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**France and New Caledonia: Three Independence  
Referendums and an Impasse**

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### About the Author

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# France and New Caledonia: three independence referendums and an impasse<sup>1</sup>

*Denise Fisher*

France faces a delicate challenge in the aftermath of the three-stage independence referendum process that concluded with a third vote in December 2021. In contrast to the first two votes, this last time round France came across as less impartial in its handling of the referendum, including by ignoring indigenous requests for it to be postponed given the impact of covid on their people, a development not lost on key political regional organisations. In the event, the indigenous Kanak people, who largely favour independence, boycotted the vote, undermining the political validity of what was to be the final decisive poll.

The flawed result brings to an end remarkable compromise agreements which have underpinned peace following brutal civil unrest over independence in the 1980s. As such, the final vote is a bitter disappointment. It has deepened polarisation between supporters and opponents of independence along ethnic lines, and complicates France's role as it seeks to organise the next step under the compromise agreements, discussion about the future.

While internal divisions plague both sides, independence parties are united in calling for another vote, and are deeply suspicious of the way talks are being proposed by France and loyalists. Demands for full sovereignty from the at least 41% of the population who are indigenous Kanak, are deep-seated and unlikely to go away. Loyalists are loud in the aim of ensconcing the territory within France on the back of their claimed three successive wins. Governance institutions established by the agreements, with key mandates expiring in April 2024, are faltering.

From the 1980s Melanesian and Pacific Island Forum countries have supported the Kanak claim, and each have expressed reservations about the final vote. This paper reviews the circumstances leading to the unique referendum process and its outcome, chronicles the results and challenges raised, and flags the implications, including for Australia and the wider region.

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<sup>1</sup>This paper modifies and updates a chapter, "New Caledonia's self-determination process", in Kowasch, M. & Batterbury, S.P.J. (eds.) (imminent 2023) *Geography of New Caledonia-Kanaky*, Book Series "World Regional Geography", Cham/Switzerland, Springer Nature.

## Background

France took possession of New Caledonia in 1853 (the following brief history is drawn from Fisher 2013, Chappell 2013). Missionaries were the first French residents followed by the arrival of settlers, and the establishment of a penal colony from 1864 to 1897. Encouragement of free settlement in the late 19th century saw the dispossession of Kanak clans from their customary lands on the main island of Grande Terre (see also Merle and Muckle 2019). From 1887 an “indigénat” (native) scheme was imposed confining the country’s indigenous Kanak peoples to certain areas and restricting their movement and economic activity, remaining in force until 1946.

Nickel was discovered in 1874. Experts from other parts of France and immigrant labour from then Indochina (Vietnam), Indonesia and Japan came into New Caledonia to develop the resource. New Caledonia today holds at least 25% of world reserves (see Bencivengo 2014).

Apart from early indigenous resistance to French domination and a major indigenous rebellion in 1878, contemporary local moves for more autonomy from France began in 1932, initially by the locally born white settlers or *Caldoches*. These efforts only developed momentum from the 1940s, when in the early years of World War II, local personalities challenged the Vichy Governor. During the War Noumea became the US South Pacific headquarters from which major battles such as Guadalcanal and the Coral Sea were launched. The presence and experience in Noumea of large numbers of Americans, including black Americans, heightened the awareness of the Kanak people about what might be possible for them. Some Kanaks could vote by 1946, with universal indigenous suffrage introduced in 1956.

Early political activity coalesced largely around the Union Calédonienne (UC), a party of Kanaks and Caldoches, which was formed in 1953 from two indigenous associations created in 1946 by the Catholic and Protestant churches respectively (the Catholic Union of Indigenous Caledonian Friends of Liberty in Order, and the Protestant Association of Indigenous Caledonians and French Loyalty Islanders). The motto of the UC, which still operates today, was then “two colours, one united people”. Calls for greater autonomy were treated within French President De Gaulle’s larger post-War policy of forming a French “community” of dependencies, with a promise of increased autonomy. France therefore refused to allow its overseas territories to be considered as non-self-governing territories in the newly-formed United Nations. Against the background of promised further autonomy, in a 1958 referendum, 98% of New Caledonians who voted (77% of the then 35,163 registered voters) chose to stay with France (Journal Officiel 1958).

In the 1960s, nickel exploitation was expanding and the local people wanted to invite a Canadian company, INCO, to develop the resource. To counter this, France began to roll back some of the autonomies it had promised. It brought in French experts to develop the nickel industry, and others from the metropolitan and other overseas French territories specifically to outnumber the local indigenous people, many of whom wanted independence. On 17 July 1972, French Prime Minister Pierre Messmer wrote to his Secretary of State for the Overseas Territories and Departments that indigenous nationalist claims could only be avoided if residents coming from elsewhere in metropolitan or Overseas France became the democratic majority (Sanguinetti 1985, p. 26; Tutugoro 2020, p.13). There was a veritable waltz of statutes, with some ten statutes introduced from 1957 to 1988, most restricting local autonomies and certainly not responding to calls for independence.<sup>2</sup>

By the late 1970s, the unitary UC was changing. Some Kanaks had formed autonomist parties (among them the Foulards Rouges (Red Scarves) in 1969 and the Union multiraciale (Multiracial union) in 1975). When in 1977 the UC supported independence, many Europeans left the party. In 1977, Jacques Lafleur formed the loyalist Rassemblement pour la Calédonie, which became in 1978 Rassemblement pour la Calédonie dans la République (RPCR, Rally for Caledonia in the Republic), and was to remain the principal loyalist party for decades. In 1984 a coalition of independence groups was formed, known as the Front de Libération Nationale Kanak et Socialiste (FLNKS, Kanak and Socialist National Liberation Front), which endures to this day, with the UC as one of its constituent members. Ongoing related issues have been pro-independence parties' concern about immigration and distribution of nickel revenues.

Tensions grew and by 1984, New Caledonia was in a state of civil unrest, a period euphemistically called *les événements* (the events). In 1987 an independence referendum was boycotted by the FLNKS because it allowed residents of only three years standing to vote. FLNKS calls for independence and protests accelerated and by 1988, became enmeshed in France's national presidential election process. An attack on French police and hostage-taking at Gossanah (Ouvea island) in April 1988, in between the two rounds of the presidential elections, led to a forceful French strike back on 5 May, resulting in the deaths of 19 Kanaks, 4 police and 2 military personnel. Eye-witness accounts note the excess of brutality exercised by French forces engaged in the Gossanah incident (Fisher 2012).

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<sup>2</sup> The 1957 Defferre Law, 1963 Jacquinot Law, 1969 Billotte Law, 1976 Stirn Statute, 1979 Dijoud Law, 1984 Lemoine Law, 1985 Pisani Plan, 1985 Fabius Plan, 1986 Pons I Statute, 1988 Pons II Statute, each briefly summarized in Fisher 2013 Appendix 2.

## **Matignon/Oudinot Accords – a path to peace**

Immediately after the French presidential elections, the newly re-elected François Mitterrand sent a mission to New Caledonia to end the bloodshed. The resultant Matignon/Oudinot Accords were signed in June 1988 by FLNKS leader Jean-Marie Tjibaou and RPCR leader Jacques Lafleur. Negotiations for these Accords were difficult. The agreements provided for a re-distribution of economic benefits throughout the territory, beyond the wealthy mainly European southern area around Noumea into the mainly Kanak north and islands areas, with specific provision for the north to participate in nickel production and revenues. They created three provinces, South Province, around Noumea; and North and Islands Provinces in the Kanak heartlands. Each province had an assembly, with representatives voted for by a restricted electorate, essentially those resident in 1988 and their descendants, who would also vote in an independence referendum to be held within ten years. A training program for Kanaks, called 400 cadres, was initiated.

Support for the Agreements was fragile, evident in the assassination, less than a year later, of Tjibaou by a radical FLNKS supporter.

The Accords presided over ten years of general growth and development, but tensions remained. Both independence and loyalist parties were contending with extremists opposed to the compromises. In 1991, Lafleur proposed a “consensual solution” to head off an independence referendum, citing sensitivities and the risk of returning to war (Chappell 1998, p. 441). In 1993, the FLNKS took up the idea of a “negotiated independence” (Fisher 2013, p. 69; Mohamed-Gaillard 2010, p. 149).

Politically both sides were fragmenting. The loyalist RPCR was dealing with splinter groups including the right-wing Front National (National Front) and the more centrist Calédonie pour Tous (Caledonia For All). The independence side likewise developed into a loose coalition, the UC-led Fédération des Comités de Coordination des Indépendantistes (FCCI, Federation of Independentist Coordination Committees), and including a new, mainly Wallisian Rassemblement Démocratique Océanien (RDO, Democratic Oceanic Party).

Eventually all parties came to agree to the idea of deferring the potentially explosive referendum. The independence side hoped that with more time they could develop the expertise and experience needed to manage an independent New Caledonia, or Kanaky as they saw it. The loyalists saw an extension as providing time for further development and re-balancing of economic activity in the hope that those who sought independence would come to see the benefits of remaining with France.

## The Noumea Accord – a common destiny

On 5 May 1998 the French State and leading personalities from the loyalist and independence parties signed the Noumea Accord extending the date of the referendum to 2018. An Organic Law was gazetted by France on 21 March 1999 to give it effect.

The Noumea Accord is a remarkable document in that it for the first time specifically acknowledged the Kanak people and their particular link with the land (Preamble 1), and stated that colonisation had attacked the dignity of the Kanak people and deprived them of their identity which must be restored (Preamble 3). It referred to a New Caledonian citizenship affirming a common destiny for its people (Preamble 4), meaning that the Kanak people and all other communities, including long-resident European, Wallisian and Asian residents, shared a rightful place in New Caledonia.

The principal provisions of the Accord were for:

- A Congress drawn from the provincial assemblies to be elected by an electorate confined essentially to those with 10 years' residence to 1998, every five years for the duration of the Accord, with a collegial Government or Cabinet
- A scheduled handover of a number of specified powers, with France retaining the five "regalien" or key sovereign powers (defence, foreign affairs, currency, law and order and justice)
- A self-determination referendum process to begin in the final term of the Noumea Accord (by November 2018), which would address New Caledonia's future international status, the remaining five regalien powers, and citizenship issues (essentially preserving employment and voting rights for long-term New Caledonian residents) (Article 5).

Uniquely for France's overseas possessions,<sup>3</sup> New Caledonia now has the power to legislate on its own in areas that fall within its powers, albeit subject to appeals to the French constitutional courts (Article 2.1).

The Accord was underpinned by "economic re-balancing" to address economic inequities. The related 1998 Bercy Agreement, building on an earlier engagement of the mainly Kanak North Province in the nickel industry, enabled that province

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<sup>3</sup> New Caledonia has the legal status of "*pays sui generis*". The other French Pacific possessions include the "collectivities" of French Polynesia and Wallis and Futuna, and uninhabited Clipperton Island in the Pacific; Saint Pierre and Miquelon, Saint Martin and Saint Barthélemy. Elsewhere, France has five overseas "departments" with the same status as those in mainland France: Guadeloupe, Martinique, French Guiana, Reunion, and Mayotte; and the "territory" of the French Southern and Antarctic Lands.

to own a majority share (51%) in a new multi-billion dollar nickel processing plant at Koniambo. At the same time, a massive new plant would be constructed at Goro in the South Province (see Batterbury et al 2020; Kowasch 2018; Pitoiset and Wéry 2008).

A share of the 150-year old nickel production plant at Doniambo on the outskirts of Noumea was also granted to New Caledonia, through its Territorial Company for Industrial Participation. New Caledonia was allocated 30% of shares in SLN (Société le Nickel), the company running the plant, and 5.1% of shares in the French parent company Eramet. While this did not meet the 51% sought by the pro-independence groups, it was a beginning. Within a few years of signing the accord, New Caledonia's share of SLN rose to 34.1%. Eramet, owned partly by the French state (30%) and the French Duval Family (37%), currently owns 56% of SLN, and Nishin Steel Japan 10%.

A further related undertaking was secured, at the demand of the pro-independence group, that France would acknowledge its responsibility to report on New Caledonia as a non-self-governing territory to the United Nations Decolonisation Committee (C24) as administering authority (Personal communication to author 2017). It began to report annually to the UN after signature of the Noumea Accord, and thereafter became subject to UN decolonisation principles, prescribing one of three outcomes: "a) Emergence as a sovereign independent state b) Free association with an independent state c) Integration with an independent state" (UNGA 1960).

### **Implementation of the Accord 1999-2018**

The 1988 and 1998 accords have undoubtedly presided over thirty years of stability and, subject to the volatilities of the nickel market, economic growth in New Caledonia.

The fledgling new political institutions, based on collegial government, generally worked well, although remained fragile, under pressure from increasing divisions within both loyalist and independence groups from 1999. Five-year elections return provincial assemblies in the North and Island Provinces, which are predominantly Kanak, and the mainly European South Province. The Congress is made up of 54 seats, drawn from 32 of South Province's 40 provincial assembly seats, 15 of the North Province's 22 provincial assembly seats, and 7 of the Islands Province's 14 provincial assembly seats (Noumea Accord Article 2.1). The North and Islands Provinces have remained predominantly Kanak, and the political base of the pro-independence groups. The South Province remains centred on Noumea and its surrounds, and is predominantly European, although with significant increased inflows of Kanaks in recent years.



Over the first four elections held from 1999 to 2014, the pro-France groups retained the majority, albeit reducing, in Congress, with the independence groups correspondingly gaining strength. By 2014, of the 54 Congress seats, the strength of representation of the pro-France groups declined from a maximum of 36 seats in 2004 to 29 seats, with that of independence groups increasing from 18 to 25 seats in the same period.

The two main political groups became more divided, the loyalists seriously so. Lafleur's RPCR disintegrated into a number of different parties and coalitions. The 2014 elections (Government of New Caledonia 2014) returned the loyalists 29 seats, 15 of which were held by their largest party, Philippe Gomès' Calédonie Ensemble (CE, Caledonia Together). Their remaining 13 seats were held by a range of smaller parties including what remained of Lafleur's RPCR (re-named the Rassemblement-UMP (R-UMP Rally-Union for a Popular Movement, with just 5). The loyalist side saw various realignments and coalitions over the twenty years of the Noumea Accord. As late as November 2017, a new hardline loyalist party (Sonia Backès' Les Républicains calédoniens, LRC Caledonian Republicans) emerged, which was soon to displace Gomès group (see below on the 2019 provincial elections).

The pro-independence FLNKS has remained a loose coalition, marked by the dissidence of elements of the UC, divided mainly on a north-south geographical line. A new small radical independentist party, the Parti Travailleiste (PT, Labour Party) emerged in 2007. In the 2014 elections the pro-independence side won 25 seats of which the UC/FLNKS won 15 (consisting of Roch Wamytan's core FLNKS with 6, and the UC element 9), the Parti de liberation Kanak (PALIKA, Kanak Liberation Party) won 7, the PT, UC Renouveau (Renewed UC) and the Libération kanak socialiste (Socialist Kanak Liberation) one seat each.

Such division strained the collegial "Government" which is the political Cabinet reflecting the proportionate party strength in the 54-member Congress. Members can decide the number of Government members but have consistently agreed on 11 members. From 1999 to early 2021 loyalists held the majority. As the work of government picked up pace from 1999, necessarily demanding votes on key issues, inevitably a majority pro-France vote prevailed over the collegiality designed by the Accord. However, the proportionate composition of the Government demanded a habit of ongoing collaboration and consultation, which boded well for the preparation of the final referendum process.

Collegiality succeeded in another way. While the fledgling institutions generally functioned well, there were naturally strains. Issues such as which flags to fly, nickel exports to China, and even the election of a President, at times caused the

Government to be moribund for months. Indeed, divisions over electing a President ground Government to a halt at the end of 2017, less than a year before the final referendum. The deadlock, caused by intra-loyalist rivalry, was broken, as in past ruptures, not by loyalist unity but by support from the pro-independence side. Such collaboration reflected the fundamental spirit of the Noumea Accord, potentially a basis for productive consultation on the future beyond the Accord.

In addition to these political institutions, a critical element of the Noumea Accord machinery has been the generally annual meetings of the Committee of Signatories to the Accord, chaired by the French Prime Minister and usually held in Paris. The Committee process included a range of sub-committees focusing inter alia on implementing aspects of the Accord, developing the nickel industry in an equitable way, and more recently, preparation for the final referendum. However elements from both political groups withdrew from time to time for political reasons. The Committee was hamstrung because as time went on it did not reflect electoral strength, as France expanded it to include leaders from new political parties who had not signed the Accord, including numerically more loyalist leaders owing to the greater fragmentation of that side.

Despite the limitations, the Government and Congress, and the Committee of Signatories, were able to deliver many changes, securing the handover to the local government, and sharing, of many of the responsibilities as provided for under the Accord. Differences remained over many issues, including the handover of responsibility for land distribution, as well as the so-called Article 27 responsibilities. These were responsibilities for broadcast media, tertiary education and aspects of administration and control of the communes and provinces, which under Article 27 of the 1999 Organic Law (implementing the Noumea Accord) could have been handed over with agreement of the Congress. By early 2018, it was clear that local authorities would not be able to agree on these transfers, suggesting that they will be part of the subject matter of negotiations defining New Caledonia after the referendum

New Caledonia was also slow to take up some powers shared with France under the Accord, for example in foreign policy, where the Accord allows New Caledonia to engage in regional diplomacy and membership of some international organisations in its own right. Agreement on an Economic Arrangement with Australia and a cooperation agreement with Vanuatu were speedily concluded, in 2002. Thereafter New Caledonia's external engagement stalled for years. Still, by the end of 2017, it was a member of major regional organisations including the Pacific Islands Forum (PIF), the Secretariat for the Pacific Community, many of the associated Council of Regional Organizations in the Pacific technical organisations, as well as of the World Health Organisation and the UN Educational, Scientific and Cultural Organization. New Caledonia has had a

diplomatic delegate of its own in the French Embassy in Wellington New Zealand from 2012. After years of dispute over further appointments, nominees have since been attached to French Embassies in Australia, Papua New Guinea, Vanuatu and Fiji. New Caledonia's External Affairs Unit was run by a French senior Overseas France Ministry official, François Bockel for nine years to 2019.

The promise of more equitable sharing of nickel production and revenue has generally been kept. As noted, 34% of the revenues of the longstanding SLN company in Noumea has been granted to New Caledonia, and 51% of the nickel project at Koniambo to the North Province Government. The first Kanak Chairman of SLN (the longstanding colonial company operating on the outskirts of Noumea), Dominique Katrawa, was appointed in 2017. There has been investment of over \$US 5b in each of two major new plants, at Koniambo in the North (Koniambo Nickel 2020) and Goro in the South (\$US 4.3 b. construction costs, French 2009, with Vale committing \$US 500 m., MiningCom 2018). Despite major technical problems at each site, and against the background of extreme volatility in global nickel markets, each is finally in production. At times of plunging nickel prices, the French state stepped in with major fiscal support, shoring up confidence as the referendum date approached.

Despite the general success of the Accord in underpinning stability and growth, there have been some serious weak points. There have been ongoing concerns about the specially-defined restricted electorates negotiated under the Accords, which were fundamental to reassuring Kanak pro-independence groups, fearful of being outnumbered after years of concerted immigration policies. The Noumea Accord restricted the electorate for the Provincial elections essentially to only those with ten years' residence to 1998. Within the very first term, pro-France groups challenged this interpretation, claiming that the real intent was for voters to have ten years' residence to the year of each five-year election (i.e. 1999, 2004, 2009, 2014, 2019). Pro-independence concern was immediate and bitterly expressed. It took years for this to be sorted out. Only in 2007 did the French clarify the interpretation via legislative amendment, in favour of the pro-independence fixed 1998 interpretation, and this only after loyalists had taken the issue to the EU and the International Courts of Human Rights, both of which endorsed the pro-independence view (Fisher 2013, p. 103; Chauchat 2007, p. 57). The lengthy process to resolve such a core issue raised concerns amongst the pro-independence groups about the good faith of the loyalists and indeed of the French State.

Another fundamental weakness in the implementation of the Noumea Accord has been ongoing social and security concerns. Longstanding ethnic violence continued at St Louis, on the outskirts of Noumea, involving Kanak and Wallisian groups, in the late 1990s and early 2000s. The ethnic differences at the time were

controlled only when the French State resettled the Wallisians elsewhere. But the St. Louis area remains troubled, with ongoing outbursts of violence by local Kanak youth. The village occupies a strategic position, straddling the main arterial road between Noumea and the Mont Dore dormer suburbs inhabited mainly by wealthy Europeans. Continued sporadic violence there, and in other regional towns on the main island, is symptomatic of deeper problems experienced by young Kanaks.

The most significant failure under the Accords has been the inability to achieve full integration of many Kanaks, particularly Kanak youth, into the economic life of the territory. Forrest and Kowasch (2016) addressed issues of belonging and identity. Kanak young people living in villages find it difficult to succeed in the rigid metropolitan French education system that operates in New Caledonia, with consequent socio-economic disparity and ongoing ethnic discrimination (Kowasch 2010; Ris 2013), as basic as discrimination in employment, with young Kanaks paid less than Europeans for doing the same job (Gorohouna 2011). Dropping out, turning to drugs and to music and wafting between villages and Noumea's squatter settlements is the fate of many, with some turning to petty crime. A visiting UN Special Rapporteur James Anaya gave a devastating account of the social place of Kanaks in his 2011 Report, even after years of implementation of the special "400 Cadres" training program, noting

"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"...[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"(Anaya 2011 cited in Fisher 2013 p. 141 and 149).

While there has been no comprehensive review, very little has changed since his visit. Clearly, Kanaks are involved in successfully running the North and Loyalty Island Provinces, although there remain numbers of French administrators. Kanak university lecturers and lawyers remain extremely rare (this author is aware of just three lecturers - Edouard Hnawia, Samuel Gorohouna, Suzie Bearune - and one Kanak advocate, Francky Dihace). Somewhat belatedly, at recent Committee of Signatories meetings and during the November 2017 visit to Noumea by French Prime Minister Édouard Philippe, all parties acknowledged the problems in engaging Kanak youth, and committed to working together to address the underlying issues (Government of New Caledonia 2017).

Working on inclusiveness for young Kanaks will undoubtedly be a major subject of discussion about New Caledonia after the Noumea Accord. But meanwhile, there was an escalating pattern of violence, mainly perpetrated by Kanak youth,

involving burglary, stoning of cars and motorbikes, and even rape, against middle class Europeans and others on the outskirts of Noumea and in major town centres (see Fisher 2019a, p. 12; La Dépêche 2018). Independence parties condemned the violence noting individual offenders were responsible, and rejected broad labelling stigmatising Kanak youth. By March 2018 the FLNKS was warning that the “Kanakya-Nouvelle-Calédonie” vision should not be undermined by the acts of a few individuals (FLNKS 2018b).

All of this made for a fragile situation as the final self-determination phase of the Noumea Accord began in late 2018.

### **The first referendum - 4 November 2018 – clear Kanak support for independence**

The Noumea Accord (Article 5) provided for an independence referendum process to begin any time after the election of the 2014 Congress, on the basis of 3/5 support of that Congress. The process involves the holding of a referendum on independence. If the answer were no in the first vote, a second referendum could be held within two years, with 1/3 support of the Congress; and a third on the same basis. If the answer remained no after three votes, the parties must discuss the situation. Thus, the process extended over years, with the remaining, most bitterly divisive issues between the major political groups, that had been set aside for 30 years, front and centre.

Indeed, the independence and loyalist parties could not agree to initiate the process until the very latest time possible (April 2018), finally agreeing to a first referendum on 4 November 2018. Differences over the question to be put (which was the same for each of the three potential referendums) were such that only at a 15-hour marathon meeting in Paris chaired by the French Prime Minister, Édouard Philippe, could the parties even agree to the wording, which was: “Do you agree that New Caledonia should accede to full sovereignty and become independent?”

One consequence of the late agreement on the date for the first referendum was that local provincial elections became a distraction that hardened the positions of both sides for the first referendum. The Noumea Accord had envisaged that, if the 2014 Congress had agreed immediately to initiate the first referendum, the four-year process would have been complete by the end of 2018. New Caledonia would have been independent, or have decided on future governance after 2018, by then. In the event, with the first referendum taking place only in November 2018, to pursue the remaining processes, it was necessary to hold provincial elections in May 2019 to renew the Congress at the expiration of its 5-year mandate.

Local parties were positioning themselves for those elections in the lead-up to the referendum, in the knowledge that it would be the May 2019 provincial elections that would define the political balance for the remaining critical phases of the Accord. Just a few days before the referendum, some loyalists called for the cancellation of a second and third referendum and the restricted electorates, seemingly revoking critical elements of the Noumea Accord (L'Obs 2018); and one radical independence group had earlier called for a boycott of the referendum because of allegedly inaccurate voter lists (Parti Travailleiste 2018).

Because of the importance of the restricted electorate, the voter lists were themselves a sensitive subject, having been challenged for years by both independence and loyalist groups. The UN sent supervising missions to oversee the list preparation process in the two years before the referendum. France also made unique provisions for voters to appeal their eligibility even up to the day of the vote. To ensure non-contestability of the process, France invited UN and PIF missions, and over 100 international journalists, to observe and report.

In the event, the turnout for the referendum was a recent historic high of 81.01%, giving legitimacy to the result. For comparison, New Caledonia's turnouts for the 2014 European elections had been 27%; for French legislative elections around 40%; and, for the previous local (provincial) elections, 69%. The result of the vote was 56.7% in favour of staying with France, and 43.3% supporting independence (Government of New Caledonia 2018).

Many were surprised by the relatively high level of support for independence, as a number of polls (albeit with high margins of error and questionable samples) had pointed to at least 60% favouring staying with France (Calédonie 1ère 2018 and I-Scope 2017). Some loyalist parties had predicted a 70% "stay" vote (Le Figaro 2018). However, the result is consistent with the trend in provincial elections since 1999, with the disposition of seats in the 2014 Congress 53.7% loyalist and 46.3% pro-independence.

The real shock in the results, for France and for loyalists alike, was the clear, overwhelming ethnic division, whereby virtually all of the pro-independence vote were indigenous Kanaks (see Pantz 2018). Partly the surprise arose from a relatively murky idea till then of just how many Kanaks there were in the territory, after France had tinkered with the "ethnic" category from 2003 (see Fisher 2013 pp 104 et seq), affecting figures thereafter. Changes to ethnic categories meant that the official record of Kanaks representing 41.2% of the population understated their numbers, since new categories included "mixed race", "Caledonians" and "non-declared" all of which could include Kanaks.

While some non-Kanaks may well have voted “yes”, one well-placed senior French official told this author that a map of the “yes” voting pattern almost completely matched a demographic map of Kanak areas (Private communication 2019). The “yes” vote to independence reached as high as 80-90% in the Kanak heartlands (the Loyalty Islands and North Province’s north and eastern communes) and the “no” vote equally reached as high as 80-90% in some wealthy European communes in South Province, with about 26% “yes” votes in the communes around Noumea with a Kanak population (Government of New Caledonia 2018b). The undeniable reality was that, after thirty years of compromise, concessions, and power handovers, the vast majority of Kanaks, including the many young Kanaks who were evident in the televised queues at polling stations, had voted for independence. The expectation that many Kanaks may have been persuaded over the years to drop their desire for independence was proven misplaced.

The result was difficult for loyalists to accept. Some called for removal of the restricted electorates for the remaining provincial elections and possible future referendums. France speedily reconfirmed the continued application of the Noumea Accord provisions in a Committee of Signatories meeting in early December 2018 (Relevé de conclusions, 2018), although some loyalists maintained their opposition.

In the years leading to the first referendum, independence parties had paid great attention to young Kanaks, in village meetings and through travelling campaigns, to encourage them to vote and to support independence. They had also specifically courted non-Kanak islander support amongst Wallisians, Vanuatu and French Polynesian voters, even visiting Vanuatu and French Polynesia to urge clan influence in their favour. French Polynesian independence leader Oscar Temaru was in New Caledonia supporting the independence side in the campaign, and the Melanesian Spearhead Group (MSG), comprising Fiji, Papua New Guinea, Solomon Islands, Vanuatu and New Caledonia’s FLNKS independence coalition, also gave its support (Les Nouvelles Calédoniennes (LNC) 2018a).

The first referendum had the effect of heightening loyalist fears about the future. While voting took place peacefully, a major achievement in itself, as soon as polls closed there were burnings of cars and buildings, and blockades at the troubled St Louis area but also in the Paita area along the main highway north of Noumea, which involved throwing of stones and Molotov cocktails, and even shooting on police, by young Kanaks.

There was also a degeneration in an ongoing dispute at an SLN mining site at Kouaoua on the eastern coast, in the months before the referendum. Some young Kanaks disagreed with their elders over SLN activity in the area, for environmental reasons and because they claimed they had not been sufficiently

included in consultations (Salenson 2018). They had engaged in numerous arson attempts on the pipeline at the site at Kouaoua for two years before the referendum. They imposed a blockade there from August 2018 until voting day itself, with independence leader Paul Néaoutyine publicly describing SLN as prone to blackmailing New Caledonia just weeks before the vote (Radio New Zealand 2018). Arson attacks there, and continuing petty burglaries and assaults on middle-class Europeans and others more generally, continued into 2019.

### **May 2019 provincial elections: independence parties become largest in Congress**

Before a decision could be made for a second referendum, the scheduled May 2019 provincial elections intervened. These elections determined the composition of the Congress for the final self-determination stages under the Accord.

Loyalists were divided. The then largest loyalist party, Calédonie Ensemble (CE), ran on a platform of dialogue with independence groups to negotiate a new agreement that would obviate the need for a second and third referendum (Calédonie Ensemble 2019). The hardline Les Républicains Calédoniens (LRC) under Sonia Backès organised a coalition called Avenir en Confiance (AEC, Future with Confidence), drawing in many remaining loyalist parties, but not the CE, which had been a leading force in local and French political institutions since 2014. The AEC favoured bringing on a second referendum as soon as possible. While not ruling out dialogue with independence groups, Backès said that discussions would be “firm” and without “unilateral concessions”. In apparent challenge to Noumea Accord recognition of the Kanak identity, she said that “no one community” should have an advantage. The AEC platform statement opposed restricted electorates (Avenir en Confiance 2019).

While independence parties had their differences (see Tutugoro 2020), they were able to agree on one list in the mainly loyalist South Province, gaining support there. However, the loyalist parties could not agree on single lists in either of the mainly pro-independence Kanak North and Island provinces. In the event, only the AEC won some small loyalist representation in North Province.

The final outcome (Elections-NC 2019) reflected the serious lack of unity on the loyalist side. Their representation in the Congress dropped from 29 to 25 seats. Independence groups increased their support from 25 to 26 seats, for the first time winning more seats than the loyalists. A new Wallisian-based party, L'Éveil océanien (LEO, Pacific Awakening), claiming not to be aligned with any major side, won the remaining 3 seats. Reflecting loyalist concern heightened by support for independence in the first referendum, the more hardline AEC displaced the



moderate CE as the largest loyalist party, winning 18 Congress seats to the CE's 7 (as opposed to CE's 15 previously). The two groups immediately said they would work together, although failed to do so two weeks later when electing a President of Congress (Radio New Zealand 2019), replicating the many unsustainable efforts at loyalist coalitions over the last twenty years.

Independence leaders expressed themselves satisfied with the results, with Rock Wamytan (FLNKS) noting the lower participation rate than for the referendum (64% in North Province) but indicating that young Kanaks did not generally vote in provincial elections, favouring the referendums. Key leaders Paul Néaoutyine (PALIKA), Daniel Goa (UC) and Rock Wamytan (FLNKS) retained their support bases (Fisher 2019b).

While independence parties maintained their representation in the South Province, and AEC won 2 seats in North Province, loyalists did not win any seats in Loyalty Islands. Moreover, the 3 LEO seats increased loyalist vulnerability. LEO leader Milakulo Tukumuli claimed his Wallisian-based party was "French", but emphasised the goal of protecting the community spirit within New Caledonia (LNC 2019a). Independence leader Rock Wamytan noted, early, the inclusion of former independence supporters in the LEO (LNC 2019b). The kingmaking role of the LEO was soon demonstrated, when after a loyalist impasse over the election of the President of the Congress, the LEO cast its support behind Wamytan, who won (Radio New Zealand 2019).

European loyalist fears were heightened by strong Kanak support for independence in the November 2018 referendum; continuing social unease; increased pro-independence representation in the Congress after the May 2019 provincial election at the expense of their own numbers; and the power-broking role of the Wallisian-based LEO. Hardliners now had the ascendance in loyalist ranks.

### **The second referendum – 4 October 2020 – support for independence increases**

The Noumea Accord provided for up to three referendums as long as the result was "no" to independence.

In June 2019, the newly-elected local Congress, with the necessary 1/3 support, this time led by the loyalist AEC, duly called for a second referendum. There were differences over the date, the AEC preferring an early vote, in August or September 2020, and independence parties as late as possible. After initially deciding on September 2020, with the advent of the covid pandemic, restricting

movement and requiring the postponement of municipal elections, in May 2020 Prime Minister Édouard Philippe deferred the vote to 4 October 2020.

Independence parties, invigorated by their relatively strong showing in the first referendum and their gains in the 2019 provincial elections, campaigned actively. Their campaign was boosted with the decision by the extreme left PT, which had boycotted the first referendum, to participate in the vote. Independence leaders decried a decision by France to allow loyalist parties to use the French flag in their campaign. However, independence leaders were able to score points on two major territory-wide fronts: covid management and nickel.

In May, in an open letter, UC leader Daniel Goa demanded the removal of the French High Commissioner, invoking serious health concerns about the handling of the covid pandemic. Goa accused him of siding with loyalists in the lead-up to the referendum. He accused the French government of ignoring local government powers over health under the Noumea Accord, including by not closing its borders to the rest of France despite New Caledonia's covid-free status, and variable application of local quarantine requirements, putting locals at risk. He likened France's approach to the mass deaths of Kanaks from influenza after the arrival of French colonialists (Goa 2020). The High Commissioner responded with seriatum rejections of the claims (Haut-commissariat 2020b), but Goa's letter had had its effect. In May 2021 the High Commissioner was replaced well before the end of the usual term.

Meanwhile, nickel once again became the subject of political activity. In December 2019, the owner of the large nickel plant in the south, Vale Brazil, announced its intention to sell. An Australian company, Century Resources, was considering the purchase. In July and August, independence party leaders made public calls for local, New Caledonian ownership rather than foreign control. In September 2020, just weeks before the second referendum, Century Resources withdrew its interest. On 10 September independence supporters marched against foreign control of the plant. In a separate development, on 23 September, days before the second vote, young Kanaks blocked a mine at Nepoui.

As in the first vote, independence leaders were supported by French Polynesian independence leaders and the MSG. Notwithstanding the effects of the covid pandemic, the UN once again supervised preparation of voter lists in February 2020 and sent observers, complying with local quarantine requirements, to the October vote. Owing to covid restrictions, the PIF designated its members with local resident missions (Australia, New Zealand, Vanuatu) as observers.

On 4 October the vote was held, returning 53.26% no to independence, and 46.74% yes, with just 9,970 votes separating the two sides (as opposed to 18,000

in 2018). The turnout was a massive 85.6%. The vote took place peacefully, although loyalist parties complained at allegedly intimidatory tactics at some Noumea voting booths by groups of independence party supporters (Steinmetz 2020). The electoral commission subsequently reviewed their concerns but said that these activities had been unlikely to have changed the result (NC1ère 6 October 2020).

The stronger independence showing in the second referendum deepened division between the two sides and heightened loyalist concerns (RJPENC 2020 pp. 75-159, Léoni 2020).

### **Preparation for the third referendum – 12 December 2021**

Preparation for a third referendum began in this deeply divided climate. Ongoing division within the loyalist camp compounded their growing concern at the trend of strengthening independence inroads into their political majority. Independence groups were re-energised by their consecutive increased support over the first two referendums and in the 2019 local Congress election. They were also conscious that this would be the last vote under the restricted electorates that have boosted their position.

Both groups targetted the 25,881 eligible voters who abstained in 2020, with a view to overcoming the 9,970 difference in support for the two sides. The results of the 2019 census, released in mid 2020, added a new element, showing a net emigration from the territory for the first time. From 2014 to 2019, even before the effects of the covid pandemic, there was a net outflow of 2,000 people per year (ISEE 2020). If this trend continued over 2020 to 2022, the final deadline for a vote under the Accord, a further 6,000 departures could potentially dent the pro-France vote, since those leaving were unlikely to be indigenous Kanaks. Meanwhile, young Kanaks were attaining voting age and boosting potential support for independence.

Again, nickel management was an arena of political contest. After the withdrawal of Australia's Century Resources from the purchase of the southern nickel plant, independence leaders in North Province proposed a venture with a Korean company, which was opposed by loyalist parties in South Province, who favoured European investment proposals. At the end of December and early into 2021 protests and demonstrations took place, led by Kanak independence party supporters, including road blockages, and throwing stones and Molotov cocktails at police. Protestors invaded the high-tech Goro plant offices, setting fire to buildings and destroying equipment.

On 2 February 2021, the two main independence coalitions withdrew from the collegial local Government, or Cabinet, citing inter alia concerns over the lack of implementation of collegiality and mishandling of the nickel plant sale issue (NC1ère 2 February 2021). In the subsequent re-election, independence parties displaced the loyalists as the majority in the local Government for the first time. They were less successful in agreeing on who amongst their number should be elected President of the Government, grinding government to a halt for five months and requiring France to step in to pass a budget. On 2 July 2021, they agreed to elect PALIKA leader Louis Mapou, as President of the Government.

To address differences over the sale of the Goro nickel plant, French Overseas Minister Lecornu convened consultations with loyalist and independence party leaders in Paris. On 4 March a compromise was reached, whereby New Caledonia would retain 51% share in the plant, with the shares of a Swiss-based investor set at just 19%, and a newly formed French company Compagnie financière de Prony the remaining 30% (LNC 2021a). The change was a significant win for independence leaders in their push for local control of the nickel resource.

At this point, the independence side duly implemented Noumea Accord provisions allowing for a third referendum. Independence parties held well over the 1/3 of Congress seats (18) necessary, and on 8 April 2021 their 25 representatives supported the call, but with all loyalist parties abstaining, a sign of deepening polarisation.

Independence leaders scored another political success on 28 July 2021 when their candidate for President of the local Congress, Rock Wamytan of the UC, won after disputing loyalist parties failed to agree over a candidate. For the first time, independence parties dominated both the Government and the Congress, and held the Presidencies of each.

### ***France's role organising the referendum***

France responded to the call to organise the third referendum amidst the growing confidence and institutional influence of the independence parties, and disarray amongst the loyalists. These factors, together with the decisive nature of this last vote under the Accord, saw a more concerted effort by France to highlight the risks of supporting independence, and thereby encourage voters to vote to stay with France, albeit while working for neutrality in overseeing the practical arrangements for the vote. France continued to exert considerable effort, so far fruitless, to encourage dialogue amongst all parties about the shape of New Caledonia's future the day after the Accord ended (see "*Earlier work*" section below).

France has been in a delicate position as organiser of the referendum process. The poor history of numerous statutes altering autonomy provisions from the 1970s to 1980s, the violence of those decades, and the boycotted 1987 referendum preceding the calamitous hostage situation in early 1988, were all events closely watched and condemned by Melanesian and wider regional neighbours. The MSG was formed in the mid-1980s specifically to support the Kanak independence movement (Maclellan and Chesneaux 1998, p. 197; Bates 1990). PIF members had played a major role in having New Caledonia put on the UN decolonisation agenda in 1986, and subject to UN oversight, over French opposition. The UN was thus also watching, passing resolutions on New Caledonia every year since.

While clearly favouring New Caledonia staying with France, France often had to play the arbiter when implementing the Noumea Accord. It knew the referendums had to be seen as impeccable, for a durable inclusive long-term future shared by independence and loyalist parties alike, and to sustain international scrutiny to maintain support for France as a power in the region and beyond. Thus, France engaged the UN in finalising voter lists, and invited UN and PIF observers, and international journalists, to the first two referendums.

While seeking to project impartiality, France toughened its approach from mid-2020. First, French President Emmanuel Macron replaced all senior officials involved in handling the New Caledonia portfolio. For the first vote, it was the French prime minister, then Édouard Philippe, who led the process. He personally engaged in negotiating agreement over preparations and to address key issues of governance beyond the Noumea Accord, choosing to by-pass the regular meetings of the Committee of Accord Signatories, the steering group for implementation of the Noumea Accord, but nonetheless engaging a wide number of party leaders. He initiated a series of dialogue processes with limited success, as various parties on occasion withdrew. In July 2020, Macron replaced Philippe with Jean Castex, and also appointed a new minister for Overseas France, Sebastien Lecornu, the such Minister in nine years who did not come from an overseas French territory. It was the Overseas France minister, not the new Prime Minister, who was charged with overseeing the third referendum process.

Lecornu took up his position in the middle of the covid pandemic. He visited Noumea in October 2020, just after the second referendum, holding online zoom meetings while quarantining. He hand-picked just five independence and five loyalist leaders to meet, a smaller group than involved in Philippe's dialogue efforts, on the island of Leprédour. He had no more success than Philippe in maintaining the cohesion of the dialogue group. There was no conclusive outcome,

and independence members, at that time protesting against the Goro nickel sale, withdrew.

Responding to the 8 April 2021 call for a third referendum from the Congress, Lecornu again selected a small group of leaders to come to Paris from 25 May to 1 June 2021, to consider the date of the vote, and discuss the “institutional future” and expectations of France in the period immediately afterwards, whatever the outcome. France’s most senior representative in New Caledonia, the High Commissioner, was replaced on 19 May just days before the meeting.

Immediately before the meeting, France also sought to shape public opinion in New Caledonia, focusing on the negative aspects of a yes vote (MacLellan June 2021). On the eve of the meeting, the territory-wide daily newspaper published the results of a survey the French government had commissioned, underlining that 94% of respondents saw the link with France as important, 43% opposed independence and 31% favoured it. The survey projected the departure of between 10,000 and 24,000 people in the event of independence, with a further 59,000 unsure about staying (in a total population of 271,407 people) (LNC 2021b). The daily also published a leaked, 46-page French paper detailing the respective consequences of a yes and no vote (see section on yes/no paper below). It highlighted in some detail the negative impacts of a yes vote, notably the significant loss of funding and French personnel, threats to French nationality, and flagging the departure of 10,000 to 70,000 individuals (LNC 2021c). Literally on the eve of the Paris meeting, another French government-commissioned survey was released showing that 66% of metropolitan French people favoured full sovereignty for New Caledonia. All of these undoubtedly heightened local concerns at the likelihood, and negative consequences, of a yes vote.

While UC representatives attended Lecornu’s meeting, senior leaders of PALIKA declined to participate, saying the agenda was “fluid and ambiguous”. This group had flagged in the past that it preferred bilateral talks with France. A senior loyalist leader, Pierre Frogier, also withdrew, refusing even to consider the idea of a final referendum vote beyond 2021.

The meeting was difficult. Divisions between the parties were acute, particularly over the date of the final vote. The loyalists wanted a vote as early as possible. They cited the two earlier outcomes favouring staying with France and saw an early final vote to confirm that result as essential for the sake of the economy and investment, which had stagnated in view of the uncertainties about the future. Independence leaders preferred as late a date as possible, in October 2022, to give them the maximum chance of securing majority support, as more young Kanaks reached voting age and as non-Kanak locals joined the exodus of those who had left the territory.

Some limited progress was made. Daniel Goa, leader of the UC, signalled a change in position when he said the party would consider partnership with France in the event of a yes to independence (Goa 2021). PALIKA leader Paul Néaoutyine had announced his party's consideration of the option of "full sovereignty in partnership with France" in November 2017 (later elaborated in PALIKA 2018). These moves were presumably designed to attract more support from moderates for the referendums. What was clear was that these independence parties saw, in the Tjibaou tradition, attainment of independence first, then negotiation of what they called "interdependencies" with others, giving France a privileged place. Loyalists rejected, as one leader Pierre Frogier once said, "even five minutes" of independence.

The Paris group considered the French paper on consequences of a yes/no vote, which was expanded upon after discussion, but not released publicly, labelled a "discussion paper", not an agreed statement.

### ***Declaration about the future***

A short declaration was agreed, setting out some parameters for the future (Declaration 2021). Those present (and it must be emphasised, as indicated earlier, that some key independence leaders did not attend) endorsed working together for a common future, with an 18-month transition period to follow the vote. This was a compromise by independence groups, who had previously proposed up to three years for transition in the case of independence. Territorial partition was ruled out. In the case of independence, the declaration identified some immediate transitions (such as curtailed financial transfers), longer-term transitions in sensitive areas such as justice and law and order, and some access (not defined) to double nationality. Efforts towards a partnership with France were agreed, although heavily qualified as "without guarantee of success". In the case of a no to independence, the right to self-determination would remain, New Caledonia would stay on the UN list of non-self-governing territories for the transition period, responsibilities already transferred would remain, and France would continue its support.

Most significantly and worrying for the many independence groups not present, in the case of a no to independence, the restricted electorate which had underpinned their electoral success throughout the Noumea Accord period, would be "partially opened". Details were not provided.

The declaration noted that there would also be a "référendum de projet" ("program referendum") at the end of the 18-month transition period, to overarch

whatever outcome the third referendum delivered. It is unclear what this “program referendum” referred to after an independence outcome. Such a vote is understandable in the case of a no vote, against independence, consistent with French practice, to endorse in French law whatever future governance provisions are agreed after the lapsing of the Noumea Accord. But in the case of independence, given the restricted electorate for the third and final vote under the Accord, it is difficult to see independence leaders agreeing to a further territory-wide vote, where they would no longer benefit from eligibility of longstanding residents only, to endorse independence at the end of what would be likely to be a disruptive transition period.

### ***Date of the referendum***

The meeting was unable to agree on the date of the third vote. On 3 June, Overseas Minister Lecornu announced that the date of the final vote would be 12 December 2021, over the opposition of independence leaders. He did so unapologetically, noting that the decision was not by consensus, but lay within his statutory powers, and was taken to secure the end of the Noumea Accord (NC1ère 2 June 2021).

No doubt one consideration for Macron’s administration would have been the timing of presidential and national parliamentary elections in April and June 2022 respectively. The tragic hostage-taking event between two presidential election rounds in 1988 highlighted the potential for the French political calendar to impact New Caledonia. Although New Caledonia’s future is not on the national agenda, national parties have links with particular local parties, and could take positions on a New Caledonian referendum campaign, entangling the two sets of campaigns. On the other hand, consequences from a December referendum could conceivably impact national campaigns if, for example a yes outcome were seen as the “loss” of New Caledonia, or in the event of violence in New Caledonia.

It seems that the calculation underlying an early date was that of a more likely vote to stay with France, and a preference to hold the vote while the current administration was in power. In this respect, the need to minimise the distraction of other elections was underlined by the subsequent poor performance of Macron’s *La République en Marche* party in French regional elections at the end of June 2021.

Independence leaders noted that the decision on the date was unilateral, and they did not support it. On 23 June Congress endorsed the referendum date, with loyalists voting for it, and independence parties abstaining or opposing. Independence leaders referred to remarks by the French Prime Minister Edouard Philippe after a Committee of Signatories meeting in 2019, reporting collective



agreement not to hold any third vote between September 2021 and August 2022, to separate the New Caledonian vote from national French presidential and legislative elections in April and June 2022 (LNC 2021f, Philippe 2019).

### ***Paper on consequences of a yes/no vote***

On 16 July 2021, the French High Commissioner publicly released an expanded version of the French document outlining the consequences of a yes/no vote. Here, French practice again differed relative to the first two referendums. The French Government is statutorily required for such referendums to issue a document explaining to voters the consequences of their vote. In the first two cases, short non-controversial 3-page papers simply setting out likely consequences, with equal space to each side, were published without fuss (Government of New Caledonia 2018a, Haut-commissariat 2020a). Since the second vote, the paper became a discussion paper, evolving into 40 pages by the time of the Paris meeting, and by July, a 101-page document. For this final vote, France wanted discussion and clarification of what local parties saw as France's immediate future role, whatever the outcome.

### ***Earlier work on re-shaping New Caledonia's post-Accord future***

France had already invested considerable resources in consulting local party leaders and reflecting on options for a future for New Caledonia after the Noumea Accord. The French State formed two separate commissions focusing on legal and political questions respectively. In 2013, two French jurists, Jean Courtial and Ferdinand Mélin-Soucramanien, prepared a report on the Institutional Future of New Caledonia as a basis for discussion by the parties. In this paper the two jurists set out the legal consequences and requirements under four possible future options: full sovereignty, partnership with France, extended autonomy, and continued autonomy or the status quo (Courtial and Soucramanien 2013). These options were consistent with UN principles (UNGA 1960).

The French State also set up a commission, from 2015, headed by a founding negotiator of the Matignon and Noumea Accords, Alain Christnacht. The commission made numerous visits to New Caledonia, to listen to all political parties both on a round-table and one-on-one basis, in order to identify the principal areas of agreement and of difference.

Christnacht's report noted that all parties agreed on maintaining the current three provinces, albeit with pro-independence groups wanting a separate election for members of the territory-wide Congress (currently determined by members of the

provincial assemblies) (Christnacht 2016). Pro-independence groups and some pro-France groups wanted the more grassroots communes to belong to the New Caledonian government rather than to be run by the French State as is currently the case. All groups favoured continuing the current collegial system of ‘gouvernement’, or Cabinet, with membership proportionate to party representation in the Congress. One pro-France group supported a majority supplement to boost the representation of the majority party, and one pro-independence group wanted to include a member of the Customary Senate.

All parties supported continued economic re-balancing between the mainly European south and the mainly Kanak North and Loyalty Island provinces, although pro-France groups wanted an adjustment of the formula of Congress seats to reflect better the influx of people into the south.

Significant differences centred on citizenship, with pro-independence groups favouring full nationality and pro-France groups preferring a New Caledonian citizenship within France. But even here, all groups agreed on a ‘clear and accessible citizenship’ to replace the current (temporary) fixed definition of citizenship limiting the number of those who could vote in provincial elections.

On the five key sovereign powers (defence, foreign affairs, currency, justice, and law and order), which remain with France currently, unsurprisingly, differences were wide. Pro-independence groups wanted to create a new state that would then decide on what partner might take up these powers, whether it be France or some other state, inspired by assassinated leader Jean-Marie Tjibaou, who said a fundamental demand was the “right to choose with whom we shall be interdependent” (Tjibaou 1996 transl. 2005, p. 66). Pro-France groups instead preferred a sharing with France of such powers as foreign affairs, justice, and public order, with guarantees on public freedom.

Christnacht found some agreement on defining common New Caledonian values, drawing on both Christian and Melanesian traditions. The team drafted a seven-page Charter of Values that could shape any new arrangement. However, in 2018 when a Dialogue on the Future Group set up by French Prime Minister Édouard Philippe prepared a Draft Charter of Caledonian Values (*Charte des valeurs calédoniennes* 2018), it was rejected by the hardest-line loyalists who later formed the AEC, now the dominant loyalist group in the local Congress.

Another statement that may underpin future discussion on the independence side is the Charter of Kanak Values agreed by customary (Kanak) leaders in 2014 (*Charte du Peuple Kanak* 2014).

### *The July 2021 yes/no argument*

France's yes/no paper released in July 2021 (Ministère des Outre-mer 2021), six months before the final vote, appeared to be at the least unbalanced, favouring the "no" position. It included 41 pages of detailed (mostly negative) consequences of a yes to independence, as opposed to just ten pages in the case of a no vote, with a further 44 pages of detailed annexes, principally related to a yes vote. The yes section consisted entirely of precise detail of multifarious aspects of governance, specifying financial support from France that would need to be met somehow once withdrawn, and projecting the numbers of personnel and others who would depart an independent New Caledonia. The areas covered include health, education and land management, together with significant sovereignty powers not yet delegated, such as defence, foreign affairs, currency, law and order and justice. Options and questions around the sensitive issue of the future of French (and EU) nationality were raised. Discussion points after each section raised questions about how the new state would operate the existing programs and flagged the need for special bilateral negotiations and treaties with France for programs to continue. While the paper claimed to be spelling out implications for the French State after a vote, in its repeated references to negotiating links with France it bordered on the prescriptive for a newly independent country.

Annexes presented various consequences of independence for French nationality; analogous arrangements made in other territories on independence, albeit in different conditions, such as Comoros and even Algeria (which became independent only after years of blood war); a paper on currency presenting only the options of a new currency or continued attachment to a French Pacific currency and the euro, with no mention of adopting an existing alternative currency such as the \$US, \$A or \$NZ; and ten pages of further financial detail about the 1.5 billion euro French support granted to New Caledonia annually that would be withdrawn, followed by a brief list of the far lower amounts (in the millions or tens of millions at most) granted to now-independent territories under France's aid program. Vanuatu was cited, to whom France gave aid worth 3.16 m. euros in 2019.

The no section flagged in general terms the need, notwithstanding the irreversibility of transfers of powers under the Noumea Accord, to address, on its lapsing, necessary future changes. It noted that the restricted electorates and employment protection for longstanding residents would be incompatible with the French constitution after the Accord expired, and that parties would need to re-define voter eligibility and employment rights consistent with the French constitution and international treaty commitments. The no section only briefly referred to these and other complex, fundamental areas needing to be addressed, including the very continuation of the existing governance institutions

themselves (eg the Congress, provincial assemblies), the current collegiality of the executive, and the distribution of responsibilities between territory and provincial governments. No detailed options were presented. It flagged possible new transfers of responsibilities, including so-called Article 27 responsibilities (tertiary education, media and local administration) which could already have been handed over but on which local parties had not been able to agree. It referred to a continued right of self-determination and role for the UN at least in the transition period.

What is clear from the yes/no paper is that, regardless of the outcome of the December referendum, extensive negotiations were foreshadowed in the subsequent 18-month transition period, between local political leaders and France. While the referendum question was formally “Do you want New Caledonia to accede to full sovereignty and become independent?”, the paper in fact posited a choice for voters between independence with a network of partnerships with France, or staying with France with re-negotiated governance provisions. One analyst has suggested this reflected a gesture to moderate independence supporters (Morini 2022b p. 12) but this is hardly so, as evidenced by strong rejection of the paper by independence leaders (Personal communications July 2021, and see below).

Since the paper was released, the territory-wide daily newspaper regularly released articles highlighting in detail consequences of a yes vote in sensitive areas (potential effects on French citizenship, higher education and health).

### ***Reaction of loyalist and independence leaders to the yes/no document***

Unsurprisingly loyalist parties endorsed the document. At a meeting in August 2021 they decided to unite under a new banner, Voix du Non (Voices for No). They extolled the virtues of the yes/no paper which, they said, would “make the difference” (LNC 2021d). Christopher Gygès, director of the campaign, said that they would be focusing on those who had abstained, the undecided and newly-registered voters, armed with the yes/no document to convince voters. Such was the favourable bias of the paper to the loyalist side that the loyalist-led South Province effectively viewed it as a campaign brochure, undertaking to post it in every letterbox in the Province.

While the major independence groups within the FLNKS coalition initially in principle welcomed the “partnership with France” aspect of the paper’s yes section, consistent with their support for an ongoing relationship with France after independence, independence leaders at a meeting of the FLNKS Congress in August slammed the yes/no document as favouring the loyalist position (FLNKS

2021a). Rock Wamytan said that the FLNKS coalition “did not want to reject France, it is a great nation. We simply want to change our links, our relationship with her”. However, various FLNKS leaders referred to the “destabilising actions by the administering state during this last stage of the Noumea Accord” through the “taking of sides in the yes/no document which is nothing more than an indictment against the yes case”. A leader of a more extreme group, the Union syndicale des travailleurs Kanak et Exploités (Federation of Unions of Kanak and exploited workers), referred to the French government’s “sinister moves...This document produced by the State, against the yes, reveals its support of the no and its undeniable support of the loyalists in this campaign” (LNC 2021e).

FLNKS Spokesman Daniel Goa called for unity to respond to the challenges put by France in the document. Anthony Lecren (UC) referred to the document as “no more nor less than propaganda for the no”. He said that a number of working groups were considering questions raised in the document and would respond. Other teams were working on the FLNKS’ own version of a yes document.

### ***The Vote and France’s security guarantee***

France, at the highest level, just months before the vote, also sought to underline the potential effect on New Caledonia’s security should it, or others of France’s territories, vote for independence.

In the preceding two referendums, external security highlighting the threat of a rising China in the region to any independent small island government had played a role. Indeed, President Macron had opened the referendum campaign for the first vote in 2018 when he visited New Caledonia by defining for the first time his Indo-Pacific vision for France, in which he based France’s claim in the Indo-Pacific squarely on its territorial sovereignty in the two oceans. He also directly raised the threat of a hegemonic China (Macron 2018).

The theme was enthusiastically taken up by loyalist leaders in the final weeks of the three referendum campaigns, warning of the risks of China taking France’s place if the independence side won. For example, loyalist leader Philippe Gomès suggested New Caledonia was at risk of becoming a Chinese colony in the event of independence (LNC 2020).

Before the third vote, on 29 July 2021, during a visit to French Polynesia, President Macron gave a speech (Macron 29 July 2021). While the purpose of his visit was to address outstanding issues relating to French compensation for victims of its nuclear testing there from the 1970s to the 1990s, the timing of the visit and key

elements of his speech were designed to send a clear message about security to New Caledonia, to the other French territories, and indeed to the rest of the region.

Early in his speech he expressed great confidence in New Caledonia's future, "in their capacity to pursue the dialogue which had begun thirty years ago." Referring to the 12 December vote, he noted that the document he had commissioned to clarify the choice between independence or staying with France had been "discussed for the first time and made public". Taking up a comment he had made when opening the first referendum campaign in Noumea in May 2018 (see France in the region section below), he repeated that "France will be less beautiful without New Caledonia". He said that before June 2023 (the end of the 18-month transition period), new sustainable institutions would need to be constructed, for a future which must remain a common one.

After reviewing France's support for French Polynesia in his speech, Macron lingered on the crucial role of that territory, through past nuclear testing there, in ensuring France's nuclear deterrence capability, which he said well served both France and French Polynesia.

He concluded by referring to his Indo-Pacific strategy in which French Polynesia, New Caledonia and Wallis and Futuna played "an essential part". France was an Indo-Pacific power, he said, and after years of seeing its overseas territories as sources of confrontation, France now appreciated the unique opportunity to be at the heart of zones where "the world was being made". In the Pacific "confrontation between the two major global powers was playing out".

He warned "Woe betide the small, woe betide the isolated", who were facing influence and attacks from "hegemonic powers who will come for their fish, their technology, their economic resources". He said that "to be French here, in this context, is an opportunity... For we have an Indo-Pacific plan" which would protect them, including through partnerships France had built with allies including Australia ("an essential partner"), New Zealand, India, and Japan. "Let us tie ourselves to the mast and hold on".

The China threat was also invoked by the publication, just before the third referendum, of a small section on New Caledonia, of a massive 646-page report by France's Military Research Institute on China's activities in France (IRSEM 2021). The comments on New Caledonia were prominently publicised. They warned that an independent New Caledonia would be under Chinese influence, and part of a broader Chinese strategy in the Pacific, highlighting independence party engagement in the local Sino-Caledonian society.

Whereas the China threat has been used politically by loyalists and France in the referendum campaigns, this should not be misunderstood as the independent side favouring Chinese engagement in New Caledonia (Morini 2022a). Rock Wamytan responded to Macron's 2018 introduction of an Indo Pacific policy by noting that independence groups had pursued a regional concept for New Caledonia for years, and that New Caledonia had a place in the region regardless of whether it stayed French or became independent (LNC 2018b). In December 2021 responding to news reports focusing on China's interest in New Caledonia, senior UC official Johanito Wamytan said: "We know that China, like Russia, once they penetrate the space, it is difficult to get them out, we know that, we're not stupid. We can make choices" (France Info 2021).

### **Impact of covid : independence leaders' call for postponement, then non-participation**

Preparation for the third referendum, as for the second, took place during the covid pandemic. The pandemic had little impact on the referendum campaign before early September, although on 12 August France banned entry into the territory except for those residents being repatriated, and visits other than for undefined "motifs impérieux" (compelling reasons) until 31 December, effectively restricting visits from outside New Caledonia until after the third vote.

Owing to strong local measures taken, and good compliance, New Caledonia had not experienced any mortalities from covid to early September 2021. Then, the delta variant of covid started to have a serious effect, resulting in deaths. By October, deaths exceeded 200 (of a population of 270,000), many, indeed most, in Kanak areas. On 6 October, independence leaders requested a postponement of the vote on the basis of the impact of the many deaths from covid-19 in their community, and their cultural practice involving lengthy mourning ceremonies of up to twelve months, impeding the capacity to campaign and vote (NC1ère 2021c).

The call for postponement was supported by numerous regional Pacific dignitaries, including Polynesian independence leader Oscar Temaru, Vanuatu Prime Minister Loughman, and several former leaders of Melanesia, Micronesia and Polynesia who wrote a letter to President Macron (Maclellan November 2021). The PNG Ambassador to the UN publicly sought postponement on behalf of the Melanesian Spearhead Group (World Today 2021). Pacific leaders emphasised the need to respect indigenous wishes, and the need for fairness and credibility.

Overseas Territories Minister Lecornu visited New Caledonia in October, a direct French intervention not seen in the lead-up to the first two referendums. He

listened to all views. Still, France decided to proceed with the 12 December date for the vote (LNC 2021g).

Independence leaders then called for peaceful non-participation in the referendum (FLNKS 2021c), couched in language critical of France's prioritising its own national election cycle and no doubt mindful of France's own postponement of the 2020 referendum because of covid. They took pains to eschew the term "boycott" with its resonance of the 1987 vote and its disastrous consequences, but they were in fact calling for a boycott by their supporters. The principal reason for the call was the effect of the pandemic and mourning rites on potential voter turnout particularly given the close result in the previous referendum (Personal Communication, senior independence leader October 2021). Still, two similar public statements were released which drew together a range of grievances. They referred to fundamental principles of the Kanak people's "innate and active" right to independence and their having accordingly welcomed all communities in a common destiny (recognised by France at a 1983 meeting at Nainville-les-Roches, precursor to later compromise agreements), the recent issues over nickel management, and implied misunderstanding by Mr Macron in his Tahiti speech of small island countries and the engagement of China (FLNKS 2021b and FLNKS 2021d).

On 10 December, independence leader Rock Wamytan briefed a specially-convened meeting of the UN Decolonisation Committee on the reasons for the call for non-participation. The position underlined the impact of the cultural mourning practice on the potential to campaign and vote, flying in the face of the Noumea Accord's pledge to recognise and respect Kanak cultural identity.

The bitterness of independence leaders' response to France's decision was reflected in Palika leader Charles Washetine's comments that it was politically provocative, undermined any future dialogue, and was a declaration of war against the Kanak people and progressive citizens of New Caledonia. He said that independence parties and customary authorities would devise "a strategic response commensurate with the level of the insult to our people shaken by their grieving" (Palika communique 2021).

### **Result of third referendum – boycott undermines the vote**

The vote was duly held on 12 December. It was conducted peacefully, with pro-independence mayors quietly organising polls in their areas, as instructed by independence leaders when they made the call for calm non-participation. The turnout was 43.87%, almost half that of the previous two referendums. The exceedingly low turnout in Kanak areas indicated that the non-participation call



was heeded by independence supporters (Pantz 2021). Unsurprisingly, the vote returned a minuscule support for independence: only 3.5%, with 96.5% support for staying with France. The low turnout and virtually nil support for independence, contrasting dramatically the trends of the first two referendums (see Table 1), effectively nullified the political effect of the third vote (Pantz 2021).

<b>Table 16.1</b>			
Results of the three referendums on independence			
	<b>2018</b>	<b>2020</b>	<b>2021</b>
Eligible voters	174,165	180,799	184,364
Number voting	141,099	154,918	80,899
<b>Turnout</b>	<b>81.01%</b>	<b>85.69%</b>	<b>43.87%</b>
Votes for staying with France	78,734	81,503	75,720
<b>Percentage staying with France</b>	<b>56.67%</b>	<b>53.26%</b>	<b>96.50%</b>
Votes for independence	60,199	71,533	2,747
<b>Percentage independence</b>	<b>43.33%</b>	<b>46.74%</b>	<b>3.50%</b>

*Source: Résultats définitifs des consultations de 2018, 2020 et 2021 at [nouvelle-caledonie.gouv.fr](http://nouvelle-caledonie.gouv.fr).*

### Reactions to the referendum result

Independence parties rejected the referendum result, and declined to participate in discussions with anti-independence leaders. They said they would only discuss future arrangements with a renewed French administration, and then, only after national presidential elections in April 2022 (Comité stratégique indépendantiste de non-participation 2021). Since they had invoked a 12-month mourning period from the time of the effect of covid-19 deaths (9 September 2021) as the principal reason for their non-participation on 12 December, it was unlikely they would engage in formal discussion or other major political activity locally before September 2022.

Independence leaders sought a further referendum, with a restricted electorate (NC1ère 2022a). Palika proposed a new vote under UN auspices, saying they would not accept yet another statute or agreement (LNC 2022a).

For their part, the anti-independence groups claimed their third victory, indicating their preparedness for discussions while agreeing that discussions would not be optimal during national presidential or legislative campaigns, ie before June 2022 (Backes 2021). They saw the independence parties as instrumentalising Kanak cultural practices to undermine the referendum which, in the anti-independence view, they could not win after a turbulent year of violence over the nickel resource causing a collapse of the government and delays in reinstating it, and the evident critical role of France in managing the covid pandemic (Personal communication by senior loyalist signatory to Noumea Accord, December 2021). Since the vote, anti-independence parties have organised meetings with civic groups such as business groups and the chambers of commerce (which have not included independence groups) to plan for a common future.

France has, like the loyalists, presented the result as voters “freely deciding” to stay within the Republic. President Macron said that voters had “massively” pronounced against acceding to full sovereignty and independence, albeit “in a context of strong abstention” (Macron 2021). But in July 2022 he told a NATO press conference that “these three referendums clearly confirmed the choice of New Caledonians”, while underlining the effect on France’s “Indo-pacific vocation” (NC1ère 2022b).

After his re-election as President, Macron promoted then Overseas France Minister Lecornu to Minister of Defence, appointing in his place Jean-François Carenco, a long-term Interior Ministry official with previous experience in New Caledonia. In July 2022 Macron appointed hard-line loyalist leader Sonia Backès as the national Secretary of State for a new portfolio, citizenship, the first time any New Caledonian has occupied a state ministerial position. Loyalist leaders supported the appointment with accolades. Independence leaders described the appointment as provocative and refused to negotiate with her in the case she was made France’s representative in talks on New Caledonia. Charles Washetine of Palika described the move as another marker by France of its Indo-pacific presence (LNC 2022c).

Notwithstanding Macron’s Indo-pacific vocation, France declined to participate in a June 2022 meeting of allies the US, the UK, Japan, Australia and New Zealand to form a partnership with Pacific Island countries in the Blue Pacific. After the PIF endorsed a new 2050 Strategy for the Blue Pacific at their July 2022 Summit, new Defence Minister Lecornu proposed a meeting of Pacific island defence ministers in Noumea in 2023.

## Next steps

New Caledonia is at an impasse. Independence leaders have been very clear on wanting a further independence vote and refusing discussions with loyalists, agreeing only to bilateral talks with France. They are wary of France after its disregard for their cultural and other concerns, its perceived partiality in organising the third vote, and its portrayal of the result as a decisive win. Amongst loyalists, fear and concern remains about the gathering political weight of the pro-independence side, as shown in Congress, in the nickel arena, in the first two referendum outcomes, and in the strong indigenous heeding of the call for non-participation in the third referendum. These concerns seem to be behind their push for early talks, framed as situating New Caledonia firmly within France, immediate cessation of the restricted electorates, and holding a 2023 “program referendum” to endorse the result. Positions, already polarised, have hardened.

The main political structures, the Congress and the Government cabinet, now dominated by the independence side, while continuing to operate even as the Noumea Accord upon which they are based has technically expired, have become increasingly dysfunctional since the third referendum. Collegiality, the basis of the Government executive, has weakened. Loyalists abstained on the budget and withdrew from some Government cabinet meetings in March 2022. Loyalists loudly criticised President Louis Mapou for delaying the usual presidential policy statement by months in 2021, for his fiscal reforms, and for his speech addressing the United Nations Fourth Committee in September 2022 (LNC 2022b and d).

The Noumea Accord provides for discussions of the situation obtaining after any three votes favouring staying with France (Article 5), but just when and how such discussions might take place is unclear. The end of the current term of Congress under Accord provisions falls in April 2024, so discussion and hopefully agreement about the institutional future need to occur before then.

Local divisions remain acute and apparently irreconcilable. France initially sought to convene the Committee of Signatories, but gave up the idea after independence leaders declined to participate (UPM 2022). It then postponed its planned “program referendum” endorsing the referendum result, which the May-June 2021 declaration had foreshadowed for mid-2023, over the loud opposition of loyalists.

France’s new Prime Minister Élisabeth Borne called a meeting in Paris from 27 October 2022, going beyond the Committee of Signatories and drawing in wider community leaders, including business leaders and others, many of whom the loyalists have engaged in dialogue since the referendum. She proposed separate

bilateral discussions between France and independence and loyalist leaders respectively, before the meeting. Both local groupings were struggling to retain unity. There were differences within the FLNKS between Palika and the UC, but all agreed in the end not to go to Paris nor to participate in the meeting (LNC 2022e). The UC said it would only talk with France, and only in New Caledonia, not in Paris. For their part, Palika leaders questioned the format and lack of agenda, saying they would only discuss the subjects identified in the Noumea Accord for these discussions (international status, the five remaining sovereign powers and citizenship/nationality, see below) (LNC 2022f), not other subjects which they said were now in any case within the purview of local government. It is clear that divisions which had been shelved in the interests of campaigning for “yes” over the three referendums are re-emerging (these have been explored by Tutugoro 2020 and Morini 2022b).

Loyalist leader Backès called for a united loyalist position, while threatening to resign her national portfolio if the French state did not agree to fundamental demands such as loosening the restricted electorate (NC1ère 2022c). The Calédonie Ensemble remained outside of the main loyalist coalition.

In the end, with only loyalists participating, the meeting simply set a notional agenda for discussions well before the expiry of the current Congress in 2024. Minister for the Interior Darmanin and the Overseas France Minister Carencu planned to visit New Caledonia by the end of November 2022.

Although the Noumea Accord provided for the irreversibility of powers already transferred by France to New Caledonia, other aspects of the Accord have now lapsed. These include the governance institutions themselves, their composition and powers, and even their mode of election, with restricted voter eligibility again a major question.

So the future beyond the third referendum remains uncertain. Dialogue and negotiation in the spirit of past Accords will be required if tension and violence are not to re-emerge now that the Noumea Accord has expired.

The recent history of attempts at dialogue over the last five years is not promising. Moreover, the easy pickings for agreement have already been reaped over the twenty years of the implementation of the Noumea Accord. In the current highly polarised political climate, the focus of dialogue, underlined by recent independence positions, the Paris declaration and the yes/no document, will necessarily be on the most complex and divisive elements of future governance and of self-determination including:

- The question of whether or not a further independence referendum will be held
- The three subjects which the Noumea Accord (Article 5) specifically states must be addressed in its final process:
  - the disposition of the final five core sovereign powers of defence, foreign affairs, currency, justice, and law and order
  - the precise future international status and powers of New Caledonia, including whether or not it will have a UN seat
  - the definition of New Caledonian and French citizenship and ways to protect employment and voting rights of longstanding New Caledonian residents
- the nature and operation of the key political institutions (the three Provinces, the Congress, the Government) and the electorate voting for them
- the Article 27 powers leftover from the Accord's provisions: tertiary education, broadcast media and provincial and communal administration
- the handling of nickel and hydrocarbons development and revenues
- the control of immigration
- the future of the land distribution agency
- redressing the social isolation of young Kanaks.

Any one of these subjects is controversial and sensitive, so the talks ahead will not be easy. The immediate future is uncertain and potentially unstable.

### **Some regional implications**

The new uncertainties after thirty years of stability in New Caledonia, as a Melanesian archipelago and close neighbour of Australia, will impact its Melanesian neighbourhood and the wider region.

The South Pacific island countries have long held a close interest in French policy in their region. In the 1970s, they avidly opposed France's nuclear testing in French Polynesia and its handling of independence demands from its territories. Indeed, the PIF was formed (initially as the South Pacific Forum) because France banned discussion of its policies in the South Pacific Commission (now Secretariat for the Pacific Community), which is headquartered in Noumea (Cordonnier 1995). The PIF is now the region's pre-eminent political forum. It was Pacific island states who sponsored a successful resolution in the United Nations General Assembly in 1986 placing New Caledonia on the UNGA's list of non-self-governing territories, over France's opposition. The UN General Assembly has unanimously passed a resolution watchful of New Caledonia every year since. In a surprise move, Pacific

islanders similarly secured the re-listing of French Polynesia in 2013, again over strong French opposition, with similar annual resolutions of concern.

PIF interest in New Caledonia's de-colonisation process has been enduring. The PIF sent missions to New Caledonia in 1999, 2001 and 2004, to report on implementation of the Noumea Accord. The Forum observed all three referendums, and, in a historical first, the May 2019 provincial elections (Pacific Islands Forum Ministerial Committee 2018). After the first two referendums, PIF observer teams simply submitted their reports to the PIF, who in turn submitted them to the UN. In the case of the third referendum, however, the 7-member PIF observer team issued an early public statement. On 14 December it noted the significant non-participation rate in the third vote, and the importance of civic participation as an integral component of any democracy. It noted that the spirit in which the referendum was conducted "weighs heavily" on the Noumea Accord and the self-determination process (Pacific Islands Forum Ministerial Committee 2021). At its July Summit, PIF leaders referred to the mission report and to continued engagement with New Caledonia through PIF processes.

Closer to home for New Caledonia, as noted the MSG was formed primarily to monitor decolonisation in New Caledonia. The MSG have closely watched each step of the self-determination process, which is not irrelevant to other Melanesian separatist demands. The MSG supported the independence groups during all three referendum campaigns in New Caledonia (LNC 2018a, Daily News 2020). As indicated, it called for postponement of the third referendum in New York. When that vote proceeded,

the MSG issued a communique describing it as transgressing Article 1 of the UN Charter and UN Resolution 1514 on self-determination. The MSG warned against imposing the result on the Kanak people, and called on the UN to engage with France and New Caledonia (MSG 2021).

New Caledonia's self-determination coincides with a similar process on the Papua New Guinea island of Bougainville. PNG is a member of the MSG. The 1998 Bougainville Agreement suspended secessionist demands on this island, whose wealth was based around copper production. The Agreement is based in part on the Noumea Accord, setting aside differences pending an independence referendum. Their referendum was held from 23 November to 7 December 2019, when voters overwhelmingly (97.7%) supported independence. Uncertainties remain about the future, as this result must now be considered by the Papua New Guinea parliament (Regan 2019, Batley 2019). Latest discussions aim at a settlement by 2027, but the issues are complex and engage international interest, including by China (Harding and Pohle-Anderson 2022).

Meanwhile, a longstanding West Papuan separatist movement in a part of Indonesia that also engages mining interests, is pursuing secession and seeking MSG support (May 2021). The MSG is divided over the application for full membership by the United Liberation Movement of West Papua (ULMWP), with Indonesia now an Observer. After an attack in West Papua just a month after New Caledonia's first referendum, a West Papuan Liberation Army leader called for a referendum for West Papua (Chauvel 2018). Violent protest continues (Wayar and Blades 2022).

The situation in the Solomon Islands, also an MSG member, is at a fragile stage. For fourteen years to 2017, a complex Regional Assistance Mission, led by Australia at the Solomons' invitation, restored peaceful administration after serious ethnic-based separatism (Sloan et al 2019). In April 2022, China and the Solomon Islands signed a five-year security agreement, sparking regional concern at the potential for a Chinese military base there (PRC MFA 2022, Australian DFAT 2022).

The Solomons increasingly pro-China stance, against the background of greater Chinese influence and activity in the South Pacific region, has led to greater attention and strengthened engagement by the US and Australia. Anthony Albanese, the newly elected Labour Prime Minister of Australia, initiated early personal meetings with Pacific leaders including Sogavare who was invited to Canberra in late September 2022. Also in September 2022 President Biden invited Pacific leaders to Washington for the first US-Pacific summit. New Caledonia's President Louis Mapou participated.

Against this background, any instability around New Caledonia's unfolding referendum process has the potential to influence the management of these separatist challenges, and any related Chinese forays, in its immediate region. Already as noted, the China card has been played in the referendum process, by Mr Macron in his public speeches, and by loyalists. The MSG and PIF countries retain a close watching brief on France and developments in New Caledonia following the expiration of the Noumea Accord, and as their recent stances have shown, advocate an approach respectful of the commitments made so far and particularly respectful of the indigenous Kanak people. As in the past, members of these regional forums, like the local independence groups, will continue to invoke the support of the United Nations as necessary.

The divisive and ultimately politically inconclusive result of the third referendum heightens instability and uncertainty, not only in New Caledonia but in the immediate region. Because fundamental issues such as the future governance and status of New Caledonia remain in dispute, with the large indigenous minority standing firm on its demand for independence, a re-defining of the nature of

France's sovereign base in the South Pacific is inevitable. This engages broader strategic interests in the region.

### ***France in the region***

For France, as described by Macron in Papeete in 2021, the stakes are high. Whatever is decided for New Caledonia can be sought by French Polynesia and potentially others of its overseas territories around the globe, and France does not want to lose these territories. As numerous French strategic assessments in recent years have shown (enumerated in Fisher 2017a, p. 43), it is France's overseas' possessions in the three oceans (Atlantic, Indian and Pacific) which underpin its status as a global power, one of only five Permanent Members of the UN Security Council, leader of the EU, member of NATO, and US ally. France is number two world maritime power (after the United States and before Australia) by virtue of its extensive Exclusive Economic Zone surrounding its overseas possessions, particularly in the Pacific, which alone contribute over 7 m. square hectares of France's 11 m. square hectare EEZ (Fisher 2013, p. 50). France's presence in New Caledonia gives it a valuable strategic listening post in the Pacific, its regional military headquarters, access to its minerals and fisheries, a basis for its scientific and technical expertise, and its contribution to the European space program, and a place in regional Pacific, Asia-Pacific and Indo-Pacific forums at a time when the influence of a newly emerging Pacific power, China, is rising (Fisher 2015).

In his keynote speech opening the first referendum campaign when visiting New Caledonia in May 2018, President Macron acknowledged these assets, which he framed within his Indo-Pacific strategic vision. He pointed to New Caledonia's contribution to France's status, and inviting a continued New Caledonian role, as part of France (Macron 2018). He came as close as he had ever done to saying he wanted New Caledonia to remain in France. This was despite having claimed explicitly that the French State would not take a position on the outcome of the independence referendum, and that France's aim was instead to hold an incontestable referendum seen to be legitimate by the territory, the region and the UN (Macron 2018). He said that the referendum process was one of "constructing a sovereignty within a national sovereignty", and argued that France would be less without New Caledonia.

Invoking in Gaullist terms the power and global role of France in the Indo-Pacific, which was underpinned by its overseas possessions in the two oceans, he invited New Caledonia to become part of this Indo-Pacific strategy. He referred to three strong benefits. The first was France's security and protection, as he said the US had turned its back on the region; China was seeking regional hegemony; and with



Britain leaving the EU, France was the last European power in the Pacific. The second was French support in economic development, and he promised to strengthen the nickel and tourism sectors, to build food production, energy, forestry and marine exploitation. The third was support for New Caledonia in dealing with climate change.

Macron elaborated on these arguments when he visited Papeete in 2021 (see earlier section), as indicated, sending a message to New Caledonia, but also firmly situating French Polynesia within his Indo-Pacific strategy and in effect cautioning both about the risks of losing French protection. By invoking the role of France's nuclear capacity, founded on tests in French Polynesia, and the limits of small island defence capability, he projected a message of French protection to the wider region.

From the late 1990s France had embarked on a number of initiatives to improve its standing and acceptance in the South Pacific (Fisher 2017a). In 1996 it finally stopped its nuclear testing there, which regional countries had vehemently opposed. From 1988 to 1998 it had negotiated the Matignon and Noumea Accords to better address New Caledonian decolonisation demands. France was then able to build more constructive relations in the region. It contributes to maritime surveillance and sharing of fisheries intelligence and emergency activity under the 1992 France Australia and New Zealand (FRANZ) arrangement. France actively participates in regional technical organisations and provides modest bilateral aid, worth about \$US 100 m. a year. It conducts defence and military cooperation including with Australia, New Zealand and the US in Quadrilateral Talks and Defence Ministers meetings. It engages these countries and other regional island partners (Papua New Guinea, Tonga, Fiji) in regular defence exercises in the region. It has also led a larger EU role in the Pacific.

So far, France's enhanced engagement in the region has been welcomed by island countries. But France's involvement, like that of Australia and New Zealand, is taking place in a region which itself is changing. The impact of structures of the PIF and the SPC which routinely engage Australia and New Zealand, is being diluted by the increasing tendencies, and necessity, of independent island countries to work with new partners. In multi-lateral organisations, the island governments tend to relate more frequently with other island countries around the globe than Australia and New Zealand. Within the region, the islands' economic vulnerability and potential to offer support in their numbers in the UN, has led them to welcome new relationships with partners as varied as Russia, Indonesia, Malaysia, Korea and others (Fisher 2015, p. 26). But some key partners such as the EU (led by France) and China have preferred bilateral arrangements rather than to work through the existing cooperative structures of the PIF or the SPC, that have prevailed from the 1970s to early 2000s. The ascendancy of

China's presence in the region also inevitably brings with it new pressures and disruptions as this major global power seeks to shore up its resource sources and influence (most recently canvassed in Institute for Regional Security 2020 and see also Shie 2007; Yang 2012; Yu 2014).

As indicated, President Macron has acknowledged these pressures and vulnerabilities. Before the first referendum, he drew on these trends to argue for a vote favouring continued French sovereignty in New Caledonia (Macron 2018). In his Papeete speech before the third independence vote, he was more direct in warning of the threat to "the small and isolated" from hegemonic powers (Macron 2021a).

There is no doubt that leading regional countries Australia and New Zealand see France as a useful ally and resource in this changing South Pacific neighbourhood. Both have concluded enhanced strategic arrangements with France, largely centred on defence cooperation in the Pacific. Both were quietly supportive of the full implementation of the Noumea Accord, including the final referendums which they expected France to conduct with impartiality (Australian Minister for Foreign Affairs 2020; New Zealand Ministry of Foreign Affairs and Trade 2020). While the Ministers for Foreign Affairs for Australia and New Zealand respectively welcomed the peaceful conduct of the third referendum, each underlined the importance of self-determination and pointedly referred to the need for talks and continued cooperation between the parties (Mahuta 2021; Payne 2021).

At a time of increased Chinese presence in the immediate region, Australia and New Zealand will want continued constructive French engagement there, as indeed in the wider Indo-Pacific. Both Australia and New Zealand prioritise the peace, stability and prosperity of their immediate region. They would be concerned at any re-emergence of violence or instability in New Caledonia.

Undoubtedly this in part would have underpinned new Australian Prime Minister Albanese's decision visit to Paris to meet President Macron personally soon after his election. Australia's relationship with France had come under strain in September 2021 when United States President Biden announced a new cooperation arrangement between the US, the UK, and Australia (AUKUS), which would extend military technology sharing with Australia, including through the construction of 8 nuclear submarines. For Australia this meant rupturing a 2016 contract with France's government-owned Naval Group to build 12 diesel-powered submarines, albeit at a planned contractual decision-point. France's Foreign Minister reacted strongly, expressing bitterness and anger at the announcement. While France's disappointment is understandable, its substantive interests in collaborating with Australia to advance shared strategic interests in the Indo-Pacific are enduring.

Australia, and other Pacific Island Forum countries have high expectations of France and the local parties in New Caledonia, at this time of change. After the divisive third referendum bringing the thirty-year Matignon/Oudinot/Noumea Accord process to an end in a politically inconclusive way, it is not a foregone conclusion that France can retain the strategic support it wants for a place in the Pacific if it does not succeed in securing peaceful agreement about the future of its pre-eminent overseas territory.

## **Conclusion**

New Caledonia's recent history of stability, economic development and peace, and therefore its contribution to regional stability, have been based on compromise and the relatively successful implementation of fragile agreements by France, pro-independence and pro-France groups over three decades. That predictability is at an end. The people of New Caledonia, now deeply polarised, are facing the challenge of surmounting their differences over self-determination to continue peacefully to re-define their relationship with France and their participation in the Pacific region, at a time of geostrategic change. The process will not be straightforward, and will continue to be watched with interest and concern by regional neighbours and the United Nations.

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