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# **France in the South Pacific: Countdown for New Caledonia – Options for the Future**

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## **Abstract**

France was able to turn regional opinion in the South Pacific from hostility in the 1980s to cautious acceptance through two major policy decisions relating to its sovereign Pacific entities in the 1990s: ceasing its nuclear testing in French Polynesian waters; and addressing destabilising decolonisation concerns, principally in New Caledonia. The nuclear issue has been largely laid to rest, but decolonisation issues have not yet been fully settled. Whereas the violence in New Caledonia in the 1980s has abated, there is instability in French Polynesia, where there have been thirteen changes of local government since 2004; and deadlines on the future status of New Caledonia are looming. New Caledonia is the litmus test for France's continuing peaceful sovereignty in the South Pacific. It is the richest of the French Pacific entities. Its political evolution, spelled out in the 1998 Noumea Accord, is seen as a model for French Polynesia, and even for the broader string of French possessions around the globe. After a series of deferrals of a promised vote on independence, the 1998 Noumea Accord provides for up to three referendums on the future status of New Caledonia to be held between 2014 and 2018. France has only recently taken on the full range of responsibilities as UN Administering Authority for this non-self governing territory and must comply with UN decolonisation principles, which stipulate that independence is one of three possible paradigms (the others are full integration within another state and independence-in-association with another state). Discussions have been initiated on options for New Caledonia, so far confining themselves to non-independence options. This paper canvasses the issues and identifies briefly some options for New Caledonia's future status.

## **1. Recent policy statements by France**

In August and September 2011 two public signals of French intent in the Pacific region were made. First, on 28 August, visiting Noumea, in a rare public statement on French policy towards New Caledonia, French President Nicolas Sarkozy reconfirmed that France would fulfil its commitments under the 1998 Noumea Accord, which sets out a process of progressive handing over of responsibilities to a local government and which includes holding referendums on the future status of New Caledonia between 2014 and 2018. He also reaffirmed the French

preference for New Caledonia to stay within France. Although framing this as his personal wish, on matters of national interest such as sovereignty, statements by French Presidents can only be official.<sup>1</sup> Moreover, in an earlier speech to the broader Overseas French possessions, in January 2010, when he enunciated a willingness to encourage the flexible development of political institutions appropriate to each of the diverse French Overseas entities, Sarkozy had made very clear the limitations to that flexibility, when he defined as a “red line” ... never ... to be breached, that of independence. The Overseas [France] are French and will remain French.’<sup>2</sup>

Second, on 1 September 2011, France publicly supported the formal request by the pro-French-led local New Caledonian government for New Caledonia to be granted full membership status within the Pacific Islands Forum (PIF).<sup>3</sup> The Forum had granted Observer status to New Caledonia in 1999, after signature of the Noumea Accord, and to French Polynesia, in 2004, after statutory changes there. Both became Associate Members of the Forum, a status created for them by the PIF in 2006.

In response to the call for full membership for New Caledonia, PIF leaders maintained a studied silence, their summit communiqué making no reference to the membership request.<sup>4</sup> This was in contrast to their response when New Caledonian leaders had informally made the same request the year before. Then, leaders had specifically referred to New Caledonia’s wish for full membership, and noted that the Noumea Accord ‘self-determination’ process itself would resolve the question of New Caledonia’s international standing. They had also pointedly referred to further engagement with the Forum, including by a visiting Forum mission, visits which were to take place regularly to evaluate Noumea Accord implementation but which had not taken place since 2004.<sup>5</sup> Their silence on the subject in 2011 suggests that their message of 2010 remains current.

Australia’s response was warmer. When the Australian government welcomed French Foreign Minister Alain Juppé on an official visit shortly after the Forum summit, Foreign Minister Kevin Rudd joined him in expressing formal support for New Caledonia’s application for full membership of the Forum. Still, the joint statement was a re-statement of support

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<sup>1</sup> Nicolas Sarkozy said ‘France will honour its word... France proceeds serenely towards the referendums of 2014-2018’. He added: ‘Everything in me drives me to believe in maintaining New Caledonia within France’. ‘The personal preference that I have always expressed for maintaining New Caledonia within France does not prevent me from being, as Head of State, vigilant guardian of the *loyal* application of the Noumea Accord.’ (Italics added: the word ‘loyal’ is usually reserved for those supporting the French State). *Déclaration sur le présent et l’avenir de la Nouvelle-Calédonie*, Païta, New Caledonia, 28 August 2011, <http://discours.vie-publique.fr/notices/117001862.html> accessed Tuesday 20 September 2011.

<sup>2</sup> ‘Nous nous sommes dotés d’une Constitution qui nous permet beaucoup de souplesse. Je compte en faire usage, dans le respect de la volonté exprimée par les populations concernées, avec une seule ligne rouge dont je n’accepterai jamais qu’elle soit franchie: celle de l’indépendance. L’outre-mer est français et restera français.’ ‘We are blessed with a Constitution allowing considerable flexibility. I expect to use it, while respecting the will expressed by the peoples concerned, with only one red line which I will never accept to be breached: that of independence. The Overseas [France] is French and will remain French.’ Nicolas Sarkozy, New Year Speech to the Overseas France, Saint-Denis, 19 January 2010.

<sup>3</sup> The Minister for Overseas France, Marie-Luce Penchard, supported the formal request by New Caledonian President Harold Martin at a meeting of Ambassadors to countries adjoining the French Overseas collectivities, Paris, 1 September 2011, *Flash D’Océanie*, 8 September 2011.

<sup>4</sup> *Pacific Islands Forum Communiqué*, 42<sup>nd</sup> Pacific Islands Forum Summit, Auckland, 7-8 September 2011.

<sup>5</sup> *Pacific Islands Forum Communiqué*, 41<sup>st</sup> Pacific Islands Forum Summit, Port Vila, 5 August 2010.

expressed by Australian Parliamentary Secretary for the Pacific, Richard Marles, on a visit to Noumea the year before, when he, as Forum Leaders had done a few months earlier, situated Australian support against the background of its support for the Noumea Accord and its implementation.<sup>6</sup>

## 2. Background

Why is the implementation of the Noumea Accord so important for regional leaders in fully accepting the French entities, and the presence of France, in the region?

The Accord forms part of the effort by France to address issues of serious concern to regional leaders in the 1980s. Regional hostility at the time arose from two principal issues: French nuclear testing in French Polynesia, and French handling of decolonisation demands, particularly in New Caledonia. The hostility was expressed in international campaigns led by regional Island leaders on both issues.

By the late 1990s, changes in French policies in both areas, in response to regional pressure, had led to cautious acceptance of France's continued presence in the region. Although France suspended then resumed nuclear testing in the South Pacific in the 1990s, by 1996 it had ceased testing there altogether and ratified the regional South Pacific Nuclear Free Zone Treaty the same year. While there are residual issues, such as an ongoing mainly domestic campaign in French Polynesia for compensation against claimed long-term health effects of the testing,<sup>7</sup> and the French State continues to pay contributions to the French Polynesian budget specifically to compensate for the loss of economic activity associated with the testing presence,<sup>8</sup> the nuclear testing issue is in the past.

But in the area of decolonisation, French policy changes, including the 1998 Noumea Accord, were seen in the region as only the beginning in a series of steps towards greater autonomy and even independence, as shown by the PIF's tentative response to New Caledonia's bid for full membership in 2010 and 2011 cited above.

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<sup>6</sup> Australian Foreign Minister Kevin Rudd and French Foreign Minister Alain Juppé, in their Joint Australia-France Ministers Statement, said '...both countries supported New Caledonia's application to become a full member of the Pacific Islands Forum', Canberra, 11 September 2011. Australian Parliamentary Secretary to the Pacific, Richard Marles after affirming support for New Caledonia's full membership of the Forum, said he was 'impressed by the determination and efforts of all parties in implementing the Noumea Accord and working towards an outcome that will deliver a positive future for all the people of New Caledonia', Media Release *Parliamentary Secretary visit to Pacific*, Canberra, 13 October 2010.

<sup>7</sup> Although the French state tabled a Nuclear Compensations Act in December 2009, it has been criticised by veterans organisations as being more narrowly focused than similar legislation in the UK and the USA. *Flash d'Océanie* 23 December 2009.

<sup>8</sup> The French State pays € 150 million (around \$A 208million converted 30 September 2011) a year specifically as compensation for loss of income from the presence of the nuclear testing facility, *Projet de loi de finances pour 2006: Outre-mer*, French Senate, Paris, 2006; in addition to generous budgetary and other support to French Polynesia, totalling in all Cfp 175 572 million, or just over \$A2 billion (converted 30 September 2011), *Chiffres Clés*, *Institut de la Statistique de la Polynésie Française* website accessed 30 September 2011.

### 3. French Polynesia

French Polynesia had been on a steady path of increasing autonomy until 2004, enjoying privileges such as its own flag, anthem and special powers for its President through statutory arrangements obtained under the long presidency of Gaston Flosse, a leader with close political connections to the French rightist party the RPR (Rally for the Republic), and a close personal relationship with its leader, the long-serving French President Jacques Chirac (1995-2007).

From 1998, when the Noumea Accord was negotiated, political elements in French Polynesia, including Gaston Flosse, increasingly began to demand at least the same kind of autonomy provisions made for New Caledonia. One of the important powers New Caledonia had been given, which French Polynesia did not enjoy, was that of local legislative power (the New Caledonian Congress could pass legislation, whereas French Polynesia could not).<sup>9</sup> A new statute came into force in French Polynesia in early 2004, which, while it did not deliver the coveted legislative power, boosted the power of the Presidency and provided electoral bonuses to the party winning a majority of votes. Both provisions were designed to boost the power of Flosse as the incumbent pro-France leader. But in the first elections to be held after those statutory changes, the people elected the coalition of pro-independence leader Oscar Temaru. The French State organised a re-run of the elections, which Temaru again won. However, in a political environment based on personalities and changing loyalties, fuelled by the frustrating tactics of the pro-France group, there have been 13 changes in government since 2004. Flosse, facing corruption charges, was replaced as leader of the pro-France group in 2006 by his erstwhile supporter Gaston Tong Sang but continued to play a role behind the scenes.

France introduced further reforms in March 2011, which include measures to make a change of government by confidence motion more difficult, but which also continue to provide electoral bonuses for the winning party. Their effect in restoring stability remains to be seen.

In April 2011 in yet another no-confidence motion, Temaru became President once more, for the fifth time in seven years. He regularly calls for French Polynesia to be listed as a non-self governing territory with the UN Committee of 24 (C24), particularly on the eve of Pacific Islands Forum summits. Forum leaders as a whole have tended not to take a position on the C24 listing question, but have instead in their Communiqués consistently urged France and French Polynesia to work together for French Polynesia's self-determination. Once again, in 2011, the Forum leaders 'recalled their 2004 decision to support the principle of French Polynesia's right to self-determination. They reiterated their encouragement to French Polynesia and France to seek an agreed approach on how to realise French Polynesia's right to self-determination'.<sup>10</sup>

However, a smaller grouping, hosted by Fiji on the eve of the 2011 PIF summit, including all the Melanesian island states and representatives of some of the dependent island states,

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<sup>9</sup> An attempt by Flosse to secure this power failed in 2000.

<sup>10</sup> *Pacific Islands Forum Communiqué*, 42d Pacific Islands Forum Summit, Auckland, 7-8 September 2011.



including French Polynesia,<sup>11</sup> issued a communiqué which *inter alia* expressed support for the re-inscription of French Polynesia with the C24.<sup>12</sup> Island states and dependencies take an ongoing interest in what is happening on decolonisation issues in the French Pacific collectivities, and see the process as incomplete.

With an eye to New Caledonia's progressive acquisition of powers under the Noumea Accord, Temaru has sought a similar agreement, a 'Tahiti Nui Accord' for French Polynesia.<sup>13</sup>

#### 4. New Caledonia

From the foregoing it is clear that French Polynesia looks to New Caledonia as a model for its own future status, and that Pacific Island leaders see full implementation of New Caledonia's Noumea Accord as a prerequisite for full acceptance of New Caledonia into its fold. Apart from the pattern that it will set for French Polynesia on the key issue of continued sovereignty within France, the future of New Caledonia is important for France for other reasons.<sup>14</sup>

First, developments in New Caledonia will potentially impact on France's other overseas territories, beyond the Pacific. France is unique amongst western nations in maintaining control of its colonial entities around the globe. Although not all share the same constitutional status, they are all an integral part of France. They include in the Pacific, New Caledonia (which has a *sui generis* status under the French Constitution), the collectivities of French Polynesia, Wallis and Futuna, and the uninhabited island of Clipperton off the Mexican coast; along the Atlantic Ocean littoral and in the Caribbean, the three *départements* of Guyane, Martinique, Guadeloupe, the collectivities of Saint-Pierre-et-Miquelon, Saint-Barthélemy and Saint-Martin; in the Indian Ocean, the *département* of La Réunion and the collectivity Mayotte; in the Southern Ocean, the *Terres australes et antarctiques française*.

As shown by a rapid chain of angry protests against the elevated cost of living which began in Guadeloupe in early 2009 and rapidly spread to Martinique, Guyane and Réunion, the events in one overseas entity tend to spread quickly to others. As quoted early in this paper, President Sarkozy has promised flexible responses to evolving political institutions across the French Overseas possessions. With global communication and connectedness, what is claimed by one can be rapidly adopted by another entity. Even for Corsica, an integral part of France just off the

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<sup>11</sup> Entities represented included Fiji, Solomon Islands, PNG, Vanuatu, Tuvalu, Nauru, Tonga, Timor Leste, Kiribati, Federated States of Micronesia, Republic of Marshall Islands and French Polynesia.

<sup>12</sup> Representatives signed a Communiqué indicating that 'Leaders supported the re-inscription of French Polynesia/Tahiti Nui on the UN decolonisation committee's list as the first step in the process of self-determination, at international level', Nadi Communiqué, Engaging with the Pacific Leaders Meeting, Fiji, 1-2 September 2011.

<sup>13</sup> See *TV New Zealand*, 17 October 2007 and *Radio New Zealand* 16 and 17 June 2009.

<sup>14</sup> The following paragraphs briefly address the importance of New Caledonia for France. For a broader analysis of the strategic benefits to France of its four South Pacific possessions, arising from its history and international status, see the author's France in the South Pacific: An Australian Perspective, in Briony Neilson and Robert Aldrich (Eds.) (2011), *French History and Civilization: Papers from the George Rudé seminar* Vol. 4, pp. 237-254, available on France-H website <http://www.h-france.net/rude/rudepapers.html>

southern coast of continental France, New Caledonia has been traditionally seen as a bellwether for its own status.<sup>15</sup> So, mindful of the potential effect of any resolution of New Caledonia's future for its other entities, France has an important national motivation to maintain sovereignty in New Caledonia.

Second, New Caledonia is important in that it is the only French overseas possession that has a specific deadline attached to its political evolution, through provisions in the Noumea Accord for a referendum process from 2014 to 2018. For reasons explored below, further deferral of a vote is not an option. One way or another, a formula for the future must be agreed by 2018.

Third, New Caledonia is the jewel in the crown of the French overseas possessions, and of its regional Pacific presence. It provides the headquarters for France's regional military presence. Moreover, its resources represent significant strategic assets for France. New Caledonia has over a quarter (and possibly up to 40%) of world nickel reserves, is the third largest nickel producer in the world and is the largest producer of ferro-nickel. There are strong sedimentary indicators of offshore hydrocarbons.<sup>16</sup> It also has potash, chrome and cobalt. Whereas France is supporting two new nickel processing plants each worth an investment of over \$US 2 billion, the one existing operating plant, the 150-year old SLN Doniambo plant, represents one of France's largest mining ventures. The concomitant of this relative economic wealth is that New Caledonia is the only one, of all the French overseas possessions,<sup>17</sup> with sufficient economic resources which, if managed properly, would facilitate future independence.

From a regional security perspective, the long-term future of New Caledonia will be an important factor for the stability in what is known as a traditionally unstable strategic arc embracing Australia's northeast shores. This arc is generally defined as including the Melanesian countries Papua New Guinea, Solomon Islands, Vanuatu, and Fiji. Although New Caledonia, with its unstable history, is at the centre of this arc, it is generally not mentioned in much of the literature about the subject.<sup>18</sup> The timing of New Caledonia's planned referendum process, 2014 to 2018, coincides with significant expected developments within this arc. Under the terms of the 2001 Bougainville Peace Agreement regulating Papua New Guinea's management of dissension

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<sup>15</sup> Then Interior Minister Charles Pasqua described the defence of Bastia (capital of Corsica) as beginning in Noumea, cited by Robert Aldrich and John Connell, *France in World Politics*, London, Routledge, 1989, p. 163. Interconnections between Corsica and New Caledonia have been noted in Stephen Bates, *The South Pacific Island Countries and France: A Study in Inter-state Relations*, Department of International Relations, Research School of Pacific Studies, Australian National University, Canberra, 1990; Jean-Pierre and François Doumenge and Jean-Yves Faberon, *L'Outre-mer français*, Armand Colin, Paris, 2000, p. 209; and Alain Christnacht 'L'avenir de l'accord de Nouméa', *Revue Juridique, Politique et Economique de Nouvelle Calédonie*, 2003, 2, p. 8.

<sup>16</sup> Roland Vially, Yves Lafoy, Jean-Marie Auzende, Roy France, 'Petroleum Potential of New Caledonia and its offshore basins', *AAPG International Conference*. Barcelona, Spain, 2003.

<sup>17</sup> Although there are signs that there may be hydrocarbons in Guyane, Découverte d'hydrocarbures en Guyane, 9 September 2011, Overseas France Ministry website <http://www.outre-mer.gouv.fr> accessed 30 September 2011.

<sup>18</sup> See for example Ron Duncan and Satish Chand, 'The Economics of the "Arc Of Instability"', *Asian-Pacific Economic Literature*, Vol. 16, pp. 1-9, 2002; and Graeme Dobell's comprehensive examination of the concept, when he specifically sets New Caledonia aside because it is French, Dobell, G., 'The 'Arc of Instability': the history of an idea,' in *History as Policy*, ANU Strategic and Defence Studies Centre 40<sup>th</sup> Anniversary seminar series, 2006, Chapter 6.



there (and which itself drew on the Noumea Accord model), a referendum for independence will be held from 2015 onwards.<sup>19</sup> The Noumea Accord referendum process will coincide with the process of defining an end point for the PIF-led Regional Assistance Mission to the Solomon Islands which was set up in 2003 to address violent insurgency there. It also will occur at a time when Fiji is addressing its own issues, which, while dominated by the issue of military rule, also relate to the claims of a large indigenous minority and more recently arrived ethnic groups, a feature similar to the challenges facing New Caledonia.

Perhaps for all these reasons, the Sarkozy government has exhorted the relevant parties (the French State, the pro-France and pro-independence parties) to commence discussions on the future of New Caledonia, while, as noted above, not disguising his preference for New Caledonia to remain within France. The principal means of addressing the issues is through the *Comité des signataires*, or Committee of Signatories to the Noumea Accord, which has set up a range of working groups, one on the entity-wide nickel strategy, recognising the importance of the nickel resource in underpinning any future agreement; one on reviewing the implementation of the Noumea Accord; and one on studying the array of 'possible institutional solutions world-wide by entities engaged in a process similar to that of New Caledonia'.<sup>20</sup> It was against this background that a Colloquium was held in March 2011 in Noumea to discuss in part options for New Caledonia. This Colloquium creditably addressed a range of independence-in-association options, but skirted independence options.<sup>21</sup>

## 5. Noumea Accord stipulations

The Matignon/Oudinot Accords of 1988 were sealed by a historic handshake between independence leader Jean-Marie Tjibaou and pro-France leader Jacques Lafleur, to put an end to the violent civil war of the 1980s. The violence erupted after decades of fitful French policies on autonomy issues for New Caledonia, granting then rolling back elements of autonomy and, from 1984 promising independence referendums which did not eventuate,<sup>22</sup> while the French encouraged immigration from other parts of France to outnumber the local indigenous Kanak community, many of whom favoured independence.<sup>23</sup> The Matignon/Oudinot Accords deferred

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<sup>19</sup> *The Bougainville Peace Agreement*, 30 August 2001, provides for a referendum on independence to take place 10-15 years after the election of a local autonomous government, which took place in 2005.

<sup>20</sup> Terminology as set out by Nicolas Sarkozy in his speech *Déclaration sur le présent et l'avenir de la Nouvelle-Calédonie*, 2011 *op. cit.*

<sup>21</sup> The only paper addressing independence specifically was in the context of the costs of independence, 'Finances et dépendances ou: Combien coûte l'indépendance?' 'Finances and dependencies or: How much does independence cost?'; there was an item 'Les États insulaires d'Océanie dans la politique économique internationale' 'The Island Pacific states in the international political economy', Program, *Colloque sur le Destin des collectivités politiques d'Océanie*, Noumea, 7-10 March 2011.

<sup>22</sup> There were in all ten statutory arrangements for New Caledonia from 1958 until the Matignon/Oudinot Accords were signed in 1988. Referendums were promised in the Lemoine Law (1984) within five years, the Pisani Plan (1985) by July 1985, the Fabius Plan (1985) by December 1987, the Pons I Statute (1986) by September 1987.

<sup>23</sup> This policy was famously encapsulated in a comment on 17 July 1972 by then French Prime Minister Pierre Messmer that indigenous nationalist claims could only be avoided if newcomers became the demographic

a promised referendum on independence by ten years to 1998, and involved hard-won compromises which were not accepted by everyone, as shown by the assassination of Tjibaou himself and his deputy the following year by a disaffected supporter. In 1998, instead of holding the promised vote, France presided over negotiations to defer it yet again. The negotiations were long and difficult, but peaceful, and were underpinned, as the Matignon Accords had been, by separate agreements relating to the more equitable development of the nickel resource. The resultant Noumea Accord was designed to delay the vote this time by twenty years to 2018, to allow time to win support for a negotiated future for all communities, notably the indigenous Kanak community, and the longstanding white Caldoche community.

The Noumea Accord built upon democratic institutions and mechanisms introduced under the Matignon Accords. But in addition, it provided for a special citizenship for New Caledonia, which essentially aimed at preserving special voting and employment rights for long-term residents of New Caledonia, as opposed to those posted there by France to administer the entity or more recent arrivals from the French mainland and other parts of Overseas France. For example, the electorate for provincial elections on which the composition of New Caledonia's Congress is based, was confined essentially to those with ten years residency to 1998.<sup>24</sup> The provision is remarkable in the context of the French Constitution, which is based on the indivisibility of the French State and the equality of French citizens before the law.<sup>25</sup> The preparedness of the French State to make such concessions is a testimony to France's wish to redress the fundamental grievances of the longstanding New Caledonian residents, particularly (but not solely) the indigenous people, which had led to the violence and bloodshed of the 1980s. The Accord also spoke of a 'common destiny' for all New Caledonians. It set down a timetable for the handover of certain powers from 1999 to 2014 to the locally elected New Caledonian government, which is a government described in the Accord as 'collegial', requiring the inclusion of all major political parties, pro-French and pro-independence. For that period, it reserved five '*regalien*' or sovereign powers exclusively for the French State, the powers of defence, foreign affairs, currency, justice, and public order. The Accord was silent on the important immigration power, and ambiguous over powers relating to strategic assets such as nickel and minerals.

The Accord provided that, once the scheduled handovers have occurred, and subject to a 3/5 vote of the local Congress, up to three referendums must be held from 2014 to 2018. Should the Congress fail to do so, the French State must convene a referendum by the end of 2018.<sup>26</sup> The referendum(s) is (are) to address three issues: the transfer of the five *regalien*

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majority ('À long terme, la revendication nationaliste autochtone ne sera évitée que si les communautés allogènes représentent une masse démographique majoritaire') in A. Sanguinetti, 'La Calédonie, *summum jus summa in jura*', *Politique aujourd'hui* (author note: not d''hui in French), 1985, p. 26.

<sup>24</sup> Noumea Accord, Article 2.2.1.

<sup>25</sup> 'La France est une République indivisible, laïque, démocratique et sociale. Elle assure l'égalité devant la loi de tous les citoyens sans distinction d'origine, de race ou de religion.' Article 1 of the 1958 French Constitution.

<sup>26</sup> However one senior French advisor has informally posited that technically the votes could extend to 2023, Alain Christnacht 'Quelles Perspectives Institutionnelles Pour La Nouvelle-Calédonie?', unpublished presentation to Colloquium, *Destins des collectivités politiques d'Océanie*, Noumea, Centre National de la Recherche Scientifique, 10 March 2011.

responsibilities referred to above, access to an international status of ‘full responsibility’ for New Caledonia, and organisation of citizenship into nationality, described as a vote on ‘accession to full sovereignty’ in the Organic Law which implements the Accord.<sup>27</sup>

## 6. Progress in implementing the Accord

Whereas it is not the subject of this paper to evaluate in detail the implementation of the Noumea Accord, and as the process is yet complete, the record has been mixed.<sup>28</sup> The level of violence has abated, although there have been sporadic recurrences, mainly between Kanak and more recently-arrived Wallisian ethnic groups.<sup>29</sup> France has invested significant financial and political resources in meeting its commitments, including in supporting two new massive nickel projects in the south and the north as part of the economic re-balancing effort underpinning the Accord. However, these projects have not proceeded according to originally planned timetables, in part because of the international global crisis, and to this day the longstanding colonial SLN Doniambo plant in the wealthy south remains the sole producer of processed nickel.

Moreover, scheduled handovers of administrative responsibilities have slipped substantially, including in important areas such as secondary education. The French State has also been seen as dilatory and obstructive in its handling of two fundamental issues, defining the restricted electorate and the ethnic composition of the population. Differences over ambiguities in the Accord over the core issue of who is eligible to vote in provincial elections were only resolved in 2007. In 2003, France removed from the census the sensitive ethnic category, key to defining trends such as immigration and the size of the indigenous population. And when it restored the category in 2009 after local pressure and a census boycott, it only released the figures publicly in April 2011 and then in a form which rendered direct comparison with earlier censuses impossible.

Immigration from other parts of France continues, when the UN asks that this should not occur in non-self governing states.<sup>30</sup> France has also been seen to be acting pre-emptively in two of the five sovereign areas specifically set aside under the Accord for handling in the context of

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<sup>27</sup> Noumea Accord 1998, Article 5 and Organic Law No 99-209, 19 March 1999, Titre IX.

<sup>28</sup> The author has made a comprehensive review in a thesis in preparation. Reports on the implementation of the Accord, unpublished at the time of writing, by both the UN Special Rapporteur on Indigenous Rights, James Anaya, on the basis of a visit to New Caledonia in February 2011; and by the Melanesian Spearhead Group who visited Noumea in June 2010; were reportedly critical of progress so far, see *Nouvelles Calédoniennes* 8 October 2011 on the Anaya visit and Ronald May, ‘The Melanesian Spearhead Group: testing Pacific island solidarity’, *Policy Analysis*, Australian Strategic Policy Institute, 8 February 2011, pp.1-8.

<sup>29</sup> Principally in a community at Saint-Louis near Noumea in the early 2000s which resulted in the forced relocation of some Wallisian groups; but there have been outbreaks elsewhere, including in Bourail on the main island and, in August 2011, between Kanak clans on the island of Maré.

<sup>30</sup> UNGA Resolution 35/118, Annex, calls for member states to ‘adopt the necessary measures to discourage or prevent the systematic influx of outside immigrants and settlers into Territories under colonial domination, which disrupts the demographic composition of those Territories and may constitute a major obstacle to the genuine exercise of the right to self-determination and independence by the people of those Territories’, Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 11 December 1980.

the final referendum(s): in defence, through a range of measures consolidating its defence presence, including the construction of a new central defence headquarters in 2008,<sup>31</sup> and on currency issues by seeking to have the Euro replace the Cfp (French Pacific franc, the currency in the French Pacific collectivities linked to the Euro).<sup>32</sup>

Since the signature of the Accord, whereas the new political institutions have generally worked well, there have been divisions and realignments within both the pro-France and pro-independence groups, perhaps not surprising as all work within fledgling and innovative political frameworks. Recently, a bitter difference between the pro-France parties over the flying of the Kanak flag alongside the French *tricolore* has shown the depth of feeling about issues of national identity which are under discussion.<sup>33</sup>

For their part, pro-independence mainstream parties, while aware of the shortcomings of the process outlined above, have kept their commitments to ‘play the game’ of the Noumea Accord to its conclusion.<sup>34</sup> At the same time, they have made clear that they expect the full scheduled handovers to take place in order for them to continue to support the Accord, and in particular have noted their concerns about immigration.<sup>35</sup>

Not surprisingly, after decades of concerted immigration from other parts of France, demographic trends, although seriously blurred after the 1996 census by the effect of French census policies referred to above, suggest that the Kanak community, from which many (but not all) pro-independence supporters come, is in the minority. Even with the narrowly-defined electorate for provincial elections on which the composition of Congress is based, pro-France groupings have maintained a majority in the successive five-year provincial elections (elections which determine the composition of the local Congress and its executive) since the Accord provided for them from 1999. Nonetheless, the pro-independence groups reduced the majority of the pro-France group in 2009 elections.<sup>36</sup>

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<sup>31</sup> See comments by pro-independence FLNKS leader Roch Wamytan, *Islands Business*, November 2009.

<sup>32</sup> There was discussion of this issue in New Caledonia and in French Polynesia during 2003 and 2004. France indicated that the currency would convert to the Euro once all three French Pacific collectivities, who all currently use the Cfp, agreed on a switch. Wallis and Futuna and French Polynesia respectively agreed, but New Caledonia has not. Pro-independence Palika party leader Paul Néaoutyine has said publicly that this matter had been raised in the Committee of Signatories meeting in 2005 and referred to this ‘*regalien* right’ which New Caledonia would vote on at the appropriate time, *L’indépendance au présent*, Paris, Édition Syllepse, 2006, p. 78.

<sup>33</sup> Spoken about by the author, Politics in New Caledonia in Caretaker Mode, *Pacific Beat*, Radio Australia, 9 March 2011, available at Radio Australia website.

<sup>34</sup> ‘Nous allons jouer le jeu jusqu’au bout’, comment by senior Palika leader to author, February 2009.

<sup>35</sup> Comments by Palika leader Paul Néaoutyine in public interviews show that he sees the final referendum(s) as predicated on the completion of the promised handover of responsibilities as scheduled by then, for example, ‘If the non-sovereign responsibilities are not transferred, constitutionally, the referendum [foreseen by the Noumea Accord] can not be organized’, in *Les Nouvelles Calédoniennes*, 29 April 2010; he also recorded his continuing concern about immigration at the 2008 Comité des Signataires meeting, *Relevé de conclusions*, p. 7.

<sup>36</sup> In 1999, of the 54 Congress seats, pro-France groups won 31 to the pro-independence groups 23. In 2004, pro-France groups won 36 and pro-independence groups 18; in 2009 pro-France groups won 31 seats to the pro-independence groups 23. One reason for the pro-independence groups’ losses in 2004 was their inability to agree to run on a united ticket in Southern Province, resulting in their non-representation in that wealthy, primarily European province. The subsequent increase in pro-independence group representation, including in Southern Province, in 2009 was attributable not to agreement on a united list, but to the success of a new more radical pro-

The overall trends suggest however that any vote specifically on independence is doomed to fail, and would possibly be accompanied by violence. Leaders of both sides never forget that the bloody civil war of the 1980s saw lives lost on both sides of the political spectrum. But by the same token, further delays and deferrals are unlikely to be acceptable and could similarly spark violence. Just as fears of violence over the Matignon Accords referendum deadline approached in 1998 then led to its deferral for twenty years by the Noumea Accord, some of the pro-France parties proposed from 2008 to defer the vote yet again, this time by up to fifty years, for the same reasons.<sup>37</sup> But these overtures were met with silence on the part of the pro-independence groups. Such forays were subsequently dropped by the pro-France side.

## 7. A vote on what?

It seems therefore that a referendum will in fact occur some time after 2014, and will focus, as the Accord provides, on ‘the transfer to New Caledonia of the *régalien* [sovereign] responsibilities, the access to an international status of full responsibility, and the organisation of citizenship into nationality’ (Article 5). As noted above, the numbers seem stacked against the pro-independence group. It remains the minority in electoral terms; and France, with its interest in maintaining sovereignty, is one of the three principal negotiating parties (the others being the pro-France and pro-independence groupings).

In order to examine possible options for New Caledonia’s referendum, besides starting from the three issues defined by the Accord, the international responsibilities of France are relevant.

The role of the United Nations relative to its Pacific entities has long been a contentious issue for France. In 1947 France refused to allow its entities to be listed as non-self governing entities within the UN. In 1960 when the UN Decolonisation Committee (Committee of 24, C24) was set up, France again declined to allow its Pacific entities to be listed as subjects for consideration. When Pacific island countries sought, in 1986, at the height of tensions with France over its nuclear and decolonisation policies, to secure the listing of New Caledonia with the C24 over France’s objections, France conducted an aggressive policy against it. Even when Pacific island countries succeeded in mustering sufficient international support for New Caledonia to be listed as a non-self governing entity with the C24 in 1986, France declined to acknowledge this, and persisted with non-cooperation with the Committee throughout the 1980s and 1990s, even the latter 1990s when it was altering its regional policies, ceasing its nuclear testing and negotiating the Matignon and subsequently the Noumea Accords. It was only in 2004

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independence party, the Labor Party. Also, the 2004 elections had attracted a larger turnout than the other two (76.42% as opposed to 74% in 1999 and 72% in 2009).

<sup>37</sup> Harold Martin, in his Inaugural Speech as President of Congress, 4 January 2008, proposed discussions on a new Accord to head off the expected predictable results of a referendum (*i.e.* victory by pro-France forces); from early 2009 pro-France leader Jacques Lafleur floated the idea of a *pacte cinquantenaire*, or 50-year pact to defer a vote, *Nouvelles Calédoniennes* 26 February 2009, 27 April 2009, 5 March, 2009, 25 September 2009, 27 October 2009, 13 January 2010.

that France quietly began to submit annual reports to the Committee, implicitly acknowledging that it was the Administering Authority of a non-self governing territory. In doing this, France had clearly calculated that it stood to gain more from reporting to the Committee than by ignoring it any longer, perhaps in diluting the voice of the pro-independence groups who until then had been the primary voices for New Caledonia making presentations to the Committee.

But by implicitly accepting the auspices of the UN Committee over New Caledonia, France has taken on the responsibility, as Administering Authority of a non-self governing territory, to bring to fruition one of the three options the UN has defined for such territories. UN General Assembly Resolutions provide that a non-self-governing territory may reach a full measure of self-government in one of three ways: emergence as a sovereign independent state, free association with an independent state, or integration with a metropolitan state.<sup>38</sup> Within the Pacific region itself, examples of these three, amongst other, models exist already, *viz.* fully independent states (the independent Pacific island states), total integration in another state (Hawaii), attachment to another state while retaining significant autonomy (Norfolk Island, Marianas, American Samoa), and association (Cook Islands, Palau, Marshall Islands, FSM).<sup>39</sup>

## 8. The UN decolonisation options

For New Caledonia, using the UN decolonisation framework as a basis for comparison, the following represent some of the options, in ascending degrees of retained links with France:

- *Formal independence.* France's commitment to retain its Pacific and other collectivities, as most recently enunciated by President Sarkozy, while at the same time being a party principal to negotiations; the demographic trends shaped by policies over many years; and the apparent electoral dominance in New Caledonia of the pro-France groupings, reduce the likelihood of an independence scenario. Despite its mineral resources, an independent New Caledonia would demand substantial support from a number of donors, possibly including France, although this is not guaranteed.<sup>40</sup> The new state would be vulnerable to the same factors the other Pacific island countries face but with the added complication of its own resource wealth: inadequate or non-existent defence and local law enforcement forces;

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<sup>38</sup> United Nations General Assembly Resolutions 1514 (XV) *Declaration on the Granting of Independence to Colonial Countries and Peoples*, 14 December 1960; and 1540 (XV) *Principles which should guide members in determining whether or not an obligation exists to transmit the information called for under Article 73e of the Charter*, 14 December 1960.

<sup>39</sup> See Robert Aldrich in Jean-Marc Regnault and Viviane Fayaud, *La Nouvelle-Calédonie Vingt années de concorde 1988-2008*, Paris, Publications de la Société Française d'Histoire d'Outre-Mer, 2008, p. 199; New Pacific Review/La Nouvelle revue du Pacifique (Ed.) *Pacific Island States Today, L'État des états*, Paris Noumea Papeete Canberra, Pandanus Books, 2003; Stewart Firth, 'Sovereignty and Independence in the Contemporary Pacific', *The Contemporary Pacific*, 1, 1989, 77-83.

<sup>40</sup> As recently as 2004 Overseas France Minister Brigitte Girardin said publicly that the economic tap would be turned off if pro-independence leaders won that election, see David Chappell, 'French Polynesia', *The Contemporary Pacific*, 17(1), 2005, p. 199; note the terms of the March 2011 Colloquium in New Caledonia referred to at Footnote 21.



shifting alliances and rapidly changing governments; and pressure from foreign benefactor governments, in New Caledonia's case compounded by competing pressure for its rich nickel resource and need to speedily adjust from dependence on France and Europe to engagement with regional economies. This outcome would deliver new vulnerabilities to the region, potentially negatively affecting security and economic development. Inevitably an independent New Caledonia would demand an input of economic support and diplomatic and political investment from Canberra, additional to the existing large Australian commitments elsewhere in the region.

- *Free association with France.* This idea has already been mooted by pro-France leader Pierre Frogier, with an unenthusiastic reaction by pro-independence groups.<sup>41</sup> Because the 1988 Pisani proposal used the name 'independence in association', a more neutral term such as 'partnership' might be more attractive particularly to pro-independence groups. Various models already exist in the Pacific region:
  - compact of free association as in the Federated State of Micronesia, the Marshall Islands, and Palau, which have their own UN seats, with defence taken care of by the US;
  - the 'in association' option as exemplified by the Cook Islands or Niue with New Zealand, with full participation in regional organisations but no UN seat, with New Zealand responsible for other foreign affairs matters and defence, at the request of the association governments, and with the Cook Islands retaining the freedom to vote to change its status;
  - the 'commonwealth in political union' option of the Northern Marianas with the US, with no separate UN seat, no responsibility for foreign relations or defence, and the status loosely of an unincorporated dependent territory.
- *Form of integration, perhaps*
  - Federation within France. New Caledonia could become a federated 'state' or province of France.<sup>42</sup> This would require amendment to the French constitution. New Caledonia would retain its rights acquired by 2018 under the Noumea Accord, for example, to conduct certain foreign relations with its immediate region, some civil aviation matters, etc.
  - New status, making permanent the *status quo* at 2018 under the Noumea Accord and its implementing Organic Law. This would mean a continued consultative collegial government, with ultimate majority (pro-France) votes on important legislation. However, current provisions for a restricted electorate for provincial/Congress elections confined to those who arrived before 1988 would cease (see citizenship discussion below). The government could be elected on a basis of proportional representation from the provinces, as occurs now, albeit with declining influence of the Kanak ethnic group over time in the absence of a specially-defined restricted electorate. Still, as provided for under

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<sup>41</sup> In October 2009, Frogier proposed an 'in association' option, which the FLNKS responded to suspiciously, questioning French motives; and over which even pro-France group Calédonie Ensemble leader Philippe Gomès cautioned that discussions with pro-independence groups would be necessary, *Nouvelles Calédoniennes* 26 and 30 October 2009, 22 February 2010.

<sup>42</sup> See Jean-Yves Faberon, 'L'idée fédérale en Nouvelle-Calédonie', in Regnault and Fayaud 2008 *op cit*, Chapter 2.

Matignon/Noumea Accord arrangements, Kanak parties would continue to administer the two primarily Kanak provinces in the Northern and Island Provinces, and to be represented in the assembly of the European-dominated Southern Province. Thus there may be some scope to negotiate greater powers for the provinces, as opposed to the central Congress, particularly in relation to administration of economic resources such as nickel as the northern nickel project develops, in order to accommodate Kanak concerns

It is to be noted that the Noumea Accord specifically notes, in its Article 5, that the results of any final referendum will apply globally to New Caledonia, and spells out that one part of New Caledonia cannot accede to full sovereignty or preserve different links with France on the basis of different results in different parts of the electorate.

## **9. The Noumea Accord referendum target areas**

Each of the above options provides a basis for negotiation between the three parties (the French State, the pro-France and pro-independence groupings) of possible compromises on those areas which the Noumea Accord stipulates must be the subject of the final referendum(s), that is, the five remaining sovereign powers (defence, foreign affairs, currency, justice, and public order), international status, and citizenship and nationality. The way in which these issues might be handled is also guided by the Noumea Accord provision that ‘so long as the referendums provided for do not result in new political arrangements, then the political arrangements set in place by the 1998 Accord will remain in force, in its last iteration, without possibility of regression, this ‘irreversibility’ being constitutionally guaranteed’ (Article 5). That is, New Caledonia will never revert to what it was before 1998; it will retain the powers transferred by 2018 under the Accord.

### *Remaining ‘regalien’ or sovereign powers*

Under the Noumea Accord, it is assumed that responsibilities other than the five *régalien* or sovereign powers would be transferred to New Caledonia before 2018 (even though experience to date shows considerable slippage in these transfers). Of the UN decolonisation options set out above, New Caledonia would take over all five remaining sovereign powers in the independence option. France would retain all these powers under an integration option, although New Caledonia would retain those elements of foreign affairs that it received under the Noumea Accord (principally the right to some foreign relations with regional neighbours and organisations).

In the ‘in association’ option, negotiations would centre on elements of the remaining sovereign powers, some of which the French State might potentially agree to transfer to the local government, for example, responsibility for further foreign relations and possibly some defense activities, and some civil law and enforcement elements. Apart from the five *regalien* powers specified in the Accord, for any non-independence scenario, questions remain, which would need to be discussed and negotiated upon, about the future responsibility for control over immigration

from other parts of France and from other parts of the world, and related employment rights (see citizenship section below); and legalities surrounding mining, both central issues which have been blurred in the Accord.<sup>43</sup>

#### *International status*

With respect to the access to international status, as indicated above, in all three options New Caledonia would retain the responsibilities it has already been accorded under the Accord as to representation in regional organisations and the ability to make certain agreements with regional neighbours. Under the independence option, New Caledonia would clearly as an independent country take over all foreign affairs powers and gain full membership of international organisations such as the UN. Under the integration option, France would retain these responsibilities.

Negotiations for an ‘in association’ option can be expected to focus on the nature of New Caledonia’s regional relations and representation in regional and other bodies, *i.e.* factors such as whether New Caledonia could set up its own diplomatic representation in regional countries, and whether it would have delegations of its own as opposed to being subsumed in French delegations. A central question would be whether or not it could be a member of the UN in its own right, as are the US-associated entities of Palau, the Marshall Islands and the Federated States of Micronesia.

#### *Citizenship and nationality issues*

As indicated earlier in this paper, with the Noumea Accord France broke new ground by specifically providing for a special ‘citizenship’ for long-term New Caledonian residents, embracing special voting rights in provincial/Congress elections, and protecting employment rights. New Caledonia would clearly take over entire responsibility for citizenship and nationality questions in an independence option.

For the other options, discussion of these questions is likely to be thorny, since it is here that the question of immigration from other parts of France, non-continuation of the restricted electorate beyond 2018, and the application of employment protection and preferences, would be addressed, all of which have been core elements of the mainly Kanak pro-independence groups’ claims dating from the 1970s. Negotiations in these areas, because they touch on employment in a nickel-dominated economy, would necessarily be linked with discussion and compromise over the future delineation of powers as between the French State, and New Caledonia’s Congress and three provinces, as referred to above, over minerals and hydrocarbon resources, and distribution of the benefits.

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<sup>43</sup> The Noumea Accord makes no explicit mention of the future of the sensitive immigration power. It is not listed as one of the *regalien* sovereign powers to be addressed in a final referendum process, nor amongst those responsibilities to be progressively handed over to local authorities. In current practice, for those foreigners applying to enter New Caledonia, France exercises this sovereign power, with the local government deciding on applications for work permits. On the control of minerals, the Accord and related Organic Law include complex and ambiguous language, for one example see Frédéric Angleviel, *New Pacific Review*, 2003, p. 157.

Even in the integration-with-France and the in-association options, because the Noumea Accord states there can be no regression to the *status quo ante* the Accord, both pro-France and pro-independence groupings would expect to retain those citizenship protections New Caledonia has currently, and will have refined by 2018, such as employment protection for long-term residents. Some may even push for ongoing permanent restricted electorate provisions, beyond 2018, to preserve the electoral rights for local elections of longstanding residents over newcomers. As noted, France devised special legislative constitutional amendment for the relevant provisions of the Noumea Accord, and this was a controversial issue requiring amendment to the constitution which was only obtained in February 2007. Whether, and to what extent, it could do so for a permanent future arrangement is open to question, although the assurance given by President Sarkozy to the Overseas French possessions in his 2010 referred to early in this paper, that he was prepared to use the flexibility within the French Constitution to the full, suggests an open approach.

France's newly-accepted commitments to comply with UN decolonisation principles also come into play. UN decolonisation principles provide for equal status and rights of citizenship between the peoples of the erstwhile territory and the independent territory to which it is to become integrated,<sup>44</sup> a principle which would seem at odds with the idea of a restricted electorate. Appeals by pro-France supporters, protesting the restricted electorate, to the UN Human Rights Committee were not upheld in 2002. The UN Committee indicated that 'the criteria established are reasonable to the extent that they are applied strictly and solely to ballots held in the framework of a self-determination process'.<sup>45</sup> But once again, whether long-term ongoing permanent provisions for special rights would be similarly interpreted as consistent with UN principles could be in question in the future, which could prove vexatious and even inflammatory for frustrated Kanak and pro-independence supporters who could then see themselves as having been betrayed by the UN and the French State. They may also be able to turn to the 2007 Declaration of the Rights of Indigenous Peoples, which France supported on its adoption in September 2007, and which provides in its Article 4 that 'Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs'.

Pro-France groups similarly took their grievances over the restricted electorate to the EU Human Rights Court in 2005, which reminiscent of the UN Human Rights Committee, noted the 'local necessities' which justified it at the time.<sup>46</sup> With respect to its EU obligations, France

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<sup>44</sup> United Nations Resolution General Assembly Resolution 1541 (XV) *Declaration on the Granting of Independence to Colonial Countries and Peoples*, 14 December 1960, Annex.

<sup>45</sup> The Committee noted too, 'the conclusions of the [French] Senior Advocate-General of the Court of Cassation, to the effect that in every self-determination process limitations of the electorate are legitimised by the need to ensure a sufficient definition of identity. The Committee also takes into consideration the fact that the Noumea Accord and the Organic Law of 19 March 1999 recognise a New Caledonian citizenship (not excluding French citizenship but linked to it), reflecting the common destiny chosen and providing the basis for the restrictions on the electorate, in particular for the purpose of the final referendum', in 'Views', Antonin *et al.* v. France, UN Human Rights Committee, 75<sup>th</sup> Session, UN Document CCPR/C/75/D/932/2000, 15 July 2002.

<sup>46</sup> See Jean-Yves Faberon and Jacques Ziller, *Droit des collectivités d'Outre-mer*, Librairie Générale de droit et de Jurisprudence, Paris, 2007, p. 394.

would also need to address implications for the non-reciprocal citizenship arrangements it negotiated relating to mobility of citizens from New Caledonia (and its other Pacific territories).<sup>47</sup> These and other EU citizenship provisions relating to voting in European elections have been sensitive subjects in New Caledonia and French Polynesia.<sup>48</sup>

It is unlikely that pro-independence forces, who like pro-France forces fought over these particular issues in the 1980s and sacrificed much at the negotiating table on them then and in 1998, would agree to dispense with immigration controls, the restricted electorate and employment protection for long-term residents without significant progress in meeting their other expectations (international status, but especially the mining dividend). Differences over these questions between newly arrived residents and longstanding Caldoche residents and the indigenous people; and between pro-France and pro-independence groups may be exacerbated in the process. This could be a factor for ongoing instability.

In all but the independence option, it is likely the Euro would be speedily introduced, and that inflows of French settlers from other parts of France would continue and probably increase, given past patterns.

## 10. Conclusion

From the foregoing, the most likely direction for the future of New Caledonia would seem to be discussions centring on some kind of future 'in association' with France. The violent history of the referendum issue, the expectations of the pro-independence group from a referendum, and the complexity and controversy of the issues likely to be under negotiation, suggest that these discussions, and the holding of a referendum in coming years, are likely to be painstaking and sensitive processes, with risks of violence and disruption.

Meanwhile, in French Polynesia, it will be important as an earnest of the French State's commitment to even-handedness in its dealings with the Pacific entities, for it to implement recent reforms in ways that do not favour either of the main two political groupings there. Just as political groupings there watch developments in New Caledonia to determine how they might apply to French Polynesia, so do the local groups in New Caledonia, particularly indigenous groups, watch for indicators that the French State will keep its word in respecting the will of the local people as the critical negotiations for the future of New Caledonia unfold.

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<sup>47</sup> By virtue of their French citizenship, citizens of the French Pacific entities as European Overseas Countries and Territories are entitled to travel to other parts of the European Union on the same basis as other EU citizens. By a special provision of the 1957 European Treaty negotiated by France, regulation of the reciprocal right, travel by EU citizens into the French collectivities, must be by unanimous agreement with all members, a provision which has never been implemented, thus providing non-reciprocal travel rights to citizens of the French Pacific collectivities, Faberon and Ziller 2007 *op. cit.*, p. 255.

<sup>48</sup> See Karis Muller, 'Problems of European Union Citizenship Rights at the Periphery', *Australian Journal of Politics and History*, 45, 1999, 35-51, and 'Europe as a Pacific Power', Unpublished work presented as 'The Europeanisation of the Pacific' to the Centre for European Studies, Australian National University, 6 July 2010.

Whatever the subject of the future referendum process in New Caledonia, because of the sensitivities and potential for disturbance, France, and New Caledonian leaders, including not only pro-France leaders but also pro-independence leaders like Paul Néaoutyine and Roch Wamytan, would benefit from keeping regional leaders informed, including not only Australia and New Zealand but also in the other Pacific Islands Forum countries, bilaterally, but also through UN, PIF, and MSG mechanisms, about the processes under way, including by receiving visiting missions from all these organisations.

France's Pacific neighbours understand the complexities of the process of defining a future for its largest Pacific collectivity, as many are grappling with similar issues for their own future. They will continue to welcome and support genuine, unflinching democratic effort on the part of France and its collectivities.





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