. Frogier became congress president and Martin, president of the executive. By the end of 2008, just months before the 2009 provincial/congress
elections, the AE had split into numerous parties, including those led by Gomès (Calédonie Ensemble, Caledonia Together, CT), Thémereau (Union pour un avenir ensemble, Union for a Future Together) and Martin and Leroux (AE). The ultra right wing Front National split when its former leader Guy George formed the Mouvement Calédonien français (French Caledonian Movement, MCF). Moreover, a number of small lobby groups emerged (on environment, local employment protection), some neither pro-France nor pro-independence, but all hoping to be courted by either side for representation in electoral lists.

In the end, the pro-France side paid a high price for disunity. In provincial elections held in May 2009 it returned with a reduced majority, winning 31 of the 54 seats, five fewer than in 2004. The overarching role of the RPCR had been replaced by three major groups, the R–UMP headed by Frogier (13 seats), the CT headed by Gomès (10 seats) and the AE by Martin (six seats), together with Lafleur's new party, the RPC (2 seats). The most nationalist group, the National Front/MCF), won no seats at all. And no pro-France group won any representation in the Loyalty Islands, which was an unprecedented result.

Pro-independence disunity

The FLNKS, too, were divided. Leaders could not agree even on who should be president from 2001 onwards, although in the consensus-centred Kanak culture, this was less a problem than in the non-Kanak political parties. Whereas the FLNKS ran on a relatively united ticket in 1999, by 2004 the UC and a new UC Renouveau could not agree to run on the FLNKS ticket, dividing the vote and considerably damaging their chances in the Southern Province. In 2004 the FLNKS did not win any seats in Southern Province. This was a new and worrying trend for collegiality, especially when there was pro-France representation, however small, in the Northern and Island Provinces (see Table 4.7). The real concern was that, with no representation in the Southern Province, where the vast Goro project was proceeding relatively swiftly compared to the Koniambo project in the north, the Kanak polity would feel further marginalised and isolated from centres of power and money.

The FLNKS appeared to have learned the political lesson of its losses in the Southern Province. Together with the Libération Kanak Socialiste (Socialist Kanak Liberation, LKS), it secured four cabinet ministries in the executive elected in 2007 following the R–UMP/AE accommodation, as opposed to the three positions it had held before then. Its efforts to agree on a united ticket in the south, in order to win back representation there, were frustrated, however, by the formation of a new, more vocal and potentially disruptive, pro-independence force.
In November 2007, the USTKE formed a new political party, the Parti travailliste (Labour Party, PT). The USTKE, although not the largest or most powerful Kanak union, was highly visible, and had been behind numerous strikes, protests and blockades for decades, including in the years following the signature of the Noumea Accord, stirring up general strikes and airport blockades over local employment protection issues. As a union, it had also been manipulated in the past by pro-France groupings in order to undermine Kanak unity.

The PT platform included an undertaking to protect Kanak employment rights and ensure implementation of the Noumea Accord. At its first congress in November 2008, it refined its objective to seeking full sovereignty and independence in 2014, noting the non-implementation of the Noumea Accord, particularly in local employment protection and economic rebalancing. In March 2009 it staged a blockade at the international airport on employment rights (opposing SLN measures to reduce working hours in the wake of plummeting nickel prices) to which the French State responded with police force and tear gas (see Fisher 2009a). In the lead up to the May 2009 provincial elections, the PT supported the idea of proceeding immediately to a referendum on independence in 2014 (see Referendum issue, below).

Although the formal membership of the PT is small (just over 500 people attended its 2008 congress), its potential to mobilise has been proven, not only to rally supporters to demonstrate, as in the early 2009 airport blockade, but also in the USTKE’s sponsoring large music festivals which have attracted tens of thousands of young New Caledonians (see, for example, Maclellan 2005a, 11).

So the new PT presented a problem for the unity of the pro-independence group. It ran its own lists in all three provinces, drawing away votes from the mainstream FLNKS groups.

Still, in the provincial elections of May 2009, the mainstream pro-independence groups were able to increase their support in both the Loyalty Islands and the Southern Province, enabling them to restore representation that they had lost in the latter province in 2004 (although it is arguable that FLNKS could have won more than the four out of 40 Southern Province seats if the PT had not run its own list). They increased their total representation from 18 to 20 seats in the 54-member congress, with the UC and Union Nationale pour l’Indépendance (National Union for Independence, UNI) winning eight seats each; FLNKS, three; LKS, one; see Table 4.7). The PT won three seats, bringing total pro-independence representation to 23 seats.

The PT also managed to secure representation in both the Northern and Loyalty Islands provinces. It was not, however, satisfied with its win of two seats in Loyalty Islands, and called for a re-run of the election there owing to electoral anomalies (principally the disproportionately high number of proxy votes for
those islanders residing on the main island). The French Council of State voided the province’s election and, in a re-run in November 2009, the PT doubled its representation, to four. This meant a further increase in its representation in the congress, from three to four seats.

Meanwhile divisions within the FLNKS mainstream groups persist (for example, in the election of the vice-president, the former incumbent and expected winner, Palika’s Gorodey, was displaced by UC’s Pierre Ngaihoni). How the mainstream FLNKS groups manage their own divisions, and more extreme PT demands, will be a challenge as the 2009 congress prepares for the transition to a post-Noumea Accord New Caledonia.

Evolving views on what comes after the Noumea Accord

Referendum issue during the 2009 campaign

The campaign for the 2009 provincial elections saw the emergence of preliminary positions on both sides relating to the holding of one to three final referendums as provided for under the Noumea Accord.

The Accord provides that from the beginning of the fourth term (2014), with the approval of three-fifths of congress, a date will be set for a referendum on the transfer of the régalien, or five sovereign, responsibilities to New Caledonia (i.e., justice, law and order, defence, currency and foreign affairs); on its access to ‘an international status of full responsibility’; and on the organisation of citizenship and nationality (Article 5). The electoral body for such a referendum is broader than that for provincial elections, including all voters in those elections but also those establishing 20 years’ residence to December 2014; that is, those establishing residence before 31 December 1994 (see Appendix 1). If voters vote against the proposals in the first referendum, and if one third of the congress decides so, a second referendum will be held, and if the vote is again negative, a third will go ahead on the same basis. If the response is still negative, then ‘political partners’ will meet to examine the position. If congress has not fixed a date for a vote before the end of the penultimate year of the mandate (2017), the French State will do so in the final year (2018). This provision, together with the successive three-vote option, led senior French adviser to suggest, in early 2011, that technically a vote could slip to 2023 (Christnacht 2011). Whatever the case, the ‘political organisation’, set in place by the 1998 Noumea Accord, will remain, at its latest stage, without any regression to the status quo ante.

3 The post-2009 elected New Caledonian ‘Government’ or cabinet consisted of seven members from pro-French parties (for Rassemblement-UMP: Bernard Deladrière, Jean-Claude Briault, Sonia Backes, for Calédonie Ensemble: Philippe Gomès, Philippe Germain, Philippe Dunoyer and for Le Mouvement pour la Diversité (LMD), which had entered into an alliance with Rassemblement-UMP: Loueckhote) and four from the pro-independence side (UC: Ngaihoni, Yann Devillers, Palika: Gorodey, FLNKS: Jean-Louis d’Anglebermes).
Table 4.7 New Caledonia — Post-Noumea Accord election results

<table>
<thead>
<tr>
<th>Turnout</th>
<th>1999</th>
<th>2004</th>
<th>2009 (May)</th>
<th>2009 (Dec)</th>
</tr>
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<tr>
<td>NEW CALEDONIAN CONGRESS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RPCR (pro-France)</td>
<td>24</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>RPC (Lafleur)</td>
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<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rassemblement-UMP (Frogier)</td>
<td>16</td>
<td>13</td>
<td>13</td>
<td></td>
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<tr>
<td>Front National</td>
<td>4</td>
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<tr>
<td>Alliance (pro-France)</td>
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<tr>
<td>Avenir Ensemble (pro-France)</td>
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<td>6</td>
<td>6</td>
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<tr>
<td>Calédonie ensemble (Gomès)</td>
<td>10</td>
<td>10</td>
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<tr>
<td><strong>Total pro-France</strong></td>
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<td><strong>36</strong></td>
<td><strong>31</strong></td>
<td><strong>31</strong></td>
</tr>
<tr>
<td>UNI-FLNKS (independentist)</td>
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<td></td>
<td></td>
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<tr>
<td>FLNKS</td>
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<td>3</td>
<td>3</td>
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<tr>
<td>UNI (Palika)</td>
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<tr>
<td><strong>Total pro-independence</strong></td>
<td><strong>23</strong></td>
<td><strong>18</strong></td>
<td><strong>23</strong></td>
<td><strong>23</strong></td>
</tr>
<tr>
<td><strong>Total pro-France + pro-independence</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>54</strong></td>
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**EXECUTIVE**

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<tr>
<th></th>
<th>1999</th>
<th>2004</th>
<th>2009 (May)</th>
<th>2009 (Dec)</th>
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<tr>
<td>AE</td>
<td>4</td>
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<td>RPCR/Rass UMP</td>
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<td>M’mt pour la Diversité</td>
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<td><strong>8</strong></td>
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**SOUTHERN PROVINCE**

<table>
<thead>
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<th></th>
<th>1999</th>
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<td>Party Configuration</td>
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</tr>
<tr>
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<td>Une Province pour tous</td>
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<td><strong>ISLANDS PROVINCE</strong></td>
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<td>FLNKS</td>
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<td>FLNKS/UC</td>
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<td>14</td>
<td></td>
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a. December 2009 figures reflect a re-run of the Islands elections in December 2009

Source: Author’s compilation from official results, see <http://www.nouvelle-caledonie.gouv.fr>
Well before the May 2009 provincial elections, the pro-France side planted the seed of an alternative to the provisions of the Noumea Accord. They claimed that proceeding to the referendum(s) envisaged in the Accord would result in the predictable outcome of a vote to stay with France, since, in all elections held since the Noumea Accord, the pro-France side has won the most seats. They warned that proceeding to a doomed vote would, therefore, needlessly arouse sensitivities and probably violence (see for example ‘L’Interview: Jacques Lafleur mêlera sa voix à la campagne’, Les Nouvelles Calédoniennes 27 February 2009). The caution is probably justified. The demographics discussed earlier in this chapter show an increasing predominance of newcomer immigrants from France, and other French entities, who support staying with France; and a decline in the percentage of Kanaks, who form the bulk of those supporting independence. It was concerns such as these that led to the proposal by Lafleur to renegotiate and extend the Matignon Accords well before they expired in 1998. At that time, he envisaged an extension of an independence vote by 30 years, although compromised on the 15 years provided for in the Accord (i.e., from 1999 to 2014) (according to Frogier, Lafleur made the concession in the pressured final hours of the negotiations, Personal communication, March 2009).

On 4 January 2008, echoing Lafleur’s earlier moves in 1998, AE’s Martin, in his inaugural speech as president of the congress, referred to the Noumea Accord provision for the post-2014 congress referendum process. He noted that the result of any such vote would be predictable (i.e., not in favour of the independence camp) and proposed devising ‘a new accord for New Caledonians’, without waiting for the referendums (see Flash d’Océanie 8 January 2008). His suggestion was met with silence from the pro-independence FLNKS side, whom he had evidently not consulted.

Separately, from early 2009, Lafleur persistently floated the idea of a 50-year further delay in moves to any vote for independence in a ‘pacte cinquantenaire’ (50-year agreement) (for example, Nouvelles Calédoniennes 26 February, 27 April, 5 March, 25 September, 27 October 2009; 13 January 2010).

During the 2009 provincial election campaign, there were mixed views amongst the parties on the idea of delaying a vote. Interestingly, the most strident views came from elements of each opposing camp, both favouring the idea of proceeding as early as possible to a ‘référendum couperet’ (cut-off referendum), but for different reasons. Frogier, R–UMP leader, spoke volubly and publicly about the need to proceed immediately in 2014 to a referendum, i.e., not to wait until later in the agreed period to 2018 to vote. He described holding an early referendum openly, and provocatively, so as to ‘déclocher’ or ‘purger’ (to ‘activate’ or ‘purge’) discussions of a new future sooner, rather than to delay inevitable decisions any longer, probably with the aim of thereby forestalling independence indefinitely.
Ironically, the only other proponent of an earlier rather than later referendum was the PT, situated at the extreme end of the pro-independence spectrum (‘*Le Parti travailliste pour l’indépendance en 2014*’ Nouvelles Calédoniennes 18 November 2008). Its support was potentially troublesome given the tendency of its backbone, the USTKE, to initiate strikes and even violence to progress its causes.

Other parties were more cautious. On the pro-France side, the views of Martin’s AE were already known, i.e., favouring talks to circumvent the need for the referendums (see above). Gomès, leading the CE, supported this view (*Nouvelles Calédoniennes* 20 April 2009). In a rare public comment from the mainstream FLNKS, Néaoutyine disagreed with Frogier’s idea of a ‘purging referendum’, saying it was based on a disrespectful view of independence. Independence, he said, was a right to be respected, not something to be feared. He favoured a consensual approach, one which was yet to be explored (‘*un résultat qui doit se rechercher*’), but one in which all the options were on the table, i.e., independence as well as staying with France (*Nouvelles Calédoniennes* 20 April 2009).

For its part, the French State maintained a public distance on the question during the election campaign, with President Sarkozy having said, addressing the December 2008 Noumea Accord signatories meeting, that it would be for New Caledonians to decide on a referendum ‘pro-independence or otherwise … there is a rendezvous and you will decide, but without violence’ (*Nouvelles Calédoniennes* 10 December 2008). Preserving the role of an impartial state, representatives of the French State were privately unequivocal in claiming its commitment to proceed to referendums strictly consistent with statutory requirements under the Accord and the 1999 Organic Law (Personal communications February 2009 and May 2008).

In the event, in the 2009 election, both parties that publicly had supported an early referendum did very well, the R–UMP winning the most seats of any single party, and PT winning four seats after its establishment only 18 months earlier.

**L’après-Accord: Independence and sovereignty**

**Pro-France groups**

The fact that the most conservative pro-France party had shared a strong position in favour of an early referendum with the most extreme, pro-independence party, galvanised the mainstream pro-France parties around a position advocating caution about holding an early referendum, which may
well have been the intent behind Frogier’s position. Indeed, the R–UMP stance seemed to have been simple posturing: by October 2009, Frogier was no longer speaking of ‘purging’ independence by the earliest possible ‘yes or no’ vote, but rather of a vote proposing a choice between independence and an option of substantial autonomy (Nouvelles Calédoniennes 26 October 2009). He proposed an option of a form of free association where New Caledonia would remain French and allow France to continue to be in charge of the more expensive powers (which he defined as the five régalien powers), while New Caledonia took on the remaining powers (Flash d’Océanie 27 October 2009). In his proposal, Frogier was reflecting the recently evolved positions of other pro-France parties, in an effort to respond favourably to Sarkozy’s desire for the pro-France parties to work together.

On the pro-France side, Martin and the AE, who had long supported discussions to circumvent a referendum, endorsed Frogier’s October proposals. Martin saw any definitive ‘solution de sortie’, or post-Noumea Accord scenario, as having to be shared with the pro-independence groupings and the French State. It was thus ‘necessary to negotiate these sovereign responsibilities’. He linked the idea with Sarkozy’s support, expressed in 2007, for the most innovative solutions for New Caledonia, in order to guarantee the personality and powers of New Caledonia within France (Sarkozy 2007a, Martin in Nouvelles Calédoniennes 29 October 2009). Separately, Martin proposed engaging former High Commissioner and Noumea Accord negotiator Christnacht in preparing for l’après-Accord (Nouvelles Calédoniennes 12 September 2009).

Gomès’ CE adopted a more nuanced position. Before the 2009 provincial elections, he had warned about the risks of an early 2014 referendum, raising the spectre of a resurgence of political tensions concealing ethnic cleavages (Nouvelles Calédoniennes 20 April 2009). He had also supported a referendum affirming a Caledonian identity providing for enlarged responsibilities and possibly even ‘shared sovereignty’ with the French State; for example, joint exercise of régalien responsibilities in the region, an idea which Frogier appeared to subsequently take up. By February 2010, after Frogier had spelled out his association-style proposal, Gomès noted his continuing opposition to a ‘useless’ referendum, and said he favoured early discussions with pro-independence groups to outline what was to come after the Noumea Accord. But he underlined that it would be for the representatives elected in 2014 to finalise arrangements. No doubt mindful of the damaging effect of the 1988 presidential election campaign on New Caledonia’s history (see Chapter 2), he also cautioned lest the discussions be influenced by the French presidential election campaign in 2012 (Nouvelles Calédoniennes 22 February 2010).
Pro-independence groups

The thinking of the pro-independence groups was also evolving.

Néaoutyine, of Palika, had elaborated on his ideas of independence in a comprehensive interview published in 2006. At that time, he had referred to ‘décolonisation en douceur’ (‘soft decolonisation’) whereby a New Caledonia which had been accompanied by France in its emancipation, rather than left on its own, would be able to establish links with France, as with any other country (Néaoutyine 2006, 68). Tutugoro, official spokesman for FLNKS, spoke in similar terms in 2008, agreeing with his interviewer that independence was a dead concept in a globalised world. He argued that independence and sovereignty meant the capacity to choose one’s own interdependencies, to choose with whom one wanted to work and exchange (Nouvelles Calédoniennes interview, 17 June 2008). In a personal interview with the author, Tutugoro was more precise, saying that the FLNKS wanted the right for New Caledonia to decide who it concluded treaties with, and that France was one of a number of possibilities (Personal communication April 2009).

In their emphasis on the post-Accord New Caledonia having the capacity to decide with whom it would deal, both Néaoutyine and Tutugoro were building on the foundation established by Tjibaou when he said that

Sovereignty is the right to choose partners; independence is the power to manage all the needs that colonisation, the present system, has created … Sovereignty gives us the right and the power to negotiate interdependencies. For a small country like ours, independence is choosing our interdependencies skillfully (Tjibaou 2005 p. 152).

In his 2006 interview, Néaoutyine also emphasised that, while independence was a right, the ways and means to it could be negotiated. On the currency (Euro) issue and defence relationship with France, as for the three other régaliel areas (justice, law and order and foreign relations),

we can be included in a more global disposition and keep our independence … We have already entered into independence … [and with the planned transfer of responsibilities] we can never go back … What we decide over the last five [régaliel] responsibilities, will only concern areas which we will share with others. At that stage we will be practically already independent. I think most citizens understand that’

Néaoutyine also said that by the end of the Noumea Accord the country would be ‘virtually independent’: 
In other words, we are on the way to acceding to sovereignty. The Noumea Accord is a concrete process, at the end of which the responsibilities will be transferred from the governing colonial power to a country on the way to emancipation … (my italics, Néaoutyine 2006, 61 and 82).

In May 2009, on the eve of the provincial elections, Néaoutyine told the *Nouvelles Calédoniennes* that independence was written into the Accord, and that, after 2014, when the transfer of the last responsibilities would be effected, ‘our country Kanaky-New Caledonia would be independent’ (6 May 2009). A few days later, he elaborated that the final referendum would focus on the future of the five remaining régaliens, which he noted independent states in the world exercised in varied formulas, even in ‘shared ways’ such as was the case for France in its currency and defence:

I consider then that our country will be in the situation of quasi-independence; and it is possible to resolve this question and the future of the five sovereign responsibilities by discussion (*Nouvelles Calédoniennes*, 8 May 2009).

By September 2009, Néaoutyine was supporting Gomès’ ideas of ‘shared sovereignty’ as contributing to accelerating the implementation of the Noumea Accord. He underlined Palika’s support for the continued transfer of responsibilities, adoption of identity signs (for example, a flag), and equitable social and economic reforms. He indicated once again that the objective of decolonisation as proposed by the Noumea Accord was reached by transferring responsibilities and preparing for the final referendum, and defining a clear political framework for Caledonia’s exercise of regional and international responsibilities.

At the same time, in a reference to the activities of the PT, Néaoutyine denounced any strategy of destabilisation, saying the new social contract would be through social dialogue, not through street movements resulting in imprisonment of the young in the name of an industrial union that they did not understand. Despite statistics showing widening social gaps, Néaoutyine said the new institutions of New Caledonia, including the provinces, had resulted in many improvements in the distribution of public monies. He said he had no sense of an impoverishment of the people in the bush or tribes, although there was a problem of access to employment (*Nouvelles Calédoniennes* 24 September 2009).

Participating in a visit to Australia in March 2010, as part of the collegial government, Néaoutyine said that as the pro-independence group was a minority, majority government would exclude them (Personal communication Néaoutyine 2010). As such, a collegial, proportional representation system was
important to give the indépendantistes access to power via the provinces. He underlined that the pro-independence group were ‘acteurs’, i.e., they had an active role, in the ‘emancipation’ process.

Also early in 2010, as some previously agreed legislation on the protection of employment was returned to the congress after Council of State approval, only to meet further discussion, Néaoutyine flagged a ‘destabilisation’ that was occurring. He warned that

If the non-sovereign responsibilities are not transferred, constitutionally, the referendum [foreseen by the Noumea Accord] cannot be organised … If this is the aim of the manoeuvre [i.e. questioning agreed legislation], to delay things, to find ourselves again in a new situation, this must be clearly said (Nouvelles Calédoniennes 29 April 2010).

Palika’s Charles Washetine shared Gomès caution about what was strictly required under the Noumea Accord in 2014. He spoke of respecting the calendar and modalities of the Accord, which stipulated only that provincial elections must be held in 2014, i.e., with greater flexibility on the timing of a referendum (Nouvelles Calédoniennes 30 November 2009). In other comments he said that the FLNKS were prepared to ‘play the game’ of the Noumea Accord to its full completion (Personal communication 24 February 2009). Palika’s Gorodey added, in October 2009, that her priority was not independence at any cost, but rather, successful decolonisation, with access by the Melanesian world to every place it was legitimately able to claim. The essence was not a referendum, with winners and losers on different sides; what counted was an outcome of the Accord, through which those who had nothing today ‘feel they are winners’ (Nouvelles Calédoniennes 7 October 2009).

For their part, the broad FLNKS coalition was more cautious, and suspicious about the motives and actions of the French State. In September 2009, the FLNKS met to review political developments. In comments reported by the Nouvelles Calédoniennes, the FLNKS ascribed nefarious motives to the French State, specifically in its dealings with social conflict (i.e., a heavy-handed approach to USTKE action), the evolution of the Organic Law (i.e., amendment to allow for slower implementation of some transfers of responsibilities) and on the international stage (a possible reference to efforts to have New Caledonia displace the FLNKS in the MSG). By all this, the FLNKS saw the French State as aggressively preparing the way for a new negotiated solution in place of a referendum on full sovereignty. The FLNKS described the recent agreement between the R–UMP, CE and AE as ‘a deviation from democracy dictated by the French State’. ‘What the State is not able to say in view of its international engagements, it tries to impose by a strategy aiming to suggest that the Noumea Accord has broken down … But the FLNKS will not be duped in this, and
would remain vigilant’ (Nouvelles Calédoniennes 4 September 2009). Nonetheless the FLNKS leaders singled out Gomès, namely his policies aimed at tackling inequality in wealth distribution, for positive comment.

The FLNKS remained mute on Frogier’s October 2009 ‘in association’ proposal, despite holding a further scheduled meeting shortly after his announcement (Nouvelles Calédoniennes 30 October 2009). In a private comment, the FLNKS spokesman Tutogoro noted that the final referendum would pose a choice between remaining under guardianship (‘tutelle’) with considerable autonomy, or acceding to ‘full sovereignty’ (which would not seem so very different from the ‘association’ v. ‘independence’ choice Frogier was proposing). But he specifically rejected leaders ‘slicing up’ the Noumea Accord by deciding not to apply certain aspects of the Accord, which had been ratified by the people (Personal communication 30 October 2009).

Elements of the FLNKS added their own comment in subsequent months, marking further areas of concern. Jacques Lalie (Union national pour le renouveau — National Union for Renewal, UNR) declared that his party shared the FLNKS position, noting that in view of what the ‘colonised people’ had already given up, ‘it was difficult to say that we had still more to offer’. It was necessary, however, to work on a democratic outcome, and proceed to an initial referendum, one or two years after 2014 (Nouvelles Calédoniennes 2 December 2009). The UC’s Charles Pidjot said his party aimed at the transfer of all responsibilities, except the sovereign responsibilities, before 2014, followed by a referendum (Nouvelles Calédoniennes 6 November 2009).

French State

When the Secretary of State for Overseas France, Marie-Luce Penchard, visited New Caledonia in November 2009, she reportedly supported Frogier’s ‘free association’ idea, provided it was endorsed by a consensus in New Caledonia (Nouvelles Calédoniennes 6 November 2009).

In his New Year speech to the Overseas France in January 2010, Sarkozy said discussion was required amongst Caledonians so that the vote foreshadowed in the Accord ‘would translate into a result approved by a very large majority’ (Sarkozy 2010a). Since he had ruled out independence for the Overseas France as a whole, earlier in his speech, he clearly hoped for the people of New Caledonia to agree on an alternative option (see Chapters 7 and 8).
The flag issue

Discussion and decision around the issue of a flag or flags for New Caledonia have sharpened divisions and tested the provisions applying to the workings of the congress.

The R–UMP’s Frogier proposed, in February 2010, that the Kanak and French flags be flown together as a gesture of recognition in the context of talks about future institutions (Nouvelles Calédoniennes 9 February 2010). Gomès of the pro-France CE, and Néaoutyine of the pro-independence Palika, alike rejected the idea as contrary to the Noumea Accord, which, Néaoutyine pointed out, called for ‘one’ identity sign (Nouvelles Calédoniennes 15 and 29 April 2010). Article 1.5 of the Accord provides for common discussion of identity signs, including ‘a flag’ in the singular, whereas Article 5 of the Organic Law provides for New Caledonia to ‘mark its personality alongside the national Emblem and signs of the Republic’ under certain conditions, including the agreement by three-fifths of the congress.

The committee of signatories agreed on 24 June 2010 that both flags would be flown together in view of the 2011 Pacific Games to be held in New Caledonia the following year (Relevé de conclusions 2010). On the same day, Sarkozy endorsed flying both flags above the French high commission building in Noumea, provided the New Caledonian congress endorsed the idea by passing a pertinent resolution. He recognised that the recommendation had not been easy for the parties, and that it was one preliminary step in a longer process that would result in the choice of one flag that would be accepted by all (Sarkozy 2010b). On 13 July the congress voted by a strong majority (42 of the 54 members) in favour of flying the two flags (Voeu No 1, 13 July 2010). The resolution occurred days before French Prime Minister François Fillon arrived in Noumea to witness the flying of both flags over the French high commission building.

Despite congress’ resolution on the issue, some municipalities declined to fly both flags. The UC took exception to this, and resigned from the government on 17 February 2011, precipitating a vote for a new government by the congress. Article 121 of the Organic Law provided that, if one member of the collegial government resigned, all resigned, and a new government should be elected by the congress within 15 days. On 3 March, following the election of a new government, Gomès authorised one of his CE members to resign, triggering another election on 17 March, following which another CE member resigned, with another election on 1 April. In all three elections Martin was elected president with his R–UMP/AE grouping winning the most seats. Gomès claimed that the initial UC action had been taken in concert with Frogier’s R–UMP in order to oust him, and pushed for province-wide elections so the people could have a voice over the flag issue. He also appealed to the French Council of
State against the High Commissioner’s decision to allow the election of a new government on 3 March once his party representative had resigned (Le Figaro 8 April 2011). This appeal was not upheld by the Council.

The UC called for a public demonstration by its supporters on the issue on 3 April, and the CE likewise called out its supporters for the same day, leading the High Commissioner to ban such demonstrations on that day. Meanwhile, Penchard visited the collectivity on 17 April and negotiated an agreement to suspend further resignations and elections, and to endorse the continuation of the Martin government in caretaker mode, until Article 121 of the Organic Law could be amended, in the interests of stability and the continued working of the government (Flash d’Océanie 18 April 2011). This occurred, with the amendment providing for an 18-month period after a resignation before a subsequent resignation could occur (Nouvelles Calédoniennes 28 May 2011).

These developments were important as they showed the underlying emotion surrounding the issue of the flag, and the risks associated with precipitating action outside of the congress (i.e., through the committee of signatories) without adequate consultation and under pressure from external and French domestic events such as the visit by the French Prime Minister, the French President and the hosting of the Pacific Games (the latter two events were planned for August 2011). The developments also showed that, even when the majority of the congress voted for a particular action, if underlying concerns were unresolved, progress would not occur, an important lesson for addressing key questions for the future.

**Metropolitan and other institutional factors**

Despite the French State’s financial and political commitment to implement the letter and the spirit of the Noumea Accord, there has been a tendency for the French State, as the Noumea Accord signature recedes in time, increasingly to treat New Caledonia (and the more so French Polynesia and Wallis and Futuna) as just another administrative unit. Institutional changes suggest diminished attention to Overseas France and the Pacific entities, particularly over the first years of Sarkozy’s leadership.

**Ministerial level**

From 1999 to 2010, there were eight ministers or secretaries of state for Overseas France (see Table 4.8), all of them relatively junior in the ministerial pecking order, and with progressively less experience or background in the Pacific. Early appointees had some close engagement with the region and issues
France in the South Pacific: Power and Politics

(Secretaries of State Jean-Jack Queyranne and Christiane Paul, by virtue of their direct engagement in the Noumea Accord and Matignon processes respectively). Brigitte Girardin, a former senior bureaucrat, had at least worked closely with Australia on issues relating to Antarctica. But, after Girardin, appointees had little or no familiarity with the Pacific.

Table 4.8 List of French ministers/secretaries of state for Overseas France 1999–present

All working under the minister for the interior

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<th>Name</th>
<th>Position</th>
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<td>M. Jean-Jack QUEYRANNE</td>
<td>Secretary of State for Overseas France</td>
<td>4 June 1997</td>
</tr>
<tr>
<td>M. Christian PAUL</td>
<td>Secretary of State for Overseas France</td>
<td>29 August 2000</td>
</tr>
<tr>
<td>Mme Brigitte GIRARDIN</td>
<td>Minister for Overseas France</td>
<td>7 May 2002</td>
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<tr>
<td>M. François BAROIN</td>
<td>Minister for Overseas France</td>
<td>2 June 2005</td>
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<td>M. Hervé MARITON</td>
<td>Minister for Overseas France</td>
<td>27 March 2007</td>
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<td>M. Christian ESTROSI</td>
<td>Secretary of State for Overseas France</td>
<td>19 June 2007</td>
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<td>M. Yves JEGO</td>
<td>Secretary of State for Overseas France</td>
<td>18 March 2008</td>
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<td>Mme Marie-Luce PENCHARD</td>
<td>Secretary of State for Overseas France from June 2009</td>
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<td>Minister for Overseas France from November 2009</td>
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<td>M. Victorin LUREL</td>
<td>Minister for Overseas France from May 2012</td>
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There was also a pattern of appointing political figures to what became very short stints (notably the terms of Mariton and Estrosi, less than a year each), with incumbents using the position for their own domestic political ambitions (for example, Estrosi took up the position of mayor of Nice following his short stint as secretary of state).

The pattern has not gone unnoticed. One of the clearest messages from the New Caledonian participants at the 2008 commemorative colloquium on the Accords was the loss of knowledge and understanding of their concerns, in Paris (see for
example comments by Wallis Kotra noting the worry that younger generations of officials belonged to a culture at odds with the Overseas France and with New Caledonia in particular, in Regnault and Fayaud 2008, 55).

From the time of de Gaulle, all French presidents, Georges Pompidou, Valéry d’Estaing, Mitterrand, and Chirac, shared the Gaullist view that Overseas France was France, and contributed to the grandeur of France. On his election in May 2007, Sarkozy’s views on France’s possessions overseas were little known. Sarkozy departed from the usual cast of French presidents, coming from a younger immigrant generation and with a foreign wife. He did see Overseas France as important in his presidential candidature, sending his advisers on information gathering missions there during his campaign. In New Caledonia’s case, he also set out his views in writing, portraying himself as overly sympathetic to the pro-France view, and was obliged to correct this impression in later contacts (see Chapter 7). While his priorities clearly lay with Europe and economic reform, this in itself was not new for French presidents.

Early in his presidency, however, Sarkozy did not give a high priority to the overseas possessions. What little clues he gave about his policy seemed to stem from his own background as a tough interior minister who cracked down firmly on crime and local disturbances. He initially relegated the Overseas France portfolio, which had been held under Chirac by a full minister (albeit one working to the interior minister), to a secretary of state. His ministers for the interior, to whom the secretary for Overseas France worked, have consistently been individuals with strong metropolitan political ambition but no familiarity with the Overseas, or French Pacific (Michèle Alliot-Marie to 2009, succeeded by Brice Hortefeux in mid 2009 and Claude Guéant in February 2011).

Estrosi, a close supporter, was Sarkozy’s first appointment. At first the administration glossed over Estrosi’s disastrous handling of his inaugural visit to New Caledonia, in October 2007. The visit occurred after a long period of industrial unrest, strikes and blockades. No doubt taking his cue from Sarkozy’s firm domestic security policy, Estrosi directed the High Commissioner to control a protesting crowd assembled outside the commissariat. Experienced High Commissioner Michel Mathieu, who had served a full term in French Polynesia before arriving in Noumea two years before, resigned over the incident. Estrosi used the incident to underline the Sarkozy government’s intolerance of industrial disruption and social unrest (Flash d’Océanie 15 October 2007). The FLNKS reacted badly, accusing Estrosi of precipitating a political crisis (Radio New Zealand International, 15 October 2007). In Tahiti, Estrosi also announced reforms to deal with ongoing political instability in French Polynesia. Although close to Sarkozy, Estrosi had no prior background in the Pacific. He was essentially a domestic political animal with his eye on the mayorship of Nice, a position he subsequently assumed, resigning from the Overseas France portfolio.
to do so in March 2008. Sarkozy replaced him with Yves Jégo, one of his own advisers who also had no background in either Overseas France or the South Pacific.

Jégo, likewise, created difficulties. As Overseas France permanent secretary from 2007 to 2009, he supported the trend of *ad hoc* attention to the *outré-mer*, and of treating the latter as more or less another domestic part of France. He even publicly posited a reorganisation whereby the Overseas France secretariat could be abolished, with matters relating to the overseas entities being handled within each relevant ministry (France 24 interview 19 February 2009). Handling matters in this way would mean that the special challenges and characteristics of the overseas entities, and certainly the particular regional settings in which they operated, could be lost in bureaucratic processes. This presented particular risks for New Caledonia in the Pacific, as the last phase of the Noumea Accord processes began.

The new administration’s relative disregard for the particularities of Overseas France changed in early 2009, after violent strikes and protests about the high costs of living in Guadeloupe, speedily spread to Martinique, Guyana and Réunion. After a failed visit to Guadeloupe by Jégo to deal with the protests (when he speedily retreated to Paris despite having promised to stay in that territory until the matter was resolved, see, for example, Le Figaro 10 February 2009), Sarkozy was forced to address the issues himself. By June 2009 he had called a general review of the state of Overseas France; created an interministerial council; and, replaced Jégo with Marie-Luce Penchard, a Guadeloupe bureaucrat, the first Overseas France local resident to be appointed to lead the portfolio. In November 2009 he announced a number of measures principally to address economic concerns in Overseas France arising from the review. He also upgraded Penchard to full minister status, albeit continuing the long tradition of serving under the more senior minister of the interior. He continued with his overall firm approach to security issues.

So, Sarkozy learned about managing Overseas France essentially by trial and error. But whether his reformed general approach translated to better handling of the Pacific entities, particularly New Caledonia, was arguable (chapters 7 and 8 analyse Sarkozy’s approach to New Caledonia). Penchard, while coming from Guadeloupe, had no experience of the French Pacific. So Sarkozy’s presidency pointed to a continuation of the relative institutional relegation of the management of the Overseas France of recent years, which, as the experience of Estrosi and Jégo showed, had negative consequences in terms of stability of both the French Pacific and the Caribbean.
François Hollande made a slightly better start, appointing a full minister for Overseas. Victorin Lurel, like Penchard, was from Guadaloupe, but similarly had no Pacific experience.

**Officials level**

Generally, however, many of the most senior officials posted to the Pacific entities, i.e., as high commissioners, have had some previous experience of the region. Since the conclusion of the Noumea Accord, French High Commissioners in Noumea Thierry Latasste, Constantin, Mathieu, and Dassonville all had previous experience in the region and South Pacific issues. They also had in common long years of experience as prefects, the internal mainland counterpart of the high commissioner designation in overseas collectivities. But, as Mathieu’s fate has shown, their experience can be overlooked by zealous political appointees to the position of secretary/minister for Overseas France.

In February 2011, Sarkozy interrupted the trend by appointing as high commissioner in Noumea Albert Dupuy, a senior and experienced prefect who lacked any experience in the South Pacific. Many of the other French officials posted to support the high commissioners routinely do not have previous experience of the Pacific. They are officials of the interior or other domestic ministries such as education, posted for two-year terms. They may have extensive experience in administering densely populated, complex and sometimes ethnically charged situations within metropolitan France. They may sometimes have experience in other overseas territories (in announcing his Caribbean-focused reforms on 6 November 2009, Sarkozy provided for the nomination and consideration of at least one Overseas France resident applicant when posts in the Overseas France were being filled, on a trial basis, Sarkozy 2009). But they often have little knowledge of the South Pacific region and, as interior ministry officials, they are not versed in foreign policy. Their primary interest is domestic. Thus, they use the same mechanisms to address local concerns as they might in mainland France when handling urban racial violence, i.e., a heavy-handed police force armed with batons, tear gas and shields.

One worrying and continuing trend in terms of the effectiveness of the Overseas France secretariat, in working with a clear understanding of the regional context, is its position in Paris that is largely in isolation from other ministries, even the defence and foreign affairs ministries. Coordination is *ad hoc*, with different ministries becoming involved in the work of the secretariat only as issues relating to them arise (Personal communication, senior French official, Paris, May 2008).

Sarkozy’s new inter ministerial council for Overseas France, formed in 2009, did not fulfill a possible promise to redress this situation, concentrating mainly on a
review of Overseas France policy after problems in the Caribbean. Announcing Overseas France reforms after the problems in Guadeloupe and Martinique, on 6 November 2009, Sarkozy said that he wanted all ministries to feel that they had a role, not just the Overseas France portfolio (Sarkozy 2009). But the council did not have an ongoing role.

While Sarkozy at the time upgraded the relevant senior politician to minister as opposed to secretary of state for Overseas France, the incumbent was still to work to the more senior interior minister. As in the past (see Chapter 2), the relatively junior place of the Overseas France permanent secretary in the hierarchy of ministries means that the critical tasks of inter-ministerial consultation and coordination cannot be carried out effectively. This provides a particular weakness in respect of co-operating with such senior ministries as foreign affairs and defence, whose inputs are particularly important in successful implementation of policies in the South Pacific. History has shown the strong role naval personnel have played in France’s evolving presence in the Pacific.

French analyst Gérard Bélorgey noted in 2002 that not only did the relatively low level in the ministerial pecking order hamper the Overseas France minister or secretary in the coordination and arbitration of other ministries’ activities in the overseas entities, he emphasised that dealing with Overseas France often involved issues which, by their very nature, were not conducive to easy ministerial partnerships. He noted that the coordination function involved sophisticated political activity, not only because it meant ensuring toeing a certain line of conduct, but because Overseas France inherently involved power stakes (Bélorgey 2002 p. 92). As is evident in earlier chapters, these coordination difficulties have been an ongoing issue since early colonial times.

In practice, when there are differences of view, the arbitrating function falls to the political advisors in the offices of the president and the prime minister, officials who are versed in domestic politics and rarely, if ever, have even visited the South Pacific or the French overseas entities. Whereas in the Pacific region itself, there are annual meetings of senior French functionaries, including the resident ambassadors, high commissioners and senior military representatives (see below), in Paris, such regular structured consultation on an ongoing basis does not occur. There is no overarching political eye, or steering inter-agency Overseas France committee that meets regularly. In practical, day-to-day matters, each functional ministry operates on their usual (domestic) policy basis, guided mainly by an objective that the political masters not be bothered by problems from the overseas entities. When a serious problem does arise, the political advisors step in (Personal communications Paris 2008).

Within the secretariat, the interests of the Pacific entities with their individual statutes are not helped by the fact that the secretariat also manages the French
overseas départements, entities with an entirely different status and set of needs, being juridically integral parts of France itself. Sarkozy’s interministerial council for Overseas France similarly handled the affairs of the entire Overseas France, which diluted attention to the peculiarities of the French Pacific (indeed most of the resultant 137 reforms announced in November 2009 applied primarily to the French Caribbean entities Guadeloupe, Martinique, and Guyana).

For its part, the ministry for foreign affairs has three ambassadors, one for the Pacific, one for the Indian Ocean, and one for the Caribbean overseas entities. They are nominally assigned to the prime minister’s office, not the Overseas France secretariat, mainly because they are more senior to most of the personnel in the secretariat, an arrangement which is unlikely to endear itself to secretariat personnel and thus is likely to impede close cooperation. The ambassadors are, however, physically located within the Overseas France permanent secretariat at Rue Oudinot.

The main job of the ambassador for the South Pacific is the representation of France to the SPC, and guiding the expenditure of the Special Fund for the South Pacific, the latter role itself having been diluted in recent years with the establishment in 2003 of a steering committee for the fund, which includes representatives from the entities themselves who take turns in chairing meetings. The ambassador has a role in France’s relationship with the Pacific Islands Forum, but tends to focus on technical rather than political issues. As diplomatic professionals, they carry out their tasks discreetly and without fanfare, and for relatively short appointments (around three years). The occupant also needs to take care not to step on the toes of the bilateral resident ambassadors. Moreover, the position is based in Paris, not in the region. The ambassador has an assistant, a diplomat from the foreign affairs ministry, based in Noumea. The main role of this position is to provide ongoing liaison with the SPC, and to advise the High Commissioner on foreign policy issues. The value of these arrangements in providing a well-informed decision-making apparatus in Paris and in the Pacific entities themselves depends mainly on the personalities involved, and on the willingness of the neighbouring bilateral French ambassadors to copy their reporting and analysis to Noumea and Papeete.

There are annual meetings of officials in the region, including France’s regional ambassadors (from Australia New Zealand, Papua New Guinea, Vanuatu and Fiji), the ambassador for the South Pacific, its resident High Commissioners from Noumea and Papeete and the delegate from Wallis and Futuna, and senior Paris-based officials. In 2008, at France’s invitation, Australian Parliamentary Secretary for Foreign Affairs responsible for the South Pacific, Duncan Kerr, attended one of these meetings. Although the meetings generally focus on technical issues,
there is potential for them to address broader strategic questions. The extent to which their discussions influence decision-making in Paris is limited, without a similarly regular Paris-based interagency mechanism.

New Caledonia, and the other two French Pacific entities, all have a presence, of sorts, in Paris. The main function of the three offices for the Pacific collectivities, however, has been to provide support for visiting residents of the entities, directing them to social services and other functional support. The offices are not staffed with trained diplomats or functionaries and do not carry out a role of advocacy for the entities with the French State. French Polynesia has had a delegation in Paris since 1971, long occupying, with the Tahitian Tourist Office, fashionable premises in the Boulevard Saint Germain. Until recently, New Caledonia’s presence was modest, having been established in 1989. In 2008 the Maison de Calédonie moved to more impressive premises near the Place de l’Opéra. Wallis and Futuna, in contrast, has a very small office within the Overseas France secretariat at Rue Oudinot.

None of this is conducive to regular, informed policy review, definition of an overarching strategy, or even coherent policy implementation in relating to the South Pacific entities, particularly New Caledonia in this sensitive period. Furthermore, the administrative structures and the relative infrequency of strategic policy statements do not ensure accurate public or media understanding in metropolitan France, of the issues in the overseas collectivities, which is already at a low level (Bélorgey 2002, 88). The risk here is that, should the situation change suddenly, as occurs often in the Pacific, and as is increasingly likely with approaching New Caledonian deadlines, the media and public opinion can react in an uninformed way, and become an aggravating factor.

**Conclusion**

A fundamental question for the future of New Caledonia remains the credibility of the word of the French State, ultimately defined by its full implementation of the spirit and letter of the Matignon/Noumea Accords. In the conclusion of his ‘intellectual biography’ of Tjibaou, Eric Waddell underlined Tjibaou’s understanding of the importance of the parole, or word for the Kanak people:

> He knew full well that the parole is at the origin of and determines the geste — the act. It is binding, with one having no sense or meaning without the other. France's unfulfilled words and shallow memory have been a constant source of frustration and bitterness for the Kanak people (Waddell 2008, 208).
At the 2008 colloquium marking the 20th anniversary of the Matignon Accords, the idea of France keeping its word was a recurring theme, with then Overseas France Secretary Jégo underlining the importance of France delivering on its parole donnée (having given its word) (see Regnault and Fayaud 2008, 23 and 167). The French State and the pro-independence and pro-France sides have all put considerable energy, effort and resources into sustaining a stable political situation for the first 10 years of the Noumea Accord. The political system established under the Accord has generally proven resilient in its first decade.

Cracks have emerged, however, which need ongoing attention.

In the first instance, the ‘word’ of the Accord has meant different things to different sides, as evident in the disagreement over the fundamental definition of the restricted electorate. Similarly, the Accord itself represents different things to each side, as Horowitz has argued. For the pro-independence groups, the Noumea Accord means a step forward in the acquisition of more autonomy on a path ultimately leading to independence. For the French State, it provides more time during which France may, through generous financing and judicious control of the handover of elements of more autonomy, and by keeping its promises, secure the support of the pro-independence groups to relinquishing their goal of independence. Indeed, nowhere in the Noumea Accord are the words ‘independence’ or ‘self-determination’ used. Instead, there are references to ‘emancipation’ and ‘a common destiny’ (see Berman 2001, for an elaboration of what these omissions may mean for the future). But, the question of whether this rules out full independence per se, cannot yet be answered. The public comment by ‘mainstream’ (FLNKS) pro-independence leaders has so far been ambiguous, as they wait for the interim terms of the Noumea Accord to be fulfilled; and the influence of the more definitively independence-oriented PT is yet to be fully tested.

France’s dilatory approach to fulfilling the restricted electorate promise, its longstanding encouragement of immigration, its delayed and ambiguous handling of the critical ethnic category in the census, and the relatively slow transfer of important responsibilities such as education, have all strained Kanak, and some Caldoche, credulity. Even as Noumea Accord deadlines approach, with defence and the currency among one of the five powers yet to be decided, France has built up its defence infrastructure near Noumea, and urged replacement of the CFP by the Euro. Despite rhetoric about implementing Noumea Accord provisions for New Caledonia to engage directly in regional relations, little preparation of a working regional relations capacity is evident.

Similarly, despite significant financial support by France, the economic rebalancing and redistribution of the benefits of exploiting nickel have, to date, been demonstrably and quantifiably more successful in the European-dominated
south than in the mainly Kanak north. World economic conditions have had an effect, slowing the pace of investment and production schedules, and leading to withdrawal of external investors to be replaced by French interests, in the Kanak north. To the time of writing, despite all the planning and expenditure, the only working processing of nickel remains in the ageing, French-dominated SLN unit at Doniambo in the south. There remain as yet untested statutory ambiguities about responsibility for minerals pertaining to the exploitation of the nickel resource, and the potential for hydrocarbons. And Sarkozy has underlined the intention of the French State to maintain the majority share and control of SLN.

Kanaks remain generally isolated and alienated in society and politics in the wealthy, more populous and predominantly European south. They have so far shown patience with this situation. As global demand for nickel waxes and wanes, and if ongoing global constraints on nickel exploitation continue as Noumea Accord deadlines draw near, their patience will be tested.

Financial shares that have been granted to New Caledonia in the major nickel companies SLN and Eramet, as well as Inco’s Goro project, which have been used to buy off support for independence, have been the subject of bargaining, and are seen to be inadequate, especially by the pro-independence group. There has been considerable local concern about job protection and environmental issues. The overall result is shared anxiety, by Kanaks and some Caldoche alike, about the French State’s intent and impartiality, which has underpinned the fracturing and realignment of parties within the pro-France group.

For its part, the pro-independence group has sought to participate constructively within the Noumea Accord structures, but is dealing with divisions of its own, including the emergence of a radical new political force in the PT. One writer has described French efforts to redress the economic gap as divisive of the Kanaks, precisely by focusing on economic development as distinct from political emancipation (Waddell 2008, 206; see also his reference to writer Thomas Ferenczi’s description of Michel Rocard, the architect of Matignon Accord, as a ‘virtuous Machiavelli’, footnote 11, 214). Outside of the agreed political institutions, Kanak activism finds expression through ethnic disharmony, primarily but not solely at Saint-Louis, with a potential for further violence remaining so long as Wallisian ethnic issues are not fully resolved; assertion of environmental protection principles, through the *Rheebu Nuu*; and of indigenous rights, for example through the CNDPA efforts to establish the *Mwâ Kâ*, with mixed responses from the Caldoche and the French. Kanak leaders have used and will continue to use international forums to raise their concerns.

In the context of the importance of keeping the *parole*, feelers by the pro-France groups about opening negotiations on the future, circumventing the proposed Noumea Accord referendums, have been met with a mixed reaction from the
mainstream independence group. In the May 2009 elections, it was the group at either end of the political spectrum (Frogier’s pro-France R–UMP and the pro-independence PT), that supported an early referendum under the Accord, i.e., 2014, which fared well (R–UMP winning the most pro-France seats, PT making inroads in the new Congress). But, since then, conscious that holding a referendum, which is most likely to result in a vote against independence, risks a return to violence by the pro-independence groups, even R–UMP’s Frogier has advocated a more moderate consultative approach to manage the referendum process.

Handling of the dual-flag proposition, which was raised by the pro-France R–UMP — apparently influenced by external events such as visits by French dignitaries — has highlighted deep-seated divisions, which go beyond agreements reached within institutions such as the committee of signatories and even the congress. The strength of divisions has tested the viability of these institutions. These developments raise cautions about the future handling of sensitive, core Noumea Accord issues.

Pro-independence groups are cautious and insistent on the full implementation of the Noumea Accord, including full transfer of responsibilities as promised, before a referendum can pose the choice between remaining with France with a high degree of autonomy, and independence. So future negotiations are likely to centre on the subject of a referendum (see Chapter 8). But the demographics, and electoral patterns so far, suggest that the majority of eligible voters will not support the independence option. Thus, there is potential for violence and disruption.

Overlaying all of these issues, senior French officials in Paris are increasingly less directly experienced and without first-hand knowledge, of either the transitional issues or of the region, and work only in stop-start contact with other related ministries including defence and foreign affairs.

Finally, implementation of the Accord so far has shown the continued relevance of the UN, the PIF, the MSG, and even the EU, in enabling a Kanak dissenting voice to be heard. The Kanak voice will be listened to in the UN Decolonisation Committee, and UN human rights and indigenous rights organisations such as the relatively new UN Rights of Indigenous Peoples Forum, as evident in Anaya’s 2011 report. The UN Decolonisation Committee has heard Kanak concerns, particularly on the restricted electorate, protection of employment, the ethnic census category, and Matthew and Hunter issues. The MSG has been the vehicle for Melanesian agreement on Vanuatu’s claim to Matthew and Hunter. And the PIF and EU Human Rights Court have been engaged on electoral process issues.
All of these factors operating together, in a transition period as new government systems are settling into place, mean there are fundamental vulnerabilities and instabilities which could yet surface in a way prejudicial to smooth negotiations for a durable, stable future in New Caledonia beyond 2018.