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# Preface

*Darrell Tryon*

In 1999 the French Permanent Secretary for the Pacific, Ambassador Pierre Garrigue-Guyonnaud, organised an international colloquium, 'Identity in the Pacific', held at the Tjibaou Cultural Centre in Noumea, New Caledonia. This large colloquium, co-chaired by Pierre Vérin (Université Française du Pacifique) and Darrell Tryon (Australian National University), followed a French-Australian colloquium, 'Changing Identities in the Pacific at the Dawn of the Twenty-First Century', bringing together a number of French and Australian Pacific scholars, held in Paris at the Australian Embassy on 29–30 May 1997.

The proceedings of the colloquium held at the Tjibaou Centre in 1999 constituted the first issue of the *New Pacific Review/Nouvelle Revue du Pacifique*, published in English and French in a single volume.

This second volume contains the edited proceedings of a French-Australian symposium, 'L'Etat des Etats — Pacific Island States Today', held at the Australian National University on 8–9 December 2003, organised by the Centre for the Contemporary Pacific, Research School of Pacific and Asian Studies.

For this volume, it was decided to publish contributions in the language in which they were delivered, either English or French, with bilingual abstracts at the end of each chapter, following the tradition of the French ethnological journal *L'Homme*. The rationale for this decision was that it was much more economical of editorial time and printing costs to follow such a principle, while recognising that most readers have at least a reading knowledge of both English and French.

The third issue of the *New Pacific Review/Nouvelle Revue du Pacifique* will contain the proceedings of the 'Assises de la Recherche Française dans le Pacifique/ A Review and Evaluation of French Research in the Pacific', to be held at the Tjibaou Cultural Centre in Noumea, New Caledonia from 23–27 August 2004.

After this issue, the nature of the *New Pacific Review/Nouvelle Revue du Pacifique* will change. Thereafter the *New Pacific Review/Nouvelle Revue du Pacifique* will become a regular journal which focuses on contemporary issues in the Pacific, with

contributions solicited from a wide range of francophone and anglophone Pacific scholars, especially encouraging contributions from indigenous Pacific Islanders from a wide range of backgrounds. An invitation to contribute articles for Number 4 will be sent to a wide range of international scholars after the Noumea colloquium in August.

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# Introduction

*Adrian Muckle, David Hegarty and Darrell Tryon*

For the island states of the South Pacific, the early years of the twenty-first century have been marked by considerable uncertainty. State systems have been under challenge, with coup attempts in Fiji and the Solomon Islands, a (short-lived) police mutiny in Vanuatu, and election violence and turbulence in Papua New Guinea being among the more dramatic incidents. Internal conflicts together with economic decline in many states have contributed to a general loss in confidence. Natural disasters (as in Niue), financial mismanagement (as in Nauru) and environmental warnings have prompted questions about the viability of some of the smallest states or territories. More general problems facing the Pacific, as elsewhere, include health issues (notably HIV/AIDS) and pressure to comply with other nations on governance and international security issues.

Responses to these issues and solutions to these problems can be found at different levels of government (local, national, regional) and society. Within the island countries considerable questioning of the shape and fit of the constitutional apparatus inherited at independence has occurred. 'Why is there such a disconnection between state and society?' is a frequent cry.

Increasingly, however, it is at the regional level that many of these issues are being debated and the responses to them shaped. The major regional powers — Australia and New Zealand — have made serious adjustments to their policies and strategies towards the region in response to these difficulties, the intervention in the Solomon Islands being the most notable.

Associated with this renewed regional interest is a reflection on the role of the region which raises questions about the future of relations between the independent Pacific Island states, the non-independent Pacific Island territories and countries such as France, Australia and New Zealand.

In August 2003, an 'Eminent Persons' Group' from within the region was asked to review the functioning of the Pacific Islands Forum (PIF) with a view to determining what was going wrong and what form of redress might be found, especially at a



regional level. The group was asked to make recommendations regarding ‘the mandate for the Forum in addressing key regional and international issues as they impact on the region’ and to consider how the Forum ‘can better assist in addressing priority challenges, including through advancing regional cooperation and integration’. Reporting in early 2004, the group outlined a ‘Pacific Plan’ in which:

The bottom line is that future inter-country relationships will need to be closer and more mutually supportive if the region is to avoid decline and international marginalisation. Enhanced regional cooperation and integration, and the sharing of resources of governance, are likely to be features of future developments. *New thinking about the relationships between sovereign states may hold the key to future sustainability* (Eminent Persons’ Group 2004: 10, emphasis added).

The ‘Pacific Plan’ is described as ‘a vehicle for placing the “big idea” of Pacific *interdependence* squarely at the front of the regional political agenda’ (p. 21, emphasis added). It also seeks to strengthen the Forum’s engagement with civil society.

The Australian Senate, in its recent review of Australia’s relations with the states of the South Pacific, also deliberated on these issues and identified the idea of a ‘Pacific economic and political community’ as an objective ‘worthy of further research, analysis and debate’ (Australian Senate 2003: xiii). Amongst the ideas floated is that of the eventual establishment of ‘a single labour market’ and currency, and the possibility that Pacific Islanders might be allowed greater access to seasonal employment in Australia.

The French Pacific — though less turbulent of late — is also engaging in its own form of reconsideration and reflection on its place in the region. The stabilisation of the political situation in New Caledonia over the last fifteen years and the end to nuclear testing announced in 1996 have brought about a renewed interest in the integration of the French territories within the region. New Caledonia acquired Pacific Islands Forum observer status in 1999 and French Polynesia is anxious to acquire the same status soon. In the recent 2004 provincial elections in New Caledonia candidates were asked by the local press about New Caledonia’s place in the Pacific. Most candidates affirmed that it needs to be better integrated and that it should do more to affirm its identity within the region — though there is also an acknowledgement that other people in the region are now more accepting of the idea of ‘French Oceanians’. That New Caledonia has the potential to be a stepping stone between Europe and the Pacific and ‘a small regional power’ in economic terms is another key theme.

Meeting with Pacific Island leaders in Papeete in July 2003, French President Jacques Chirac acknowledged the essential role of regional organisations and

assistance but sounded a note of caution, commenting that 'It would, however, be an error to oppose a regional logic to that of the United Nations'. Generally, though, the main axes of French engagement are similar to those outlined by Australia and New Zealand: encouraging 'regional cooperation and the increase of exchanges', promoting 'sustainable development' in the small island economies, and 'regional security and good governance' (Chirac 2003). Even in the francophone development literature, monetary union with Australia is a possibility that has at least been discussed by academics (see Farvaque 2002) — however radical that prospect may seem!

One of the more pressing political issues raised concerns the nature of relations between the Forum countries and the non-independent territories. The Eminent Persons' Group review has highlighted the need for 'closer contacts with non-sovereign Pacific territories, through progressively granting them observer status at Leaders' meetings and associated meetings of the Forum Officials Committee'. 'New criteria for participation' in the PIF are to be developed. With particular reference to French and United States Pacific territories, the review refers to the need for greater 'regional inclusiveness' (Eminent Persons' Group 2004: 29). This echoes Chirac's wish for the integration of French Polynesia within the region by according it Forum observer status (alongside New Caledonia). However, New Caledonia nor French Polynesia can be said to be on the verge of independence, the traditional criterion for observer status at the Forum.

Woven through these recent reflections on the future of the region are concerns about the status of Pacific knowledge. The Australian Senate committee report includes general recommendations regarding the need for better and more coordinated research and data collection and the need to improve Australians' knowledge of the region. The French government has also devoted attention to the need for regional cooperation in matters of research, hence the forthcoming 'Symposium on French Research in the Pacific'.

The conference on '*L'Etat des Etats — Pacific Island States Today*', hosted by the Centre for the Contemporary Pacific (Research School of Pacific and Asian Studies, The Australian National University) and held in December 2003, was thus a timely event that allowed for consideration of many of these issues. Organised by David Hegarty and Darrell Tryon of the Australian National University and Paul De Deckker of the University of New Caledonia, the conference involved primarily academics from the University of New Caledonia and the ANU's Research School of Pacific and Asian Studies (RSPAS), as well as several other specialists from around the region. The conference proceedings presented here broadly reflect an orientation towards the South Pacific. Collectively they bear witness to recent preoccupations with instability and concerns raised by the recent Australian and New Zealand intervention in the Solomon Islands and talk of building a regional political or

economic community. These issues are approached at both the level of regional and constitutional configuration and the level of state-society relations.

Regional issues (as outlined above), and in particular the need for balance or inclusiveness, therefore constitute an important theme in this collection. In his keynote address Donald Denoon brings to attention the fact that an 'interactive region' with historical antecedents already exists. Referring to the Australian Senate Report, he appeals for transparency in regional decision-making and suggests that France's involvement may bring a 'creative instability' to any future economic or political community. According to another of Denoon's propositions, it may be that 'the only way for Islanders to participate effectively in the institutions of government, is for government itself to become regional'.

What does it mean to be independent and what is interdependence? In light of the questions about the admission of non-independent territories to the PIF these are questions of some immediate importance. What will be the future shape of relations between Pacific Island states or territories (and their inhabitants)? With reference to aid programmes in the Pacific, Michel Pérez remarks that 'independence is first and foremost a problem of money'.

The evolution of ideas about independence is especially evident in New Caledonia. With reference to ideas about Kanak identity, independence and interdependence, Junko Edo traces the shifting meaning of the Kanak struggle to claim both an identity and independence. She suggests that we should give greater consideration to the choice that Kanak appear to have made 'to share a sovereignty based on interdependence with others'. Whereas in the 1980s pro-independence parties disapproved of a 'pluriethnic' independence which implied 'an equal right to independence by all ethnic communities', Edo now finds that people no longer seem so concerned about this possibility and are willing to contemplate 'sharing sovereignty'. But what about the possibility of an 'independence dominated by multinational companies'? Frédéric Angleviel's overview of New Caledonia's metallurgical industry suggests that economic development based on the expansion of the metallurgical industry and international investment provides the greatest opportunity both for employment and for the successful rebalancing of the provincial economies. New Caledonia, as Angleviel observes, is the twenty-fourth most wealthy country in the OECD by virtue of its nickel reserves and financial transfers from France. Edo, though, notes a concern that development based on substantial French aid might have 'increased Kanak dependency rather than promoting autonomy and self-help'. Similar preoccupations are echoed in the work of two New Caledonian playwrights, Nicolas Kurtovitch and Pierre Gope, as discussed by Sonia Faessel.

Nathalie Mrgudovic's discussion of the Pacific Islands Forum's stance on the issue of New Caledonian independence during the 1970s and 1980s and the changes

resulting from the New Caledonian political accords of 1988 and 1998 indicates that New Caledonia's Melanesian neighbours may be hoping to benefit from its stability and prosperity — just as New Caledonians themselves see a role for their 'country' as a source of regional stability and potential prosperity. These comments in relation to New Caledonia are qualified only by political uncertainty (see de Deckker), the vagaries of an economic future closely tied to the exploitation of nickel (see Angleviel) and the potential for division and unrest that remains.

Both Mrgudovic and Donald Shuster draw attention to the platform that regional diplomacy and the international stage provides for the development of newly independent nations. Shuster notes that Palau has managed to independently walk a tightrope between the USA and the 'two Chinas'. Generally, however, the increasing engagement of Pacific Island nations with Asia — and the influence which Asian nations in turn wield in the Pacific region — is a theme that has been neglected.

Several of the contributors strike notes of caution about prognoses of state instability, failure or decline and the recent enthusiasm for intervention. Denoon upends the 'arc of instability' analysis by setting the problems of the Pacific in a wider context. Eric Wittersheim notes that instability tends to 'obscure fundamental economic and social questions'. R.J. May argues that generalisations about state failure are not constructive and that while there may be a role for outside assistance to strengthen state capacity, such outside intervention is fraught with difficulties. One of the dangers singled out by May is Australian paternalism in policy-making. In this respect, Michel Pérez's commentary on perceptions of Australia's 'Pacific Solution' in the Pacific Islands is a pertinent reminder that countries such as Australia need to look to their own example before dictating to others. As Denoon suggests, 'Australia may be part of the problem, not necessarily the solution'.

While there has been extensive discussion of the transfer and legacy of the Westminster system in the anglophone South Pacific (see Larmour), it is worth recalling the influence that France and the United States in particular have had on Pacific Island states or territories and forms of government. Paul de Deckker outlines the singular legacy of the French State and the 'republican ideology' which 'allows the French citizens of the Pacific to enjoy equal treatment' even if this 'is still only a plan, an intention, a project yet to be realised'. Jean-Yves Faberon overviews the recent shake-up of the French Republic in light of the greater autonomy obtained by overseas territories, including French Polynesia and New Caledonia. Hage, by contrast, draws attention to the quite different way in which the United States Federal Government has branched out into the Pacific through its possessions and former territories — influencing the very forms of government and maintaining an imperial form of control.

The perception of the state as foreign and as poorly connected with Pacific Island communities is a critical theme in light of recent attempts to bolster Pacific states,

improve governance and engage with civil society. Peter Larmour examines the meaning of 'foreignness' in relation to the transfer of institutions and policies. In assessing what it is that makes transfer successful or unsuccessful, Larmour notes that 'underlying "political settlements" will be important in determining the success of external interventions, like Australia's in Solomon Islands'. J.M. Herlihy's analysis of Marching Rule in the 1940s and of the 2000 coup in the Solomon Islands draws attention to the 'attitudes, patterns and events' which have influenced actions at village-level and stresses the need for a better understanding of 'village-level mechanisms for the acquisition of political status'.

Continuing the reflection on politics in Melanesia, Eric Wittersheim questions the diagnosis which holds that a 'return' to politics guided by 'ethnic or tribal logic' is the cause of state instability in Melanesia. With reference to politicking in Vanuatu's capital, Port Vila, Wittersheim remarks on the emergence of new kinds of leaders and forms of leadership which defy the dichotomies of tradition and modernity. He tentatively interrogates the very meaning of 'civil society', finding that there are no institutions through which the values usually associated with this term might be expressed. In turn, Michael Morgan examines the particular meanings that the term *politik* has for members of the Churches of Christ in northern Vanuatu. Embodying 'unwanted aspects of modernity and nationhood', *politik* is 'the distinctive burden of citizenship'. The stories which Morgan has collated about *politik* and the transition to independence in the 1980s indicate that 'division is the major legacy of statehood' — along with the creation of new hierarchies between ni-Vanuatu.

Closely associated with questions about the fit between state and society are issues relating to economic development and change at the local or grassroots level. Several contributions focus upon local conceptions or perceptions of the state or its actors, as well as on the local dynamics of change in the Pacific Islands. As Denoon notes, there is often surprise 'when the dynamics of island societies fail to match the machinery with which government is supposed to be carried on'. Steven Ratuva examines the syncretic aspects of Pacific Island states and the dynamic interactions which shape change. He questions the perception that dichotomies such as tradition and modernity or state identity and communal identity represent forces or interests that are completely opposed to one another, arguing that there are also processes of accommodation and synthesis taking place. Guy Powles provides an overview of the domain of customary law and relations between the semi-autonomous social fields in which such law holds sway. He identifies a need for a better understanding, based on empirical research, of just what the relationship between customary and formal law systems is and how issues of an alleged 'misfit' between these systems might be addressed by policy-makers in the future.

Finally, questions about Pacific knowledge and points about the importance of understanding again emerge as important undercurrent. Denoon calls for 'evidence-

based policy-making' as a corrective to those who would seek to change the world before understanding it. As he indicates, this means 'asking for evidence of the effectiveness of current aid policies'. In a similar vein, Powles notes that much of the comparative data about customary law systems in the region is out of date and that new research is required before new policies can be developed. In most of the contributions here the need for a better understanding of local realities (past and present) is more than implicit. Both May and Ratuva make points about the problems of applying borrowed templates and the tendency to overlook specificities. There is also a need to listen to what Pacific Islanders themselves have to say. In relation to the recent crises in the Solomon Islands, Herlihy looks forward to the stories about 'the real heroes of 1998–2000' which are yet to emerge, but which may constitute 'one of the most important results' of that period. Faessel points out that literature is sometimes 'ahead of politics' and, as Morgan reminds us, attention to the stories that people tell about themselves and their communities is critical in any meditation on 'the nature of statehood and citizenship'.

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# *The State or Independence in the Pacific Islands*

*Donald Denoon*

It is axiomatic among most Australians, including several colleagues, that the Pacific Islands from East Timor through to Fiji form an 'arc of instability'. Before we tackle this representation, may I suggest some of the corollaries?

If the Pacific Islands form an arc of instability, then:

- there must be a core of stability, a condition seen as normal and desirable;
- Melanesians and possibly others are unfit for self-government now and for the foreseeable future; and
- this constitutes a problem for Australian officials in partnership with others; i.e. the coalition of the stable.

How did we arrive at this point of view? In the 1970s, English-speaking scholars mainly adopted the Almond and Coleman line, that prosperous and peaceful nation-states were the inevitable outcome of economic development, political modernisation and social progress in the Third World (Almond and Coleman 1960). It was a slow process in some places; and there were setbacks like the secession of Katanga from Congo and of Biafra from Nigeria. But these were exceptions, so there was no reason to adjust our scenarios. There was one goal, even if there were different ways to get there. Then the world would achieve its destiny: a seamless patchwork of states, each comprising one contented nation.

Exceptions kept accumulating, testing our faith. Some entities are dangerously small: the Cook Islands with 16,500 people, Nauru with 11,500, Niue with 2,100 and Tokelau with 1,500. Maintaining the functions of a sovereign state is nearly impossible when the pool of talent is so small. Nauru seemed financially viable until the nest egg was stolen; Tuvalu famously earns income from the rent of its internet address; Tonga enjoys income from satellites, so a small scale is not inevitably a barrier to participation. Bougainville tried to secede from Papua New Guinea at independence in 1975, and rebellion erupted in 1989. The Solomon Island government imploded and has had to be rebuilt. Even so, we often imagine that these

are technical problems, demanding technical solutions. Few phenomena cause me more alarm than the assumptions and programs of aid bureaucracies, who have a technical solution for every problem and no sense of our own history.

Much of this global approach is summed up in the good governance agenda originating in the World Bank, demanding democracy, human rights, an impartial legal system, public sector management, an open economy and a vigorous civil society (MacDonald 1996 and 1998). This agenda stems from the late 1980s when the World Bank began to question its narrow focus on macro-economic policy. The Bank's Charter prevented it from addressing members' domestic politics but, by renaming them 'governance', officials gained room for manoeuvre. A survey found that poor governance (authoritarianism, corruption, abuses of human rights) inhibited economic growth. This agenda was adopted by major donors during the 1990s. They were dismayed by ineffective aid delivery, and tried to involve Non-Governmental Organisations (NGOs) and communities in development projects (World Bank 1989 and 1992). A large question now demands examination: what happens to NGOs which profess to represent ordinary people when they become vehicles for foreign funds and contacts for foreign experts?

A new idea in the good governance agenda is that 'democracy is a necessary prior or parallel condition of development, not an outcome of it' (Leftwich 1993). As in decolonisation, the unstated purpose, and perhaps the outcome of good governance initiatives, may be a project to make 'them' appear to be more like 'us' (MacDonald 1998).

The continuing impact of old ideas and new international models helps explain why we often see the Pacific as a region in crisis, an exception. I suggest that we can get a better perspective if we set Pacific problems in a wider context. Wherever empires collapse or withdraw, similar problems are posed for the liberated societies and the successor states. In North America, the United States' declaration of independence launched years of civil war as well as a war of independence. The issue of slavery was unresolved for eighty years, and in the aftermath of the Civil War the Grant presidency created new standards of embezzlement. Similar situations arose in South America in the 1820s and tropical Africa in the 1960s. In West Africa some state systems have withdrawn to coastal cities, while those in Congo and Somalia have disappeared.

The present-day situation in Central Asia provides a still more immediate example. In the Soviet Union's satellites, Turkmenistan, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, the weakening of central control delegated real power (and empty treasuries) to novices who had enjoyed only nominal authority (Chan et al. 1999). The balkanisation of the Soviet Union therefore prompted the re-emergence of popular movements which threaten the successor regimes. A glimpse into their



contemporary conditions is enough to make the Pacific Islands seem like models of good governance.

Under challenge, most governments reimposed controls as soon as they declared their independence in 1991. Uzbekistan, Kyrgyzstan, Turkmenistan and Tajikistan are poor, with little arable land. Each has a major ethnicity, large minorities, and Russian (and Russians) to help communication. Most people are Muslim, and there are Russian Orthodox minorities. Tajik, Uzbek and other ethnicities are represented in large numbers in Afghanistan as well, so that ethnicity and citizenship are rivals for the loyalties of very large numbers of people throughout Central Asia (Christian 1998). These populations provide a large proportion of the Northern Alliance in the chronic civil war in Afghanistan: ethnically-based militias which have rather little in common other than hostility to the Pashtun majority which, in turn, overlaps into Pakistan.

Tajikistan, with six million souls, has the lowest incomes, now less than half their Soviet-era levels. An aluminium plant, hydropower and state-owned factories recall the Soviet division of labour and Russian subsidies. Much of the calamity is due to (or perhaps caused) three changes of government and a civil war since independence. In 1997 all parties agreed to end conflict between Tajiks, Uzbeks and Pamiris. Government candidates then won elections against the Islamic Renaissance Party. Peace prevails but Uzbek separatism persists. These conflicts heighten the anxiety of all successor states, and popularise continuity and authoritarian control. The opposition Islamic Movement of Uzbekistan, for example, had (and retains) bases in Tajikistan. Although the Movement has little effect, it has perversely helped to justify repressive government at home. Uzbekistan is the least poor of these states, and the most populous with over 20 million people. Independence was relatively smooth: Islam Karimov had led the country in the Soviet era, and has since won huge majorities and brooked no opposition. In Kyrgyzstan too, little changed: Askar Akayev has led the country since 1990. Parliament meets, but a Security Council rules. After dabbling with glasnost, Kyrgyzstan is settling into the pattern of authoritarian control. Evidently the creation of effective and popular governments after the Soviet Empire generates the same temptations as the succession to colonial ones.

As in the Island Pacific, resources flowed into these remote colonies, which fostered dependent economies and cultures. The collapse of the Soviet Union destroyed the trade and production system that gave their economies coherence. In each case the party boss has become president for life, relying on US or Russian military support, in a state of civil war against well-armed insurgents, and with no thought of decolonisation. The mismatch of religious, ethnic and landowning relations would suggest instability, but the daily reality for most people is stable oppression. Is this really what is wanted in the Pacific?

If we compare this region with the rest of the world, the Pacific Islands are performing exceptionally well by comparison with countries in similar post-imperial circumstances. We might even propose that instability is the least of their problems — that it is a strength rather than a weakness.

What is most striking about the creation of states in our region is that each one falls into one of only three categories. The settler societies brought with them not only the structures of modern administration, but the values and expectations, the cultural matrix in which a European state could readily develop. When Europeans came to admire the work of the Australasian states in the 1900s, they came to admire distinctively European states which (they thought) were trailblazers for Europe itself. Second, when dependencies became formally independent, all the machinery of a modern state was either imposed or adopted voluntarily, but not the cultural matrix in which it would thrive. Third, in a few cases pre-colonial institutions (as in Tonga and Samoa) were westernised and adapted. But never did any state builder acknowledge that this is not how states developed in Europe. In consequence, we are all surprised when the dynamics of island societies fail to match the machinery with which government is supposed to be carried on.

Obviously the constraints on, and opportunities for, newly independent states are shaped not only by the social and political dynamics of the societies that constitute them, but to an extent by the imperial structures from which they emerge. May I remind us of the specifics of the structures in the colonial era of the South Pacific?

Three settler colonies dominated this region through the twentieth century.<sup>1</sup> Federal Australia developed as a continental, inward-looking polity. Australia's dependencies — first Papua, then New Guinea — were treated first as a *cordon sanitaire* protecting Australians from intruders on a region they believed to be theirs by right. Until the 1960s, Australian policy emphasised and protected cultural and all other differences — and yet imagined the Territory of Papua New Guinea as a permanent part of Australia. Turning their back on Australian federation, New Zealand intellectuals developed a national consciousness in contrast to Australia (there had been no convicts, few Irish and not many Catholics). English and Scots colonists boasted of the equal relations they claimed to enjoy with Maori. A great effort went into proving that Maori were really Aryans — long-lost cousins. While Australian colonists dispossessed Aboriginal people by denying their property rights, New Zealanders gained control over Maori land by acknowledging those property rights, transforming them into individual title, then buying them piecemeal. This approach had implications for New Zealand's dependencies — Samoa and the Cook Islands — where similar approaches were applied, emphasising human similarity.

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<sup>1</sup> What follows is a summary of an argument developed at length in Denoon and Mein-Smith (2000).

I learn from Isabelle Merle (1995) and Colin Forster (1996) that French planners were influenced by the Australian model when they projected a settlement in New Caledonia. Unique among French colonies, the strategy set out to dispossess indigenous people and replace them with a settler society serviced by convict labour from France and indentured labour from the New Hebrides and elsewhere. The strategy came undone on the resilience of Kanak, the reluctance of metropolitan French to emigrate, wretched economic planning and bizarre management of the convict enterprise; but the planters and miners of colonial New Caledonia exercised significant influence both locally and in the New Hebrides (now Vanuatu).

Decolonisation in the Pacific embodied the same apparent contrast. In the New Zealand sphere, constitutional change in Samoa built postcolonial government on pre-colonial values. Other decolonisations were equally original. Cook Islanders and New Zealanders invented 'free association', which came into effect in 1965. The effect, as well as the purpose of decolonisation, was economic, political and cultural assimilation, making New Zealand increasingly Polynesian in ethnicity and in many other ways. In the important domain of rugby union, for example, New Zealand regards all Pacific Islands as nurseries for New Zealand players and refuses to treat Pacific Islands as in any sense autonomous or equal.

Briefly, Australian authorities did propose assimilation for Nauru, whose people would have been resettled in Australia in the 1960s. But the largest questions were posed in Papua New Guinea. The first Prime Minister, Barton's, 'long centuries for which I hope New Guinea is to be a territory' (cited in Nelson 1997) had yielded, by the 1960s, to External Territories Minister Paul Hasluck's hope that New Guinea would be a territory for long decades, including two or three decades of self-government. The issue came into focus in 1966 when a delegation of Papua New Guineans asked the Australian government if becoming a seventh state of Australia was a real option. That provoked Cabinet to resolve that Papua New Guinea's destiny was independence and it began to preach territorial unity. They also began to create the preconditions of self-government. While New Zealand welcomed Polynesians from its dependencies, Australia made Papua New Guinea independent to avoid that outcome.

Although we call this region Australasia or Oceania, this is an interactive region in which most people's sense of themselves is shaped by understanding and misunderstanding our regional neighbours. Pakeha in New Zealand think of themselves as nicer to Maori than white Australians to Aborigines; and nationalist historians wove this myth into a New Zealand identity. These comparisons continue to multiply. What intensifies the anxiety of ethnic Fijians, despite the shrinking numbers of Indo-Fijians, is the catastrophic experience of native Hawaiians, Aboriginal Australians and Kanak. The struggle of indigenous Kanak to regain sovereignty is compromised by being a minority in New Caledonia. When

Bougainvillean and Papua New Guinean negotiators visited New Zealand for peace talks in 1997, the hardline Bougainville Revolutionary Army (BRA) saw New Zealand as a very negative example of Maori dispossession while the Papua New Guinean delegates saw New Zealand as a model of racial cooperation. Pacific Island states often look to each other, as well as to other non-Western countries, for ideas on what to try and what to avoid. It would be a pity if scholars were more narrow-minded than ordinary people.

Australasia was a political and cultural reality, expressing the shared interests of British colonists and governors, relying on the Royal Navy for security, London for capital, Westminster for legitimacy and Christianity for salvation. There were frequent inter-colonial meetings and cooperation in the form of annual contributions to the running costs of British New Guinea (later Papua). When the fathers of federation chose the name Australia, Australasia lost its bearings. Australasia has been largely suppressed in the public memory of the societies that formed it. Meanwhile Oceania has shrunk until Australia and New Zealand are outside it. While Australasia became increasingly British, arid and historical, Oceania (as Océanie) became increasingly wet, ethnographic and French.

In the aftermath of the formal colonial era, there is an interactive region stretching from Dili to Dunedin. The region has no name, but it is just as real in the twenty-first century as in the nineteenth. The evidence for this can only be sketched here:

- the majority of Niueans, Tokelauans and Cook Islanders now live in New Zealand, while Tongans are the third largest Pacific Island community in New Zealand;
- migration from the Pacific Islands to Australia, with New Zealand as a staging post, is the larger trend;
- Thursday Island in the Torres Strait seems to be another staging post, since most Torres Strait Islanders live in Queensland and people cross to Thursday Island from Papua New Guinea for groceries, medical services and weapons;
- a recent Australian Agency for International Development (AusAID) survey of Papua New Guinea's Western Province finds no trace of the provincial government and little evidence of national administration;
- there are moves in New Zealand and Papua New Guinea, encouraged by the recent Australian Senate report (2003), to link national currencies to the Australian dollar;
- peacemaking, peacekeeping and peace-observing within this region (but not beyond it) depend upon Australian support, while the peacekeeping thrust of New Zealand's defence policy implicitly acknowledges Australia's crucial role in regional defence;

- Australian and New Zealand regional policies exhibit common purpose, most effectively in the Burnham and Lincoln talks, staged by New Zealand and endorsed by Australia (Wehner and Denoon 2002);
- a high proportion of aid flows into the Pacific from Australia, or from New Zealand, or from international agencies where Australia exercises significant influence;
- most academic analysts of the Pacific Islands are in Canberra, Sydney, Auckland, Christchurch, Paris and Marseilles. In the Islands, however, there is no systematic scholarship on us.

The case of Papua New Guinea illustrates some of the continuities from colonisation to independence. On the day Papua New Guinea attained self-government in 1973, the Department of External Territories was abolished. On that day, the Australian Development Assistance Agency came into being in Derwent House, the home of the Department of External Territories; so the first Director moved into the office of the last Department Secretary. The last Secretary was David Hay; the first Director was Leslie Johnson; both had been Administrators of PNG. The new agency was formed of equal numbers from Foreign Affairs and the Department of Territories.<sup>2</sup>

Papua New Guinea's separation from Australia was a bureaucratic feat. Because the United Nations agreed that the House of Assembly expressed the national will, there was no need for a plebiscite, and every reason to avoid one. This was not revolution but modernisation. The outcome was imperfect independence for Papua New Guinea, and shallow decolonisation for Australia.

With so many common interests and links, there should be a political forum to discuss them. The Pacific Forum is mainly a showcase for Hawaiian shirts, and the agenda of the Pacific Commission is narrowly technical. Real politics occurs outside that arena. The Melbourne historian Jim Davidson describes Australia's 'Pacific solution' to asylum seekers in these terms: '[our government has] cynically treated Pacific Island nations as if they were simply client states: non-whites can be safely kept off-shore in what have become our very own Bantustans' (Davidson 2002). These secret deals demand the transparency that only an open forum can provide. They also suggest that Australia may be part of the problem, not necessarily the solution.

So I make three heretical proposals to stimulate debate. One is to reverse Marx's proposition that 'scholarship until now has tried to understand the world. The point, however, is to change it.' The second is called 'evidence-based policy-making', asking for evidence of the effectiveness of current aid policies. Where are the countries which have benefited from these approaches? Third, the only immediate way to raise

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<sup>2</sup> The politics of the transition are explored by participants in a workshop on the decolonisation of Papua New Guinea held at the ANU in November 2002 (see Denoon 2002).

incomes is to create a regional common market; the only way to reduce misgovernment is to create regional structures such as those in Brussels, and the only way for Islanders to participate effectively in the institutions of government is for government itself to become regional. A Pacific economic and political community — as proposed by the Australian Senate (2003) — must at least include New Zealand alongside Australia, Papua New Guinea, the Solomon Islands and some others. In order to bring creative instability into this association, it would ideally include France.

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### *Abstract*

It is often argued that the Pacific Islands, from East Timor through to Fiji, form an 'arc of instability'. I suggest that we can get a better perspective if we set Pacific problems in a wider context. The Pacific Islands are performing exceptionally well by comparison with other countries in similar post-imperial circumstances. We might even propose that instability is the least of their problems. Despite decolonisation, there remains an interactive region, which at different times has been called Australasia or Oceania. With so many common interests and links, there should be a political forum to discuss them. So I make three unorthodox proposals to stimulate debate: that scholarship should be directed to understanding the region; that there is a need for evidence-based policy-making; and that the creation of a regional common market and of regional governmental structures is the only way to raise incomes and for Islanders to participate effectively in the institutions of government. A Pacific economic and political community must at least include New Zealand alongside Australia, Papua New Guinea, the Solomon Islands and some others. In order to bring creative instability into this association, it would ideally include France.

### *Résumé*

Il est souvent mis en avant que les îles du Pacifique constituent du Timor oriental à Fiji, 'un arc d'instabilité'. Je suggère que l'on obtient une meilleure perspective lorsque l'on considère les problèmes du Pacifique dans un contexte plus large. Comparées à d'autres pays qui se trouvent dans une situation de post-impérialisme similaire, les îles du Pacifique s'en sortent bien. Nous pouvons même considérer que l'instabilité est le moindre de leurs soucis. En dépit de la décolonisation, cette région que l'on a nommée à différentes périodes 'Australasie' ou 'Océanie', reste une région interactive. Compte tenu de tant de liens et d'intérêts communs, il devrait exister un forum politique pour en débattre. Aussi, dans l'objectif de stimuler le débat, je formule trois propositions non-conformistes: que nos études soient orientées vers une meilleure connaissance de la région; qu'il est impératif de développer des politiques adaptées aux circonstances évidentes et enfin; que seule la création d'un marché commun régional et de structures gouvernementales régionales, permettront l'augmentation des revenus et la participation effective des habitants des îles du Pacifique aux institutions gouvernementales. Une communauté économique et politique du Pacifique devra

nécessairement comprendre avec l'Australie, la Nouvelle Zélande, la Papouasie Nouvelle Guinée, les îles Salomon et d'autres. De façon à introduire au sein de cette association un changement d'équilibre facteur de créativité, la France devrait idéalement en faire partie.



# *The Foreignness of the State in the South Pacific*

*Peter Larmour*

Explanations of political problems in the South Pacific often refer to the introduced or external character of institutions. Marshall Sahlins (1981) found the figure of the 'stranger king' in many societies based on lineages and clans, including classical Europe and nineteenth-century Fiji. In such societies, power was conceived of as something that 'originated beyond society and was violently imposed upon it' (ibid: 109). Historian Judy Bennett argues of the Solomon Islands that the 'failure of the transplanted political system based on the Westminster model' is because

few Solomon Islanders own the national system as theirs. Introduced by the colonial ruler it is still seen as a foreign superstructure, not a product of their efforts, so they lack both a commitment to it and a critique of it (2002: 14).

Political leaders often endorse similar ideas about the alienness of institutions. Their diagnosis is backed by research elsewhere. Research on Africa for the World Bank blamed many of the continent's problems on an 'institutional disconnect' between state and civil society, between formal and informal institutions, and between corporate and social culture (Dia 1996). Comparing the economic performance of Native American Indian reservations, Cornell and Kalt found that tribes did better the more consistent their traditional institutions were with those imposed from outside (1995).

Nevertheless, there are reasons to be uneasy about this diagnosis — not least because it is so firmly a part of the conventional wisdom about the region. First, consistency may be a problem. Barrie Macdonald noted of Kiribati (1996) that the elitism of colonial and postcolonial institutions meshed easily with the elitism of traditional society. Second, parts of the region — Hawaii, Tahiti — have strong pre-colonial traditions of centralised authority, implying that the inconsistency might only apply to more stateless societies, in Melanesia. Third, the diagnosis discounts the

considerable efforts, from Samoa's independence onwards, to adapt introduced institutions to Pacific circumstances (Davidson 1967). Fourth, it begs questions about the basis of rule in the 'Western' or 'modern' societies with which implicit comparison is made. Is it really the case that political stability in Australia depends on a sense of popular ownership of institutions? The talk is more often of popular alienation or indifference. Or, put another way, isn't a sense of alienation and distance a part of rule by states, or the exercise of power more generally? If so, should we be surprised that people feel alienated from political institutions, or confident that they can somehow be reconciled to them?

Here I want to try and understand the sense of 'foreignness' through the idea of 'transfer'. To transfer means 'to convey or take from one place, person, etc. to another' (Shorter OED). The phrase 'institutional transfer' comes from David Apter's study of politics in the Gold Coast (1963), now Ghana, where Apter wondered about the appropriateness of Westminster institutions. Similar questions were raised at independence in the Solomon Islands when a government report wondered if 'political progress, following the Westminster model is suitable or desirable' (Saemala 1983). More recently political scientists have become interested in the phenomenon of 'policy transfer' (Dolowitz and Marsh 2000).

First, I look briefly at the history of the state in the South Pacific, and the idea of 'the state' in Pacific Studies. I then consider how ideas about 'transfer' can reframe the question of foreignness as one of homogenisation, and identify the processes involved. These are coercion, mimesis and the spread of professional norms. They point to areas for future research and have implications for policies of intervention, for example in the Solomon Islands.

## **The State in the South Pacific**

European explorers, missionaries and traders brought their own ideas about government, particularly the virtues of a centralised bureaucratic state, to the Pacific. The historian Richard Gilson summarised the reasons why Europeans desired to deal with an indigenous state in Samoa:

because it was familiar to European settlers; on the basis of its 'success' in Hawaii; it was supposed to be natural to Polynesians and because it was a form of governance through which Europeans could hope to gain and exert influence on developments in Samoa (Gilson 1980: 188).

States emerged in hybrid forms in the period between contact with European traders and missionaries and the formal imposition of colonial rule. The Cakobau government in Fiji (1871–1874) (Routledge 1985) and the federal government in the

Cook Islands (1891–1899) were precarious combinations of chiefly and bureaucratic rule. The Hawaiian monarchy was eventually overturned by a settler coup. The hybrid Tongan monarchy survives from the time it adopted a written constitution in 1875.

By the late nineteenth century the whole region was divided up and parceled out among colonial empires. The region became governed by bureaucracies whose senior officials were responsible to distant governments. Colonial penetration of the new and arbitrary political spaces created by the partition of the South Pacific was slow and uneven. As late as the 1920s, the Australian government was publishing maps of Papua and New Guinea showing degrees of official control, measured by population censuses, around the coasts (Wolfers 1975). The highlands were simply left blank. The first government patrols in the highlands did not take place until the 1930s.

Colonial states in the South Pacific were strongly differentiated from the societies they governed, and relatively autonomous. They were staffed, at senior levels, from abroad. Racial segregation sharpened the differentiation between rulers and ruled. Particularly after World War II their budgets were supplemented by grants from Canberra, London or Paris. They were centralised around capitals: Port Moresby, Honiara, Port Vila and Suva. They were coordinated by Governors and High Commissioners (at the centre) and district officers in the field. In many ways they corresponded to Max Weber's idea of the state: separate from society, governed by its own official ethos, and gathering to itself the monopoly of the legitimate use of violence.

Decolonisation subjected these states to the normalising processes of 'international best practice' and the requirements of membership of regional and international institutions. Samoa (and New Zealand) had to argue hard with the UN to retain undemocratic features of Samoa's electoral legislation, reserving voting rights to *matai* (traditional chiefs).

Fiscal crises in the 1990s opened several independent states up to another wave of normalisation. The Asian Development Bank insisted on a similar set of conditions for loans, including downsizing, privatisation, and greater consultation with the private sector and NGOs through 'national summits'. Fiji also came under sustained international pressure to drop the racially biased constitution it adopted after the 1987 coups, in favour of the more internationally acceptable 1997 constitution. Australia, for example, funded the review process.

## The State in Pacific Studies

Marxist arguments about South Pacific politics were influential in the 1960s and 1970s. They downplayed the role of the state as superstructural, and less interesting than the underlying social conditions and conflicts that determined it. However, some theories of the postcolonial state pointed to its external and alien character: it was

'overdeveloped' in relation to the domestic forces and relations of production, sustained by its overseas connections, and its officials might have class interests of their own as a 'bureaucratic bourgeoisie' (Leys 1976).

Theda Skocpol and others 'brought the state back in' to political science in their influential book of that title in 1985, and in the 1990s the idea of the 'weak state' became influential in studies of Melanesia, where some governments seemed increasingly incapable of performing basic tasks like maintaining law and order. The authority — and capacity — of the state was challenged by all manner of social forces and local leaders, including 'chiefs'. The theory of the weak state was developed, through several iterations, by Joel Migdal and applied particularly to Melanesia (in Dauvergne ed. 1998).

Migdal had first defined state strength in terms of the elite's ability to impose their preferences on the rest of society. This could be measured by compliance with legislation, popular participation, and the legitimacy accorded to institutions. Later Migdal emphasised the interaction between state and society, rather than opposition between them. There are many examples of 'state-society' analysis. One is Sinclair Dinnen's idea of society 'recolonising' the state after independence in PNG. Dinnen argues that

The postcolonial state of PNG ... appears to have become subject to a process of bottom up reconstruction. Consequently the boundaries between state and society have become progressively blurred and the state itself has become less coherent (2001: 188)

Similar arguments about state and society have been applied to the Solomon Islands. Geoffrey Coyne (1992) considers the ways in which Solomon Island culture, in particular the relationships and expectations that people bring with them from village life, affect the way the public service works. Status within a village, for example, depends on marriage, age and one's ability to distribute wealth. Great premium is put on diffusing conflict through long meetings, and achieving broad consensus. People who may depend on each other during a lifetime of village living are reluctant to say no to each other, and reluctant to tell others what they should do. In a bureaucracy, however, status depends on one's office; official housing and transport are not supposed to be shared with others; vigorous debate may be valued as a means of reaching decisions; and senior officers are expected to tell their juniors what to do. More personal values also affect the way the bureaucracy works. A desire to avoid shaming discourages people from correcting mistakes that have been made. Individual initiative is frowned upon. Personal, family and official matters are not kept distinct. People treat knowledge and information as a personal resource, and are reluctant to

share it. The result is a civil service which tends to react to events, where wide consultation often leads to delays.

Similarly, Jane Turnbull (2002) argues that while the Solomon Islands state had the appearance of a Western liberal democratic state, the power relationships that were institutionalised within it were more traditional, fluid and personalised. The state was reluctant to impose law and order, and failed to engage with the lives of the population, most of whom were still illiterate. There was an absence of everyday bureaucratic disciplines, such as coming to work on time, maintaining records, and planning. As a result, the state had little capacity to encourage rural development.

Joel Migdal (1988) has tried to explain why ostensibly weak states nevertheless continue to survive. He explained this surprising survival in terms of international support, successful interactions with citizens, and their ability to create meaning in law, ritual and public space. In the South Pacific, for example, international recognition brings aid, loans and technical assistance to weak states. Cash is handed out to citizens in election campaigns, or through special parliamentary slush funds. States also draw on traditional forms of government, such as Councils of Chiefs, and nationalist feelings to create support for themselves. They may also, when necessary, draw on images of modernity and development. These factors may allow the states to persist without substantially changing the societies in which they find themselves.

Migdal's reference to international recognition echoes Robert Jackson's (1990) idea of the quasi state, sustained by international recognition and aid, rather than its own domestic legitimacy and taxes. It also points to an earlier idea in Pacific Studies: that of the MIRAB economy, sustained by its international connections, migration, remittances and the aid which funded local bureaucracy (Bertram and Watters 1985). These international dimensions of stateness made it particularly open to transfer, and vulnerable to conditions set by donors, but its limited capacity to affect local society implied that transfer might go no further than the planning office, the central government, or the capital.

By the end of the 1990s, policy-makers and journalists were talking of the Solomon Islands and Nauru as 'failed' states (Dobell 2003). That failure seems to be modelled on the idea of 'market failure', a judgement of performance against an ideal type state — one that is competent and autonomous, and which monopolises the use of violence. Justifying Australia's proposed military and police intervention in the Solomon Islands, Australia's Prime Minister argued that it was 'not in Australia's interest to have a number of failed states in the Pacific' (*Sydney Morning Herald* 26 June 2003). Writing for a think tank in Australia, Susan Windybank and Mike Manning warned that PNG was following the Solomon Islands into 'economic paralysis, government collapse and social despair'. It was on the brink of becoming a 'failed state' (Windybank and Manning 2003: 10).

## Process

Di Maggio and Powell (1983) identified three processes through which political institutions throughout the world have come to look strikingly similar: coercion, mimesis, and professionalisation.

The most obvious example of coercion would be colonial rule, which imposed institutions from outside. In PNG, from the 1950s to the 1970s, Australia imposed a system of government made 'in its own image' (Ward and Ballard 1976). Coercion was also involved in the setting of loan conditions after independence. Colin Filer (2000) has shown how the World Bank succeeded, for a while, in imposing a stronger degree of forestry protection than the PNG government would have liked. Other less visible and direct forms of power were involved in relations between donors and clients: the power to shape and set the agenda, and to set the boundaries of acceptable thinking and knowledge (Larmour 2002c). Recipients had other forms of power available, including what James Scott (1990) called 'weapons of the weak' — the power to embarrass, make fun, delay, divert attention, and so on.

Mimesis, suggest Di Maggio and Powell, follows from uncertainty. When not sure what to do, organisations will model themselves on prestigious others. Decolonisation was the period of mimesis (Badie 2000). While there were deliberate attempts to create indigenous and hybrid organisations, there was also a less rational cleaving to the prestige of the 'Westminster' system in former Australian, British and New Zealand colonies (Larmour 2000, 2002b). PNG's government resisted some of the innovations proposed by its Constitutional Planning Committee, and stuck with a Governor General and the honours system. The Solomon Islands moved from the unconventional, but arguably 'appropriate' Governing Council system to the more familiar Westminster system (Saemala 1983).

Irrational mimetic processes also seem to be involved in the adoption of public sector reform during the 1990s fiscal crises. Schemes to put top public servants on contracts, derived from New Zealand, were spread from the Cook Islands to Vanuatu and the Solomon Islands by consultants working for the Asian Development Bank.

The third homogenising process was the development of cross-national professional norms. The professionals influential on state building in the Pacific have been: lawyers, bringing ideas about 'best practice' in Westminster systems; accountants who influenced public sector reforms in the 1990s; and economists, influential in the multinational banks. Political scientists have begun to spread their professional ideas — and disputes — through work on electoral systems. 'Consultancy' is the typical process by which professionally acceptable ideas are disseminated. Resistance to the professionalisation of advice has sometimes been made by historians and anthropologists, who have stood up for 'context' rather than 'best practice' in

constitutional debates in Samoa (Jim Davidson) or Micronesia (Norm Mellor) or debates about land policy in Melanesia (Ron Crocombe and Allan Ward).

## Conditions

My own study of the transfer of particular laws and institutions into the South Pacific suggests the importance of at least three factors: timing, networks and political settlements among powerful social groups and forces (Larmour 2000, 2002a, 2002b, 2002c, in press). Transfer is what public administration theory calls a ‘garbage can’ process: it is determined by timing and availability, rather than choice and relevance (March and Olsen 1989). Supply tends to dominate demand. Crisis provides an opportunity for the import of ready made solutions, available off the shelf. South Pacific constitutions thus reflect the ‘best practice’ of the time of crisis when leaders were open to ideas from overseas: the mid-nineteenth century in Tonga, when ideas about adult male suffrage were progressive; the 1960s and 1970s in the English speaking Pacific, when the idea of the interventionist welfare state was still dominant; and the 1990s when fiscal crises opened the states up to then current ideas of public sector reform.

Ideas were transmitted through different networks, sometimes arising from shared experiences or intertwined careers, and sometimes deliberately created by think tanks — like PNG’s Institute of National Affairs or NGOs such as Transparency International. The University of the South Pacific provided one such network in the Pacific, and the Commonwealth provided another. Small islands dependent on overseas expertise were thus particularly open to these networks. The multilateral banks have become centres of influential self-perpetuating and self-limiting networks of consultants. These networks are closely bound by the (English) language through which ideas were transmitted, with little overlap with networks and ideas developing in the French territories.

Ideas tended to stick if they reflected underlying social and political conditions. These were effective to the extent that they were mobilised as ‘political settlements’, particularly between regional, racial or class groups. Fiji’s Constitutional Review Commission (Fiji 1996) talked of the ‘compacts’ between indigenous Fijians and Indo-Fijians upon which the success of the formal constitution would depend (it proved chimerical). The earlier 1970 constitution depended on underlying political understandings, and perhaps misunderstandings. Constitutions in Melanesia reflect regional balances of power, and fears of domination. These underlying political settlements may shift and, within periods of ten to twenty years, become outdated.

## Foreignness or Homogenisation?

How do these ideas about the conditions for transfer help us understand the external appearance of the state? They point to more pervasive global processes of institutional replication and homogenisation. Small, crisis-ridden political systems coming late to independence, like those in the South Pacific, are more open to these processes than larger, more stable ones that set the precedents. The professionalisation of work also drives uniformity.

The study of transfer suggests that we should look at the influence of professional networks and their different kinds of attachment to ideas about the state. Public lawyers, for example, tend to be statist by professional commitment. Economists typically have a more ambivalent commitment to the state: they prefer market solutions and are suspicious of rent-seeking bureaucrats, but — in the development banks at least — they believe that some kind of 'small' state is necessary to protect property rights and provide public goods. Newer networks of NGOs may have less commitment to state institutions; Transparency International, for example, promotes public/private/NGO partnerships.

The research on transfer suggests we should look for the domestic 'political settlements' that may sustain, or undermine, state institutions. Which new social forces are emerging and which aspiring leaders are looking to them for support? Which older social divisions no longer carry such sway? Which social groups need a state, and which leaders are prepared to compromise with others to ensure the state's survival? In Fiji, indigeneness has also become tied up with the state, as employer and promoter of affirmative action. Some kinds of chief have become committed to state institutions, while others remain opposed and present a vision of non-state forms of power. Some kinds of foreign investor need the framework of a state (e.g. the mining industry) but others prosper without it (e.g. the forestry industry). Educated elites with public service positions clearly need the state, and even corrupt officials need the regulations which they exploit for private purposes.

States are domestic as well as international actors and, as Robert Jackson has suggested, they may persist because of their international connections rather than their domestic support. When that international support is translated into a domestic intervention, as in the Solomon Islands, we need to ask who or what social groups or forces will come together in 'compacts' or 'political settlements' to sustain or undermine 'stateness' after the Australian soldiers, police and officials have been withdrawn.



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## **Abstract**

Current political problems in the Pacific Islands are often blamed on the foreign character of state institutions. The article questions this diagnosis, using ideas about 'the institutional' or 'policy transfer' and drawing on research on land registration, constitutions, public sector reform and anti-corruption policies. Each of these policies or institutions was introduced from outside the region and each is linked to current liberal ideas about 'good governance'. Some have stuck, and some have not. The article begins by reviewing the history of the state in the region and of ideas about 'the state' in Pacific Studies. It draws on sociological theory to identify three processes involved in transfer: coercion, mimesis and professionalisation. The article then identifies three factors important in determining whether transferred institutions 'stick': timing, the existence of international networks, and 'political settlements' among local social groups. In conclusion, it is argued that small, crisis-ridden political systems coming late to colonisation and decolonisation have been particularly open to transfer, and that underlying 'political settlements' will be important in determining the success of external interventions, like Australia's in the Solomon Islands.

## **Résumé**

Les problèmes actuels des états insulaires du Pacifique sont souvent attribués à l'extranéité des institutions étatiques. Cet article utilise les notions se rapportant à 'l'institutionnel' ou au 'transfert politique' et se base sur la recherche existante en matière de registre foncier, de constitution, de réformes du secteur public et de politiques anti-corruption, pour remettre en cause ce diagnostic. Chacune de ces politiques ou de ces institutions a été introduite de l'extérieur. Chacune d'entre elles est associée au courant de pensée libérale concernant le principe de 'bonne gouvernance'. Certaines d'entre elles ont tenu d'autres non. L'exposé présente en premier lieu, dans le cadre des recherches sur le Pacifique, un historique des nations de la région et de la notion 'd'Etat'. Il se fonde sur les théories de sociologie pour identifier trois procédés qui participent au transfert : la contrainte, le mimétisme et la professionnalisation. Sont ensuite définis trois facteurs importants qui servent à déterminer si les institutions ainsi transférées 'tiendront' : le facteur temps, l'existence de réseaux internationaux et les règlements politiques qui interviennent entre les groupes sociaux locaux. L'article conclut que les petits systèmes politiques fragilisés et sujets aux crises, qui ont tardivement fait face à la colonisation et à la décolonisation, ont été particulièrement susceptibles au transfert. Souligner les 'règlements politiques' sera donc essentiel pour déterminer le succès d'interventions externes telles que celle de l'Australie dans les îles Salomon.

# *Weak States, Collapsed States, Broken-Backed States and Kleptocracies: General Concepts and Pacific Realities*

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R. J. May

For some years there has been a burgeoning literature on weak states, failed states, collapsed states, and states seen to have been taken over by warlords or criminals. More recently, this discussion has been extended to take in the states of Melanesia. The Solomon Islands has been described as a failed state and Papua New Guinea as, at best, a weak state and, at worst, one on the verge of collapse.<sup>1</sup> More specifically, since 11 September 2001, strategic analysts have warned that weak states provide a haven for international terrorism (a proposition which the ‘coalition of the willing’ has helped demonstrate in Iraq), and this concern has been echoed in Australian policy dialogue.<sup>2</sup> Such concerns raise broader questions about what is meant by such terms as ‘weak state’, ‘failing state’ and ‘collapsed state’, and what outside intervention can, and cannot, achieve. This paper provides a brief and selective overview of the relevant literature before examining the experiences of five Pacific Island states which have been described as weak, failing or collapsed. It argues that broad generalisations about state failure are unhelpful and that while there may be a role for outside assistance to strengthen state capacity, such outside intervention is fraught with difficulties.

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<sup>1</sup> For example, see *Economist*, 13 Feb. 2003, ‘The Pacific’s first failed state?’ (on the Solomon Islands) and Windybank and Manning (2003: 1) (on Papua New Guinea).

<sup>2</sup> See, for example, Australian Prime Minister John Howard: ‘If the Solomons becomes a failed state, it’s a haven potentially for terrorists, drug runners and money launderers ... we don’t want that on our door step’ (*Transcript of the Prime Minister the Hon. John Howard, MP, Interview with Charles Wooley, 60 Minutes, 20 July 2003*, cited in Kabutaulaka 2004: 7). Also see ASPI (2002: 28; 2003: 6, 13–15).

## From Broken-Backed States to Collapsed States

The idea of state weakness is not new. In the early 1960s Hugh Tinker wrote about 'broken backed states', predicting that these would probably provide the pattern in East Africa and other areas 'unprepared' for independence. Candidates for broken-backed status were characterised by: the lack of a significant westernised middle class committed to representative government; the absence of a professional civil service and army to uphold law and order 'or even exert a counter leverage to the politicians'; the low probability of a traditional leader filling the political vacuum created by the withdrawal of the colonial power; and the low likelihood of a communist mass party takeover. 'The centralized state will cease to be', Tinker suggested; 'The simulacrum of government will continue in the capital, but within twenty miles there will be a total divorce between appearance and reality. The man with the gun will have taken over' (Tinker 1965: 114–17).

Tinker's prototype of the broken-backed state was Burma, where a military regime had taken over government. Yet in Burma, Tinker observed, 'despite the negation of government, life continues and is not all barren'; 'an almost complete breakdown of the national machinery', he continued, 'does not entail a similar breakdown in local life. And so there is no dramatic national collapse: there is just broken-backed government' (ibid: 117–18).

Similar ideas were expounded by a number of scholars in the latter half of the 1960s and early 1970s as a growing number of democratic governments set up by retiring colonial administrations gave way to military coups, authoritarian one-party regimes, or civil wars (which frequently followed ethnic lines). Between 1945 and 1976, Eric Nordlinger (1977) calculated, two-thirds of the countries of Latin America, Asia, Africa and the Middle East had experienced some kind of (domestic) military intervention against civilian governments, to the extent that Joseph La Palombara ('Foreword' to Nordlinger 1977: x) was moved to comment that 'Military coups are now so frequent and widespread they must be considered as significant as elections'.

Addressing the issue of 'nation building', a number of scholars queried the underlying evolutionist assumptions of the more extreme modernisation theorists (such as Rostow 1971) who suggested a virtually inevitable transition from traditional society to the modern state, noting that 'many of the same factors generating national identities ... are generating sub-national identities as well' (Weiner 1973: 253), and that the politics of developing societies, 'segmented by region, community, kinship and the pace of social change', was 'amorphous and inherently unstable' (Heeger 1974: 23). In 1975, Nigerian scholar Peter Ekeh (1975: 108) suggested that a common problem for postcolonial states in Africa was the existence of two public realms — the civic and the 'primordial' — and that 'The unwritten law of [modern African politics]

is that it is legitimate to rob the civic public in order to strengthen the primordial public'. Earlier, Samuel Huntington (1965, 1968) had enunciated a succinct proposition about social order in changing societies: 'The rates of social mobilization and the expansion of political participation are high; the rates of political organization and institutionalization are low. The result is political instability and disorder' (1968: 5). Indeed, 'stability' became a key word in the literature of comparative and development politics. Some even saw virtue in 'bureaucratic authoritarian' states which seemed to offer greater stability, and hence development, than democratic states.

The concerns of the time were reflected in the writings of several informed commentators in the lead-up to independence in Papua New Guinea in 1975. Australian journalist Peter Hastings (1971: 32) spoke of the 'inescapable similarity between Africa and Papua New Guinea', suggesting that after independence 'the Army will inevitably be involved in the political direction of the country'. The historian Hank Nelson wrote:

After the formal withdrawal of Australian authority the new government may seem to work well, then, as corruption, inefficiency and secessionist movements become more obvious, the few educated and competent will take over, either dismissing the institutions of government established by Australia or ignoring them (Nelson 1972: 208).

In the latter part of the 1980s, Joel Migdal (1987, 1988) popularised the idea of the 'weak state' and in a comparative study of five states, counterpoised the weak state with the 'strong society'. Migdal suggested that the capacity of the state could be assessed in terms of its ability 'to penetrate society, regulate social relationships, extract resources, and appropriate or use resources in determined ways' (Migdal 1988: 4). In a weak state, he argued, compliance was weak, participation low, and legitimation poor (ibid: 32-3). The idea of the weak or fragile state was frequently employed as a number of states faced crises of governance and legitimacy during the 1990s.<sup>3</sup>

During the 1980s, the experiences of a number of African states produced an extensive literature on state collapse. A sample of this writing was brought together in William Zartman's *Collapsed States. The Disintegration and Restoration of Legitimate Authority* (1995).<sup>4</sup> Zartman himself defined state collapse as 'a situation where the structure, authority (legitimate power), law and political order have fallen apart and

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<sup>3</sup> In a workshop at the Australian National University in 1997, attended by Migdal, Migdal's ideas were discussed in the context of Asia-Pacific societies. On Melanesian countries, see papers by Dinnen, May, Larmour and Dauvergne in Dauvergne (1998).

<sup>4</sup> Purdue University has sponsored a series of conferences on 'failed states', the first in 1998. Papers may be accessed at <[http://www.ippu.purdue.edu/failed\\_states](http://www.ippu.purdue.edu/failed_states)>

must be reconstituted in some form, old or new' (ibid: 1). Addressing the question, 'Why do states collapse?', Zartman answered, somewhat tautologically, that states collapse 'Because they can no longer perform the functions required for them to pass as states', but he went on to point to the link between state collapse — 'the breakdown of good governance, law and order' — and societal collapse — 'the extended breakdown of social coherence'. In a description of the characteristics of breakdown which recalls Tinker's description of broken-backed government, Zartman wrote:

The normal politics of demands and responses atrophies; the political processes for popular legitimization are discarded or prostituted; politics and economics are localized; and the center becomes peripheral to the workings of society (ibid: 5–6).

Hans-Joachim Spanger (2000: 8), however, has questioned the generality of the model of state failure derived from African experience: '... as opposed to the painful and lengthy European history of gradually decoupling the state as an institution from the individuals who happen to run it, there is no idea, lest practice [in Africa] of the state beyond clan and kinship loyalties'.

Another body of literature has focused on the criminalisation of the state or its capture by strongmen or warlords (in a reversal of the historical process by which many states have emerged).<sup>5</sup> Commonly cited examples of such 'kleptocracies' or 'predatory states' include the Democratic Republic of the Congo (Zaire) under Mobutu, the Dominican Republic under Trujillo, Haiti under the Duvaliers, the Central African Republic under Bokassa, Nicaragua under the Somozas, and the Philippines under Marcos. Most of these were superficially strong states, but states whose leaders' excesses eventually caused them to implode. But equally, when state capacity is weak — for example during wars or internal strife — warlords and criminals may move in to fill the power vacuum.<sup>6</sup>

Increasingly, however, concerns about state collapse became associated with international security issues. In part this was an outcome of the break-up of the Soviet Union and, later, of Yugoslavia, but it also drew from the experiences of Afghanistan and Somalia. After 11 September 2001, the linking of state failure and international terrorism became more explicit. Robert Rotberg, for example, wrote in the prestigious US journal *Foreign Affairs*:

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5 For example, see Andreski (1968); Aquino (1987); Klitgaard (1990); Lundahl (1997), Reno (1999) and Sidel (1999).

6 Cf. Acemoglu et al. (2003): 'Kleptocracy emerges in "weakly-institutionalised polities," where formal institutions neither place significant restrictions on politicians' actions nor make them accountable to their citizens'.

In the wake of September 11, the threat of terrorism has given the problem of failed nation-states an immediacy and importance that transcends its previous humanitarian dimension ... Failed states have come to be feared as 'breeding grounds of instability, mass migration, and murder' (in the words of political scientist Stephen Walt), as well as reservoirs and exporters of terror. The existence of these kinds of countries, and the instability that they harbor ... endangers world peace (Rotberg 2002a: 127–8).

Among the characteristics of failed states, Rotberg listed: 'a rise in criminal and political violence; a loss of control over borders; rising ethnic, religious, linguistic, and cultural hostilities; civil war; the use of terror against citizens; weak institutions; a deteriorated or insufficient infrastructure; an inability to collect taxes without undue coercion; high levels of corruption; a collapsed health system; rising levels of infant mortality and declining life expectancy; the end of regular schooling opportunities; declining levels of GDP per capita; escalating inflation; a widespread preference for non-national currencies; and basic food shortages, leading to starvation' (ibid: 132; also see Rotberg 2002b).

Somalia, Rotberg suggested, was the model of a collapsed state: 'a geographical expression only, with borders but with no effective way to extend authority within those borders' (2002a: 133). Other failed states (in 2002) were Afghanistan, Angola, Burundi, Democratic Republic of the Congo, Liberia, Sierra Leone, and Sudan (presumably Iraq could now be added to the list). Indonesia, Colombia, Sri Lanka and Zimbabwe were among two dozen 'nation-states that contain serious elements of failure but will probably avoid failure, especially if they receive sufficient outside assistance'. Fiji and the Solomon Islands were listed among several states 'vulnerable to further deterioration' (Rotberg 2002b: 93).

Most of the literature of state failure is concerned with developing, postcolonial countries, in which it is frequently observed that the correspondence between 'state' and 'nation' has been weak. As a corollary, there has never been much sense of nationhood or national identity at the level of the state, and hence only a weak perception of state legitimacy. It might be observed, however, that this is not a feature unique to developing countries. Post-Soviet Russia, for example, has been characterised by a weak state whose authority is challenged by criminal organisations ('the Russian mafia'), corrupt police and government officials, and separatist rebels. In Italy it is widely recognised that the writ of the state does not extend to all parts of the country. In his novel *Midnight in Sicily*, Peter Robb recalls that an Australian ambassador to Italy in the late 1980s, intent on visiting those places whence people had emigrated to Australia, was forbidden by the government in Rome from visiting large tracts of Calabria, since it could not guarantee his safe conduct. Indeed, a report to the Italian



government had said that, 'In many parts of Sicily, Calabria and Campania the domination of the territory by organised crime groups is absolute' (Robb 1996: 37–8). Even in the United States, where until comparatively recently the electoral (and other) rights of African Americans were severely constrained in some states, the authority of the government is at best tenuous in large sections of some cities, and in 2003 the state of California declared a state of emergency in response to a fiscal crisis.

Rather than seeing state failure as a phenomenon confined to 'Third World' countries, it might be more appropriate to think of a continuum of state effectiveness stretching from, for example, Somalia, where state collapse has been so dramatic that it has not always been clear who represents the state (let alone whom the state represents), through varying degrees of state weakness to countries in which the state is well-entrenched, with a virtual monopoly over coercion, and effective (if perhaps sometimes misguided) in its ability to exercise authority and deliver services. Australia is perhaps close to this other end of the spectrum. From this perspective, the question is less one of whether a state has collapsed or not collapsed, as one of how far the writ of the state extends, and what are the elements of state weakness (or strength). In this context, for example, Michael Field (2003) has contested the idea of the Solomon Islands as a failed state, on the grounds that, 'for 85 per cent of [the population], the state never existed anyway; and spread across 100 islands they have lived a successful if plain subsistence lifestyle'.

## The Pacific Context<sup>7</sup>

In recent years, there has been a good deal of discussion of state weakness and state failure in the island Pacific, particularly in the Melanesian states.<sup>8</sup> Much of this has come from Pacific Island leaders themselves (see, for example, May 2003: 1). In 2000, it was a common view, especially in Australia, that the 'coup' in the Solomon Islands was a 'copycat coup' inspired by George Speight's coup in Fiji, and that via some domino effect Papua New Guinea and ultimately Vanuatu would follow.<sup>9</sup> This section looks briefly at the experiences of five Pacific Island states whose fragility has been the subject of international comment.

### *Fiji*

Until 1987 Fiji looked, to most outside observers, like a model postcolonial state. A society ethnically divided between indigenous Fijians and Fiji citizens of Indian origin

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<sup>7</sup> This section draws on May (2004a).

<sup>8</sup> In addition to the sources cited above, see Reilly (2000) on the 'Africanization' of the Pacific, and the critique of the Africanization thesis by Fraenkel (2004). Also see Henderson (2003).

<sup>9</sup> For example, see Greg Sheridan in the *Australian* 6 June 2000.

whose forebears had been brought to Fiji as indentured labour for the colonial economy<sup>10</sup> had achieved a smooth transition to independence and had enjoyed a high degree of political and economic stability. Its political system embodied a compromise between equality for all citizens and recognition of the paramountcy of indigenous Fijian interests, and it enjoyed a degree of economic success, in part through a prosperous tourism industry. In 1987, however, the electoral victory of the recently formed multiracial Fiji Labour Party (FLP), over the Fijian-dominated Alliance Party which had held government since independence in 1970, provoked a political crisis which culminated in the Pacific's first military coup. Lieutenant Colonel Sitiveni Rabuka, the third-in-command of the predominantly Fijian Fiji Military Forces (FMF), detained the elected government of Timoci Bavadra and created a sixteen-member Council of Ministers, which included himself, eleven Alliance MPs (including paramount chief and former Prime Minister the late Ratu Sir Kamisese Mara) and four members of the populist Fijian nationalist Taukei movement. Rabuka's action was endorsed by the Great Council of Chiefs, the supreme chiefly body representing the interests of indigenous Fijians, though Rabuka himself was not a chief.

Although various explanations have been offered for the coup of May 1987,<sup>11</sup> many Fijians saw the victory of the FLP, in which Indo-Fijians were strongly represented, as a threat to the principle of the paramountcy of Fijian interests, despite the fact that Bavadra himself was an indigenous Fijian.

In the weeks that followed the creation of the Council of Ministers, the civilian politicians, led by Ratu Mara, entered into discussions which culminated in an agreement to establish a caretaker government, which would include MPs from both the Alliance and the deposed government, under the Governor General, Ratu Sir Penaia Ganilau. The effect of this was to partially marginalise Rabuka and the Taukei leaders, but, before the caretaker government could be announced, Rabuka staged a second coup, abrogating the 1970 constitution and declared himself head of a republican government. Subsequently, deferring to the chiefly elite, Rabuka resigned from the FMF and became Deputy Prime Minister in an interim civilian government headed by Ganilau (as President) and by Mara (as Prime Minister). A new constitution was drawn up in 1990 and two years later elections were conducted under the new constitution. Rabuka was elected Prime Minister.

The Fiji coups of 1987 were strongly condemned outside Fiji, especially by Australia and New Zealand. After the second 1987 coup Fiji was expelled from the British

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<sup>10</sup> In 1987, forty-six per cent of Fiji's population were indigenous Fijian and forty-eight per cent of Indian origin ('Indo-Fijian'); the remainder were European, Chinese and other Pacific islanders. By 1996 the estimated proportions were Fijian fifty-one per cent and Indo-Fijian forty-four per cent.

<sup>11</sup> For a review of the various accounts see Ewins (1992). Rabuka's own version of the events of 1987 is contained in Dean and Ritova (1988). Also see Lawson (1991) and Premdas (1995).

Commonwealth. But after an initial reaction there was no serious discussion of foreign intervention to support the democratically elected FLP government, and after the 1992 elections Rabuka was generally accepted as the legitimate head of an elected government.

Neither of the 1987 coups was particularly violent, but there were instances of physical harassment, arson and looting, mostly directed against Indo-Fijians. A number of Indo-Fijians left the country, many of them migrating to Australia and New Zealand, and the tourism industry suffered a major setback, which contributed to a more general economic decline.

As the political situation settled down again, the Rabuka government authorised the drafting of a new constitution. After a lengthy process of consultation, the new constitution was passed in 1997. It was widely acclaimed as an attempt to achieve reconciliation between the dominant ethnic groups, while acknowledging the paramount interests of the indigenous Fijians in matters such as land.<sup>12</sup> In 1997, Fiji was re-admitted to the Commonwealth.

The first elections under the new constitution were held in 1999. In the event, Rabuka was not returned to parliament and electoral victory went to the FLP, which was led by an Indo-Fijian, Mahendra Chaudhry. Within twelve months, the Chaudhry government was overthrown, this time in a civilian coup, led by businessman George Speight. Speight was backed by members of the Fijian elite and elements within the army and police. Again, the factors behind the coup were complex, but they appear to have had less to do with the ethnic divide than in 1987 (see, for example, Lal and Pretes 2001; Lal 2000; Robertson and Sutherland 2001).

After a period of unrest Speight was arrested, along with some members of the FMF, and charged with sedition. New elections were held in 2001, this time returning a Fijian-led government headed by Laisenia Qarase, who had headed an interim administration following the coup. Under power-sharing arrangements introduced in the 1997 constitution in an effort to reduce racial divisions, Prime Minister Qarase was bound to offer posts in the cabinet to the defeated FLP (which had won twenty-eight seats in the seventy seat parliament). According to Qarase, an offer was made but withdrawn when the FLP put forward unacceptable policy conditions. The FLP challenged the government's decision and in 2003 the Fiji Supreme Court ruled that it was entitled to representation in cabinet (though as of April 2004 the matter was not finally resolved).

Fiji thus appears to have returned to some degree of political order, and has achieved a measure of economic recovery. The political landscape has significantly changed, however; the racial harmony which the country appeared to enjoy before 1987 has been substantially undermined and there are new tensions within indigenous Fijian society. However, no one seems to be suggesting that Fiji is a failed state.

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<sup>12</sup> A collection of papers on Fiji in the 1990s is contained in Akram-Lodhi (2000).

## *Papua New Guinea.*

Despite the negative predictions in the lead-up to Papua New Guinea's independence in 1975, and notwithstanding the emergence of separatist movements in Papua and on Bougainville on the eve of independence, Papua New Guinea achieved a smooth transition to independent statehood and prospered, politically and economically, during its first decade as a new state (May 1997/2001).

From around the mid 1980s, however, there were increasing signs of state weakness. *Raskolism* (criminal activity by gangs of mostly unemployed youth) and inter-group (or 'tribal') fighting appeared to escalate, both within the towns and in the countryside, and the capacity of the state to maintain law and order came seriously under question. As early as 1977, there were calls for the deployment of the Papua New Guinea Defence Force (PNGDF) to assist police in dealing with inter-group fighting and criminal activity in the highlands; and, although the PNGDF was not called out, two years later a state of emergency was declared in the five highlands provinces. In late 1984, another state of emergency was declared in response to rising urban crime and violence in the national capital, and this time the PNGDF was called out to assist police. The PNGDF was involved in further such operations in 1985, 1987 and 1988, before becoming engaged in the rebellion in Bougainville (see below). As problems of lawlessness escalated, the 'disciplined forces' sometimes became as much a part of the problem as a means of resolving it, and demands against the state for compensation for draconian police actions became more frequent. By 2002, when inter-group fighting in the Southern Highlands Province disrupted national elections, police were reluctant to intervene because, they said, they were both outnumbered and outgunned.

In 1976, the Papua New Guinea government had decided to introduce a system of provincial government, recommended by the Constitutional Planning Committee in 1974 but rejected by the Constituent Assembly. This was partly a response to the demands of the Bougainvillean separatists, though it was also motivated by a belief that decentralisation might bring government closer to the people. The record of the nineteen provincial governments was mixed, however, and by 1994 all but five of them had been suspended at least once, mostly for financial mismanagement (see May and Regan with Ley 1997). In 1995, the Organic Law on Provincial Government was amended, ostensibly to allow further decentralisation but in fact to abolish the elected provincial assemblies and increase the involvement of national members of parliament, and perhaps also of local-level governments, in the system. Within five years, however, concerns were being expressed that the new provincial and local-level arrangements were not working effectively and that the delivery of government services was deteriorating; there was talk of a new review of provincial and local-level

government. Similar problems of poor service delivery were also apparent within most national government departments.

Problems of law and order and of access to government services have intruded upon the electoral process. Since the 1980s, there appears to have been an increasing incidence of electoral fraud and violence, particularly in the highlands provinces — even though every election has been held on schedule and has produced a generally accepted outcome. In 2002, electoral malpractice and violence reached new heights and, in the Southern Highlands Province, elections in six out of nine electorates were declared ‘failed elections’ (new elections were held successfully in 2003).

From 1988, protests by landowner groups seeking increased compensation for the impact of the massive gold and copper mine on Bougainville escalated into a full-scale rebellion, with the Bougainville Revolutionary Army (BRA) demanding secession, and the PNGDF was called out to put down the rebellion. The Bougainville conflict went on for almost a decade before a ceasefire was negotiated in 1997 and the protagonists committed to a peace process. A Bougainville Peace Agreement was signed in 2001, granting Bougainville a high degree of autonomy, and the necessary constitutional amendments were passed the following year (Regan 2003).

In economic terms, Papua New Guinea has suffered from the closure of the Bougainville mine, variable commodity prices, a decline in the real value of Australian development assistance, and, particularly, from poor economic management. The poor law and order situation — and the unrealistic demands placed upon foreign-dominated resource projects — have discouraged foreign investment, and domestic savings rates have remained low. With several major mining and petroleum projects likely to end by 2010, Papua New Guinea’s economic prospects are not good. In addition, while the great bulk of the population still has access to subsistence agriculture, and food production has roughly kept pace with a high rate of population increase, there is growing evidence of poverty, and regression in some social indicators. With economic decline, Papua New Guinea’s social problems are likely to worsen.

In sum, Papua New Guinea has suffered an ongoing crisis of governance which local initiatives and generally well-designed foreign assistance programs have failed to redress. Against this background there has been growing talk of state collapse. As noted above, however, such gloomy predictions are not new and while some of the characteristics listed by Zartman can be applied to Papua New Guinea, there is still a functioning, if weak, state and Papua New Guinea continues to receive a favourable ranking on the Freedom House Index, the internationally recognised comparative measure of democracy.

## *Solomon Islands*

Like Papua New Guinea, the Solomon Islands achieved a harmonious transition to independence in 1978, notwithstanding a separatist movement in the western islands. But, also like Papua New Guinea, the Solomon Islands is a fragmented country, with over eighty different language groups and a poorly developed sense of national identity.

By the 1990s, there were growing tensions in the national capital, Honiara, situated on the island of Guadalcanal, between traditional landowners and in-migrants (or the descendants of in-migrants) mostly from the neighbouring island of Malaita. In 1998, these tensions erupted into violence.<sup>13</sup> Militant groups of Guadalcanal people, initially calling themselves the Guadalcanal Revolutionary Army, and later the Isatabu Freedom Movement (IFM), began harassing Malaitan settlers in rural Guadalcanal, forcing some 20,000 people to return to Malaita or seek refuge in Honiara (whose population is predominantly Malaitan). In mid-1999 a state of emergency was declared on Guadalcanal. A series of peace talks (mediated, somewhat ironically, by Fiji's 1987 coup leader Rabuka) failed to ameliorate the situation, and the responses of the Royal Solomon Islands Police (RSIP), which is heavily Malaitan, exacerbated the situation.

In late 1999, Malaitans, who had effectively established a Malaitan enclave in Honiara and who were retaliating against the Guadalcanal population in and around the capital, formed a rival militant group, the Malaita Eagle Force (MEF). The MEF had close links with the RSIP, particularly its paramilitary police field force, giving them access to high-powered weapons. The situation deteriorated over the following months, with MEF members demanding substantial compensation payments for the loss of lives and property. A request from the government of Bartholomew Ulufa'alu for assistance from Australia and New Zealand was declined.

In June 2000, MEF elements, supported by the Police Field Force, staged a coup, seizing control of the police armoury and other installations and forcing Prime Minister Ulufa'alu (himself a Malaitan) to resign. Opposition leader Manasseh Sogavare was installed as Prime Minister, though he was in effect the puppet of the MEF-Field Force 'joint operation'. Following the coup, violence, looting and destruction of property escalated and spread to other islands; in Western Province there were reports that former members of the BRA were providing security against attacks by the MEF; businesses closed down and many foreigners left the country; and an escalation of compensation claims — sometimes enforced at gunpoint — threatened to bankrupt the government.

In August 2000, a ceasefire agreement was mediated by the Australian government, and some 130 representatives of the militant groups and the national

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13 For accounts of the Solomon Islands conflict, see Kabutaulaka (2001), Bennett (2002), Dinnen (2003) and ASPI (2003).

and provincial governments were flown to a military base in Townsville, Australia, to negotiate a peace agreement. The Townsville Peace Agreement (TPA) was signed two months later. The ceasefire and TPA brought an end to the fighting between the militant groups; provisions were made for the surrender of weapons, under the supervision of an International Peace Monitoring team (IPMT), and for the creation of a national Peace Monitoring Council.

There were weaknesses in the TPA process and its outcome, however. One problem was that it gave formal recognition to the MEF and IFM, and left them with much of the responsibility for the surrender of weapons. By late 2000, there was intense factionalism within both groups, and little interest in implementing the provisions of the TPA. Another flaw was that the TPA provided for an amnesty for members of the militant groups (including police who had joined the militants), and institutionalised compensation payments. Furthermore, it allowed for former militants to be integrated into the police force as 'special constables'. By the end of 2001 there were around 2,000 special constables, most of them Malaitan. The result was that a number of former combatants, often armed with stolen police weapons, became systematically involved in criminal activities, including raids on the national treasury to obtain large 'compensation' payments. Generous duty remissions and tax exemptions were also granted to certain individuals. The RSIP, itself compromised by the involvement of police personnel in the armed conflict and still seen as partisan, was incapable of restoring law and order. Beyond Honiara, provincial administrations, starved of funding from the centre, began pressing for greater autonomy.

In December 2001, the Solomon Islands went to the polls. When votes were counted, only eighteen members of the fifty-member parliament retained their seats, and in the vote for Prime Minister, the former Deputy Prime Minister from the Sogavare government, Sir Allan Kemakeza, was victorious. In April 2003, faced with the limited impact of the TPA (which expired in October 2002), growing civil unrest and criminality, and a severe economic downturn, Kemakeza approached the Australian Prime Minister, John Howard, for assistance.

As recently as January 2003, Australian Foreign Minister Alexander Downer had said that, 'Sending in Australian troops to occupy the Solomon Islands would be folly in the extreme',<sup>14</sup> but in June, following a visit by Kemakeza to Canberra, Downer announced plans for an Australian-led 'cooperative intervention' in the Solomon Islands, subject to obtaining the support of the Pacific Islands Forum and the passage of enabling legislation by the Solomon Islands government. These two conditions

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<sup>14</sup> See the *Australian* 8 Jan. 2003, 'Neighbours cannot be recolonised'. A similar view was expressed by New Zealand Foreign Minister Phil Goff in April (see *Solomon Star* 17 April 2003).

met,<sup>15</sup> a Regional Assistance Mission to the Solomon Islands (RAMSI) commenced in July 2003. It involved the deployment of 2225 police, military and civilian personnel from Australia, New Zealand, Papua New Guinea, Fiji and Tonga. This included an initial force of 1500 Australian troops. The operation was headed by an Australian civilian, who had recently served as High Commissioner in Papua New Guinea. The immediate task of RAMSI was to restore law and order, in part by securing the surrender of weapons. A second phase involves state capacity building and institutional strengthening.<sup>16</sup>

RAMSI had an immediate and significant impact in restoring law and order, and it has continued to enjoy a high degree of local acceptance. In its first 100 days more than 3700 firearms were collected (including over 600 'military-style weapons'), some 340 people were arrested, including some high-profile militants, and a comprehensive review of the RSIP had commenced, with about twenty-five officers arrested on charges including murder, arson and assault. Government finances had also been stabilised and issues such as tax and customs collection and administration of the justice and prisons systems were being addressed (RAMSI 2003; see also Roughan 2003). Nonetheless, the critical tasks of prosecuting high-profile offenders (including senior politicians), achieving reconciliation, and strengthening governance in the Solomon Islands lie ahead. Solomon Islander academic Tarcisius Tara Kabutaulaka (2004: 1, 7) has warned:

[RAMSI's] emphasis on shoring up a perennially weak central government, and its inattention to other pillars of society, threaten to undermine its success and create a crippling sense of dependency.... There is a need to restore, not only a functional state, but also a functional society.

### *Vanuatu*

Of the four Melanesian states, Vanuatu has perhaps maintained the best record of democratic government since attaining independence in 1980. Its relatively short political history has not been without incident, however. In 1988, President Ati George Sokomanu dissolved a fractious parliament and swore in his nephew, Barak Sope, as interim Prime Minister. Sokomanu and Sope were subsequently charged with mutiny and seditious conspiracy, though the charges were overturned. Seven years later, Vanuatu's Prime Minister at independence, Father Walter Lini, and his coalition

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15 The approval of the Pacific Islands Forum was within the terms of the Biketawa Declaration (see below). Subsequently, the operation was also endorsed by the UN Secretary General (see UN Press release SG/SM/8811, 5 Aug. 2003).

16 For a summary of the genesis and objectives of RAMSI see Wainwright (2003). Also see Hegarty et al. (2004 forthcoming) for a review of the policy options and problems facing RAMSI.



party leader, Serge Vohor, staged what was described as an ‘administrative coup’ in an unsuccessful attempt to retain office (Ambrose 1996). The following year, members of the Vanuatu Mobile Force (VMF, the paramilitary arm of the police) briefly abducted the President, while demanding outstanding pay.

In May 2001, Vanuatu suffered another constitutional crisis, prompting some commentators to suggest that there had been a flow-on of political instability from Fiji and the Solomon Islands. In this instance, the event that triggered the crisis was an attempt by parliament to pass a vote of no confidence in Prime Minister Barak Sope, in the context of an impending financial crisis (Morgan 2003). It was reported (*Trading Post* 18 April 2001) that Sope had asked the acting Police Commissioner to declare a state of emergency and, given the links between Sope’s Melanesian Progressive Party (MPP) and the VMF (the deputy leader of the MPP at the time was a former commander of the VMF), there were concerns about an imminent coup. As it turned out, the constitutional order was maintained and Sope was unseated. He was later convicted of fraud and sentenced to three years jail.

Shortly after this, in August 2002, a group of police personnel, including the commander of the VMF, arrested the newly appointed Police Commissioner and fifteen members of the Police Services Commission (PSC), including the Attorney General, the Secretary to the President, and the Ombudsman, alleging seditious conspiracy in the appointment of the Police Commissioner. Although the judiciary overturned the Commissioner’s appointment, a number of senior police officers were charged with mutiny and incitement to mutiny over their role in the detention of the PSC.

Vanuatu’s parliamentary democracy thus remains intact, though Vanuatu is seen by many as a fragile state and a potential candidate for state failure.

## *Nauru*

Nauru is another Pacific Island country that has been referred to in terms of failure and collapse.<sup>17</sup>

This tiny island nation (of twenty-one square kilometres with a population in 2003 of around 12,500, including 3,000 foreign workers) was mined for phosphate by the British Phosphate Commission (BPC) from the early twentieth century. On the eve of independence in 1968,<sup>18</sup> Nauruans used anticipated future earnings to purchase the assets of the Commission, and have continued operations as the Nauru Phosphate

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<sup>17</sup> See, for example, the *Weekend Australian* 17-18 April 2004, ‘Nauru “on the brink of collapse”’. Also see *Economist* 20 Dec. 2001.

<sup>18</sup> Before 1968 Nauru was a UN Trusteeship, administered by Australia, New Zealand and Britain. In 1968, considering that Nauru had become uninhabitable, Australia offered to resettle the population of Nauru on an island off Queensland, an offer the Nauruans declined.

Corporation (NPC). A proportion of profits from the NPC has been paid into a Nauru Phosphate Royalties Trust (NPRT), to provide a source of income after the phosphate deposit has been exhausted. In 1993, following the filing of a claim with the International Court of Justice, Australia — which, with New Zealand and Britain, was a member of the BPC, and its major customer — agreed to an out-of-court payment<sup>19</sup> as compensation for the environmental damage caused by phosphate mining (which has rendered about eighty per cent of the island uninhabitable).

This money, with the profits from the NPC, has given Nauru one of the highest per capita incomes in the world. Its citizens pay no taxes, and education and health services are free. The government employs ninety-five per cent of the workforce. However, as a result of poor financial management, bad advice (in 1996 the government of Nauru successfully sued its legal advisers) and corruption, Nauru's financial position has been eroded. In the mid-1990s, the government Bank of Nauru collapsed and persistent budgetary deficits led to excessive borrowing and the sale of assets (in the early 1990s Nauru's investments were estimated at around A\$800 million). In April 2004, receivers for the US General Electric Capital Corporation (which is owed some A\$230 million by the government of Nauru) moved in to take control of the NPRT's property investments in Australia.

During the 1990s, Nauru developed offshore banking facilities and reportedly attracted large sums of money (according to Russia's central bank, about US\$70 billion) from the 'Russian mafia'. In 2002, the OECD's Financial Action Task Force on Money Laundering listed Nauru as one of the world's three most uncooperative money laundering jurisdictions, and threatened sanctions, forcing the Nauru government to close almost 450 offshore banks. Nauru has also been involved in the sale of passports.

In 2001, as part of its controversial 'Pacific solution' to problems of people smuggling to Australia, the Australian government persuaded Nauru to establish a detention and processing centre for over 1,000 'boat people' in exchange for A\$20 million in assistance.

With assistance from the Asian Development Bank and Australia, the present government has plans for structural readjustment and environmental rehabilitation. Over the years, however, Nauru has suffered from intense political infighting, with frequent changes of government (five Presidents between January 2003 and March 2004), mostly as a result of votes of no confidence, and a poor record of policy making and implementation. After years of such political instability and financial mismanagement, and with phosphate deposits expected to have been exhausted before 2020, it faces an uncertain future.

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<sup>19</sup> Australia agreed to pay A\$107 million, with \$57 million as a lump sum payment and \$50 million in annual instalments over twenty years. New Zealand and Britain each paid A\$12 million.

### *Diversity in Disunity*

It is clear from this brief survey that the experiences of the five Pacific Island states are substantially different. Fiji appeared to be a strong state with a functioning Westminster system, though the ethnic divide between indigenous Fijians and the Indo-Fijians was a constant source of (mostly subterranean) tension, which had the potential to erupt into conflict. The perception among some Fijians that the victory of the FLP in 1987 threatened the paramouncy of Fijian interests provided a trigger for that conflict, though it also brought to the surface a fractiousness within indigenous Fijian society, based on regional loyalties and economic disparities. This fractiousness has permeated party politics and the armed forces. Nevertheless, in 2004, Fiji does not look like a failed or failing state.

The Solomon Islands, on the other hand, has displayed many of the classic characteristics of the failed state: a significant conflict, along predominantly ethnic lines, in which the police (the Solomon Islands does not have a defence force) were partisan and the apparatus of the state, at least on Guadalcanal, was essentially held hostage by armed thugs, precipitating a collapse of state functions, a withdrawal of foreign business, and a general economic collapse. The RAMSI intervention has brought law and order back to the Solomon Islands and it is seeking to restore governance and promote economic recovery. However, if it is to do more than simply prop up the institutions through which the country was governed before 1998, it must assist Solomon Islanders to address the problems which brought about the collapse (such as internal migration, urbanisation and land issues) and establish institutions of governance which meet the needs of Solomon Islands' citizens.

In Papua New Guinea — the largest of the Pacific Island states — the issues are different again and more complex. The state is undoubtedly weak; its ability to maintain law and order and to deliver government services such as health and education is limited (though the extent of this varies across the country). But while the institutions of the state have frequently been subverted by personal and local-level political forces, there is no major ethnic cleavage dividing the nation, democracy still prevails, and the state — though challenged — retains its authority over most of the country. Much the same might be said, on a smaller scale, of Vanuatu, though to date the problems appear to have been more effectively managed, perhaps in part because of the continuing strength of traditional authority at the local level. By contrast, Nauru might be described as a dysfunctional state, but with an indigenous population of under 10,000, limited human and physical resources (apart from phosphate) and vast wealth, it has little in common with any other country in the Pacific, or beyond.

Sweeping generalisations about failed or failing states in the island Pacific are at best unhelpful, and at worst obfuscate the specific problems of social tension and poor

governance in particular countries, impeding the formulation of appropriate policy responses. Indeed one might question whether the frequent use of the terms 'failed state' and 'collapsed state' has furthered the discussion of the problems facing the Pacific Island countries (or countries elsewhere). Certainly, the failed, failing, or potentially failing states listed by scholars such as Zartman and Rotberg cover a wide range of countries, and their collective experience seems to be of little value for predicting state failure. Zartman (1995: 2–5) distinguishes several patterns of state collapse in Africa, but most involved either a concentration of power at the centre (frequently under a military dictator) and subsequent 'implosion', or large-scale regional or ethnic conflict. Such patterns have limited resonance in the Pacific. Melanesia is not Africa,<sup>20</sup> nor are the problems in Papua New Guinea identical with those in the Solomon Islands. While there are substantial differences among the experiences of the Pacific Island countries, and significant differences between the Pacific and Africa, some of the issues are comparable, however, and raise similar questions.

## **Beyond State Failure**

In the context of perceived state failure, one fundamental question that has been raised in relation to the Pacific Island countries is to what extent a decline in state capacity matters. Because of the sporadic political crises in the Pacific, there is a tendency to conclude that the political institutions 'inherited' by postcolonial Pacific Island states are inappropriate and that the island countries must re-establish political institutions that are more appropriate in historical and customary terms. In an extreme position, it has been argued, in relation to the Solomon Islands, that 'reconstruction' efforts should be concentrated at community level and not on reconstituting 'the state', which is a foreign import.

Is there an alternative to the state, though? In most parts of the Pacific (as elsewhere) colonial administrations brought together groups of communities who often had little in the way of shared histories or whose histories were marked by longstanding enmities. Colonial administrations introduced the idea of a larger state and established new relations between Pacific Island communities and the outside world. In most postcolonial states there is an ongoing tension between 'introduced' political institutions, and the presumed political behaviour that sustains them, and

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<sup>20</sup> Moreover, note Christopher Clapham's warning: 'One should always be chary of easy generalisation from the experiences of one African state to the condition of the continent as a whole'. Different states had different pre-colonial and colonial experiences and have developed distinct postcolonial characteristics. 'It cannot be assumed that the record of one African state will readily be replicated, even in those states that apparently most closely resemble it' (Clapham 2001: 16).

local-level politics based on loyalties to clan or group.<sup>21</sup> In some parts of the Pacific — Tonga and Samoa, for example — traditional social and political structures have been substantially incorporated into modern state structures, though this has not always alleviated social tensions or brought political harmony.

While community or *kastom* institutions and values play an important role in Pacific Island politics, *kastom* does not provide an adequate base for the government of a country in the twenty-first century. There are some functions that have to be performed at a national level (for example, defending the country's EEZ, representing its interests at international forums, dealing with international agencies, carrying out central banking and customs collection) or require coordination at national level (government policies from school curricula to health policies). Furthermore, some service provision requires a level of technical input that is unlikely to be generally available at community level (for example, medical services, road building). The decentralisation of government does not necessarily eliminate waste, corruption or inequity, and there is little evidence that it solves problems of law and order. In short, a national structure of governance — the state — is necessary for the functioning of a modern nation. Without an effective state structure, competing demands on the nation's resources cannot be properly prioritised and dealt with.<sup>22</sup> Indeed it is the decline of state involvement in contemporary Pacific Island countries, and the resulting loss of personal security and state infrastructure and services, that has generated concern about state weakness in the Pacific.

If, then, the state is necessary, and particular states lack the capacity to fulfil their roles in maintaining law and order and delivering services, outside support may be beneficial, both to the citizens of those states and to their neighbours. But outside intervention to rectify what is seen as state collapse is fraught with difficulties, even when (as in the case of the Solomon Islands) the state concerned invites such intervention. The record of 'state reconstruction' around the world is not impressive.<sup>23</sup> Moreover, when intervention is justified in terms of the intervener's interests (for example, the argument that Australian intervention in the Solomon Islands was prompted by Australia's concern for its own security), the difficulties are compounded.

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21 Cf. Ekeh (1975). Also see Huntington (1968: 460-61) and note Migdal's comment (1987: 424): 'For those interested in discerning how third-world societies are ruled and the influence of politics on social change, the local level often holds the richest and most instructive hints'.

22 Zartman (1995: 6-7) also raises this question ('Did the state fall apart because it was the wrong institution?') in relation to Africa, and reaches a similar conclusion: '... there is no typical "African state" especially adapted to African circumstances, or specifically derived from a precolonial protoinstitution; rather is there a set of functions that need to be performed for the coherence and the effectiveness of the polity — *anywhere*'.

23 A useful recent addition to the growing literature on this subject is Bastian and Luckham (2003). It includes a chapter on Fiji by Jon Fraenkel.

And, as the current situation in Iraq (2003–2004) vividly illustrates, the dangers of ‘pre-emptive intervention’ are extreme.<sup>24</sup>

Specifically, the argument that state failure in the island Pacific will attract terrorists and international crime (and that outside intervention is therefore desirable) needs to be questioned. Pacific Island countries are unlikely bases for terrorists: there is no local constituency for terrorism, the arrival and presence of outsiders in small, personalised societies is generally very obvious, and the logistics of undertaking terrorist activities from small island countries must be unattractive. Apart from offshore banking, international crime syndicates are unlikely to find these countries an appealing base for their activities, for similar reasons. A more serious problem for Pacific Island countries has been small-scale criminal activity, often involving sole operators, which has targeted small island governments (including those of Nauru, Tonga and Vanuatu) or their populations through financial swindles, corrupt business practices and pyramid credit schemes — and such activities have not been attracted by state failure.<sup>25</sup>

When intervention does occur, it is essential that those involved are aware of local circumstances and sensitivities, that they carefully negotiate the terms of the intervention, and that they ensure that there is local ‘ownership’ of any of the ‘solutions’ found for the problems that led to intervention (though in deeply divided societies it may not be easy to satisfy all groups). Kabutaulaka’s comment, made in relation to the Solomon Islands (see above), that it is necessary to restore a functional society as well as a functional state, needs to be taken seriously. The ultimate purpose of intervention is to strengthen local capacity for good governance, not to provide an alternative, foreign, government. The tensions which arose between Australia and Papua New Guinea in early 2004 over Australia’s ‘enhanced cooperation package’<sup>26</sup> illustrate the difficulties which can arise when ‘enhanced cooperation’ is not adequately negotiated.

In recent years, in the wake of the Fiji coups, the Bougainville crisis, and the Solomon Islands conflict, the Pacific Island Forum countries have become increasingly aware of how problems of internal security can threaten the viability of

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24 Among those who argue a general case for ‘preventive diplomacy’, see, for example, Zartman (2001) and Crocker (2003). A critique of the conventional argument for intervention is provided by Herbst (1996-97).

25 This view is elaborated briefly in May (2004b).

26 The enhanced cooperation package is outlined in *The Honourable Alexander Downer, MP, Minister for Foreign Affairs, Australia, Media Release FA158, 11 December 2003, ‘New Era of Cooperation with PNG’*, and *Transcript of Australia-Papua New Guinea Ministerial Forum Press Conference, 11 Dec. 2003*, online at <[http://www.dfat.gov.au/media/transcripts/2003/031211\\_png\\_min\\_forum.html](http://www.dfat.gov.au/media/transcripts/2003/031211_png_min_forum.html)>

the island states and have agreed on the need for regional responses. In 2000, the Forum members adopted the Biketawa Declaration, which outlined guiding principles for responding to crises in the region (the RAMSI intervention in 2003 was endorsed in terms of the Biketawa principles). Two years later, in 2002, a further expression of support for a regional approach to issues of transnational crime and terrorism was embodied in the Nasonini Declaration. In 2003 and 2004, national security workshops were organised by the Forum secretariat in the Solomon Islands, Vanuatu and Papua New Guinea.

In sum, while concern about state weakness and failure in the island Pacific is not entirely misplaced, much of the discussion to date has been simplistic, and a great deal of what has come out of Australian policy circles has been seen, justifiably, as paternalistic. If the problems of state weakness are to be adequately addressed in the region, there is a need for a well-informed understanding of the specific problems facing particular countries, regular dialogue between those receiving assistance and those providing it, and a capacity for creative approaches to policies which might avoid the pitfalls experienced in so many interventions elsewhere.

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## Abstract

In recent years the literature on weak states, failed states, collapsed states, and states taken over by warlords or criminals has burgeoned. While some of these concepts have been part of the literature on comparative politics for several decades, drawing since the 1970s particularly on the experience of African countries, there has been a recent tendency to link state failure with national and international security threats. This tendency is now evident in discussions of state failure in the island Pacific. This paper provides a brief overview of the literature before turning to examine the evidence for state weakness and state failure in the island Pacific. It argues that much of the discussion is simplistic both in its failure to address the complexities of Pacific

polities and its failure to recognise the wide diversity of Pacific experiences. In particular, the linking of state weakness and threats to international security ignores the peculiar nature of small island states.

## **Résumé**

Nous avons vu au cours de ces dernières années, l'émergence d'une vaste littérature traitant des états 'faibles' ou 'fragilisés', des états effondrés et des états 'pris en main' par des seigneurs de la guerre ou des criminels. Il est vrai que ces idées font partie de la littérature de sciences politique comparée depuis des décennies et se basent, en particulier depuis les années 70, sur l'expérience des pays africains. La tendance actuelle est d'associer la décrépitude de l'état avec une menace nationale et internationale contre la sécurité de l'état. Cette tendance est aujourd'hui évidente dans les débats qui ont cours sur l'échec des gouvernements dans les îles du Pacifique. Cet article offre avant tout une vue d'ensemble de la littérature existante, puis examine les indices qui nous portent à croire à la faiblesse et à l'échec de l'état dans le Pacifique. Il soutient qu'une large partie de ce débat est d'une rhétorique simpliste car n'y sont pris en considération, ni la complexité des régimes gouvernementaux dans le Pacifique ni le caractère extrêmement diversifié des expériences qui sont celles de ces états. En particulier, le lien qui est établi entre la fragilité de l'état et une menace en matière de sécurité internationale omet de prendre en considération le caractère particulier des petits états insulaires.

# *France in the Pacific: Colonial Administration and Policy*<sup>1</sup>

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*Paul de Deckker*

Compared to the United Kingdom, France only managed to get a foothold in the Pacific region after some considerable delay. Indeed, the first convoy of convicts was to disembark at Sydney in 1788, a year before the French Revolution. The Napoleonic Wars, too, drained the nation's vital resources and it was not until the Restoration that projects for overseas settlement in Oceania finally took shape. This was the work of Catholic missionaries in the first instance, with the religious revival which accompanied the return of the monarchy, then that of the navy which planned to make use of the coal deposits in the islands along the maritime route that linked Asia and California.

Bowing to the pressure exerted by the English Lieutenant-Governor Hobson, on February 6 1840 the majority of the great Maori chiefs of New Zealand signed the Treaty of Waitangi under which the British Crown granted them its protection. At the same time, the Nanto-Bordelaise Company tried to establish a colonial settlement at Akaroa on Banks Peninsula in the South Island of New Zealand. But the fact that Britain had taken colonial possession of New Zealand doomed this French commercial venture, the spearhead of a possible policy of later colonial settlement, to failure. In 1840, the two largest lands in the Pacific were in the hands of the United Kingdom, which planned to implement a policy of mass emigration, essentially penal in Australia and systematic in New Zealand, where it sought to reproduce the social structures of the metropole.<sup>2</sup>

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<sup>1</sup> An earlier version of this article has been published as 'La France dans le Pacifique: Administration coloniale et politique' in *Océanie. Pour une géohistoire*, a special edition of *Historiens et Géographes*, No. 386 (2004).

<sup>2</sup> Edward Gibbon Wakefield was the chief exponent of this systematic colonisation which granted land to migrants. He opened offices of the New Zealand Company throughout the realm, where applicants were selected by virtue of their social class and their economic profile. But this program to replicate the British class system could not work. In this country of pioneers the aristocracy and the upper middle class were unable to maintain the standard of living to which they were accustomed at home and they did not stay in New Zealand. So it was that New Zealand became the stereotypical middle-class society.

The feeling that revenge should be taken against the English was welling up in the French royal navy. It was in Tahiti that this would take definite shape when, in 1842, Captain Dupetit-Thouars forced Queen Pomare IV to sign a protectorate treaty — to the great displeasure of the English Protestant missionaries who had been in the archipelago since 1797 and had achieved remarkable success there in their evangelical work. Catholic missionaries and French sailors on one side, and Protestant missionaries and English sailors on the other confronted each other in the Pacific, causing great consternation to nationalists on both sides of the English Channel. Their concern was fed by the press, who relied on rumours which rapidly spread to Paris and London alike. Thanks to the *Entente Cordiale* war was avoided between the two European powers, but it lasted for several years in the archipelago of the Society Islands, and in Tahiti in particular, where pro-English Polynesian supporters clashed with French soldiers. In 1847, Governor Bruat persuaded Queen Pomare IV to agree to return to her residence in Papeete. In doing so she recognised the French Protectorate and peace was restored. It was not until 1880 that the small kingdoms of the Leeward Islands came under French protection. King Pomare V would make a gift of these territories to France in 1887. From that time, the *Etablissements français d'Océanie* (EFO)<sup>3</sup> became true colonies of France.

The same evangelising intentions on the part of the Protestant and Catholic missions were put into practice in New Caledonia and the Loyalty Islands. The first Protestant missionaries were Polynesian teachers sent by English pastors who had educated them with this purpose in mind, and French Catholic missionaries from the Society of Mary. Thus came into play a real missionary geography, certain islands being half Protestant and half Catholic, the line dividing them being the meeting point of their respective evangelical advance.

On 24 September 1853, Admiral Febvrier-Despointes took possession of New Caledonia in the name of France. In Australia, journalists and politicians railed at London, reproaching the metropole for having allowed France to come and settle in these British waters in the immediate vicinity of Australia. Ten years later, following the example of what had happened in New South Wales, the first convoys of convicts arrived in New Caledonia. France's mission was to give a second chance to these men and women in the colony at the end of their sentences. It was thought that redemption was possible in this land situated at the end of the world, thanks to the benefits of hard work and the opportunities afforded by its agricultural development. It was the discovery in 1864 of *garnierite* or nickel which transformed the economy of the country. This gave it its industrial base first of all, and then its multiethnic composition since the need for a labour force was such that it was necessary to recruit

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<sup>3</sup> French Settlements of Oceania.

contract workers from other countries such as Indochina, the Dutch East Indies or, more recently, from Wallis and Futuna and French Polynesia.

The French Marist Apostolic Vicar who had set up in the north of New Zealand at Kororaraka, Monseigneur Pompallier, dispatched French Catholic missionaries to central Polynesia. Some of them settled in Tonga or Samoa and others in Wallis and Futuna. This latter archipelago was still free from Christian influence in 1836.

The first French missionaries to establish themselves there rapidly brought about the conversion of the populations who were divided into three kingdoms, one in Wallis, converted in 1846, and two in Futuna, those of Sigave and Alo. The martyrdom of Reverend Father Pierre Chanel in 1841, killed by a Futunian by the name of Musumusu, contributed greatly to the Futunians coming to terms with the Catholic religious presence. With his religious brethren, Reverend Father Bataillon succeeded in modifying the message of the new religion by taking into account the reality of customary practices and by relying on the existing political hierarchies. The French priests in fact strengthened the customary and religious structures of the three kingdoms at the same time as they converted them to Catholicism.

Despite a number of demands for attachment of the archipelago to France in 1842, Paris took no action on the grounds that these three islands had limited value both strategically and economically. When in Berlin, in 1884, the Western powers were organising the division of subject countries, Paris took the decision to grant protectorate status to the archipelagos of Wallis and Futuna, basically to prevent them becoming German. A protectorate treaty was signed in 1886 with Wallis, and in 1887 with Futuna.

## **Colonial Administration and Policy to 1945**

The three French entities in the Pacific Islands would each acquire its own distinctive administrative character. If the Jacobin state had expressed itself according to its ideology the three archipelagos would have been subject to a levelling process that would have made their populations very similar. But this was by no means the case. Even the articulation of the French language has its particularities in Papeete, Nouméa and Mata-Utu, which clearly shows that the way in which the three territories have been run has been geared to the realities of their differing cultural underpinnings.

There is no doubt that, in its broad outlines, French colonial assimilation operated primarily through religious activity, and the islanders as a whole have become deeply Christian. This continues to hold true for certain age groups, especially adults. And compulsory schooling has also borne fruit since illiteracy rapidly disappeared with the linking together in a network of the educational institutions. These were run both by

the churches and the colonial administration, except in Wallis and Futuna where the Catholic Church took sole charge of teaching and where, moreover, it was conducted exclusively in Wallisian and Futunian.

In Tahiti, colonial life meant a fairly limited form of existence, exacerbated by insularism. Antagonisms arose from the trivial happenings which were the talk of polite society in Papeete, while outside that milieu life followed its normal course in the plantations or at sea with fishing. Paul Gauguin well described this social climate around 1900.<sup>4</sup> In the four other Polynesian archipelagos (Tuamotu-Gambier, the Austral Islands and the Marquesas), the French colonial administrative presence had little effect on the inhabitants, for whom the important thing was the rhythm of life imposed by adherence to Christian precepts.

In Nouméa, the mining sector underwent continual expansion as did the significant commercial activity of the territory. Ore was transported to Doniambo where the Société des Hauts-Fourneaux built its blast furnace<sup>5</sup> in order to export nickel mattes to Le Havre. All around the Grande Terre, the New Caledonian mainland, ore tankers loaded crude ore by the sea, near the points of extraction, in order to send it directly to Japan, America or Europe. At the same time free settlers, principally from metropolitan France, arrived to try their luck at farming ventures. The penal administration put the convict work force at their disposal, a labour supply which was constantly held to be inadequate by the concession companies and the planters and stockbreeders alike. Immigration would make up for this lack. Japan in the Meiji era contributed to the work force until the expulsion of all the Japanese to Australia after the bombing of Pearl Harbour in 1941. New Caledonia was thus exposed to diverse external influences, which have given the population its particular character.

In relation to the Kanaks, the demographic decline which continued unabated from the beginning of the nineteenth century meant that they numbered less than 20,000 in the 1920 census. The colonial authorities tried to check what was deemed to be the inevitable disappearance of the Melanesians from the Grande Terre and set up reserves where only authorised persons could enter. By keeping the Kanaks together it was hoped to give them a new lease of life and put an end to the inexorable process of their dwindling population.

The great Kanak revolts of 1878 and 1917 were primarily concerned with issues relating to the way in which farming land was divided up and the fact that the widespread raising of European cattle took no account of the realities of Kanak land ownership. Kanak landholdings had already been reduced by the allocation of land to Europeans by a colonial administration which showed little inclination to take into account the facts of customary and traditional life.

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<sup>4</sup> Toullelan (1984) also describes this particular atmosphere in detail.

<sup>5</sup> During the 1930s, the Doniambo smelter was acquired from the Ballande family by the Société Le Nickel (SLN).

In Wallis and Futuna, the weeks followed the rhythm dictated by the religious ceremonies which the whole population had a duty to attend. The nobles (*aliki*) maintained their domination of the lower classes (*tua*), who worked for them and the clergy in the plantations and gardens. Over a period of several months villages would take their turn in preparing for, and organising, the provision of food for the population during the great religious ceremonies of the Catholic faith (the Nativity, Easter, the feast of the Holy Virgin and so on). The raising of pigs, which roamed free on the beaches bordering the lagoon, had a fundamental customary significance, just like kava, whose ceremonial the French missionaries had had the good sense to preserve. In the eyes of the people this ritual determined the present social hierarchies and, after the kava ceremony, every Wallisian or Futunian was aware of their proper place and that of others in the customary social fabric. The king of Wallis, *Lavelua*, was a sort of co-prince of the archipelago with the bishop. Power was thus shared and society, both religious and secular, was thereby strengthened.

In its three Pacific entities France's presence was fairly minimal. It is true that it had installed governors and a colonial administration there, but in both Wallis and Tahiti efforts were not directed at the development of the colony and were limited to maintaining the status quo. Moreover, at Mata-Utu it was a resident who represented the state, usually a navy doctor, the only medical man in the archipelago. Copra was exported from Mata-Utu, and from the EFO as well, together with phosphate and vanilla from Makatea, but only in small quantities compared to those from Africa and Asia. Paris took more notice of the latter because of what they could bring to the metropolis, and similarly of New Caledonia because of its mining wealth and agricultural products such as coffee, whose development had been supported among the Kanak tribes in order to encourage their entry into Western economic and monetary circuits.

The indigenous French populations in the Pacific did not have the right to vote before the end of World War II and they had little participation in civic affairs. At Mata-Utu, during the first half of the twentieth century, the nature of the relations between the missionaries and the successive residents meant that they were often at odds. The religious personnel made efforts to obtain greater support from the French state in order to be able to respond to the basic needs of the archipelago. They were rarely listened to and the clergymen asked their parent church to bring to bear the greatest possible pressure on Parisian ministers, but without a great deal of success.

Both in New Caledonia and Tahiti the political game was essentially restricted to the capitals (Nouméa and Papeete) where the government councils were situated. A number of elected members, settlers and colonial civil servants sat on these councils, sharing the meagre powers thereby given them to work towards the future of their colony. In fact, everything was decided at the Ministry for the Colonies, which



sent its instructions to the governors. The delay caused by the time it took for the mail to arrive meant that the governors had considerable scope for acting on their own decisions. Their local knowledge and experience gave them an obvious advantage over senior civil servants in Paris who would only deal with any given case for a limited time. A local bourgeoisie emerged in the two principal French colonies in the Pacific. Fortunes were built on the economic cartel which held sway there and, in New Caledonia, on the mining sector. The big names recognised in New Caledonia today established their reputations at the end of the nineteenth and the beginning of the twentieth centuries.

The presence of the Americans in the three French entities in the Pacific during the four years which followed the Japanese bombing of Pearl Harbour would upset the whole framework: more than 100,000 American soldiers and officers were permanently stationed in New Caledonia until the end of the war. In this way more than a million American military personnel passed through New Caledonia in four years. Nearly 6,000 were permanently stationed in Wallis and Raiatea for the surveillance of the meteorological stations that the US Army established there at the start of its entry into the war. The French territories were thus essential to the American military apparatus in the context of the war in the Pacific. The consumer goods, the military materiel and the American myth which were imported into these three sleepy territories operated like electric shocks: it was no longer possible to envisage that in the future things could function in the way that the French Third Republic had previously allowed. The end of the war also transformed the global political landscape and communist ideals stood in opposition to American liberalism and consumerism. The indigenous populations of the territories would find themselves confronted by certain choices in relation to which the political, traditional and religious authorities would seek to impose the full weight of their influence.

### **Colonial Administration and Policy from 1945 to the Present**

In Paris it was decided that it was no longer possible to leave these far-flung colonies in their previous state of neglect now that they had been exposed to American affluence and political ideas that had been unthinkable until then. In relation to all of its colonies Paris was now obliged to take account of the universal desire for emancipation — simultaneously political, administrative, intellectual and cultural — on the part of their inhabitants. At the end of World War II the requirements for political progress were taking shape and citizenship was granted to the indigenous inhabitants of French Polynesia and New Caledonia, in the first instance to the holders of customary authority, to those who had volunteered as soldiers in the war, and to Kanak teachers. The right to vote became general in New Caledonia after 1953.

The Gaston Defferre blueprint law of 1956, which led to institutional preparation for independence for the French colonies, applied to New Caledonia and French Polynesia as well. Government councils were accordingly elected and set up. They were headed by the governor as president and by an elected local member as vice-president. Such measures meant that great progress was made and France in the Pacific, at the end of the 1950s, appeared to be a transient colonial power which, as the first in the region, was seeking to further the emancipation of its colonised nationals.

The coming to power of General de Gaulle in 1958 would radically change the state of play. Indeed, Charles de Gaulle intended to bring the French system of military deterrence to a state of readiness by perfecting the atomic bomb. The impact of the war in Algeria meant that it would no longer be possible for France to proceed with atomic tests in the Sahara and that it was urgently necessary to find another test site. In 1961, the choice fell on the islands of Moruroa and Fangataufa in the Tuamotu group, with Hao and Papeete as home bases. So, from 1963, thousands of experts, engineers and military personnel on high salaries were dispatched to Polynesia to finalise the development of French atomic, then thermonuclear, weapons. The first bomb exploded in the skies over Moruroa in 1967 in the presence of General de Gaulle. Tahiti, and French Polynesia generally, would benefit from the financial manna flowing from this military willpower: indeed, to recruit the best engineers and experts, Charles de Gaulle put in place an increased cost-of-living index. This also allowed all imported products to be taxed on entry in order to swell the coffers of the territory and, in return, to grant higher salaries to territorial civil servants, who were thus put on the same income levels as their metropolitan counterparts. The economy of French Polynesia became artificial in that money flowed like water with no other economic underpinning than the nuclear one.

At the same time Paris considered that the statutory developments envisaged within the framework of the Defferre blueprint law were no longer appropriate in the Pacific. Referendums were held there as they also were in the other French colonial regions to obtain the agreement of the inhabitants to their staying, or not, in the French fold. New Caledonia voted by an overwhelming majority in favour of remaining part of France. It was harder to accommodate the French Polynesia of Pouvana'a a Oopa, where one-third of the votes were in favour of withdrawing from the territories under French rule. This was something that Charles de Gaulle would not forget.

A complete about-turn was set in train from 1963 with the disbanding of the councils of local government, both in Polynesia and New Caledonia, on the grounds of institutional reduplication. The resumption of powers by the governor, thereafter high commissioner of the Republic, was total. From that time France in the Pacific, formerly perceived as a forward-thinking colonial power, quickly became, in the eyes

of other metropolitan governments, a reactionary power which was seen as taking a backward step in relation to the politically progressive undertakings that it had initiated. France's image in the region suffered with the stepping up of its nuclear tests at a time when the British and the Americans were stopping their own tests (which had been carried out in Australia and Micronesia respectively).

During the 1970s and 1980s, France was no longer in step with its principal allies in the Pacific region. It is true that America and the United Kingdom maintained solidarity on principle, but London's two satellites, namely Australia and New Zealand, became more and more opposed to this disregard for the ecological aspirations of their inhabitants and of those in the island environments. Furthermore, the pastors, when they preached to their congregations, stressed that France, with its nuclear tests, was polluting the very womb of Moruroa even though God had given Moruroa pure and unsullied to the inhabitants of Oceania. It was all too easy for left-wing and green movements in New Zealand and Australia to spread the word far and wide that in order to put a stop to French nuclear technology in the region it was necessary for the French territories to become constitutionally independent. It was for this reason that independence movements, both Tahitian and Kanak, gained support in the Pacific. Thus France became increasingly isolated within the region and, at the same time, not always having a good understanding of the situation in the anglophone Pacific, it did not realise the extent to which it had aroused feelings of anti-French resentment and hostility. France reacted extremely badly to the support given by the inhabitants of Oceania to Kanak independence movements and the opposition to the nuclear tests. This led to moments of extreme crisis: the Rainbow Warrior affair in Auckland in 1985 tarnished the image of France as an ally and the massacre at the Ouvéa Cave in 1988 had the reek of a nineteenth-century type colonial intervention.

Since the Jacquinet laws of 1963, which conferred the broadest powers on the French state's representative in the territories, Paris was perpetually devising statutory arrangements aimed at progressively granting stronger and stronger administrative autonomy in Nouméa and Papeete.

In Wallis and Futuna, then a French protectorate, a referendum was held in 1959 at which the population voted overwhelmingly in favour of strengthening their ties with France. To this end, the French Parliament drew up an organic law, that of 29 July 1961, which thereafter governed the mutual relations between Paris and the two islands, while spelling out the institutional roles of the Catholic religion and of custom. As an entity of the French Republic, Wallis and Futuna encompasses three kingdoms, but the three kings and the other traditional chiefs are remunerated by the state.

French Polynesia claimed its political and administrative autonomy very early on. It was thanks to Georges Lemoine, minister for the DOM-TOM (Overseas Departments and Territories), that the statute of 1984 in large measure removed the

restrictions upon autonomy that had been set in place under the Jacquinot laws of 1963. Other statutes followed, granting ever more administrative autonomy to the government of French Polynesia, which was presided over by an elected member of the territorial assembly of forty-two members. Today, French Polynesia has a very broad range of administrative responsibility, except with regard to the regalian powers which still devolve upon the state in matters of defence, the currency and public order. It has its national anthem, flag and its own emblems, all normally the attributes of a state. With the definitive cessation of nuclear testing and the dismantling of the related military bases, the independence movement has lost its *raison d'être* and its strength.

New Caledonia as well has experienced numerous statutory developments, each time looking to better divide the spheres of activity, whether between the two main communities of the territory or between the regions and the provinces in which they reside. The events of the 1980s, which from 1984 to 1988 were very close to being a civil war, came to an end with the Matignon-Oudinot Accords, signed by Jacques Lafleur, Jean-Marie Tjibaou and Michel Rocard in 1988. These accords, which were the subject of a national referendum, restored civil order and in their first stages returned full executive power to the French state. They were followed by the Nouméa Accord, signed 5 May 1998 in Nouméa. This accord, which was the subject of a referendum in New Caledonia, determined in organic fashion the way that institutions were to function and the progressive statutory evolution of the country in relation to its ties with metropolitan France in a dynamic described as 'shared sovereignty'. The Congress of New Caledonia, is able to vote on laws for the country put before it by the government of New Caledonia whose members are drawn from the main political groupings. A collegial approach is therefore privileged as the original system of government.

## Conclusions

At the dawn of the third millennium, France in the Pacific presents an image which was inconceivable twenty years ago. It represents a haven of economic and social development in comparison with neighbouring English-speaking island groups. Constitutionally these have become independent, essentially through the will of the metropolitan countries concerned, which sought to disengage themselves from the now unfashionable colonial administration of their former possessions but without giving them the means to develop.

It is certainly true that not everything is perfect in the three French entities of the Pacific: social and economic destitution is still to be found among those who have been left behind by Western modernity. The traditional forms of social relations are

still maintained in New Caledonia as they are in Wallis and Futuna, and the same applies to the groups of islands surrounding Tahiti.

It must be acknowledged, however, that the French state, whose republican ideology remains Jacobin, theoretically allows the French citizens of the Pacific to enjoy equal treatment. It is true that this is still only a plan, an intention, a project yet to be realised. The three French entities in the Pacific are an integral part of the Republic and as such share in its social and economic development. With regard to the administrative, cultural or political dimensions of their existence, the three entities are generally given free rein in relation to the development that they seek for themselves, and the financial means to go about it is normally given to them by Paris.

Let us take as an example the French University of the Pacific, established by decree in 1987. Its objectives were essentially twofold. Firstly, to increase the success rate of island students who (when lacking such a tertiary institution in the place where they lived) left their family at the age of eighteen or nineteen for metropolitan France which had more of the feeling of a foreign land than of a mother country. They found themselves failing for essentially psychological reasons. Secondly, the intention was to foster the emergence of local elites. The university's mission was to give an academic boost to students who, after completing their DEUG,<sup>6</sup> would study for their undergraduate degree or their master's degree at metropolitan universities. The cost of this psychological adaptation is high, while the success rate of students studying at home is equivalent to the average for the metropolitan universities. With the creation of an IUFM<sup>7</sup> for the Pacific in 1993, the university offers educational programs to Bachelor level in order to feed into the institution for teacher training. In the year 2000, the Paris government split the university into two autonomous common law institutions, subject in general terms to the 1984 law which governs the universities. The two main entities in the Pacific nonetheless each have a population which is smaller than that of a Paris arrondissement.

If we allow ourselves to take a look into the future, what are the prospects for the French entities in the Pacific?

The institutional transformations which Paris intends bringing about in metropolitan France by way of decentralisation apply equally to the three French entities in the Pacific, which on occasion have been able to serve as a kind of laboratory in this regard. It is certain that the elites now in power in each of these territories intend to take advantage of the greatest possible administrative autonomy with the generous financial backing of the state. A quasi independence is hoped for, but not the kind of independence that would provoke drastic ruptures in relation to the obligations of metropolitan France to its most far-flung entities. Certainly the

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<sup>6</sup> A two-year tertiary diploma, which may count towards the *licence* or undergraduate degree.

<sup>7</sup> *Institut universitaire de formation de maîtres* or University Institute for Teacher Training.

French state now finds it to its advantage to maintain its links with its overseas departments and territories for military, scientific, industrial and technological reasons among others. 'Overseas France' accounts for just over one per cent of the nation's budget. This share is negligible when one sets out the benefits that France thereby gains in terms of prestige and maritime and geopolitical positioning.

At the same time Paris does not yet seem to have taken the decision as to whether or not it should keep its overseas regions and territories within the fold of the nation. This carries with it uncertainties, and harbours negative repercussions in the economic and political domains within the three entities. The prospects for the future tend to become clouded as a result. The uncertainty may well fuel the political game in Paris, but it cannot be said that this is a particularly healthy situation.

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## **Abstract**

Competition between England and France for control over Pacific territories left France, by the middle of the nineteenth century, with the Society Islands, the Tuamotu-Gambier Islands, the Austral Islands, the Marquesas, Wallis and Futuna, and New Caledonia. Paris put in place administrative infrastructures but showed little interest in these distant colonies where the churches were making their mark. Only New Caledonia with its mineral resources received special attention from the central government in Paris. In the confines of the Pacific, in isolation from the metropole, relatively autonomous local societies began to develop. After World War II, during which the brief but powerful presence of the American army shook the way of life of these French territories, Paris undertook social and political reforms oriented towards future self-government. Under the Fifth Republic, France redefined its international policies, engaged in nuclear testing in French Polynesia and promoted an artificial prosperity within the French territories. The perception of France within the Pacific region became negative and there was regional support for independence movements in New Caledonia and French Polynesia until the end of nuclear testing. Today the exacerbated tensions of the 1980s have subsided. A political process which involves devising the means for the emergence of new societies sharing sovereignty with France now seems to be favoured.

## **Résumé**

La course opposant Britanniques et Français pour la possession de territoires en Océanie laisse à la France, au milieu du XIXe siècle, les archipels polynésiens de la Société, Tuamotu-Gambier, Australes, Marquises, Wallis et Futuna et la Nouvelle-Calédonie. Paris met en place des représentations administratives, mais s'intéresse peu à ses lointaines colonies où les Eglises impriment leurs marques. Seule la Nouvelle-Calédonie et ses ressources minières bénéficient d'une attention particulière. Dans ces confins ultramarins du Pacifique se forment ainsi des sociétés locales relativement autonomes. Après la Seconde Guerre mondiale, durant laquelle la brève mais puissante installation de l'armée américaine a bouleversé le mode de vie de ces territoires, la métropole entreprend des réformes politiques et sociales orientées vers l'émancipation de ses colonies. Avec la Ve République, elle redéfinit sa politique internationale, engage les expérimentations nucléaires en Polynésie et organise la prospérité artificielle de la région autour de ces nouveaux enjeux. L'image de la France dans le Pacifique se dégrade et les revendications indépendantistes à Nouméa et à Papeete sont soutenues par les nations voisines jusqu'à l'arrêt des essais nucléaires. Les tensions exacerbées des années quatre-vingt sont à présent atténuées. La voie politique pour imaginer les modalités d'émergence de nouvelles sociétés en souveraineté partagée avec la France semble aujourd'hui privilégiée.

# *The American Federal State in the Pacific Islands*

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*Armand Hage*

The United States of America (USA) has always denied being a colonial power. However, as early as the first half of the nineteenth century, before the American West was finally settled, American explorers sailed across the Pacific, and when they discovered islands they asked the Federal Government to claim them for the United States. For a long time, the Federal Government refrained from annexing territories. The first claim was made under the Guano Act of 1856 which provides that any island explored by American citizens and not claimed by other nations is American. In the last decades of the nineteenth century, when the frontier was soon to be closed and when European powers were setting up more and more colonies, American political theorists, such as Admiral Alfred Mahan, advocated territorial expansion overseas. The 1890s were a crucial decade because for the first time the United States annexed territories and countries that were populated, like Hawai'i and the Philippines. Whether it liked it or not, the United States was now viewed as not only colonial but imperialistic.

The distinction between colonialism and imperialism is hard to pinpoint. It is possible, though, to accept the idea that the United States is not a colonial power in the sense of having developed colonies of settlement in the way that France and England did in the nineteenth century. Very few Americans settled in US possessions (the exception being Hawai'i, which eventually gained statehood). The Philippines, for example, never attracted droves of settlers. The United States is a nation of immigrants; having found the land of opportunity, few of its citizens were inclined to leave it for another place.

While the United States may therefore claim that it is not a colonial power, it is a fact that with its outlying territories it became an imperial power, the difference being that it rules other nations directly or indirectly. This paper examines the US Federal Government's close and ongoing involvement in its Pacific territories and in those former territories which are now officially independent. Through a process of ramification



the Federal Government has literally branched out into the Pacific Islands and the US Congress has attained huge powers despite protests from the indigenous inhabitants of some of the islands concerned. With reference to the independent island states, this paper shows how the American federal state remains present in constitutional arrangements, in the different forms of government and in ongoing relations between these island states and the United States. The involvement has a direct relationship to American interests in the Pacific.

## **The American Federal State in the American Territories**

One of the main notions to be aware of in dealing with American, or former American, islands in the Pacific is the variety of statuses. An American possession which is not a state is called a territory or, in some instances, a commonwealth. Territory is the term that was used to designate areas of the continental United States before they became states. A territory can be incorporated or unincorporated; an incorporated territory is a portion of the domain of the United States that does not constitute and is not a part of a state, but that is considered a part of the US proper and is entitled to all the benefits of the Constitution that are not specifically reserved to the states (e.g., Arizona, Oklahoma and New Mexico were incorporated territories before they attained statehood). A commonwealth is a self-governing autonomous state, usually a former colony that is associated by treaty or agreement in a loose political federation with the former colonial power. An unincorporated territory is a territory that is a possession of the United States, but not a part of it.

The territory can be simply a 'territory' with no modifier. It can be organised or unorganised. An organised territory is one that has a politically defined area and formal governmental institutions, usually as a result of action by a higher authority, in this instance the Federal Government. When a territory is unincorporated, it may need organisation, defined through an Organic Act, which constitutes a framework of government. Unorganised means that Congress has not provided an Organic Act and the territory is under the direct authority of an agency of the Federal Government. The agency may allow the inhabitants to draft their own government. Generally speaking, the terms 'unincorporated' and/or 'unorganized' mean that some provisions of the US Constitution do not apply. These notions are related to the 'Constitution follows the flag' theory, which posits that wherever the American flag flies, people should enjoy all the benefits of the US Constitution.

The inhabitants of a territory can be nationals or citizens. Nationals do not vote in federal elections, but they can become citizens if they go through the naturalisation process. In a territory or commonwealth, citizens do not always vote in US elections. Thus, the Federal Government's influence varies according to the prevailing status.

The incorporation of a territory implies that the inhabitants have more constitutional rights, while being unincorporated generally means that the Federal Government has greater powers. The status may determine whether a territory is under the general jurisdiction and administration of the Federal Government itself or under the jurisdiction and administration of a federal department or agency. The process of ramification is reflected in the statutes governing these territories; as can be seen in the following overview, these mirror the American system of government to a considerable extent.

### *American Samoa*

American Samoa is an unincorporated and unorganised territory. Until 1951 it was under the jurisdiction of the US Navy. After the Pago Pago naval base was closed, the Department of the Interior took charge of the island's administration and appointed a governor. This meant that the Federal Government still exerted total control.

In 1960, American Samoa ratified its territorial constitution and since 1978 the population has elected a governor, a lieutenant governor and a legislature, as in the continental United States. Even the names of the institutions are the same: besides the governor and lieutenant governor, the legislature is styled Congress (a bicameral legislature with a Senate and a House of Representatives) and the governors are not permitted to serve more than two full terms. Elections are held at least partly according to the same pattern as in the continental US: representatives are popularly elected for a two-year term, and senators are chosen according to a former continental process that was amended in the early twentieth century. Although there are no longer any military bases in Samoa, defence remains the purview of the Federal Government.

In February 1984, a constitutional convention adopted a revised status for American Samoa. It emphasised the importance of preserving the local way of life and the need to protect ancestral lands. However, it could not be adopted and implemented because the US Congress had decided that any change to American Samoa's basic law had to be approved by the US Congress. The draft statute was eventually withdrawn. In economic terms, transfers from the Federal Government add substantially to American Samoa's economic wellbeing and are a further sign of the Federal Government's influence.

### *The Northern Mariana Islands*

The Northern Mariana Islands (NMI) make up a Commonwealth in free association with the United States. In 1975, the residents of what was then a Trust Territory approved a separate status for the islands as a Commonwealth of the United States. In

1978, the NMI became internally self-governing under US military protection, and in 1986 they officially ceased to have Trust Territory status. The NMI are now governed by an elected governor and lieutenant governor, both serving four-year terms, and a bicameral legislature consisting of a nine-member Senate and a fifteen-member House of Representatives. Residents of the NMI are US citizens, but they do not vote in US presidential elections. In a commonwealth, it is sometimes the case that the inhabitants have more rights and self-government than in a territory. In the NMI, unlike Guam (see below), immigration is locally controlled.

### *The Small Island and Atoll Territories*

In its smallest Pacific Island territories the US Federal Government wields total power through its agencies. Midway Atoll, for example, is a territory. It was declared a US possession in 1867 and in 1903 Theodore Roosevelt made it a naval reservation. Today it is an inactive US military base with no indigenous population. The islands are administered by the US Department of the Interior and they accommodate 453 US military personnel.

Wake Island is a commercial and military base under the jurisdiction of the Federal Aviation Agency. There is no indigenous population. The island was annexed by the United States in 1899 and it is now an unincorporated territory. The economic activity is limited to providing services to US military personnel and contractors, and all food and manufactured goods must be imported.

Johnston Atoll is a territory. In 1858, it was claimed by Hawai'i and it later became a US possession. In this case, the US Federal State displaced the State of Hawai'i. Johnston Atoll was used by the US Air Force to conduct test launchings of nuclear missiles and it contains a landfill of plutonium-contaminated waste. In 2004, the military are scheduled to depart and the atoll will be turned into a wildlife refuge. However, the US Fish and Wildlife Service, the atoll's inheritor, is concerned about the possibility of radioactive leakage, itself the result of decisions by the US government.

Baker, Howland, and Jarvis Islands are also territories. They were claimed by the United States in 1936 under the Guano Act. Baker Island is uninhabited; it was claimed by the United States in 1856 and it is administered by the Department of the Interior. Howland Island is also uninhabited. American colonists were brought to Jarvis in 1935 and in the following year the island was placed under the US Department of the Interior; it too is now uninhabited.

Kingman Reef is a territory, a US possession since 1922, which serves as a Naval Defensive Sea Area and Airspace Reservation. It is closed to the public and is administered by the Defense Department. Palmyra Atoll is a privately-owned incorporated territory. It was annexed by the United States in 1898. Palmyra was

under the jurisdiction of the city and county of Honolulu until Hawai'i was granted statehood in 1959. The atoll is now under the control of the Department of the Interior.

### *Guam*

Today Guam is an unincorporated, organised territory of the United States. Although it was taken from Spain in 1898, the inhabitants have been US citizens only since 1950. For decades, Guam was under the jurisdiction of the US military. The Organic Act of 1950 transferred jurisdiction from the Navy to the Department of the Interior and provided for a governor, appointed every four years by the US President, and a twenty-one member unicameral legislature elected biennially by residents. Beginning in 1970, the governor has been elected every four years. Since 1973, Guamanians have been represented in the US Congress by a nonvoting delegate, but they do not participate in presidential elections.

The system looks like self-government. However, the Federal Government maintains its presence through the judiciary; although it has a local judiciary, Guam has a US District Court. Judges are appointed by the US President and confirmed by the US Senate. Appeals may be taken to regular US Courts of Appeal and ultimately to the US Supreme Court.

The Federal Government also has a huge presence in the form of military bases which take up about one-third of the area of the territory. In the mid-1990s there were about 4600 naval personnel and 2500 from the Air Force. The total military presence, including dependants, is close to 21,000, about one-seventh of the total population. Only since 1963 have people — Guamanians, tourists and businessmen — been able to enter and exit Guam without obtaining security clearance. The US projection of military power from Guam bears out the United Nations' theory of colony, that is, a land dominated by another. This projection of power was evident in the 1990s when B-52 aircraft left Guam to launch cruise missiles on Southern Iraq.

The presence of the military is cumbersome. As a tourist brochure handed out a few years ago says: 'The present population of Guam is approximately 140,000; forty-three per cent are Chamorros and fifty-seven per cent are other races, chiefly military'. However, while the physical presence of the military looms large, its economic impact is not as significant as it may seem. The military does not create actual jobs for locals and little of the money it spends benefits local business. Soldiers and their families mostly shop at commissaries and when the armed forces need buildings, the construction work is done by continental companies because the local market cannot provide the right kind. Ironically, Guam has consistently provided a higher proportion of recruits per capita than other American communities. In addition, a Guam

newspaper recently editorialised that it is a pity Hawai'i is very likely to be the next aircraft carrier base because infrastructure and facilities in Guam are not up to par (*The Pacific Daily News* 15 Oct. 2003).

Guam activists point out that their island is still on the United Nations' list of Non-Self-Governing Territories, a category which included about one hundred territories in the wake of World War Two, but which now contains only sixteen. Guamanians who want more self-governance, if not independence, lament this situation. What rankles most about American domination is what seems to be the mendacious lip service that the US pays to democracy. As Joseph Ada, a former Governor of Guam, says, 'We learned democracy pretty well in school, and now we wonder, "Where is this democracy we learned so well"?' In the early 1990s, Ada created a sensation in a Washington conference when he introduced himself as the 'governor of the American colony of Guam', adding that he would not 'engage in the farce of calling Guam's status by other than its rightful name' (quoted in Morrison 1993: 1417). Another advocate of what is called Chamorro rights says, 'Yeah, I am American; well, we are U.S. citizens, but not Americans' (ibid.).

The major sign of Guam's status as a US territory is the fact that the US Congress reserves the right to annul any law passed by the Guam legislature. It must do so within a year of the date it receives the text. When a territorial constitution was drafted in 1977 and submitted to vote in 1979, it was rejected after critics contended that its provisions for self-government were inadequate. One of the main obstacles stems from the Organic Act of 1950 and its subsequent amendments. As an unincorporated territory, Guam, like all territories since American independence and the 1787 Northwest Ordinance, is administered by Congress. In 1985, the Court of Appeals gave new force to this provision when it ruled that 'except as Congress may determine, Guam has no inherent rights to govern itself'.

The implications of the Organic Act and the way it is construed and enforced are far-reaching. Although it might sound like a joke, the US Congress could decide to sell Guam. After all, the US is familiar with purchasing territory, such transactions being often a fig leaf for annexation. Alaska was bought from Russia, part of Florida was acquired from Spain in 1819 under threat of annexation, and the whole southwestern part of the US, including California, was taken from Mexico in 1848 under the guise of a purchase. A piquant way to pick a prospective buyer for Guam would be to offer it to Spain, from which the island was wrenched in 1898. Given the excellent relations between the US and Spain before, during and after the war in Iraq in 2003, Guam could be ceded to Spain for a nominal price or given away as a token of friendship and support. A still more ironic and profitable course of action would be to sell Guam to Japan. The high price would help improve not only the deficit-plagued federal budget, but the trade imbalance as well.

In a more serious vein, what Guamanian activists complain most about are the congressional decisions that have adversely affected Guam. In the 1970s and 1980s, for example, the watch industry and the garment trade were ruined when Congress amended the tariff codes. Of course, Congress may counter that many of its decisions can also adversely affect states on the continent and that Guam failed to lobby it effectively. The Congress could add that other decisions can be and are favourable to Guam. However, Guam's radical activists say their island did not ask for anything, not even the positive decisions. What they want is some respect and an end to the branching out of the US Federal Government in their homeland (Kristof 1996: 14.)

On 15 October 2003 Guam's local newspaper, *The Pacific Daily News*, published an article by Jan Furukawa, a Decolonisation Commissioner, entitled 'Educate Public About the Decolonization Issue'. The article reads as follows:

More than 60 years ago, the United States of America pledged to lead the post-war world community to a more civilized state of being — one that would evolve beyond the empire-building, resource-reaping, human right-violating ways of the superpowers. Its constitutional government said that the people living in the Trust Territory of the Pacific islands, and the nearby unincorporated territory of Guam, should one day be self-governing.

Let there be no question: the 'colonized', as defined in federal and local statute, are a small number in Guam's populace today. Nonetheless, their right to forge their own, permanent, political identity is not dismissable. It is, in international legal terms, 'inalienable.'

The issue of the decolonization of Guam speaks to the very American ideals of freedom and democracy. The people of Guam who were colonized remain free to choose their own path. Anyone who would deny the people this freedom is un-American to the core!

Perhaps we should commit more resources toward educating the public on this issue. And maybe we need to open our minds and hearts to the plight of the people of this great territory, administered since 1898 by the United States yet unincorporated and with inadequate representation in Congress to this day!

Decolonization would mean developing a constitution for this 'state', be it ultimately an independent nation, a freely associated country, or a full-fledged member of the United States. It also would mean a transitional period, possibly decades-long, with the aid of the American and/or other governments, as well as the United Nations.

Too much 'fear of the unknown' is circulating in the community, and it's infectious. Lack of trust and confidence in ourselves, and/or those who will make the determination, and inadequate information and understanding, breed this fear. We must have faith, we must support one another through this paralyzing situation, and guard against the spread of this diseased outlook.

The thrust of Furukawa's point is that decolonisation proceeds from the notion expressed in the phrase 'Practice what you preach'.

Do Guamanians want independence, though? In 1993, the answer to this question was an unqualified no. Guamanians in favour of breaking away from the US represented less than ten per cent of the population. However, no more than thirty per cent wanted statehood and only about ten per cent favoured the status quo (Morrison 1993: 1417.) So what do Guamanians want? One part of the answer was given in the late 1980s. A working group set up what was called the Draft Commonwealth Act. The main provision was that federal laws would not apply to Guam automatically; they would apply only by the 'mutual consent' of Guam and the United States. This is very much like the distinction that France makes between territories and possessions as opposed to outlying regions where laws passed by the French parliament apply automatically. The difficulty in Guam's case lies, at least partly, in the fact that federal laws apply, although the island is not a state. This is another way of saying that Guam is a colony.

The Draft Commonwealth Act would have meant parity between Guam and the United States, but in the early 1990s this parity was rejected by the Federal Government under President George Bush. Another way to please a majority of Guamanians would be to set up a kind of Compact of Free Association whereby internal matters would be matters of self-rule and defence and foreign policy would remain in the hands of the United States.

## **The American Federal State in Independent Pacific Island States**

The process of ramification whereby the Federal Government has branched out into the Pacific is not restricted to the US-owned islands. Indeed, the process is of more interest and importance in Pacific Island states that are ostensibly independent.

### *Federated States of Micronesia*

In the FSM, which gained independence in 1986, the United States' influence is evident in the very make-up of the nation. Like the US, the FSM is a federation in which many vital functions of government are reserved to the states. Its government is shaped in a way that shows American influence. The Constitution includes a

Declaration of Rights, just as the US Constitution contains a Bill of Rights, and the purpose of both is to guarantee and protect individual freedoms. The FSM legislature is made up of fourteen Senators. While ten are elected for a four-year term, others, like American representatives, serve two-year terms. The President is, as in the US, the head of state and the head of the government.

The wording of the FSM Constitution is mostly culled from the US Constitution. The preamble states that 'We, the people of Micronesia, ... do hereby establish this Constitution of the FSM.' The Constitution and the Declaration of Rights also contain provisions that can be found in the US Constitution proper and its Bill of Rights, notably the freedoms of speech, peaceable assembly, association or petition as well as the prohibition of established religion and of restrictions on the free exercise of religion. In both constitutions, the Federal Government has the power to: regulate interstate commerce, ratify treaties, regulate immigration and naturalisation, impose duties and tariffs on imports, collect income taxes, regulate banking, currency, and money-lending, appropriate public funds, control navigation and provide for national defence.

The American system of checks and balances is also duplicated in the FSM, although some details differ. The FSM constitution provides the President with a right of veto and it also provides for the possibility of his or her impeachment. Lawmaking, a major part of the system of checks and balances, is also inspired by the American system though changes have been made owing to the small size of the population and the unicameral legislative body. In the US, for a bill to become a law it needs to be passed by both houses in the same terms. In the FSM, which has just one house, the requirement is that the bill must pass two readings on separate days.

The powers given the President of the FSM are mostly the same as those given to the President of the United States: he or she must faithfully execute laws and the Constitution; the president can grant pardons and reprieves, and is required to make an annual report to Congress. Like the American President, the President of the FSM is elected for a four-year term and may not serve for more than two consecutive terms. The Vice-President is elected in the same manner as the President and they must not come from the same state. If the President leaves office, the Vice-President becomes President.

The judiciary, as in the United States, is made up of a Supreme Court and inferior courts set up by Congress. The possible impeachment of justices is mentioned in the same terms: they 'serve during good behavior'. Likewise, their compensation cannot be diminished during their terms of office. The jurisdiction of the Supreme Court is defined almost in the same terms as in the US. It has original and exclusive jurisdiction in cases affecting officials of foreign governments, disputes between states, and admiralty or maritime cases. Both nations have a treasury and money may not be withdrawn except by law. Like the US Constitution, the FSM Constitution provides



that it can be amended, although some details differ. Generally speaking, the differences are minor ones.

### *The Republic of the Marshall Islands*

The Marshall Islands, like the FSM, gained independence in 1986, and they have a constitution which presents some differences with that of the United States. The executive authority is vested in the Cabinet, whose members are collectively responsible to the Nitijela, the Assembly. The President is elected by a majority of the total membership of the Nitijela. If a motion of no-confidence is carried by a majority of the Assembly the President is deemed to have tendered his resignation from office. The latter provision, of course, is unheard of in the US.

Similarities, however, are striking, especially in Article II of the Bill of Rights which duplicates the American Bill of Rights. It provides for freedom of 'Thought, Speech, Press, Religion, Assembly, Association, and Petition' as well as due process and fair trial. It prohibits unreasonable search and seizure, cruel and unusual punishment, the suspension of habeas corpus, ex-post facto laws and bills of attainder. The Constitution even provides for the prohibition of involuntary servitude and the quartering of soldiers in the same terms as the American Bill of Rights: 'No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in the manner prescribed by law'. It is surprising to find a twentieth-century constitution dealing with issues from the eighteenth and nineteenth centuries.

### *Palau*

The state of Palau also has a constitution — adopted in 1980 — which reflects the American Constitution. It suffices to point out that Palau's legislature, the Olbil Era Kelulau, is composed of two houses with equal powers, the fourteen-member Senate and the sixteen-member House of Delegates. In 1994, Palau gained its independence and signed a Compact of Free Association with the United States. The Compact is very similar to the ones signed by the FSM and the RMI (see below). The US must approve the entry into Palauan territory of any foreign military, may establish military bases, and is permitted to operate nuclear-capable warships there. In March 2002, Palau President, Tommy Remengesau, expressed his allegiance to the United States when he said that

Palau is one of the closest allies of the United States among the Pacific Island states. We responded immediately after the tragedy of September 11th by working with the U.S. and in the international arena to combat terrorism (Remengesau 2002).

## *The Compacts of Free Association with the Federated States of Micronesia and the Marshall Islands*

In 1986, the FSM and the RMI entered into a Compact of Free Association with the United States. The name itself is indicative of close relations between the US and each of the two nations and, given the size and power of the US, it is easy to see that the Compact allows the US to enjoy certain privileges. The Compact provides that the US is in charge of defence in the FSM and the RMI. In return, the US provides economic assistance and other benefits. This is enough to show the extent to which the US government reaches into the political and diplomatic life of these islands. Before we enter into details, it is worth noting the general attitude of the American government. The Compact with the FSM and the RMI has the force and effect not only of an international agreement but also of a US law — it is actually a US law. This means it is not a real treaty like those that exist between foreign nations, and thus the Compact reflects the islands' dependence on the will of the Federal Government.

Furthermore, the United States is equivocal on the notions of sovereignty and independence for the FSM and RMI. While it acknowledges that the two island nations are sovereign because they freely entered the Compact as nations with constitutions (sovereignty stems from popular approval of the supreme law of the land and thus they entered freely), the US has always refrained from using the term 'independent' in a clear way. According to the preamble, the signatories 'agree to enter into relationships of free association which provide a full measure of self-government for the peoples of the Marshall Islands and the Federated States of Micronesia' (Compact of Free Association 1986). This wording shows how lopsided the agreement is; the term self-government applies only to the islands; its mere mention makes the islands subservient to the US. A regular treaty is usually concluded between two equals.

The Compact of Free Association between the US government and the governments of the RMI and the FSM is made up of three titles: I. Governmental Relations; II. Economic Relations; and III. Security and Defense Relations. The first article under title I is headed 'Self-Government', and it states that the islands are 'self-governing'. This may be questioned, however, in light of the second article, entitled 'Foreign Affairs'. When the trusteeship ended, separation from the US meant that they could decide on Foreign Affairs. Ostensibly the Compact gives the US responsibility for defence only, but the second article under title I provides that the Governments of the RMI and the FSM 'have the capacity to conduct foreign affairs and shall do so in their own name and right, except as otherwise provided in this Compact' (Compact of Free Association 1986, Section 121a). This exception

constitutes a huge restriction on sovereignty or independence. The provision is followed by a list detailing the Foreign Affairs capacity of the island governments. This list includes affairs 'relating to law of the sea and marine resources matters' as well as diplomatic relations, treaties and agreements (Section 121b). It also notes the commitment of the US to support applications for membership in regional and international organisations and the training and instruction of island citizens by the Foreign Service Institute (Section 122).

Such a list, however long, is a sign that the FSM and RMI are restricted in the area of Foreign Affairs. Because the freedom is itemised, the implication is that it is limited; actions not listed are very probably not allowed. The list is followed by a section indicating that 'In recognition of the authority and responsibility of the Government of the United States under Title Three, the Governments of the Marshall Islands and the Federated States of Micronesia shall consult, in the conduct of their foreign affairs, with the Government of the United States' (Section 123a).

Another sign that the islands under the Compact of Free Association depend on the US is the fact that the former ruling power extends 'consular assistance on the same basis as for citizens of the United States to citizens of the MI and the FSM for travel outside the islands, the U.S. and its territories and possessions' (Section 126). This benefit can be seen as a service to compensate for the restrictions in matters of Foreign Affairs. Another compensation comes in the form of benefits in terms of immigration. Citizens of the RMI and the FSM can enter the US without a visa, and even a certified birth certificate can be accepted in lieu of a passport. In addition, they can have a Social Security card and get employment authorisation more easily than total aliens (though the US does have some discretionary powers).

Economic relations are based on grants provided by the US to the two governments in order to promote 'economic self-sufficiency' and 'in recognition of the special relationship' that exists between the US, the FSM and the RMI. This is nothing but dollar diplomacy. Even those inclined to look favourably upon the Compact soon encounter the strings attached:

Each of the Governments of the MI and FSM shall therefore report annually to the President of the United States and to the Congress of the United States on the implementation of the plans and on their use of the funds specified in this Article. ... It is understood that the Government of the U.S. cannot be committed by this Section to seek or support such additional economic assistance (Section 211).

Some other compensation is awarded to take into account the impact of the activities of the US Government on Kwajalein Atoll and in Yap State.

While the titles concerning government and economic relations are restrictive to the FSM and the RMI, the third title is unambiguous in the advantages it grants the US: 'The Government of the United States has full authority and responsibility for security and defense matters in or relating to the MI and the FSM'. The only 'obligation' is that of defending the 'MI and the FSM and their peoples from attacks or threats thereof as the United States and its citizens are defended'. The obligation is compensated by 'the option to foreclose access to or use of the MI and the FSM by military personnel or for the military purposes of any other country' and 'the option to establish and use military areas and facilities in the MI and the FSM'. The obligation to defend the islands is not a burdensome one given that an attack is very unlikely. As a result, it can be said that the responsibility for defence is actually the privilege to use the islands for strategic purposes. These islands were the only territories on the UN list of Non-Self-Governing Territories that fell under the category of strategic trusteeships — in the MI the US has installed a missile testing facility which is not remotely related to the defence of the islands.

Other sections give the US the option to conduct military activities and operations anywhere on the islands. Furthermore, if the US deems actions by the island governments to be incompatible with its military activities, those governments must refrain from those activities. Section 314, for example, can be viewed like Section 311(c). It states that:

Unless otherwise agreed, the Government of the United States shall not, in the MI or the FSM: (1) test by detonation or dispose of any nuclear weapon, nor test, dispose of, or discharge any toxic chemical or biological weapon; or (2) test, dispose of, or discharge any other radioactive, toxic chemical or biological materials in an amount or manner which would be hazardous to public health or safety.

With its record in the matter of damages caused by nuclear tests in the RMI, it is a foregone conclusion that the term 'hazardous' will be interpreted in a way that suits the United States. Indeed, Section 314(d) provides that:

In determining what shall be an amount or manner which would be hazardous to public health or safety under this Section, the Government of the United States shall comply with any applicable mutual agreement, international guidelines accepted by the Government of the United States, and the laws of the United States and their implementing regulations.

Furthermore, Section 314(b) states that:

Unless otherwise agreed, other than for transit or overflight purposes or during time of a national emergency declared by the President of the United States, a state of war declared by the Congress of the United States or as necessary to defend against an actual or impending armed attack on the United States, the Marshall Islands or the Federated States of Micronesia, the Government of the United States shall not store in the Marshall Islands or the Federated States of Micronesia any toxic chemical weapon, nor any radioactive materials nor any toxic chemical materials intended for weapons use.

A 'national emergency', however, could be anything that the President decides.

The only case in military matters in which the US is supposed to consult the islands is a minor matter. According to Section 315, consultation is required when the US invites 'members of the armed forces of other countries to use military areas and facilities ... other than for transit and overflight purposes' (Section 315).

Regarding defence facilities proper, Section 321(b) sounds like an 'Indian treaty' — the agreements by which American whites and the American government in the nineteenth century tricked native Americans by pretending to allow them to keep their lands while actually taking them away later. It provides that whenever the US requires the use of areas in addition to those that are assigned in the Compact, 'it may request the Government concerned to satisfy those requirements through leases or other arrangements'. This may seem acceptable, but the same paragraph also provides that 'The Government of the Marshall Islands or the Federated States of Micronesia shall sympathetically consider any such request and shall establish suitable procedures to discuss it with and provide a prompt response to the Government of the United States' (Section 321b).

As the US 'recognizes and respects the scarcity and special importance of land' on the islands, in making any such requests under Section 321(b), it 'shall follow the policy of requesting the minimum area necessary to accomplish the required security and defense purpose' and will make it a priority to request 'public [rather than private] real property, where available'. In other words, under the guise of displaying consideration and moderation, the US reserves the right to use any land it needs.

The Compact of Free Association expired in 2001 and when renegotiations started the attitude of the RMI rulers was very interesting to observe. The RMI's ambassador to the United States was taken to a military base in Colorado; as he walked out he stated that the visit helped him 'enormously' in his own understanding of the US presence in space and the special role that Kwajalein Atoll plays in supporting US space objectives. In his statement to a US Senate committee, the RMI Foreign Affairs Minister, Gerald Zackios

acknowledged that the Compact is a success, a success that the RMI wants to continue to build upon. The success of the Compact is evident in the fact that the RMI has transitioned from dependence to a self-governing, independent nation which has 'mature political and economic relations with the U.S. and the rest of the world'.

Zackios 'also emphasized the RMI's commitment to its strategic partnership with the United States and in supporting the U.S. with its efforts to thwart global terrorism' (RMI Embassy 2001).

The attitude of the RMI shows that the United States has no need to keep the islands as possessions. By providing economic assistance, it has the support of the islands as independent nations and members of the UN. In other words, it has secured the vote of these countries. Not only do they support the US in fighting terrorism, they also support the US in other areas; the FSM, for example, is one of the very few 'Third World' countries to give its support to American policy on Israeli-Palestinian issues.

As the renegotiations continued in June 2002, Zackios 'recognized the unique strategic partnership that has flourished under the Compact of Free Association' and said that the RMI was "looking forward to strengthening and extending the partnership as we move into the next stage of the Compact" (RMI Embassy 2002). He played down the issues that could create a conflict between the two nations, such as the request for higher compensation needed for people who have suffered from nuclear tests.

What is striking about the attitude of the RMI leaders is their deference to the US and its representatives. The Compact renegotiations were a foregone conclusion if only because the islands are in no position to antagonise the US, which could decide unilaterally to keep its privileges. Although the US needs the RMI for strategic purposes, the RMI is aware that it does not have the same leverage in negotiations as oil-rich countries. When the RMI asked for additional compensation because the first assessments had been insufficient (the health consequences of the US Nuclear Testing Program being greater than originally suspected), it 'respectfully' submitted a Changed Circumstances Petition to the US Congress: 'As a strategic partner and friend of the United States, the RMI remains hopeful that Congress will take action to address the inadequacies of the [previous] Agreement' (RMI Petition 2000).

Another example of how the US Federal Government calls the shots occurred in September 2003 when the US was negotiating with the RMI and FSM to renew the Compact. One US decision consisted in tightening immigration policies because of the fear of terrorism. Although Palau had six years remaining in its Compact, the US wanted to include it in the restrictions. When Palau balked, the American Government said that Palau's request for inclusion in the US telecommunications system would not be granted automatically and that 'U.S. officials would not discuss

the telecommunications amendment separate from the immigration changes' (Radway 2003). Both the FSM and the Marshall Islands 'depend heavily on U.S. funding which is the backbone of the compacts and could face economic nose dives if no new agreement was in place and U.S. funding ran out' (Radway 2003). As it turned out, Congress approved a renewal on 14 November, granting the RMI US\$3.5 billion over twenty years and allowing the United States to use Kwajalein, the missile range, until 2066 — a small price to pay for military facilities.

The American Federal Government has a very active presence in its Pacific Island possessions, insofar as the islands are subordinated to the 'mother country' despite the discontent of those indigenous inhabitants who feel they do not enjoy all the rights of American citizens. In the officially independent states discussed above, the American federal state is present in the sense that its influence has led to local constitutions that are mostly mirror images of the United States Constitution. It also retains control of defence, a basic attribute of sovereignty, and — through the Compacts of Free Association — wields power in economic matters and in foreign relations. In other words, the influence of the American Federal Government is evident in the constitutional and political life of the islands that the United States possesses or has possessed. It is evident in the very form of the governments that have been established as well as in its control over actual decision-making processes, entailing restrictions and lack of freedom even for independent states.

The main question arising from this is: 'What exactly are American interests?' These interests have evolved in the last decade, especially after the collapse of the Soviet Union. Economic interests remain limited for the time being. The islands themselves have few major resources and at present they cannot provide any incentive to domination. The future may hold motives for close involvement, such as the exploration and exploitation of seabed mineral resources, though this is at best decades away.

One of the major interests is a residual military and strategic one. From a historical standpoint, the United States was interested in the islands because they were mainly way stations that could provide fuel, rest and relaxation for American ships. World War II brought another dimension because the United States was caught off guard, and in 1945 it decided on the 'never-again' policy, which consists in retaining control of the islands so no other nation could use them as stepping stones in an attack against America. Now it is hard to imagine any other nation planning attacks the way the Japanese did, so the islands are useful only as sentries or outposts. Besides, islands other than the RMI are used to track foreign missiles and satellites. In other words, the main purpose of retaining control of the islands is based on the fact that they are viewed as part of America's backyard. Another military purpose is the defence of Australia and New Zealand, but the United States is moving actively to reinforce the

direct defence of Australia. In November 2003, for example, the American government decided to make defence facilities available and ready in the north of Australia. A more broadly strategic interest that has economic aspects lies in the fact that the islands are situated in an area which is vital as an alternative if sea lanes through the Straits of Malacca are blocked one way or another.

More generally, it can be said that American involvement in the Pacific Islands is part of the overall American policy of intervention in world affairs. An efficient way of achieving this is to maintain organic connections between the Federal Government and the Pacific Islands, whether they be American possessions or nominally independent states. The present US involvement and the strength of the US dollar allow the United States huge advantages and leverage, at a relatively low cost. And, as we have noted, the process of ramification suggests that the US needn't have colonies in order to have its way, which is somewhat a case of having one's cake and eating it as well.

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## **Abstract**

Some islands in the Pacific are American possessions and some are former American possessions that gained independence in the 1980s and 1990s. In American possessions such as Guam, although the governor is elected by popular vote, the Federal Government is still omnipresent in the form of military bases that take up a significant part of the island's area. Other islands are totally devoted to the military. In former American possessions such as the Marshall Islands or the Federated States of Micronesia, the Federal Government is present through the Compact of Free Association, whose main provision gives the American government responsibility for defence in return for economic help. In practice, given the small size and population of the islands, the United States holds real power, notably by directly influencing the foreign policy of the tiny states.

## **Résumé**

Dans le Pacifique, certaines îles sont des territoires américains et d'autres d'anciens territoires qui ont accédé à l'indépendance dans les années 80 et 90. Dans la première catégorie, comme à Guam, bien que le gouverneur soit élu directement par la population, l'Etat fédéral est omniprésent par le biais des bases militaires, qui occupent une partie non négligeable de l'île. D'autres îles sont exclusivement réservées à l'usage militaire. L'Etat fédéral est également présent dans les anciennes possessions américaines à travers l'accord d'indépendance-association, dont la disposition principale donne aux Etats-Unis la responsabilité en matière de défense en contrepartie d'une aide économique. Dans la pratique, étant donné la petite taille et la faible population des îles, ce sont les Etats-Unis qui détiennent le véritable pouvoir dans la mesure où ils contrôlent la politique étrangère de ces Etats.

# Australia's 'Pacific Solution': Regional Impact, Global Questions

*Michel Pérez*

New Caledonia is in the Pacific and it has been more and more of the Pacific in the past twenty years, hence an increased interest in what goes on in the wider region in all the ethnic groups that make up its population. At the same time, however, New Caledonia maintains strong ties with France and, beyond, with the European Union — ties that very few people in New Caledonia would like to see completely severed. This duality may seem ambivalent, but the result is that New Caledonians are able to perceive regional affairs, and related global issues, from the vantage point of 'outside insiders', so to speak.

On 6 November 1997, a ramshackle sampan with thirty-nine people aboard reached the north-western shores of New Caledonia. On 17 November, eleven days later, a second rundown longliner carrying seventy-one passengers — men, women, children and a newborn baby — entered New Caledonian territorial waters near Nouméa. They had all come from southern China, via the Torres Strait where they had been barred from landing by Australian Navy officials. This unexpected arrival of 110 Chinese boat people in a country with about 200,000 inhabitants immediately raised fears that a new network of illegal immigration was being set up. It was felt that a massive inflow of clandestine aliens might threaten New Caledonia's fragile ethnic balance and officials decided to intern them in disused barracks near Tontouta international airport, fifty kilometres north of Nouméa. In March 1998, on the day when they were due to be flown back to the People's Republic of China, the asylum seekers sought refuge on the roofs of the barracks and adamantly refused to leave, vowing that they preferred to die than be repatriated to their homeland. The gendarmes charged at the detainees, wounding a dozen of them, some seriously.

Thousands of people from all ethnic backgrounds took to the streets of Nouméa, chanting 'we are all of us boat people'. At Tontouta airport, dozens of demonstrators chained themselves to fixtures in the departure hall to prevent the gendarmes from putting the prisoners on the chartered plane. Discontent was so widespread that, in a

sudden about-face, officials decided to suspend the expulsion of the internees until their refugee claims had been fully examined.

With the benefit of hindsight, we now know that these two boats were isolated cases that had nothing to do with a larger scheme of clandestine immigration. Today, over six years later, ninety-nine former boat people are free to live and work in New Caledonia, including a group of thirty-six who are not deemed to be genuine refugees but whose three-monthly visas have been regularly renewed.<sup>1</sup> Twelve children have been born to them since their arrival. As for the remaining eleven, out of frustration with French red tape, they volunteered to return home.

Many families in the greater Nouméa area took an interest in the plight of the Chinese people after they were released from Tontouta and hosted them for several months. They felt the same concern when the Tampa affair took place off Christmas Island, in the Indian Ocean, less than two years later.

On 26 August 2001, the Norwegian container ship Tampa rescued 438 people from an unseaworthy Indonesian fishing boat off Australia's Christmas Island. Most of them came from Afghanistan and Iraq and insisted on being taken to Australia. But the Australian government denied them permission to land, in spite of various emergency medical messages sent by the crew. The asylum seekers spent eight days on the Tampa's deck before being loaded onto the Manoora, an Australian Navy vessel, and transported to Nauru. Their ordeal aboard the Tampa illustrated a serious disregard for human dignity and was widely-reported, not just in New Caledonia and the Pacific region, but around the world.

The Tampa incident brought about a dramatic change in Australian policy concerning asylum seekers. Canberra immediately passed one of the toughest sets of legislation in the world as regards border protection. It is widely accepted that it is every country's duty to control its boundaries and that it may exercise its sovereign right to stem the flow of illegal immigrants. No state has, on its own, the capacity to offer shelter to the millions of men and women who wish to escape poverty or persecution in less fortunate parts of the planet. Even for Australia, there is a definite limit to the amount of people it can welcome. Economic and environmental factors, and problems of social cohesion, are inescapable realities. Now, like other developed nations in the world, Australia has been targeted by people smugglers in the last decade, albeit to a lesser extent than the European Union or the United States.

Yet the new policy came as a shock to most international observers. Australia had always been very liberal in relation to refugees and displaced persons, offering protection to hundreds of thousands of them from the 1930s and taking more than its fair share of resettlement after World War II.

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<sup>1</sup> Those who have not been granted refugee status may work in areas where they are not in competition with locals, namely as grocers or in catering.

Under the new course of action, Australian officials prevent boat people from setting foot on the Australian mainland without prior authorisation. Illegal incomers have been sent, instead, to other countries in the Pacific, namely to Nauru, in Micronesia, and Manus Island, off the northern coast of Papua New Guinea.<sup>2</sup> Three camps, funded and maintained by the Australian government, were quickly set up or refurbished to accommodate the would-be immigrants to the so-called Lucky Country while their refugee claims were assessed. This policy of offshore reception and processing has been called the 'Pacific solution'.

Given the disparity in size, population and economic resources between Australia and its Oceanian neighbours, any major decision made in Canberra is bound to have repercussions in the islands and cannot be ignored. Canberra's new line on asylum seekers is a good illustration of their susceptibility to external influences. This Australian decision has wide implications in the Pacific region and it also raises thorny questions at the global level.

Since its inception, the 'Pacific Solution' has caused a stir throughout Oceania. New Caledonia is no exception.<sup>3</sup> Though the two words conjure up positive images, it very soon became clear that the phrase had been hastily coined and could not possibly deliver the promises it purported to convey. Indeed, it is neither pacific, nor a real solution in the long run.

First of all, the 'Pacific Solution' has brought no serenity or peace of mind. On the contrary, it has proved highly divisive and the debate on hosting asylum seekers has provoked a deep and lasting rift among islanders. There is no denying that some locals in Nauru and Manus stand to benefit from the indefinite detention of illegal immigrants. They see the presence of internees as a bonanza as it provides them with menial jobs and much needed cash money. It is also a fact that Canberra's injection of \$20 million in September 2001 has put an end to the deteriorating living conditions on Nauru. Power cuts are now less frequent and water supplies from the desalination plant are more reliable. But the policy is not a sustainable form of development and is rejected by the vast majority of islanders throughout the region.<sup>4</sup> Oceanian communities are small and closely-knit and they traditionally resent the intrusion of

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2 The last detainees left the camp on Manus in July 2003, except for one. For the past six months, Aladdin Sisalem, a Palestinian-Egyptian asylum seeker, has been kept on his own at the Lombrum military base. Neither Papua New Guinea nor Australia has accepted, so far, to grant him an official status. The camp has not officially closed down and can be reactivated at any time. [Sisalem was eventually released from Manus in late May 2004, when his application to stay in Australia was approved (editor's note)].

3 Many New Caledonians anxiously awaited the outcome for the *Tampa* refugees and Alain Marc, Secretary-General of the French High Commission in Nouméa, said that officials in New Caledonia were 'monitoring the developments of the situation in Australia very closely' (LNC, 18 Sept. 2001, my translation).

4 Even in Nauru, the wisdom of housing asylum seekers is questioned by many citizens (see Miller 2001a).

outsiders. In the case of Nauru and Manus, their foreign 'guests' are perceived as a potential source of unrest and tension. Many islanders envy the detainees who, as they see it, are offered full board and lodging for free, while they have to struggle to eke out a living. As for the purchasing power enjoyed by the Australian workforce in the camps, it stands in sharp contrast with their own destitution or, in the case of Nauru, with their impoverished condition. In the two islands concerned, the 'Pacific Solution' has thus increased bitterness and frustration, feelings that are not conducive to peacefulness.

Islanders also fear the violence inherent in hosting asylum seekers. Many of the refugees, in particular in Nauru, have not been acknowledged to be genuine refugees. They have been left in a legal limbo for months on end and have therefore nothing to lose. In October 2001, asylum seekers rebelled on Manus Island and, on 24 December 2002, a major riot broke out at the State House camp on Nauru, leaving many people injured. Iraqi asylum seekers seized control of their camp and drove out their Australian guards. In much the same way, determined Afghans and Iraqis could wreak havoc in the small and defenceless communities that host them and people, particularly in Nauru, regularly express their fears that violence may break out at any moment.

The 'Pacific Solution' also raises the troubling question of the relation between ethics and politics. Many politicians, church leaders and non-governmental organisations in the region complain that it is an immoral policy for it amounts, in practice, to an official traffic in human beings, except that this time 'people smuggling' is legally sponsored by a state.<sup>5</sup> They point to the fact that Australia gets rid of its illegal aliens by transporting them like mere goods to poor 'Third World' nations. The fact is that asylum seekers have been treated as a source of revenue by their two host governments: Yaren and Port Moresby accepted them in return for substantial cash payments. Some even speak of a form of prostitution which undermines the dignity and self-respect of island communities.<sup>6</sup>

Another point which distresses the islanders is that the amount of money required for the 'Pacific Solution' is extremely high: about A\$500 million. This exceeds the

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5 See Oxfam/Community Aid Abroad (2002: 7): 'There has also been extensive regional criticism of the Australian policy — from Prime Ministers and Presidents, the Pacific Islands Forum Secretariat, church leaders and non-government organisations [...] the criticism has been sharp, with Australia accused of being "big brother", of "human trafficking", of "dumping" people in the Pacific, of breaching the "dignity" of small island states'.

6 Anthony Audoa, an independent Member of the Nauru Parliament, said the asylum-seeker deal with Australia amounted to prostitution: 'I don't know what is behind the mentality of the Australian leaders but I don't think it is right. A country that is desperate with its economy, and you try to dangle a carrot in front of them, of course, just like a prostitute...if you dangle money in front of her, you think she will not accept it. Of course she will, because she's desperate' (quoted in 'Nauru MP likens asylum-seeker deal to prostitution', *Radio Australia News*, 12 Dec. 2001).

total Australian aid program in the South Pacific, including Papua New Guinea, for one year. Not only is it expensive for the Australian taxpayer, but Oceanians fear that Australian financial assistance to the region will be cut down as a consequence. Islanders think this money would be better spent on genuine development projects truly aimed at alleviating poverty and improving the everyday lives of thousands of people in the Pacific.<sup>7</sup>

Finally, the 'Pacific Solution' is felt to mark a departure from previous trends. For the first time, those expelled by Australian immigration officials towards Melanesia, Micronesia or Polynesia are not Pacific Islanders overstaying the duration of their visas, but undesired migrants from faraway lands, mostly in the west and south-west Asia, who are transferred, under an official scheme, to those island states willing to host them.<sup>8</sup> Various countries were contacted to that effect. East Timor, Palau, Kiribati, Tuvalu and Fiji declined the offer, which shows that the idea is far from having gained Pacific-wide acceptance. Nauru and Papua New Guinea were the only ones to accept the deal. Both nations were under Australian control in colonial times.

If the 'Pacific Solution' is not pacific, it is not much of a solution either. If tomorrow a country like China, Vietnam or Indonesia were to fare badly, in political or economic terms, the number of would-be refugees in search of shelter from oppression, or simply of a better life, would increase tremendously. Australia would be an attractive destination and it is not certain it would have the means to stop such a human tidal wave. The 'Pacific solution' would prove totally inefficient in such a context. It would be unrealistic, for example, to expect Pacific states to increase their share of Australia's migrant burden. Already, the limit of what is tolerable has been reached: Nauru has accepted to host up to 1,200 asylum seekers, that is roughly ten per cent of its total population. If we stick to demographic ratios, this would be the equivalent of a sudden inflow of some two million arrivals into Australia in just a few months!

One of the primary objectives of Australian foreign policy has been to maintain stability in the Pacific region. But the 'Pacific Solution' is likely to have an adverse effect in the Pacific too. The unexpected extra income provided by the scheme has whetted the appetite of some and exacerbated the strain between rival political factions in near-bankrupt countries which are desperate for hard cash to solve their financial problems. In the recent past there have been questionable deals involving the sale of national passports to wealthy Asian citizens and the setting up of offshore

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7 Oxfam/Community Aid Abroad (2002: 9): 'There is also concern that the financial inducements offered to Nauru have distorted Australian development assistance priorities in the South Pacific, which are supposed to focus on good governance and poverty alleviation'.

8 Technically and legally speaking, the asylum seekers were not 'expelled' from Australia, since they landed on an 'excised territory' (outside Australian legislation) or were not admitted in the first place.

banking facilities. Against this background, the money paid out by Canberra for housing refugees tends to pave the way for increased corruption and is often denounced as a bribe to local politicians. Papua New Guinea is already insisting on receiving official development assistance from Australia in the form of direct cash grants — the use of which is difficult to control — rather than the allocation of funds to specific developmental projects. In the case of Nauru, where the political game has always been complex, the presence of a substantial number of asylum seekers, and their rioting in December 2002, has done nothing to ease the race for power. In early January 2003, angry Nauruans set several public buildings on fire to show their discontent, and the turnover of Presidents is more rapid than ever (with seven changes during 2003 alone). All in all, the 'Pacific Solution' has not helped to cure any of the islands' major ills. It has not proven to be an adequate answer to the region's instability either.

If the wording of the 'Pacific Solution' is not felicitous, it is also difficult to perceive the 'border protection act', which underpins its tenets, as an isolated piece of legislation. In various ways, the 'Pacific Solution' echoes a fundamental change in Australia's relations with its Pacific neighbours. For over thirty years, a 'hands-off policy' dominated diplomatic philosophy in Canberra as regards the region. It was inevitably imperfect, considering the imbalance between the two entities; it could be qualified, but it existed. Those days are gone and the prevailing impression one has today, from reading the Australian press, parliamentary debates or official speeches, is that a sort of neo-colonial ambition is on the rise and that some political circles may find the temptation too great to resist. The trend is not totally new but it has definitely gained momentum in the past few years, at a time when the same evolution can be observed in other parts of the world.

As early as 1997, Bob Dun, a high-ranking Australian civil servant and former head of the Australian Agency for International Development (AusAID), was elected the head of the oldest regional organisation, the Nouméa-headquartered South Pacific Commission (renamed the Secretariat of the Pacific Community during his tenure). The position had been continuously held by islanders since the early 1970s. In August 2003, Greg Urwin, an Australian diplomat, was elected Secretary-General of the Forum Secretariat, the key body for economic and political cooperation in the Pacific region. Again, the position had been previously only held by islanders. In both cases, pressure was exerted on island delegates behind closed doors, sometimes aggressively so, in order to give an Australian representative the top job. The sixteen forum leaders, for example, could not reach a decision by consensus, as usual, and had to resort to repeated secret ballots, something virtually unheard of in the history of the organisation.

Bob Dun was unanimously greeted as an excellent Secretary-General who succeeded in putting the SPC back on its feet, and Greg Urwin has a vast and

intimate knowledge of Pacific issues that will undoubtedly stand him in good stead. But whatever their respective merits, islanders cannot help wondering if Australia's takeover of regional organisations is not part of an increasing and deliberate attempt at controlling sovereign states in the Pacific. Off the record, some Oceanian leaders, in particular in Melanesia, complain about what they liken to a gradual process of 're-colonisation'.<sup>9</sup>

For states as for individuals, independence is first and foremost a problem of money and, in the last resort, he who pays the piper calls the tune. In absolute terms, Australia is the major aid donor in the South Pacific (though the European Union is hard on its heels). Here as elsewhere in the 'Third World', financial assistance has always been tied to the acceptance of specific clauses. Nowadays, owing to serious concerns about increasing corruption and an ever-poorer human rights record in some of the island countries, the Australian government would like the provision of aid to be also conditional on implementing the principles of good governance, that is representative democracy and respect for the rule of law, transparency in public accountability and an independent media system. According to various analysts in Canberra, good governance is the only way to reach political stability and to achieve sound and sustainable development (Department of Foreign Affairs and Trade 2003: 114). Few people would disagree with them.

Yet, in practice, the theory is belied by the economic success story of some authoritarian Asian states where the protection of human rights leaves much to be desired. Furthermore, aid can also be used as a powerful tool to reward poor nations for toeing the official line of donor countries and, along with the dictates of international financial institutions such as the World Bank, the International Monetary Fund or the Asian Development Bank, to embrace the tenets of neo-liberalism unquestioningly. The direct outcome of market deregulation, in the Pacific as elsewhere in the 'Third World', has been massive job layoffs, in particular in the civil service — the mainstay of upward mobility in many island countries — but also in the private sector.<sup>10</sup> When one knows that the wages of one single salaried person often represent the only income for extended families of up to twenty people, it is easy to grasp the inevitable result: greater poverty in large sections of the population, growing social discontent, heightened reliance on 'Wantok'<sup>11</sup> solidarity and therefore ethnic instability, and ultimately increasing dependence on foreign aid. As for sovereignty, it is made a mockery of.

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9 The allegation was formally dismissed by Alexander Downer, Minister for Foreign Affairs (see Downer 2003a).

10 Exceptions are Fiji and Samoa, which have enjoyed modest economic growth and where employment is slightly on the rise. But even there, the overall standard of living remains low.

11 Literally, 'one talk': those who speak the same language and feel the bonds of kinship. By extension, members of the same ethnic group.



More to the point, there have been barely veiled threats that desperately needed financial assistance delivered by AusAID may be withheld from countries refusing to house the illegal boat people.<sup>12</sup> Most regional politicians resisted the manipulation and politely refused. Some condemned the scheme publicly and ran into trouble. Thus, Papua New Guinea's Foreign Minister, John Pundari, was sacked immediately after criticising in the media the Australian deal with Port Moresby concerning the asylum seekers as an intolerable infringement upon his country's sovereignty (see Miller 2001b). It should also be noted in this respect that Canberra decided to lift the sanctions imposed on Fiji following the May 2000 coup just a few days before Suva announced that they were considering the Australian proposal to house the would-be refugees,<sup>13</sup> a proposal that was eventually turned down by Fijian authorities.

In addition to financial pressures, the 're-colonisation' process denounced by some regional leaders<sup>14</sup> takes on other facets under the influence of global trends. The 'Pacific Solution' comes at a significant moment in the history of humankind, when the old east-west ideological cleavage of the Cold War has definitely given way to a north-south cultural and economic split. Australia, as a rich northern enclave in the poor south, lies at the limit of the fault line, and the times are particularly unfavourable to illegal immigrants. When they come from troubled countries in West Asia, like Afghanistan or Iraq, their situation is even more critical as thousands of people wonder whether they are genuine refugees or dangerous activists. Some journalists, in particular in radio talk shows, have not hesitated to play on these subconscious fears, thereby encouraging callers to make offensive remarks that have bordered on racism. With a view to being re-elected, a few politicians have also jumped on the bandwagon and delivered speeches that have appealed more to the baser instincts of voters than to reason.

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12 See Holloway (2002): 'The Manus island detention camp has been controversial in PNG with some politicians suggesting Australia pressured PNG to accept the deal by threatening to withhold aid'. See also 'PNG Bishop Condemns Australia's "Pacific Solution"', *Catholic News*, Boroko: Catholic Church of Papua New Guinea and the Solomon Islands, 20 March 2002: 'Catholic bishop [...] Ambrose Kiapseni [...] said PNG should be dealing with its own refugee problems in West Papua, rather than bowing-down to those of number one aid donor Australia. The Bishop's sentiments echo that of a growing number of Papua New Guineans who feel Australia has forced their impoverished country to do its dirty work [...] "Is our neighbour and benefactor holding the very sharp aid assistance sword over our heads? Meaning, given the amount of aid from Australia to PNG, our government has no choice other than to accept the boat people"'

13 See 'Fiji Sanctions Lifted Early for Boat People Deal: ALP', *The Age*, 19 Oct. 2001.

14 See 'Asylum Pact', *PNG Post-Courier*, 12 Oct. 2001: 'Mr Pokawin [Manus Governor] [...] decrying the fact that the initial announcement on the refugees' coming to PNG had not been by the PNG Prime Minister or Foreign Minister but by the Australian Prime Minister John Howard'. See also the statement by Vanuatu's Prime Minister, Edward Natapei, at the Pacific Islands Forum meeting in Port Vila on 29 October 2001: 'I am concerned that the big brothers of the Pacific choose to see the smaller Pacific nations as their outlet for refugees' (quoted in 'Refugee "Pacific Solution" Creates Friction for Island Nations', PM program, *ABC Radio*, 29 Oct. 2001).

The world has changed, and so have perceptions of security. In the wake of the terrorist attacks against New York and Washington in September 2001, as well as the bomb blasts in Bali in October 2002, police and armed forces in many countries are on the lookout for potential dangers. Threats, like viruses, ignore political borders. Against this backdrop, the old inviolable precepts of international law tend to become obsolete and sovereignty is no longer accepted as a sacred principle by many, be they states or the general public.

Now, if geography is destiny, for Australia the greatest hazard comes from its very location close to countries with substantially different lifestyles and political mores. Many citizens of the island continent rightly insist on their Anglo-Celtic legacy and highlight their 'traditional roots in Western Civilisation', as Alexander Downer himself put it recently, multiculturalism notwithstanding (2003b). But being the odd one out in the Asia-Pacific area in ethnic and cultural terms is not always a comfortable position and carries risks, even if they are not insuperable. New Caledonians of European descent can bear witness to this. Australia lies in the vicinity of countries which are on the verge of social explosion or political disintegration. Instability has been a chronic feature in the arc of islands to the north and east of Australia, from Aceh to Fiji and beyond for quite a while now. But Indonesia and the Pacific Islands are very different and the issue cannot be approached in the same way. Politicians in Canberra, whatever their political orientation, formally recognised East Timor's annexation by Jakarta for twenty-four years. In 1999, in an unexpected policy shift, they decided to help the small country gain its independence. Today, they cannot realistically expect to do much to improve the situation in Indonesia where hostility against Australia runs high in certain quarters, in particular in the military establishment. But the case is different in Melanesia where they have much greater leverage.

Instability is inimical to peace, which is a prerequisite to prosperity. It is also contagious and can easily spread from one weak state to another through very porous maritime borders. Finally, in the present context of worldwide fear, and sometimes frenzy, caused by terrorism, any malevolent group, be it an extra-regional nation or members of a global crime syndicate, could easily take advantage of the volatile situation in various Pacific nations to manipulate political leaders, entrench their positions and mount their operations more or less discreetly. No country can wholeheartedly accept such a potential menace at its doors. Neither can Canberra. Australia has substantial economic interests in Pacific microstates and its main maritime routes with major trading partners run through the Oceanian archipelagos. These lifelines for supplies and exports must be preserved at all costs as they guarantee the wellbeing of Australians.

The problem is that it is always extremely difficult to draw a clear-cut line between a conceivable threat and its being carried out effectively. The assault launched against Iraq in 2003 by the United States and their allies in the 'Coalition of the Willing' clearly illustrates the drawbacks of acting on hasty presumptions. Months after the US-led invasion, no weapons of mass destruction had been found and many of the documents or evidence used to legitimise the attack proved to be at best approximate, at worst faked. It is equally troublesome to give a precise definition of a 'rogue state'. There are no objective and unquestionable elements unanimously accepted by the international community and the characteristics of roguishness seem to fall, to a large and subjective extent, within the province of political expediency. After ten years of embargo and with no air force worth mentioning, it is difficult to believe that Iraq could represent a serious threat for its neighbours, let alone for the United States. Baghdad was heavily bombarded. North Korea — which could not be brought to its knees in 1953, and has a small but operational nuclear arsenal today — was not. Discretion has always been the better part of valour. Yet it would be hazardous to assert that Kim Jong-Il's sense of democracy is stronger than was Saddam Hussein's.

Australia has no rogue states to worry about. It is indeed difficult to imagine poor island countries investing their scarce and limited resources into the production of nuclear, chemical or biological weapons. And it is even harder to believe that al-Qaeda operatives could work undetected in small island communities where anonymity is a rare commodity. But Australia has its 'failing neighbours' close by (ASPI 2003). And, as Prime Minister John Howard kept repeating in the wake of the Iraq war, a failed nation on Australia's doorstep could jeopardise national security as it would allegedly be easy to turn a small island into a safe haven for all sorts of terrorists. Given the international context, various political circles have expressed their concern that Australia's safety might be threatened by its unsteady Oceanian neighbours and, even if the menace is ill-defined and remains vague, they have urged the government to intervene more directly in order to restore law and order.<sup>15</sup>

In various places around the Pacific, instability is a reality that needs to be addressed, for the sake of both Australia and the Pacific states. But its root causes should not be overlooked and the increasingly disruptive effects of globalisation — and other external influences — on small island economies and fragmented societies should also be frankly acknowledged.

By all accounts, instability is here in the Pacific to stay, as it is in West Asia whence most of the asylum seekers come. It is tempting for countries with superior

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15 See Fred Brechley (2003): 'Australia is poised to take a more interventionist role in the Pacific [...] At Defence headquarters, it is known as the new "muscular" South Pacific policy'. See also Phil Mercer, 'Australia's New Taste for Intervention', *BBC News Online*, 15 Aug. 2003: 'John Howard has repeatedly warned that "failing states" could become havens for terrorists'.

military clout to view this state of affairs as an invitation for overt interventionism. Washington and London sent troops to Iraq in March 2003. Even though the stakes are different both in degree and in nature, the Australian-led mission in the Solomon Islands, which started in July 2003, followed a similar trend. When the lives of innocent civilians are exposed to risk, humanitarian concerns should take precedence over sovereignty, a concept that cannot and should not be absolute. This stance was reiterated by Alexander Downer recently: 'Sovereignty in our view is not absolute' (quoted in Burchill 2003). The view is shared by millions of people around the world. The Regional Assistance Mission to the Solomon Islands (RAMSI) is thus officially charged with bringing back peace and security to the troubled Melanesian nation and there is no denying that much improvement can be noted in this respect throughout the islands of Guadalcanal and Malaita, those most affected by uncontrolled and dangerous armed gangs.

But making too light of sovereignty has its drawbacks too and can quickly lead to a return to the law of the jungle on the international scene. Nations are like human beings and have the same shortcomings: the stronger states may easily be induced to take advantage of the weaker ones. It is difficult not to perceive any economic or political afterthoughts in Washington's assault against Iraq, an oil-rich country close to Israel. In a similar way, it is hard to believe that the RAMSI operation in a country that has abundant natural resources and bestraddles Australia's main maritime routes is totally disinterested. Besides the military dimension, high-echeloned Australian officials have been placed in key administrative positions to proffer sound advice to their Solomon Island counterparts on the basic principles of good governance. It is also a good opportunity to ensure that what they do is not adverse to Canberra's regional interests.

Canberra's intervention in the Solomon Islands has nothing of the brashness of Washington's in Iraq, and Australian officials went to great lengths to ward off accusations of neo-colonialism. The Solomon Islands government, for example, sent an official request for a military force to handle the difficult situation, the demand was agreed upon collectively by the Pacific Islands Forum, and contingents from New Zealand, Fiji, Papua New Guinea, Samoa and Tonga have been deployed alongside Australian troops. But rumours that the RAMSI, and the Australian counsellors, could stay for as long as ten years raises disquieting questions, not least in New Caledonia where the decolonisation process has not been completed.

There is the rub. Any attempt at curtailing sovereignty is very likely to be an irritant in relations with most 'Third World' countries. Like Africans, Asians and Latin Americans, Oceanians are sensitive to the issue, not so much in its theoretical and legal aspects — they are fully aware of the limited economic viability of most of the archipelagos — but in its practical and human import. In the Pacific, oral tradition still carries weight and collective memories of long gone events run deep.

The RAMSI intervention, irrespective of its concrete benefits, harks back to an earlier period in the region's political development, when Pacific Islanders were under the tutelage of foreign powers and outsiders decided on their behalf what was good or bad for them. They also remember vividly the times when their islands and their ocean were used as a dumping ground for all sorts of hazardous activities unwanted elsewhere, from toxic wastes to nuclear tests.<sup>16</sup> And now they are under pressure to accepting the asylum seekers rejected by Australia. All this is felt as a blow struck against their sense of self-worth and, inevitably, they chafe under the constraints imposed upon their freedom.

Spain, Germany, Japan, the Netherlands and Portugal are long gone from the region as colonial masters. Britain is, for all practical purposes, virtually absent. The presence of France and the United States has been much less obtrusive in the past few years and there are no major disturbances at present in the areas where they have maintained ties. New Zealand causes no particular disquiet, even though it has adopted a much higher profile in the area of late. Its population is smaller than Papua New Guinea's and an ever-increasing percentage of it is, once more, of Polynesian descent.

Resentment tends thus to focus more and more on the island continent.<sup>17</sup> Even if the reality is more complex, and responsibility is shared, the RAMSI operation and the 'Pacific Solution' are both perceived in the Oceanian collective psyche as Canberra's attempts to meddle with the national sovereignty of Pacific states. In the eyes of many islanders today, interference is blatant in the case of the Solomon Islands and Nauru, though more discreet in Papua New Guinea, and they wonder who will be next on the list. If this situation were to last much longer, Australia would run the risk of losing its status as the helpful 'elder brother' whom microstates could turn to for counsel, and becoming a Big Brother in the Orwellian sense of the term.

The idea of Australia as Big Brother is not new. It goes back in fact to the nineteenth century and an extant clause in the 1900 Australian Constitution assented to by Queen Victoria gives the Commonwealth Government, rather than the imperial parliament in London, control over the Pacific Islands.<sup>18</sup> In practice, this

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16 Nuclear tests were conducted by the United States from the mid 1940s to the late 1950s (Bikini and Eniwetok in the Marshall Islands, and Johnston Atoll), by Britain in the 1950s (Maralinga, Emu Fields and Monte Bello in Australia), jointly by the USA and Britain from 1957 to 1963 on Christmas Island (present-day Kiritimati in Kiribati), and by France from 1966 to as late as January 1996 (Moruroa and Fangataufa in the Tuamotu archipelago).

17 See Andrew Rule (2002): 'Artist Kate Durham [...] said there was "a hatred of Australians and whites" by Nauruans who resented the outsiders "grinding a living out of the detainees"'. Bishop Ambrose Kiapseni (quoted in Australian Catholic Social Justice Council 2002) also referred to 'resentment of Australia's rather self-interested "generosity"'.  
18 Chapter I, Part V: Powers of the Parliament, Section 51, Clause xxx: 'The Parliament shall,

subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to: [...] The relations of the Commonwealth with the islands of the Pacific'.

amounted to an assertion of Australia's right to intervene freely in what it considered to be its natural sphere of influence, or its own backyard, and could be compared to an Australian version of Washington's Monroe Doctrine in the Americas. Later, during the Cold War, Canberra had to restrict its territorial ambitions and to come somehow to terms with US interests north of the Equator, and with New Zealand's aspirations in Polynesia. Against this background, the presence of France in New Caledonia was bound to be a bone of contention, and it continued to be so until the Matignon Accords were signed in 1988.<sup>19</sup>

In the 1980s and 1990s, the Labour administration also resorted to the Big Brother strategy now and again, under Bob Hawke and Paul Keating. But in the last few years, Australia's involvement in the affairs of the region has reached an unprecedented scale and, in asides, islanders reproach Canberra with behaving as a bully who does not hesitate to flex his muscle to have his way. Alexander Downer's dismissal of the 'myth of little Australia' and his insistence on presenting the island continent as a major power and as a key player in international affairs does nothing to allay the fears of Pacific leaders in a region where, to be fully accepted, one must be small and humble, or at least appear to be so. Whatever the limitations of the customary system, it would be unwise to completely disregard Oceanian etiquette in microstates where many top politicians are descended from chiefly lineages and most people are still sensitive to proper decorum. Inevitably, the present shift in Australian foreign policy arouses tension, and regional historians wonder if the fundamental Monrovia pattern in Australian history is not gradually resurfacing.<sup>20</sup> Along with Malaysians and Indonesians, many islanders draw a parallel between Australia's regional role and the USA's global one. And though they do not always express it loudly, they object to the 'Howard Doctrine' and the new part played by Australia as the US-appointed deputy sheriff in the Asia-Pacific area.<sup>21</sup> Given the present context, many people in New Caledonia, in both the Kanak and Caldoche communities, feel that after all, in spite of all the constraints, some sort of French presence for a few more years is not

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19 The Matignon Accords, signed between those who favoured immediate Kanak independence and those who supported the maintenance of strong ties with France, brought back peace and stability after four years of violent confrontations that led New Caledonia to the brink of civil war.

20 See Brenchley (2003): 'the Howard government will be laying down its version of the 1823 Monroe Doctrine [...] Australia is flagging that the South Pacific comes under its hegemony. Australia's attention is being refocused on its own backyard'. See also Tate (1961).

21 After an interview with the Prime Minister on 17 September 1999, Fred Brenchley, a journalist working for *The Bulletin*, portrayed Howard as the champion of a more muscular Australia, happy to act in a sort of 'deputy peacekeeping capacity' in the Asia-Pacific area to the 'global policeman role of the US'. The phrases 'deputy sheriff' and 'Howard doctrine' were not used by Howard himself, but Brenchley wrote that the Prime Minister himself embraced the terms and Howard did nothing to reject them when the article was first published. Reactions were immediately hostile in South-east Asia, and not particularly favourable in the Pacific (Brenchley 1999).

necessarily such a bad thing.<sup>22</sup> Many Indo-Fijians, when asked to give their opinion on this particular point, also concur.<sup>23</sup>

Whether they are Melanesians, Polynesians, Micronesians, Caldoches or Indo-Fijians, many Pacific Islanders are fond of Australia. Many of them have been there for recreation, for medical treatment or for their studies. There is a vast reservoir of goodwill towards the largest nation in the area. Canberra should capitalise on these positive feelings and be more sensitive to the legitimate grievances of close neighbours than it has been of late. Failing to do so could damage Australia's reputation and blemish its regional image.

The 'Pacific solution' and the RAMSI operation dent pan-Pacific pride and reopen old wounds, from the colonial era, that were not completely healed. They also bring back to the fore accusations that had been toned down for a while: Canberra's neglect of its neighbours and contempt for the Forum, selfishness and insensitivity to major Oceanian concerns like global warming.

Now, if Oceanians need Australia, it might also be in Australia's long-term interest not to disregard the feelings of its Oceanian neighbours. With 8 million people today — over a third of the island continent's current population — 10 million soon and 25 million by the year 2030 given the high birth rates, the islands represent one of the rare markets around the world where Australia's exports do not consist essentially of raw materials, but rather of processed and manufactured goods with a high added value.

Naturally, Pacific Islanders do not like to be sermonised by rich nations that claim to hold the moral high ground and preach the gospel of good governance — in the same way as they expounded the virtues of European civilisation and Christianity in the 19th century — when they themselves blatantly refrain from acting accordingly.

The 'Pacific Solution' is inhumane and some have gone as far as calling Nauru the 'Guantánamo of the Pacific' (Crawford and Schubert 2003; Berry 2004). It is undemocratic too and leaves a stain on Australia's long-held and, in many respects well-deserved, reputation as a nation respectful of human rights. In many respects, the 'Pacific Solution' strays far from the sound principles of good governance so strongly advocated; and the widening gap between theory and practice highlights the contradictions at the heart of Australia's immigration policies.

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22 As shown by the evolution of the political scene in New Caledonia in the last few years, with unexpected electoral alliances between moderate pro-independence and pro-French parties.

23 Personal communications with various Indo-Fijian students on Laucala Campus, Suva. Many Indo-Fijians say that their present status as second-class citizens is due to Britain's hasty withdrawal and refusal to maintain some sort of presence, or at least influence, in Fiji. And they warn that Caldoches might have a similar experience if France pulls out completely from New Caledonia.

Traditionally, Australia has always been a land of immigration. The many Australians who proudly trace their origins back to the first fleet in 1788 cannot forget that their ancestors were sent to what was considered in those days to be a huge jail, with no possible escape, at the far end of the world. In a way, the current asylum seekers are just the latest in a long line of migrants who sailed the oceans to come to Australia. Australia managed to accommodate all of them, and all of them contributed to Australia's present dynamism and prosperity. Why should it be different today with a small number of refugee applicants? Like the pioneers of yesteryear, most of them are young, energetic and forceful and have braved many dangers in order to reach the shores of Australia.

But contradictions are typical of people, as they are of nations. Australia is far from being the only country concerned by the discrepancy between the lofty ideals of good governance and the expedient choices of Realpolitik, and putting the blame exclusively on Canberra's shoulders would be unfair. Other states do not necessarily do any better.

Demography, like geography, is destiny. The process of ageing in the wealthy north will have to be addressed one way or another, and immigration will be one of the paradigms to be taken into account. It is therefore useless, and unrealistic, to erect protective barriers in the Timor and Arafura seas, electrified fences along the Rio Grande or security ramparts along the Mediterranean. Walls crumble sooner or later, as was the case in Berlin, and creating Fortress Australia, Fortress USA, or Fortress Europe will simply not do. The only alternative to stemming immigration would be to help the 'Third World', sincerely and effectively, to reach similar levels of economic development and to move towards a really global society, unified, pacified and stable. Yet nothing guarantees that this solution, which might involve a few sacrifices for developed countries, will be widely accepted.

As for us in small New Caledonia, Kanaks and Caldoches together, we would prefer our neighbour Australia not to turn into an impregnable citadel. We simply want Australia to remain what it has always been and what we have always known: an open and tolerant country, the country of the fair go, a nation ideally placed geographically and culturally to serve as a bridge between the various peoples of the world.



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## Abstract

Australia recently adopted harsh laws as regards clandestine immigrants. This shift in policy affects its Pacific neighbours and highlights the new global environment where security concerns prevail.

## Résumé

L'Australie s'est récemment dotée d'une législation répressive sur l'immigration clandestine. Celle-ci affecte ses voisins insulaires et s'inscrit dans un contexte mondial marqué par l'insécurité.

# *New Caledonia's Struggle for Independence: a Regional Perspective*<sup>1</sup>

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*Nathalie Mrgudovic*

As a French territory in the South Pacific, New Caledonia has seldom been considered within its immediate, regional environment by its national or local authorities.<sup>2</sup> At national level, French academics and politicians still mostly consider New Caledonia within a purely territorial or national context, despite its unique status as a 'Collectivité spéciale d'Outre-mer'. Until the mid-1980s, when France set up a policy to integrate the DOM-TOM (Départements d'Outre-mer and Territoires d'Outre-mer) in their neighbouring environments,<sup>3</sup> it was a matter of French policy to refuse to allow the integration of overseas territories within their respective regions. At the local level, New Caledonian authorities have been reluctant to develop relations with neighbouring countries, particularly with the small Pacific Island states. In 1986, it was Gaston Flosse (the President of the government of French Polynesia), rather than his New Caledonian counterpart, Jacques Lafleur, who was offered the position of Secrétaire d'Etat au Pacifique Sud (Minister of State in the South Pacific). While Flosse has always demonstrated a real interest for the region, Lafleur and his successor, Frogier, have shown much less concern for their South Pacific neighbours (with the exception of Australia and New Zealand).

New Caledonia's geopolitical context cannot be ignored, however. The new statutes implemented in New Caledonia in 1988 (the Matignon-Oudinot Accords) and in 1998 (the Nouméa Accord) contain official recognition of the need to set New

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<sup>1</sup> An earlier version of this paper appeared in the *Journal de la Société des Océanistes*, 117 (2003).

<sup>2</sup> We are not mentioning here the independence movement which has developed and maintained important links in the region.

<sup>3</sup> There are ten French overseas entities with various statutes from total integration to greater autonomy: Martinique, Guadeloupe, Guyana and Réunion (DOM), Mayotte and St Pierre & Miquelon, Wallis & Futuna, French Polynesia and New Caledonia. The TAAF (French Austral lands) are scientific resorts.

Caledonia back in its regional frame and give it the means to act in a more politically committed and responsible way towards its neighbours (Organic Law 1999: articles 28–38). This paper therefore examines changes in the regional perception of New Caledonia and the issue of its independence over the last twenty years. Two specific developments, both of which occurred in 1986, provide key reference points which help illustrate the evolution of relations between New Caledonia and its South Pacific neighbours: the reinscription of New Caledonia on the United Nations (UN) list of Non-Self-Governing Territories at the behest of the South Pacific Forum (SPF, later PIF) and the establishment, in parallel to the Forum, of the Melanesian Spearhead Group (MSG) whose main political objective was to support the independence movement in New Caledonia. Finally, in light of the political accords of 1988 and 1998, this article considers the future of relations between New Caledonia and both the Forum and the Spearhead.

## **The Forum and the Emergence of a Regional Political Identity**

Until 1971, the South Pacific Commission (SPC) was the only regional organisation bringing together the small island states and territories of the region, as well as the former colonial powers which founded the organisation in 1951.<sup>4</sup> Today, the SPC — now known as the Pacific Community — has 22 members. Each is represented according to the rule of ‘one state/territory, one vote’, though in practice consensus-based decision-making is favoured in accordance with the ‘Pacific Way’ (Mara 1977).

The SPC was set up to provide its members with technical and research assistance and to promote social and economic development. It did not, however, address political issues and, as a result, the South Pacific Forum (SPF) — since rebaptised the Pacific Islands Forum (PIF) — was formed in 1971 to make official the political debates that were taking place in the corridors of the SPC:

If we were not allowed to talk about politics during the Conference, we did not restrict ourselves from doing so outside ... [furthermore] we were taking advantage of the Conference to organise discussions of a political nature amongst ourselves, the leaders of young States and Territories on the road to independence, outside the official meetings (Ratu Mara, quoted in Huffer 1993: 108).

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<sup>4</sup> The twenty-two member states are: Cook Islands, the Federated States of Micronesia, Fiji, Guam, Kiribati, Northern Marianas, Nauru, Niue, New Caledonia, Palau, PNG, Pitcairn Island, French Polynesia, Solomon Islands, American Samoa, Western Samoa, Tokelau, Tonga, Tuvalu, Vanuatu, Wallis and Futuna as well as five of the six states that founded it: Australia, France, New Zealand, the UK and the USA (the Netherlands left the SPC in 1962).

The Forum was established with the purpose of fostering the political development of the young Pacific Island states and the achievement of a genuine regional cohesion. For a while, the membership of Australia and New Zealand was questioned, but the aim of the South Pacific states involved was to seek emancipation from the colonial hold, rather than reject the two regional powers whose absence would have affected the credibility and the political weight of the organisation.<sup>5</sup> As other Pacific Island territories became independent and applied for membership, the Forum slowly expanded and became a place, if not the main arena, in which the political evolution of the South and Central Pacific was debated. Countries such as the Federated States of Micronesia (FSM), Palau and the Marshall Islands eventually joined the Forum, leading to a reconfiguration of the geographical boundaries of both regional organisations. Through some of its members, notably Fiji and Papua New Guinea (PNG), the Forum has been able to put forward and support resolutions in the United Nations (UN) General Assembly. This has allowed the Forum to become the mouthpiece or even the promoter of the region on the international stage.

### **1979–1986: The Forum and New Caledonia**

While a petition asking that New Caledonia be reinscribed on the UN list of Non-Self-Governing Territories was debated at the Forum's tenth meeting in 1979, the issue of decolonisation was not expressly mentioned in a Forum communiqué until 1981, and the particular case of New Caledonia was not directly mentioned until 1982.<sup>6</sup> It would not be until 1986 that the Forum would finally vote to reinscribe New Caledonia on the UN decolonisation list. In that same year the Melanesian Spearhead was formed.

The Forum's stance towards New Caledonia between 1979 and 1986 illustrates the divergence of opinions that existed within the Forum on this issue. These two developments highlight the supra-regional, as well as sub-regional, dimensions and perspectives of the commitment of the South Pacific states to the New Caledonian issue. While the former action was aimed at supporting and promoting a principle (the right to self-determination), the latter was intended to support the Kanak independence movement in its struggle to obtain the emergence of a sovereign state: Kanaky. The first of these actions was endorsed by the Forum as a whole, whereas the second action revealed the potential for division within the regional organisation.

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<sup>5</sup> The Forum initially had seven member states: Australia, the Cook Islands, Fiji, Nauru, New Zealand, Tonga and Western Samoa. It has since been joined by Kiribati, the Republic of the Marshall Islands, the Federated States of Micronesia, Niue, Palau, Papua New Guinea, the Solomon Islands and Tuvalu.

<sup>6</sup> Twelfth SPF, Port Vila, Vanuatu, 10–11 Aug. 1981 and Thirteenth SPF, Rotonua, NZ, 9–10 April 1982.

### *Initially Moderate Support for New Caledonian Independence*

Though neither France nor New Caledonia was a member of the Forum, representatives of the New Caledonian independence movement, the Front Indépendantiste (FI),<sup>7</sup> were unofficially received at the 1979 Forum meeting in the Solomon Islands.<sup>8</sup> With the support of the Solomon Islands, Papua New Guinea and Western Samoa, Kanak leaders were able to discuss the New Caledonian independence issue unofficially with the Forum members and to submit a petition asking the Forum, through its member states, to submit a resolution asking for the reinscription of New Caledonia on the UN list of Non Self-Governing Territories (*PIM* Sept. 1979: 11).

Referring to UN General Assembly Resolution 66 (1) of 1946, whereby New Caledonia had been listed as a 'non-autonomous territory', the FI's petition recalled that France had unilaterally removed New Caledonia from the UN list of Non-Self-Governing Territories in 1947 on the grounds that (along with other French overseas territories) its people

already enjoyed extensive political rights [and] had been endowed with a form of administration which, on the whole, was very similar to that of the departments of France itself as far as the status of the inhabitants and their system of political representation are concerned (*PIM* Sept. 1979: 13).

According to the petition, France had deliberately ignored the UN's authority without apparently suffering any consequences.

This appeal to the Forum could be understood as an attempt by the FI to make the regional organisation a spokesperson for the Kanak cause on the regional and international stage. The Forum's objective, after all, was to be the vector of regional cohesion, through political and economic emancipation. Though the FI was not given membership or observer status, its representatives had been allowed to attend the Forum and present, albeit unofficially, the details of their claim. It remained for the member states to decide whether or not they wanted to become intermediaries for the Kanak claim at the regional or international level.

Papua New Guinea, represented by its Deputy Prime Minister and Foreign Minister, Ebia Olewale, at that time the strongest supporter of self-determination for the Melanesian states, put forward a resolution insisting that the Kanak petition, and

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7 The FI included five political parties: the Union calédonienne (UC), the Parti de Libération kanak (PALIKA), the Front uni de libération kanak (FULK), the Parti socialiste calédonien (PSC) and the Union progressiste mélanésienne (UPM).

8 Tenth SPF, Honiara, the Solomon Islands, 9–10 July 1979. The Kanak representatives were Yann Céléne Uregei, Nidoish Naisseline, François Atonari and Jean-Marie Tjibaou.

also French Polynesia, be expressly mentioned in the final communiqué of the 1979 Forum and that an appeal be made to France to grant its South Pacific possessions the right to self-determination (*PIM* Sept. 1979: 11, 13). However, the official Forum communiqué was moderated by Australia (*ibid*: 15), which made sure that neither New Caledonia nor French Polynesia was directly mentioned, though the communiqué did include a resolution on 'The Question of the French Territories in the South Pacific' in which the Forum noted 'the desire of Pacific Island peoples including those in French territories, to determine their own future' and reaffirmed 'its belief in the principles of self-determination and independence applying to all Pacific Island peoples'.<sup>9</sup> The stance of those in favour of the more moderate communiqué was perhaps best explained by Tom Davis, then the Prime Minister of the Cook Islands, who noted their concern to not interfere with France's 'internal affairs', and the concern that the proposal represented the viewpoint of what was 'probably a minority party' rather than 'a national wish' (*PIM* Sept. 1979: 14).

Paradoxically, the animosity that Australia and New Zealand (along with all the other Forum member states, except perhaps Tonga) had displayed towards the French nuclear policy in the South Pacific had not prevented them from treating France as an important ally in the region.<sup>10</sup> Indeed, the French presence might have been seen as a counterbalance to the growing number of independent small island states in the region. It might also have been seen as a means of preventing a possible domino effect among these new states; in the context of the Cold War, the Soviet presence in the region was associated with a communist threat.<sup>11</sup> As observed by one of the two New Hebrides observers, Chief Minister Gerard Leymang, 'economic considerations' were probably another factor explaining Australia and New Zealand's tolerance towards France (*PIM* Sept. 1979: 15). In protecting France, a dominant force in what was then the European Community, the two regional powers might have been protecting their exports to France and the European market. Fiji's dependency on the Sugar Protocol (a European program to support sugar production and export to the European market) might also have been a factor. By protecting Fiji's economy, Australia and New Zealand were guaranteeing their exports to one of their most important markets in the region.

Regardless of the precise motives, however, the various positions adopted by the Forum member states on the New Caledonian issue revealed the potential for division

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<sup>9</sup> Tenth South Pacific Forum Communiqué, 9–10 July 1979, Honiara, Solomon Islands. The final communiqué was drafted by Australia, PNG and Fiji. According to *Pacific Islands Monthly*, Australia, New Zealand and Nauru had been opposed to the PNG resolution, whereas it was supported by Western Samoa, Fiji and Tuvalu. The Cook Islands, Kiribati, Tonga and Niue were reported to have been 'highly sympathetic' to the PNG resolution (*PIM* Sept. 1979: 15).

<sup>10</sup> Concern about French nuclear testing had been expressed at the very first Forum meeting in 1971.

<sup>11</sup> On this issue, see Herr (1987: 135–51), Hegarty (1989: 113–27), and Ross (1993: 69–71).

or even rivalry within the regional organisation. While PNG, the Solomon Islands, the observers from the New Hebrides and Western Samoa supported the FI, most of the Polynesian states and Fiji played the Australasian card of caution.

When the Franco-British Condominium of the New Hebrides gained independence as Vanuatu in 1980, New Caledonia was left as the only non-independent Melanesian country in the South Pacific. The new government in Port Vila made the decolonisation of New Caledonia one of its main foreign policy objectives (Bates 1990: 59; cf. Lini 1982; Premdas and Howard 1985: 183–4; Aruntagai 1995: 69–73). This policy may be seen as part of a commitment by Vanuatu to showing solidarity with its Melanesian neighbours and as a reflection of the close relationship that already existed between the national Vanua'aku Pati and the New Caledonian FI.<sup>12</sup> Another factor was the difficulties that Vanuatu experienced with the French government during the transition to independence. More speculatively, the policy may be seen as an attempt by Vanuatu to affirm its identity on the regional as well as the international stage and perhaps even as an attempt (like that made by PNG) to challenge Fiji's claim to leadership within the region.

In 1981, after the socialist François Mitterrand won the French presidential elections, the Forum decided, on Vanuatu's initiative, to send a delegation to Paris 'to discuss with [Mitterrand] the question of the evolution of the French Government's policies with respect to the progress towards decolonisation of the people of the French Pacific territories'.<sup>13</sup> However, the moderate or conservative component of the Forum (Australia, New Zealand, Fiji, and the Polynesian states) had again reformulated the initial communiqué proposal submitted by Vanuatu in order to avoid any confrontation with France and instead to show support for the new French President; the communiqué made no particular mention of New Caledonia. During his election campaign, Mitterrand had promised to develop a dialogue with the Kanaks, though his actual intentions remained ambiguous. Mitterrand had also put considerable emphasis on France's deterrence policy (thus excluding the possibility of an end to nuclear testing as well as independence in the immediate future).<sup>14</sup>

Consisting of the heads of government of Tonga, Vanuatu and Fiji, the delegation sent to Paris represented both Melanesian and Polynesian states, as well as the different approaches to the issue of New Caledonia's independence. Fiji represented the moderate group; and the choice of the Fijian Prime Minister, Ratu Sir Kamisese Mara, as the delegation's leader revealed once again the Forum's moderate stance towards France. Ratu Mara's friendship with Claude Cheysson, the new French

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12 The Vanua'aku Pati (VP, founded by Walter Lini) supported the FI, politically and financially, for many years.

13 Twelfth SPF Communiqué, Port Vila, Vanuatu, 10–11 Aug. 1981.

14 On Mitterrand's policy in the French Pacific territories, see Regnault (2003).

Minister for Foreign Affairs, was a guarantee of dialogue and moderation in the tradition of the 'Pacific Way'.<sup>15</sup>

At the following Forum, in 1982, Ratu Mara announced that he was very satisfied with the response that he had obtained from Paris and Mitterrand's promise to keep him informed on any development in New Caledonia (Huffer 1993: 133). In its communiqué, the Forum encouraged France to introduce changes in New Caledonia and declared its interest in maintaining a dialogue with the French Government.<sup>16</sup> Though this was the first communiqué to expressly mention the situation in New Caledonia, this declaration would appear to have been another victory for the moderates and a defeat for the Melanesian states, especially Vanuatu, that had wanted the Forum to require that Paris set a date for New Caledonia's independence and recognise the FI as the only legitimate representative 'of the people of New Caledonia' (PIM Oct. 1982: 44–5).

This clearly illustrated the divergence that was developing within the Forum on the issue of New Caledonia. Indeed, Fijian leaders feared that this divergence would lead to an open conflict within the Forum (Huffer 1993: 133). The mainly Melanesian member states called for the New Caledonian issue to be brought to the international stage, whereas the so-called moderates were more in favour of addressing the issue at a regional level and developing cooperation between the Forum and France. According to the latter, bringing the issue to the UN would be a provocation or an act of interference vis-à-vis France which was obviously trying to find a solution.

The desire to keep the issue at a regional level highlighted the Forum's concern to avoid any diplomatic provocation and to independently face its responsibilities without resorting to external pressure. This was compatible with a desire to show France and the world Ratu Mara's 'Pacific Way', and to show that the small island states had reached political maturity. This moderation might have meant that the regional states had weighed up the advantages and disadvantages, particularly economic, of making an enemy of France. However, it was also in 1982 that the Melanesian states started to consider the possibility of forming what would later become the Melanesian Spearhead Group, and in the following years the Forum's position on New Caledonia would harden.

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15 This notion implies a preference for direct exchange between individuals rather than the defence of abstract interests. See Mara (1977).

16 Thirteenth SPF Communiqué, Rotorua, New Zealand, 9–10 Aug. 1982.



### *Progressive Toughening of the Forum's Position*

Despite the initial desire for moderation in the Forum discussions on the New Caledonian issue, the tone of the Forum communiqués eventually hardened into an entirely pro-Kanak stand. In 1983, the issue of 'decolonisation' again headed the Forum communiqué which included a statement 'Recognising that a colonial situation exists in New Caledonia'. The Forum also recognised 'the legitimacy of the Kanak people of New Caledonia having an inherent and active right to self-determination and independence' and clearly declared 'support for independence in New Caledonia'. It urged France 'to continue to carry out its responsibility in guaranteeing that New Caledonia's independence be achieved in a peaceful manner'.<sup>17</sup>

Though it was still reluctant to ask the UN to reinscribe New Caledonia on its list of Non-Self-Governing Territories,<sup>18</sup> the change in the Forum's attitude towards France can be attributed to the violent riots that developed in New Caledonia in 1983 and the subsequent organisation of a meeting, at Nainville-les-Roches, between the various New Caledonian protagonists: the Front Indépendantiste (FI), the loyalist Rassemblement pour la Calédonie dans la République (RPCR), the centrist Fédération pour une Nouvelle Société Calédonienne (FNSC) and the French government, represented by Georges Lemoine, the Minister of Overseas Departments and Territories. An announcement by Lemoine that any solution was possible reassured most of the Forum members. This explains why the 1983 Forum communiqué still omitted an official request for the reinscription of New Caledonia on the UN list.

Nonetheless, the Forum members, especially the Melanesian states, remained vigilant and, in 1984, the Forum issued a firmer communiqué on this issue:

The Forum decided that the question of seeking reinscription of New Caledonia on the United Nations list of non-self-governing territories should be kept under continuing review.

It was further agreed that Forum members might, individually, bring their concern with the situation in New Caledonia to the attention of the United Nations.<sup>19</sup>

An important step forward had now been taken, leaving each member state with the option to act individually on this issue at the UN. Several states indicated that 'their mission in New York would circulate this communiqué and that their General Debate statements would make appropriate mention of New Caledonia'.<sup>20</sup>

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17 Fourteenth South Pacific Forum, Canberra, Australia, 29–30 Aug. 1983.

18 The Forum had, however, decided to review 'the desirability of reinscription of New Caledonia on the UN list' at its next meeting. Fourteenth South Pacific Forum, Canberra, Australia, 29–30 Aug. 1983.

19 Fifteenth South Pacific Forum, Funafuti, Tuvalu, 27–28 Aug. 1984.

20 Fifteenth South Pacific Forum, Funafuti, Tuvalu, 27–28 Aug. 1984.

After continuous pressure and lobbying, the ambitions of PNG, the Solomon Islands and Vanuatu were eventually realised in 1986, when the Forum officially requested the reinscription of New Caledonia on the UN list of Non-Self-Governing Territories.<sup>21</sup> The active diplomacy of the Front de Libération Nationale Kanak et Socialiste (FLNKS) and its leader, Jean-Marie Tjibaou, as well as the return of a right-wing Government in France,<sup>22</sup> had convinced all Forum members that patience and diplomacy now had to be transformed into one crowning action, the reinscription of New Caledonia on the UN list. At the same time, the Forum members 'agreed to act together in pursuing the objective of reinscription and to use their influence in the various international groupings to which they belong'; especially mentioned were Fiji as a member of the UN Special Committee on Decolonisation and Vanuatu as a member of the Non-Aligned Movement.<sup>23</sup>

The stance taken by the Forum towards New Caledonia and the independence movement between 1978 and 1986 was in many respects typical of a young regional organisation aiming to develop political legitimacy as well as obtain recognition at a supra-regional and global level from other states and organisations. During this early period, Forum members achieved a united front in order to strengthen their political credibility and prove their political maturity. However, a corollary of this external recognition was a refocusing on issues at a regional level. This recentralisation on the region would test the heterogeneous nature of the organisation.

## The Emergence of Melanesian Solidarity

As the New Caledonian crisis developed in the mid-1980s, the dissatisfaction of the Melanesian member states within the Forum grew. The Polynesian members in particular were perceived as too conformist and too willing to adopt the Australasian position on the issue of New Caledonia (whereas they tackled the issue of French nuclear testing in a much tougher way). The young Melanesian states (first PNG and then Vanuatu) were more radical in their position and more willing to assert their support and solidarity with the last Melanesian entity on the path to independence. The Polynesian states, which had attained independence much earlier, had not been confronted with specific obstacles to gaining full sovereignty. This probably explains their moderation, if not their reluctance to support the Melanesian stand and their preference to follow Australia and New Zealand.

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21 Seventeenth South Pacific Forum, Suva, Fiji, 8–11 Aug. 1986.

22 Of considerable concern were the official policies announced by the Minister for Overseas Territories, Bernard Pons: to resume nuclear testing and to prevent any Kanak rioting in New Caledonia and protect the Caldoches (the descendants of the first and mostly French colonisers who settled in New Caledonia).

23 Seventeenth South Pacific Forum, Suva, Fiji, 8–11 Aug. 1986.

As noted above, it was mainly thanks to PNG and Western Samoa that the FI had been given its first chance to express itself outside New Caledonia in 1979.<sup>24</sup> After 1980, the Vanua'aku Pati (VP) of Vanuatu was a key force in promoting Melanesian support for the Kanak cause. Beyond their important geographical and historical proximity (and shared experience of a French colonial regime), it was the awareness of belonging to the same Melanesian culture that most dictated the VP's support for the leaders of the FI (and later the FLNKS). Yann Céléné Uregei (leader of the FULK) received financial support from the VP to travel abroad in order to secure regional and supra-regional recognition and assistance for the *indépendantistes*. It was also thanks to the VP that some pro-independence activists were able to go to Libya to learn guerrilla techniques in 1984.<sup>25</sup>

The VP used the New Caledonian issue as one of its main foreign policy platforms. Having adopted a stance that was more radical than those of the other Melanesian states on this matter, Vanuatu's support could have then developed into a bilateral approach. In reality, however, the commitment of PNG and the Solomon Islands resulted in the integration, or dilution, of Vanuatu's policy into one of concerted action within the Spearhead group. At the same time the group was able to carry on its lobbying work, managing, the year it was founded, to convince the Forum members to officially request New Caledonia's reinscription on the UN list.

### *Organisation of the Melanesian Spearhead Group*

If the Forum was born out of a feeling of frustration towards the SPC, much the same thing can be said about the 1986 formation of the Melanesian Spearhead group vis-à-vis the Forum. The Spearhead group did not set out to question the Forum's legitimacy; rather, it set out to tackle the Forum's lack of commitment on issues of immediate concern to Melanesian people.

Initially involving a *troïka* or triumvirate of states — PNG, the Solomon Islands and Vanuatu — the main aim of the Spearhead was to develop and promote Melanesian identity through cultural and political means. The founding of the Spearhead group arose from two connected political ambitions. On the one hand, it was brought together by a specific political objective: to help a neighbour and a

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24 We should, however, recall the intervention at the UN, in June 1975, by Déwé Gorodé, representing the 1878 Group to speak in the name of the Kanak people. And it was at the South Pacific Conference, held in Nouméa in 1978, that Kanak *indépendantistes* had their first real opportunity to meet their neighbours.

25 In 1984 a group of seventeen Kanaks went to Libya for paramilitary training and in 1987 another group did the same. Some recruits from this second trip were supposedly involved in the Ouvéa tragedy of April-May 1988, when nineteen Kanaks, four gendarmes and two soldiers were killed (Fraser 1988: 12; Bensa 1990: 183). Libya is supposed to have maintained relations with Céléné Uregei after this (Hegarty 1991: 101).

brother people to gain the independence which they themselves had attained a few years earlier and the recognition of their sovereignty as a Melanesian people. To this end the Spearhead organised pre-Forum meetings to influence the regional organisation on the New Caledonia issue. On the other hand, the Spearhead had the more general project of economic cooperation and the establishment of a Melanesian Free Trade Agreement, influenced by Lini's idea of a *Melanesian Socialism* (Lini 1982: 29–31; Tabani 2000: 185–90). The Spearhead intended to establish the superiority of the Melanesian states over the Polynesian states in the Forum. It claimed the distinct identity of a powerful group within a regional organisation where the notion of national sovereignty was given preference over the size of its members in terms of population and resources. Although the Spearhead members represented four-fifths of the entire population of the Forum member states, excluding Australia and New Zealand (MacQueen 1990: 6), they were only three of the twenty-two Forum members. Even if decisions were based on consensus, this did not leave them with much influence. The group also had some more regional interests, such as the nuclear issue, protection of the environment and the organisation of a Melanesian Arts festival.

The informal organisation of the Spearhead group was based on the assumption that the Heads of Government would meet annually, during pre-Forum meetings, to develop strategies to influence the Forum's debates in favour of the Melanesian people, including the Kanaks of New Caledonia. In 1988, the group set out a document on 'Principles for Cooperation'. This was neither a constitution nor a charter, and these principles did not bind the three states to any form of supranational cooperation. Any decision would be (and still is) reached through dialogue and consensus, and the presidency would rotate amongst the members.<sup>26</sup> The intention was to develop cooperation and friendship between the members as well as within the regional and international organisations to which these countries belonged, such as the Commonwealth, the Non-Aligned Movement and the UN. The principles also intended to promote national independence, territorial integrity and non-interference.

It has been argued elsewhere that the reason for the creation of the Spearhead group does not lie so much in the notion of Melanesian solidarity as in the late emergence of Melanesian nationalism that needed to prove itself (see Tabani 2000). While this analysis may be sound, the notion of Melanesian solidarity should not be dismissed. Vanuatu's then Prime Minister, Walter Lini, was explicit about this: 'The

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<sup>26</sup> When it was established, the Spearhead, for obvious financial reasons, had no secretariat or even a permanent office, though its unofficial headquarters were established at the Vanuatu Ministry of Foreign Affairs. A secretariat is finally due to open in Port Vila in 2004.

people of New Caledonia are our Melanesian brothers and our support to the FLNKS [...] can only be understood by us, the Melanesian people, as we share the same Custom... A non-Melanesian will never be able to understand this' (Lini, quoted in Huffer 1993: 244). Whether pretext or reality, the notion of Melanesian solidarity, in particular with the Kanaks, was one of the main motivations for the creation of the Melanesian Spearhead group.

### *Constraints upon Melanesian Solidarity*

The notion of Melanesian Solidarity was, however, weakened by the attitude of Fiji which refused, for ten years, to join the Spearhead group and whose *melanesianism* (MacQueen 1990: 9) is sometimes questioned or at least counterbalanced by its links with the Polynesian world.<sup>27</sup> Initially, Fiji had privileged its relations with Australia and the Polynesian states and had declined an invitation to join the Spearhead. According to Maxime Carlot, the Prime Minister of Vanuatu from 1991 to 1997, Fiji refused to join the Spearhead group because 'they were much more ahead of us' (the founding members of the group):

Fiji was the USP [University of the South Pacific]. It was ahead commercially speaking, even if they were supported by Australia. Fiji was the capital of the region ... When we created the Spearhead Group, it was with the intention to decentralise the USP ... PNG wanted to counteract Fiji whereas we wanted regional harmonisation (Carlot 2 July 2003).

There might also have been other reasons for Fiji's reluctance to join the Spearhead. In its early years as an independent country, Vanuatu (and Lini in particular) had strongly criticised Fiji's pro-American attitude (Verine 1987: 104). Another explanation could be linked to Fiji's 'Sugar Diplomacy'; because of France's weight in the EU, it had to be treated cautiously. On the Fijian domestic front, the Indo-Fijian issue could provide yet another explanation (Cortot 19 June 2003).<sup>28</sup>

After the Fiji coups of 1987 and the diplomatic isolation of Fiji, the Spearhead affirmed its solidarity with its *Melanesian brother* and, following the principle of non-interference, opposed any discussion within the Forum of the Fijian issue (MacQueen 1990: 6). PNG was the first regional state to recognise the new regime despite Fiji's constant and sometimes firm refusal to join the Spearhead group (MacQueen 1990: 9).

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27 It is interesting to note that on the SPC members list, only Fiji does not belong to any of the three groups — Melanesia, Polynesia or Micronesia (see the official site for the SPC: <[www.spc.org.nc](http://www.spc.org.nc)>).

28 Cortot is former advisor to Jean-Marie Tjibaou, a former member of the Government of New Caledonia and the leader of one branch of the now divided Union Calédonienne (UC), one of the constituents of the FLNKS.

However, it would be another decade before Fiji eventually joined the group (in 1996). This delay may reflect the influence exercised by France as one of the few countries to have continued its aid policy to Suva and, as noted above, as an influential EU member in a position to either support or oppose the European Union Sugar Protocol.

Despite its strong views on the issue of New Caledonia's independence, Vanuatu's position was not entirely unambiguous either. Because of its membership of the Non-Aligned Movement and also its alleged links with Libya and the USSR, Vanuatu did not receive much bilateral aid. When Paris threatened to cut its aid in 1986 because of Vanuatu's support for the FLNKS, Port Vila had little alternative but to accept the French proposal for a mutual agreement on non-interference in their respective domestic policies. This undermined Vanuatu's activism and forced it to confront the realities of international politics. Melanesian interests had to be fought for, but not at the expense of Vanuatu's immediate interests.

## **1988 and 1998: Improvement in New Caledonia**

Have these two regional initiatives to support the Kanak struggle for independence achieved their goals? What has been the impact of New Caledonia reinscription on the UN list of non-self-governing territories and what influence has the Spearhead had on the evolution of the independence movement in New Caledonia?

Arguably, regional support for the FLNKS — through the Spearhead and, more generally, through the Forum — allowed the independence movement to gain regional as well as global recognition. As noted by *Pacific Islands Monthly* in 1986, 'A delegation from the [FLNKS] was likely to be granted a hearing in the US State Department in Washington as a direct result of the forum decision' (*PIM* Oct. 1986: 20). In 1987, the FLNKS presented a project for a constitution of Kanaky to the UN. This established that the new state would be a democratic and secular republic and that it would set up a cooperation agreement with France (whose membership of the EU was a key element), and join various regional and international organisations. However, other factors which allowed the FLNKS to put pressure on French authorities were the intense violence of the riots that took place in New Caledonia in 1988 between pro and anti-independence forces and the strong media coverage and international reactions that this provoked.

Just as importantly, the need to establish a dialogue and to find a shared solution was recognised by the French Prime Minister, the socialist Michel Rocard. It was Rocard who made possible the dialogue between the RPCR, the French state and the FLNKS which led to the Matignon-Oudinot Accords of 1988. These agreements were aimed at rebalancing, over a ten-year period, the conditions of political, economic, social and cultural development in favour of the Kanak population.

During the decade of the Matignon Accords (1988–98) tension between the FLNKS, the RPCR and the French state provided the Spearhead with an opportunity to express its support for the Kanak cause by welcoming the FLNKS to the Spearhead in 1991 (though not as a full member). However, when the FLNKS ratified the 1998 Nouméa Accord, the Spearhead had to acknowledge that the Kanaks had committed themselves to a path in which independence was not necessarily the only solution. The Nouméa Accord, signed again by the FLNKS, the RPCR and the French State,<sup>29</sup> involves a gradual devolution of powers from France to a New Caledonian government and provides for a referendum on self-determination to be held by 2019. Although there has been disagreement over issues such as the definition of the electorate allowed to take part in the future referendum, this new arrangement — involving a new constitutional status for New Caledonia — has brought about a real appeasement of the situation in New Caledonia and, consequently, in its neighbourhood.

Two issues remain to be discussed: what is the future of the Spearhead now that the issue of independence has lost some of its urgency? and what relationship will New Caledonia have with the Forum and its member states?

### *Is the Spearhead Obsolete?*

The Matignon Accords, the end of French nuclear testing announced in 1996 and the Nouméa Accord would appear to have jeopardised the Spearhead's *raison d'être*, depriving its members of a common rallying point. Another major blow was the election, in PNG, of the Wingti government (1985–88) which was more focused on re-establishing a cooperation policy with Australia and forging PNG's economic emancipation (MacQueen 1990: 4). On the other hand, the Nouméa Accord has had some positive impact on the development of bilateral and multilateral projects between France and the South Pacific states, as well as between New Caledonia and its neighbours. The Spearhead would now appear to be undergoing a pragmatic refocusing.

While it was support for the independence movement in New Caledonia that provided the political catalyst for its formation, the Spearhead was also established with the goal of developing a Melanesian free trade area. Larger in size and in population, and with a wide range of natural resources, the Melanesian states have a greater potential for development than the tiny volcanic islands or coral atolls of Polynesia, although they are usually poorer. Therefore, while it has lost much of its

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<sup>29</sup> Jean-Marie Tjibaou, who was assassinated in 1989, was replaced by the new FLNKS leader, Roch Wamytan. Michel Rocard was replaced by the socialist Prime Minister Lionel Jospin. At the time of writing, only Jacques Lafleur, the RPCR leader, remained.

raison d'être, the Spearhead has refocused on the development of a free-trade zone in order to reduce or erase the economic imbalance between the Melanesian and Polynesian states. This zone came into effect in 1993, though Fiji only joined in 1998, and quickly threatened the fragile equilibrium Vanuatu had tried to secure.

At the same time, however, regional instability has also played a part in the political and economic weakening of the Spearhead. Of its four member states, three are experiencing high levels of political instability. Fiji faced its third coup in May 2000 and is struggling with its new constitution. PNG is still dealing with instability in Bougainville (though a recent agreement, similar to that provided in the Nouméa Accord, should lead to a referendum on self-determination in the next ten or fifteen years), and the Solomon Islands have experienced a civilian conflict requiring intervention by the Australian police and army. So far, only Vanuatu seems to have been spared, though tensions are not totally absent there either.

The economic situation in the four states is catastrophic. Their almost complete dependence on foreign aid obliges them to adopt pragmatic positions which increase their fragility. About eighty per cent of Vanuatu's budget, for instance, is made up of external aid.<sup>30</sup> Increasingly, PNG is looking towards South-east Asia and Port Moresby has officially recognised Taiwan, which is now its third largest aid provider. The end of the Cold War appears to have had a negative impact on the South Pacific island states, especially the Melanesian ones, leading to a shift of regional and global interests (and aid policies) towards different regions.

In combination with the improved situation in New Caledonia, the economic orientation of the Spearhead and regional instability would appear to sound the death knell for its strong political stance on the issue of New Caledonia's independence. Indeed, the Spearhead is now considering welcoming New Caledonia to its ranks, even though it remains a non-independent territory led by a largely non-Melanesian anti-independence majority. This does not mean, though, that the Spearhead has betrayed its Kanak brothers. In 1999, the Spearhead invited the FLNKS to become a full member and since 2001 the president of the Spearhead has been the FLNKS leader, Roch Wamytan.<sup>31</sup> At the same time, however, the FLNKS has appeared to be undergoing a slow implosion. Since the 1989 assassination of the charismatic and diplomatic FLNKS leader, Jean-Marie Tjibaou, the FLNKS seems to have lost much of its cohesion. And since 2001 it has failed to designate a new leader and a common program. Growing internal divisions and rivalries may affect its credibility and may prevent the Spearhead from supporting it in the future.

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30 On this issue, see the speech made by Vanuatu's outgoing President John Bani (*Oceania Flash*, 24/03/04).

31 According to one source, the presidency of the Spearhead is sometimes perceived as the only way for Wamytan to retain some of the credibility he has lost elsewhere (Anonymous source 24 Sept. 2003).



In 2002, the FLNKS invited the Spearhead to hold its meeting in New Caledonia. After some squabbling as to who should be entitled to officially invite the Spearhead, it was the government of New Caledonia, and not the FLNKS, which officially hosted the Spearhead's annual meeting. The fact that the Spearhead members accepted this invitation is in itself a recognition of the legitimacy of the local government established under the Nouméa Accord (but dominated by the anti-independence RPCR majority). An official visit to Nouméa by the ni-Vanuatu Prime Minister, Natapei, in May 2003 provides an even more striking example of this situation. Natapei assured the local authorities that he would support New Caledonia's membership of the Spearhead.

By welcoming New Caledonia to the Spearhead, its current member states may be hoping to benefit from New Caledonia's stability, wealth and also its links with the EU.<sup>32</sup> This could also have a positive impact on the development of the free-trade zone. The SPC Deputy General Secretary, Yves Corbel, confirms this hypothesis and points out that the real interest of the Spearhead is indeed New Caledonia's economic potential (Corbel 6 June 2003). For its part, New Caledonia may be hoping for a political return from involvement in the Spearhead which will allow it to develop an image of prosperity (and consequently of stability) in the region.

#### *New Caledonia and the Forum: The Good Girl of the Western South Pacific?*

In relation to the so-called 'Melanesian Arc of Instability', New Caledonia would indeed appear to be a regional model of stability and prosperity, though its prosperity is still largely artificial, being strongly supported by the French budget (despite its large nickel resources). That France has been welcomed to post-Forum meetings as a dialogue partner since 1989 (along with seven other states<sup>33</sup> and the EU) and that New Caledonia itself has been an observer at the Forum since 1999 are signs that the attitudes of the region towards France and New Caledonia have changed. Being part of France is no longer an obstacle to New Caledonia's regional integration.

New Caledonia's status as an observer at the Forum is both unprecedented and paradoxical, however. Until New Caledonia acquired observer status, the Forum had only welcomed territories that were firmly on the path to independence. Niue and PNG, for example, became observers in 1973 and became full members in 1974 and 1975 respectively when Niue's relationship to New Zealand became one of free association and PNG gained independence from Australia. New Caledonia, however, will not have a referendum on self-determination until 2014 at the earliest. At the

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<sup>32</sup> New Caledonia belongs to the group of Overseas Countries and Territories (OCTs) associated with the EU and it therefore benefits from greater economic support than the Spearhead member states.

<sup>33</sup> Canada, China, Japan, Malaysia, South Korea, the United Kingdom and the United States.

same time, neither French Polynesia (which first asked for observer status in 1985) nor Wallis and Futuna — the two other French entities in the South Pacific — has been admitted to the Forum.<sup>34</sup>

Despite its increased autonomy and its observer status, New Caledonia does not match the membership criteria required by the Forum. As Iosefa Maiava, the Forum's Deputy Secretary General, points out, 'It cannot freely negotiate international agreements, it does not have the control over its EEZ, nor over its defence policy'. Moreover, 'there is still a long timetable before self-determination' (Maiava 7 July 2003). According to Maiava, this distinguishes New Caledonia from the Cook Islands — an independent state in free association with New Zealand, and a member of the Forum. However, it might be argued that the constitutions of the Cook Islands and of Niue (another independent state in free association with New Zealand) clearly specify that any defence or foreign policy issue depends on New Zealand. Furthermore, while the Forum equates free association with full sovereignty, this point of view is not shared by everyone. Japan, for instance, does not recognise the Cook Islands or Niue as an independent state.<sup>35</sup>

It is possible that the decision to grant observer status to New Caledonia (and perhaps also to French Polynesia in the future) may be a way for the Forum to signal to France its ongoing vigilance on the issue of self-determination. In this way the Pacific Island states may remain active on the regional and international stage, while also encouraging the development of bilateral and multilateral relations with Paris.

Despite the positive reception of the Nouméa Accord in the Pacific (and the process of devolution that is now underway), New Caledonia remains on the UN list of non-self-governing territories, unlike other French territories.<sup>36</sup> In October 2002, the Special Committee on Decolonisation registered the text submitted by the UN General Assembly which encouraged 'the parties involved, in the interest of all the people of New Caledonia, to maintain, in the frame of the Nouméa Accord, their dialogue in a spirit of harmony'. The General Assembly invited the parties involved to carry on 'promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all New Caledonians according to the letter and spirit of the Noumea Accord' (UNGA 2002a). It is clear that the UN discourse regarding New Caledonia has not changed. The General Assembly and the Special Committee on Decolonisation are still promoting evolution toward self-determination. However, this

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34 French Polynesia's recently acquired status as a POM (Pays d'Outre-mer, Overseas Country) may convince the Forum to grant it observer status, but Wallis and Futuna (which are more integrated than really associated with France) will probably remain excluded.

35 On the issue of Cook Islands foreign policy, see Yves-Louis Sage (1994).

36 French Polynesia, despite repeated requests from the independence leader Oscar Temaru, has never been placed on this list.

is a notion that seems less systematically associated with independence than was previously the case. Indeed, when the General Assembly evokes the right of the peoples of non-self-governing territories to self-determination, it recalls that the notion implies independence 'if they wish' (UNGA 2002b). Independence is no longer presented as the sine qua non condition for decolonisation, only self-determination.

The 1988 Matignon Accords and the 1998 Nouméa Accord have defused the independence issue with the region by almost emptying it of its substance. These agreements have entailed a slow shift from regional support for the independence movement in New Caledonia to support for New Caledonia per se. Or, to put this another way, there has been a shift from support for independence to support for self-determination. This is not to say that the support for independence has disappeared, but the French presence is now welcomed, particularly because of the difficulties some South Pacific states have had to face since independence, and partly because of France's important role in multilateral and bilateral aid in the region. The political and economic instability of the Melanesian states has made the French territories appear as real centres of stability and prosperity. Therefore, the region now seems more likely to support a French New Caledonia than an independent Kanaky. The small island states may even perceive the French presence as a way of counterbalancing Australia's role in the region.

However, one must not assume that this welcoming mood will always prevail. The fact that New Caledonia remains on the UN list shows that vigilance remains. In the event that a political party within New Caledonia decides to adopt a more confrontational stance on the independence issue (before the referendum on self-determination that should take place by 2019), past experience suggests that the regional states would probably favour a combination of caution, dialogue and pragmatism. The time for idealism in the South Pacific may well have passed, unless new leaders of the stature of the late Ratu Mara or the late Jean-Marie Tjibaou emerge from the new generation of politicians. This is what is to be hoped for in the South Pacific.

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## Abstract

The way New Caledonia has been perceived by neighbouring island states has evolved in the last twenty years. The member states of the political regional organisation, the Pacific Islands Forum (PIF, formerly the South Pacific Forum) have seen New Caledonia as both a French territory in the South Pacific and a Melanesian archipelago seeking independence. These perceptions are analysed in respect to two developments, the creation of the Melanesian Spearhead Group and the reinscription of New Caledonia on the United Nations list of Non-Self-Governing Territories. The first development reveals division within the Forum, whereas the second demonstrates its unity. Both the Spearhead and the Forum took up positions against New Caledonia's 'Frenchness' in the same year, 1986. This position began to weaken as New Caledonia's dual identity was recognised by French authorities. Finally, the new status acquired by New Caledonia under the 1998 Nouméa Accord has highlighted changes not only in regional perceptions of New Caledonia, but also in the region itself.

## Résumé

La perception de la Nouvelle-Calédonie par ses voisins a évolué au cours des vingt dernières années. Territoire français dans le Pacifique Sud ou archipel mélanésien du Pacifique Sud cherchant à acquérir son indépendance, la Nouvelle-Calédonie a été différemment perçue par les membres de l'organisation politique régionale, le Forum des îles du Pacifique. Ces approches sont abordées à travers l'étude de deux événements spécifiques, la création du groupe mélanésien du Fer de Lance d'une part, et la réinscription de la Nouvelle-Calédonie sur la liste de l'ONU des territoires non indépendants d'autre part. Le premier point révèle la division au sein du Forum tandis que le second en souligne l'unité. Le Forum et le Fer de Lance se sont manifestés, en 1986, contre la « francité » néo-calédonienne. Ces deux engagements régionaux ont cependant commencé à faiblir au fur et à mesure que l'identité duelle de la Nouvelle-Calédonie était reconnue par les autorités françaises. Finalement, la mise en place, sous l'Accord de Nouméa en 1998, d'un statut évolutif pour la Nouvelle-Calédonie semble d'avoir modifié la perception régionale de l'archipel français, et a révélé des changements dans la région elle-même.

# La République française bouleversée par ses collectivités d'Outre-mer

Jean-Yves Faberon

Le 28 mars 2003 a été promulguée une importante révision de la Constitution française de 1958. Elle modifie en effet neuf articles existants et ajoute six nouveaux articles. Toute cette révision a des effets outre-mer et sur ces quinze articles, six réorganisent complètement les collectivités d'outre-mer de la République. En effet, indépendamment de son importance quantitative, le contenu de cette révision constitutionnelle a une considérable portée.

A vrai dire, c'est bien du Pacifique que provient le plus étonnant bouleversement des principes fondamentaux du droit public français, depuis l'avènement de l'accord de Nouméa en mai 1998 et sa constitutionnalisation en juillet de la même année. Les concepts de souveraineté partagée, loi du pays, citoyenneté de Nouvelle-Calédonie (largement analysés par ailleurs) ont alors révolutionné le paysage institutionnel, mais localement. On pouvait dire, et l'on dit toujours, que la situation de la Nouvelle-Calédonie est hautement exceptionnelle. Les pouvoirs publics français se sont employés, devant tous ceux qui invoquaient la Nouvelle-Calédonie comme un modèle (outre-mer par exemple en Guyane, mais aussi en métropole par exemple en Corse) à opposer le caractère résolument unique de la Nouvelle-Calédonie — et d'ailleurs aussi son aspect transitoire.

Même la Polynésie française, à qui avait été consenti à titre très particulier un projet de statut semblable à celui de la Nouvelle-Calédonie, n'y accéda finalement pas : dans un scénario très mouvementé, une révision constitutionnelle a été mise en œuvre, avec succès en 1999, pour s'arrêter en 2000 juste avant le dernier acte de sa procédure.

La nouvelle majorité élue en 2002 a procédé à une révision d'ensemble de l'organisation constitutionnelle des collectivités territoriales françaises en redessinant complètement le paysage institutionnel ultra marin. La République elle-même est la première touchée par cette révision d'ensemble puisque désormais l'article 1<sup>er</sup> de la Constitution dit que « son organisation est décentralisée ». La République est

bouleversée, mais ce n'est pas une nouvelle République. En effet, devant l'organisation de la Nouvelle-Calédonie et les aspirations de tant de ses collectivités, la France aurait pu officiellement changer et se présenter désormais sinon comme un Etat de type fédéral, du moins comme un Etat composé, ce qu'elle est devenue.

Or, l'article 1<sup>er</sup> de la Constitution continue de la définir comme « une République indivisible », même en ajoutant que « son organisation est décentralisée ». En réalité l'organisation de la France est à certains égards clairement déconcentrée, c'est à dire centralisée ; à certains autres, effectivement, surtout depuis 1982, elle est incontestablement décentralisée (et la Constitution prévoit depuis son origine en 1958 que les collectivités territoriales de la République « s'administrent librement par des conseils élus ») ; et elle connaît même, depuis 1988, un lien de nature fédérale avec la Nouvelle-Calédonie (dont on pourrait étudier si l'organisation en trois provinces ne relève pas, à son tour, d'une sorte de fédéralisme interne). La France n'est pas un Etat fédéral mais la Nouvelle-Calédonie y apparaît comme un pays fédéré.

On peut donc le constater : la République française est aujourd'hui bouleversée, c'est à dire, d'après le dictionnaire Robert, troublée, retournée. La révision constitutionnelle du 28 mars 2003 est considérable. En nous en tenant à l'outre-mer, nous retracerons comment les collectivités territoriales ont évolué jusqu'à cette date, puis dans quelle perspective elles sont maintenant organisées.

## **Une situation institutionnelle outre-mer de plus en plus diversifiée**

### *Départements et territoires d'outre-mer*

En 1958, la nouvelle Constitution, comme celle qui la précède, distingue clairement deux sortes de collectivités territoriales outre-mer (indépendamment de la Communauté qui sera rapidement vidée de sa substance par l'indépendance de tous ses membres).

On a, d'une part, les départements d'outre-mer (*article 73 de la Constitution*). Ils appartiennent à l'ensemble de la catégorie des départements et sont donc placés dans un régime d'identité législative avec la métropole. Tous les lois et règlements y appliquent par principe. Cependant leur situation géographique outre-mer leur permet de bénéficier de mesures d'adaptation. Pour les départements d'outre-mer, donc, la prise en compte des particularités ultra-marines est limitée à ces possibilités de simples adaptations.

La réalité a montré que dans ce couple identité/adaptations, le deuxième terme a été considérablement réduit, le terrain étant essentiellement occupé par le premier. Il est d'ailleurs intéressant de remarquer que l'expression des particularités locales a pu se faire surtout grâce à une réforme nationale, bénéficiant à tous les départements et régions : celle de la décentralisation initiée en 1982.

L'autre catégorie, dans la Constitution originale, est celle des territoires d'outre-mer (*article 74*). Ils sont, quant à eux, caractérisés par leur organisation particulière qui se réfère à 'leurs intérêts propres dans l'ensemble des intérêts de la République'. Les normes nationales n'y sont pas toutes applicables par principe ; leurs particularités sont aussi juridiques et leur régime est dit de spécialité législative. Les territoires d'outre-mer ont non seulement un statut différent des collectivités métropolitaines, mais chacun d'entre eux a un statut différent des autres ; les spécificités peuvent aller aussi bien dans le sens de la déconcentration que dans celui de la décentralisation.

### *L'amenuisement des territoires d'outre-mer.*

Ce bel ordonnancement binaire a d'abord été mis en cause sous la présidence de Valéry Giscard d'Estaing. À cette époque se produit l'accession à l'indépendance du territoire d'outre-mer des Comores, à l'exception d'une de ses composantes, l'île de Mayotte (le 3 janvier 1976), puis du territoire français des Affars et des Issas (le 27 juin 1977). On imagine alors le schéma selon lequel la catégorie des territoires d'outre-mer a vocation à se vider par accès progressif à l'indépendance de ses éléments, tandis que les collectivités restant dans la République se rassembleraient dans l'ensemble des départements d'outre-mer.

C'est suivant cette logique que le territoire d'outre-mer de Saint-Pierre-et-Miquelon est devenu un département d'outre-mer par la loi du 19 juillet 1976. C'est aussi à cette époque que, dans le territoire d'outre-mer de Nouvelle-Calédonie, apparaissent tant un mouvement indépendantiste que l'idée départementaliste.

Cette construction était simpliste : en effet, on peut souhaiter affirmer ses spécificités tout en voulant rester au sein de la République. C'est ce que les habitants de Saint-Pierre-et-Miquelon ont immédiatement fait valoir en s'opposant résolument à une départementalisation opérée malgré eux. C'est ce que les loyalistes de Nouvelle-Calédonie vont clamer, ainsi bientôt que les partisans de l'autonomie de la Polynésie française, sans compter Wallis et Futuna où les originalités locales (l'existence de trois royaumes) n'ont d'égale que la volonté déterminée de demeurer dans la France.

### *Les collectivités territoriales spécifiques.*

Que faire alors de Mayotte, qui a proclamé et répété sa volonté de rester française et ne veut plus de ce statut de territoire d'outre-mer menacé par l'indépendance ? Le statut de département d'outre-mer qu'elle réclame politiquement afin de garantir son intégration à la République est difficile à instaurer juridiquement car les Mahorais sont aussi attachés aux spécificités de leur régime de droit musulman... Que faire de Saint-Pierre-et-Miquelon, où l'on n'a jamais intégré la départementalisation et où d'ailleurs celle-ci n'est pas appliquée à l'égard de la Communauté européenne, l'archipel



gardant, malgré son habit départemental, le statut d'association, de PTOM, à l'égard de l'Europe ?

Cette perplexité a conduit le législateur à sortir de la distinction binaire de 1958. Il a renoncé à placer des collectivités soit dans le statut de département d'outre-mer, soit dans celui de territoire d'outre-mer. Cette absence de choix s'est opérée d'abord à l'égard de Mayotte, par la loi du 24 décembre 1976, puis à l'égard de Saint-Pierre-et-Miquelon lorsque, avec la loi du 11 juin 1985, ce département jamais consentant a été délivré de ce statut. Dans les deux cas, l'absence de choix entre l'article 73 et l'article 74 de la Constitution s'est traduit par l'institution d'une collectivité à l'appellation parfaitement aseptisée de 'collectivité territoriale' en invoquant l'article 72 de la Constitution selon lequel 'toute autre collectivité territoriale est créée par la loi'.

On observe que la collectivité de Mayotte avec ses domaines de statut personnel de droit musulman rappelle plutôt la spécialité législative des territoires d'outre-mer, et que la collectivité de Saint-Pierre-et-Miquelon est globalement sous le régime d'identité législative des départements d'outre-mer, quoiqu'elle soit spécialement compétente en matière fiscale et douanière ainsi que pour l'urbanisme et le logement. Mais on a créé une catégorie fourre-tout, dont l'appellation « collectivité territoriale » ne signifie rien. La Constitution elle-même, dans l'article 72, emploie ce terme de 'collectivité' pour désigner l'ensemble des membres de la collectivité étatique.

On remarque aussi que des collectivités territoriales spécifiques, indépendamment de l'énumération de l'article 72 (les communes, les départements et les territoires), créées par la loi, il en existe d'autres en métropole : Paris, et bientôt la Corse, sans compter la catégorie entière de collectivité décentralisée instituées en 1982 : les régions.

Outre-mer encore apparaissent de nouvelles collectivités territoriales spécifiques créées par la loi, qui auront la particularité de ne pas être instituées en un élément unique : les régions puis provinces de la Nouvelle-Calédonie.

La Nouvelle-Calédonie elle-même sort de la catégorie de territoire d'outre-mer pour être érigée en une collectivité si originale que va lui être consacré un titre propre de la Constitution, en 1998. Ce statut de très grande autonomie de la Nouvelle-Calédonie va alors susciter de fortes envies tant chez son voisin le territoire d'outre-mer de Polynésie française, que parmi des départements d'outre-mer, à commencer par la Guyane. À l'égard de ces derniers, la loi d'orientation pour l'outre-mer du 13 décembre 2000 ne constitue qu'un début de réponse, impliquant des procédures longues et incertaines pour sortir du cadre de département d'outre-mer (voir Elfort 2001).

### *L'éparpillement de la France d'outre-mer.*

On en arrive ainsi, au début du millénaire, à une situation où le dualisme a laissé place à l'éparpillement. Il y a toujours quatre départements d'outre-mer (Saint-Pierre-et-

Miquelon n'ayant fait, en moins de dix ans, qu'entrer et sortir) mais tous sont déçus des résultats peu concluants des « adaptations » prévues à l'origine, et de nombreuses voix s'y élèvent dans le sens d'une sortie de cette catégorie.

Il n'y a plus que trois territoires d'outre-mer, étant entendu que les terres australes et antarctiques françaises, qualifiées telles par leur loi statutaire du 6 août 1955, sont un faux territoire d'outre-mer, ne serait-ce que parce que dépourvues d'électeurs et d'assemblée territoriale. Quant à la Polynésie française, ulcérée d'avoir été devancée par la Nouvelle-Calédonie, son souhait de sortie de la catégorie des territoires d'outre-mer semble satisfait par le projet de révision constitutionnelle inspiré du modèle calédonien (Faberon 2001: 384-96). Il est adopté à l'unanimité par les deux chambres en 1999 mais pas par le Congrès de Versailles, qui n'est finalement pas réuni pour le vote final (celui-ci n'aurait pas posé de problème mais celui relatif au Conseil supérieur de la magistrature, aussi à l'ordre du jour, n'étant pas acquis, c'est toute l'entreprise qui a été stoppée).

Ce projet qualifiait la Polynésie française de « pays d'outre-mer », ce qui aurait constitué une nouvelle catégorie pour la Nouvelle-Calédonie et la Polynésie française. Un nouveau titre XIV de la Constitution aurait été consacré à la Polynésie française après le titre XIII sur la Nouvelle-Calédonie ; on pouvait être dubitatif devant le développement dans la Constitution de titres propres à des collectivités autonomes, et d'ailleurs fixant des dispositions spécifiques en totale contradiction avec bon nombre d'articles du reste de la Constitution.

Enfin Mayotte, attendant un statut définitif depuis 1976, reçoit par la loi du 11 juillet 2001, 25 ans après, un statut transitoire de « collectivité départementale », c'est-à-dire de collectivité territoriale spécifique promise à se rapprocher ultérieurement du statut de département – ce qui n'est donc pas le cas de Saint-Pierre-et-Miquelon, collectivité territoriale « simple ».

Ainsi, les statuts d'outre-mer s'émiettent et les départements et territoires d'outre-mer ne font plus recette. L'ancien MEDETOM se rebaptise prudemment ministère (ou secrétariat d'État) de l'outre-mer. La révision constitutionnelle du 28 mars 2003 veut mettre de l'ordre dans cette situation. Elle distingue d'une part des collectivités à identité législative et d'autre part des collectivités à spécialité législative faisant aussi place à l'identité législative.

## **Une volonté de ramener le paysage constitutionnel outre-mer à deux catégories principales**

La révision revient à une distinction en deux branches seulement, simplifiée sans être figée. Elle réécrit l'article 73 et l'article 74 de la Constitution de manière tant à assouplir le régime d'identité législative qui caractérise le premier, qu'à contenir le

régime de spécialité législative, d'ailleurs non exclusive, du second en deçà des avancées consacrées par la Nouvelle-Calédonie.

*L'article 73 : une identité législative assouplie : les départements et régions d'outre-mer*

Il s'agit aujourd'hui de la Guadeloupe, de la Martinique, de la Guyane ainsi que de la Réunion. L'article 73 désormais n'invoque plus seulement les départements d'outre-mer mais aussi les régions d'outre-mer. C'est d'autant plus logique que l'un des objets généraux de la révision est d'inscrire les régions dans la Constitution auprès des autres collectivités territoriales alors que, depuis l'érection des régions en collectivités territoriales, la dualité des départements et régions d'outre-mer avait largement alimenté la chronique.

**De considérables possibilités d'adaptation**

L'article 73 de la Constitution affirme désormais clairement le principe d'identité législative : « dans les départements et les régions d'outre-mer, les lois et règlements sont applicables de plein droit ». Le terme de simples « adaptations » possibles est repris avec la formulation : « ils peuvent faire l'objet d'adaptations tenant à leurs caractéristiques et contraintes particulières ». L'ancienne expression relative aux « mesures d'adaptation nécessitées par leur situation particulière » avait engendré une interprétation trop stricte du Conseil constitutionnel ; la nouvelle, inspirée de l'article 299-2 du traité d'Amsterdam du 2 octobre 1997, doit permettre, tout en restant dans le cadre départemental, une authentique prise en considération globale des originalités de ces collectivités et, finalement, un retour à ce qui avait été l'esprit de la loi de départementalisation du 15 mars 1946. Le nouveau titre va même plus loin.

Le nouvel article 73, plus étoffé qu'auparavant, précise les compétences des départements et régions d'outre-mer :

- ils sont compétents, s'ils y ont été habilités par une loi organique, pour décider eux-mêmes des adaptations dans les matières relevant de leurs compétences ;
- ils sont compétents, sauf à la Réunion, s'ils y ont été habilités par une loi organique, pour décider eux-mêmes des règles applicables, y compris dans des domaines relevant de la loi, sous réserve que cette habilitation ne peut pas porter sur les domaines dans lesquels les collectivités d'outre-mer elles-mêmes ne sont pas compétentes : la nationalité, les droits civiques, les garanties des libertés publiques, l'état et la capacité des personnes, l'organisation de la justice, le droit pénal, la procédure pénale, la politique étrangère, la défense, la sécurité et l'ordre publics, la monnaie, le crédit et les charges ainsi que le droit électoral (et cette énumération pourra être précisée et complétée par une loi organique).

Voilà donc pour les départements et les régions d'outre-mer une possibilité d'être habilités par une loi organique à intervenir, certes par voie réglementaire, dans des domaines de nature législative, prérogative caractérisant jusque-là les seuls territoires d'outre-mer. Après une conception timorée des adaptations, ce mécanisme pourrait pousser le balancier loin dans l'autre sens, compte tenu du fait qu'il s'agit de départements et régions sous régime d'identité législative.

#### **La possibilité d'évoluer au sein du régime de l'article 73 de la Constitution.**

L'article 73 de la Constitution permet désormais en son dernier alinéa « la création par la loi d'une collectivité se substituant à un département et à une région d'outre-mer, ou l'institution d'une assemblée délibérante unique pour ces deux collectivités ». Enfin, et l'on s'en réjouit, la décision malheureuse du Conseil constitutionnel du 2 décembre 1982 est balayée!

La procédure suivante est prévue :

- la proposition de consulter les électeurs intéressés est faite au président de la République par le gouvernement ou conjointement par les deux assemblées;
- le président de la République peut décider de procéder à la consultation;
- les électeurs se prononcent;
- s'ils sont favorables au changement proposé, celui-ci est décidé par une loi organique.

La nouvelle collectivité ainsi créée est bien placée sous le régime de l'article 73 de la Constitution, comme cela est expressément prévu à la fin de l'article 72-3 deuxième alinéa.

*L'article 74 : Une spécialité législative contenue et pas exclusive : les collectivités d'outre-mer.*

Il s'agit aujourd'hui de deux anciens territoires d'outre-mer : la Polynésie française et Wallis et Futuna, et de deux anciennes « collectivités territoriales » : Mayotte et Saint-Pierre-et-Miquelon. Les territoires d'outre-mer n'existent plus. L'éventuelle catégorie des pays d'outre-mer est abandonnée. Tout ce qui n'est pas département ou région d'outre-mer est désormais une collectivité d'outre-mer.

Ainsi, l'émiettement causé par la sortie du statut de territoire d'outre-mer de plusieurs éléments, chacun comme un électron libre, est remplacé par la récapitulation en une seule et même catégorie de toute la diversité des collectivités autres que les départements et régions d'outre-mer. La fin de la catégorie des territoires d'outre-mer est logique : curieuse catégorie qui comprenait, indépendamment d'un non-territoire d'outre-mer (les terres australes et antarctiques françaises), une collectivité très autonome (la Polynésie française) et un territoire à exécutif toujours déconcentré (Wallis et Futuna).

Il est bien clair qu'outre-mer, d'une part les départements et les régions ont une homogénéité, existant aussi en métropole, d'autre part on n'a que des cas particuliers : il n'y a pas moins de différences entre la Polynésie française et Wallis et Futuna qu'entre Mayotte et Saint-Pierre-et-Miquelon. La Guyane, par exemple, pourrait bien s'y ajouter.

### **Les dispositions d'ensemble**

L'article 74 dit que les collectivités d'outre-mer ont un statut qui tient compte des intérêts propres de chacune d'elles au sein de la République. Ce statut est défini pour chacune par une loi organique adoptée après avis de l'assemblée délibérante de la collectivité. Ce n'était le cas, jusque-là, que des territoires d'outre-mer, depuis seulement la révision constitutionnelle du 25 juin 1992. Les autres modalités, non statutaires, de l'organisation particulière des collectivités, sont définies et modifiées par la loi ordinaire après consultation de leur assemblée délibérante.

Le statut de chaque collectivité d'outre-mer fixe pour chacune « les conditions dans lesquelles les lois et règlements y sont applicables » (au lieu d'être « applicables de plein droit » dans la formulation de l'article 73 de la Constitution). Mais l'article 74 laisse place à l'identité législative puisque celle-ci est partiellement présente à Mayotte et à Saint-Pierre-et-Miquelon

La spécialité législative, dont on connaît les limites, notamment avec les « lois de souveraineté » (lois constitutionnelles, organiques... applicables sur tout le territoire de la République) se heurte aussi à la disposition de l'article 74 fixant les compétences que l'État ne peut pas transférer (ni aux collectivités de l'article 74 ni à celles de l'article 73 de la Constitution) à moins qu'il l'ait déjà fait, et compte tenu de la possibilité de préciser et de compléter cette liste par la loi organique. Rappelons ces matières « d'État » : la nationalité, les droits civiques, les garanties des libertés publiques, l'état et la capacité des personnes, l'organisation de la justice, le droit pénal, la procédure pénale, la politique étrangère, la défense, la sécurité et l'ordre publics, la monnaie, le crédit et les charges ainsi que le droit électoral.

Avec cette réserve fondamentale, une loi organique statutaire fixe les compétences de chaque collectivité. Elle détermine les règles d'organisation et de fonctionnement des institutions de la collectivité et le régime électoral de son assemblée délibérante. C'est, enfin, dans les conditions fixées par cette loi organique que la collectivité d'outre-mer est consultée sur les textes nationaux comportant des dispositions particulières les concernant (projets et propositions de lois, projets d'ordonnances et de décrets), et sur la ratification et l'approbation d'engagements internationaux conclus par l'État dans les matières de la compétence de la collectivité.

Et le nouvel article 74-1 institue une habilitation permanente du gouvernement à étendre par ordonnance dans les collectivités d'outre-mer, les dispositions législatives en vigueur en métropole dans les matières de la compétence de l'État, avec les

adaptations nécessaires, après avis de l'assemblée délibérante de la collectivité concernée.

### **Les dispositions relatives aux collectivités dotées de l'autonomie**

L'article 74 alinéa 2 vise en particulier « celles de ces collectivités qui sont dotées de l'autonomie ». Aujourd'hui, cette périphrase est transparente puisque seule la Polynésie française est placée sous statut d'autonomie. Sa situation à l'égard de la Constitution est étonnante. Nous avons vu qu'elle était, au début de 2000, sur le point d'être dotée d'un nouveau statut allant très loin sur la voie de l'autonomie ; elle s'y « gouvernait librement », dotée d'une « citoyenneté » propre et d'un pouvoir législatif. Ce statut, adopté à l'unanimité par chaque assemblée parlementaire, passe donc aux oubliettes... Qu'en reste-t-il ?

On observera que le mot « autonomie » apparaîtra dans la Constitution, comme cela était prévu dans la révision avortée (il faut remonter à l'ancien article 77 du temps de la Communauté, pour trouver l'expression : « dans la Communauté, les Etats jouissent de l'autonomie »). Il restera à expliquer ce qu'est en droit l'autonomie instituée par cette révision constitutionnelle relative à la décentralisation, et l'on espère que le Conseil constitutionnel s'y rendra utile.

Deux alinéas relèvent manifestement d'une substitution de produits... Là où la Polynésie aspire à la compétence législative, on lui dit que son assemblée délibérante peut prendre, dans le domaine législatif, des actes réglementaires. C'est ce qui définissait les territoires d'outre-mer : rien de nouveau ici. Ce qui change, c'est que ces actes peuvent faire l'objet d'un « contrôle juridictionnel spécifique ». Mais ce changement ne concerne que l'organe juridictionnel, et ces actes seront seulement jugés directement par le Conseil d'Etat sans passer par le tribunal administratif de Papeete. On peut imaginer aussi que ce « contrôle juridictionnel spécifique » ne soit pas une notion seulement organique, mais encore relative aux normes en rapport. Les actes de l'assemblée délibérante, sans être de nature législative, pourraient cependant n'être contrôlés qu'au regard du bloc de constitutionnalité, et notamment pas au regard des principes généraux du droit. C'est la loi organique qui devra déterminer ce régime.

Postérieurement à l'entrée en vigueur du statut de la collectivité, lorsqu'une loi est intervenue dans le domaine de compétence de cette collectivité (et que le Conseil constitutionnel l'a constaté), son assemblée délibérante peut la modifier. Une sorte de citoyenneté apparaît en prévoyant dans la loi organique dans quelles conditions des mesures justifiées par les nécessités locales peuvent être prises par la collectivité en faveur de sa population, en matière d'accès à l'emploi, de droit d'établissement pour l'exercice d'une activité professionnelle ou de protection du patrimoine foncier. Enfin, l'Etat, compétent pour les respect des garanties accordées sur l'ensemble du territoire national pour l'exercice des libertés publiques, peut associer les collectivités à l'exercice de ces compétences.

### **La possibilité d'évoluer d'une des deux catégories à l'autre**

Le nouvel article 72-4 de la Constitution prévoit la possibilité, pour une collectivité de l'article 73, d'opérer une évolution la plaçant sous le régime de l'article 74, et inversement. Cette évolution peut même concerner une partie de collectivité seulement. Cela pourra intéresser par exemple la Guyane, département d'outre-mer aspirant à un statut de spécialité législative ou, dans l'autre sens, Mayotte, collectivité attirée par le statut départemental. Tous ces souhaits auparavant contrariés par l'ombre du Conseil constitutionnel vont maintenant heureusement pouvoir envisager leur réalisation.

La Constitution insiste sur la nécessité, dans ce cas, d'obtenir le consentement des électeurs intéressés. La procédure est celle exposée ci-dessus au sujet de l'évolution au sein du régime de l'article 73. L'article 72-4 in fine précise que si la consultation sur le changement de régime est organisée sur proposition du gouvernement, celui-ci fait, devant chaque assemblée, une déclaration qui est suivie d'un débat. Il faut observer que cette procédure privilégiant la consultation des populations intéressées peut aussi être mise en œuvre tout en restant au sein d'une des deux catégories de collectivités (article 73 et article 74) au sujet de toute question relative à l'organisation, aux compétences ou au régime législatif d'une collectivité.

### **Conclusion**

L'article 72 de la Constitution dit désormais que « les collectivités territoriales de la République sont les communes, les départements, les régions, les collectivités à statut particulier et les collectivités d'outre-mer régies par l'article 74 ».

Laissant de côté les communes, nous observons donc qu'indépendamment des deux catégories que nous avons analysées : d'une part les départements et régions, et d'autre part les collectivités d'outre-mer, il faut compter encore les collectivités à statut particulier. En métropole, il s'agit de Paris et de la Corse ; outre-mer, il s'agit de la Nouvelle-Calédonie (qui elle-même possède des collectivités en son sein : les provinces). Les particularismes de la Nouvelle-Calédonie vont si loin (et amènent la France bien au delà de la décentralisation que la révision proclame à l'article 1<sup>er</sup> de la Constitution) qu'elle fait l'objet d'un titre spécifique de la Constitution, le titre XIII, fortement dérogoire à bien des éléments du reste de la Constitution.

La révision du 28 mars 2003 institue un nouvel article 72-3 qui dresse la liste nominative de toutes les collectivités françaises d'outre-mer. Elle n'omet, comme territoires, que l'îlot de Clipperton, au large du Mexique, dans le Pacifique nord, et les « îles éparées » de l'océan indien, qui ont tous la particularité d'être inhabités.

Mais cet article 72-3 mentionne les terres australes et antarctiques françaises, que la loi du 6 août 1955 a qualifié de territoire d'outre-mer irrégulièrement puisque

dépourvu d'électeurs, et qu'une nouvelle loi devra qualifier, dès lors que le statut de territoire d'outre-mer n'existe plus. C'est ainsi que Wallis et Futuna, territoire d'outre-mer par la loi du 29 juillet 1961 et la Polynésie française dont le dernier statut comme territoire d'outre-mer date du 17 avril 1996 feront l'objet chacune d'une nouvelle loi statutaire en tant que collectivité d'outre-mer. Et l'article 72-3 n'oublie pas (comme c'était malheureusement le cas du projet gouvernemental de révision constitutionnelle), la Nouvelle-Calédonie, par renvoi au titre XIII de la Constitution.

Enfin l'article 72-3 consacre l'unicité du « peuple français » et affirme qu'en son sein « la République reconnaît les populations d'outre-mer ». Pourtant, à quatre reprises, l'accord de Nouméa qui est constitutionnalisé, parle, avec une extrême solennité, du « peuple kanak », partie intégrante de la citoyenneté calédonienne et donc de la citoyenneté et du peuple français. Encore un bouleversement...

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## Résumé

La Constitution française a été révisée en 2003 afin que la République ait désormais une 'organisation décentralisée'. En ce qui concerne l'outre-mer, la République en sort bouleversée. Indépendamment de la Nouvelle-Calédonie, qui a une place à part extrêmement originale, cette révision essaye de mettre de l'ordre dans les situations des différentes collectivités territoriales de l'outre-mer. En effet, depuis le bel ordonnancement originel distinguant simplement les départements d'outre-mer (assimilés à la République) et les territoires d'outre-mer (avec leur organisation particulière), les choses se sont progressivement compliquées et éparpillées. La révision constitutionnelle a une volonté de ramener le paysage constitutionnel outre-mer à deux catégories principales d'ailleurs souples: les départements d'outre-mer, qui font partie de la catégorie des départements, et tout le reste: les collectivités d'outre-mer, qui ont chacune leur propre statut. Toutes ces collectivités territoriales devraient progressivement revêtir des vêtements sur mesure. La République française n'est plus uniforme.



## **Abstract**

In 2003 the French Constitution was revised to give the Republic a 'decentralised organisation'. So far as the overseas territories are concerned, the Republic has been drastically changed. Irrespective of New Caledonia, which has a separate and very particular place in the constitution, this revision attempts to bring some order to the situation of the different territorial collectivities overseas. Ever since the original organization, which simply distinguished between overseas departments (assimilated to the Republic) and overseas territories (with their own particular organisation), the situation has become progressively more complicated and fragmented. The revision to the constitution aims to restore two flexible categories to the constitutional landscape overseas: overseas departments, belonging to the category of departments; and all the other overseas collectivities, each of which has its own statutes. All these territorial collectivities should gradually be clothed in garments made to measure. The French Republic is no longer uniform.

# *From Independence to Interdependence: the Postcolonial Kanak Identity Struggle*

*Junko Edo*

The *revendication de l'identité Kanak* is the political demand for the recognition of Kanak identity, based on the rights that Kanak claim as the original inhabitants of New Caledonia.<sup>1</sup> This demand is the key concept of the Melanesian decolonisation struggle in New Caledonia. While tracing the historical development of the Kanak identity claim through interviews with local people, both Kanak and non-Kanak, this paper explores how the meaning of the demand for independence and the Kanak identity claim has shifted in this postcolonial setting.

## **The Kanak Independence Movement**

Kanak began the struggle for their liberation and the restoration of their identity at the end of the 1960s and in 1975 they began to demand independence. French colonisation had dehumanised Kanak and deprived them of their rights and dignity so that they had politically and culturally to assert their identity vis-à-vis France and non-Kanak communities. In their liberation and independence movements Kanak struggled to recover their rights as an autochthonous people with legitimate and historical claims and sought to establish their identity as a symbol of nation. In other words, while domesticating the modern concept of the nation-state, they asserted their identity as a symbol both of the autochthonous people as a whole and as a symbol of nation.

Although different interpretations have been given to the struggle, depending on individuals and their circumstances, it has mainly meant regaining 'human dignity' and rights to 'culture,' 'land' and 'socioeconomic development' as well as 'sovereignty'.<sup>2</sup>

<sup>1</sup> In this article, the word 'Kanak' is capitalised and written in the invariable form in accordance with the orthography adopted by the FLNKS.

<sup>2</sup> In the 1980s, all these demands were concisely expressed in the Charter of the FLNKS (FLNKS 1987: 2).

When asked about the meaning of the *revendication de l'identité Kanak* many people refer to regaining *dignité* (dignity) or *fierté* (pride) as human beings. Yeiwéné Yeiwéné, the late Kanak political leader, used the term, '*fierté*,' meaning '*l'homme debout*' (man standing on his own feet) (Burck 23 August 1996). This comment indicates how deeply Kanak felt dehumanised by colonisation. Though the recovery of sovereignty has been the most important demand made by Kanak, the decolonisation struggle is not just the struggle for independence or the formation of a Kanak identity; it is about recovering the rights and dignity of Kanak as the original people of New Caledonia.

France first recognised the *revendication de l'identité Kanak* in the 1983 Nainville-les-Roches agreement.<sup>3</sup> Though never ratified by the principal anti-independence party, the loyalist Rassemblement pour la Calédonie dans la République (RPCR), this agreement set the future course of the Kanak identity claim, while imposing a double-binding proposition on Kanak and non-Kanak. On the one hand, the agreement recognised the 'innate and active right [of Kanak] to independence', but, on the other hand, the legitimacy of the Kanak claim depended on Kanak recognition of the right of other communities to self-determination. Kanak *indépendantistes* interpreted this to mean that the possibility of acting for or against independence was the active right of Kanak and that it was for Kanak to grant the right to self-determination to non-Kanak (see *Avenir Calédonien* 28 July 1983: 1, 2).

When the Front Indépendantiste (FI) formed in the late 1970s became the Front de Libération Nationale Kanak et Socialiste (FLNKS) in 1984 its charter claimed the right to unconditional and unreserved sovereignty with 'IKS', *indépendance kanak et socialiste* (Kanak socialist independence) as their political discipline (*Charte du FLNKS*: 2). The 'IKS' slogan was an expression of Kanak nationalism. As the antithesis of colonialism, the 'socialism' of this slogan reflected the influence of the Melanesian students who had acquired their theoretical grounding in the decolonisation struggle during the '*événements de Mai*' (events of May) in Paris in 1968 and then carried this struggle, and its slogans, back to New Caledonia. In ethnic and regional terms, large economic and social inequalities existed, and still exist, in New Caledonia. By articulating the Kanak cultural values of sharing and solidarity, they established Kanak socialism as a strategy to replace the capitalist system and achieve the goal of 'Kanak independence'.

'Kanak independence' meant that only Kanak had the right to sovereignty, though non-Kanak who recognised this were to be welcomed into the Kanak nation. In other words, Kanak nationalism insisted upon the legitimacy of Kanak as the sole

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<sup>3</sup> The meeting held at Nainville-les-Roches was attended by the Front Indépendantiste (FI), the loyalist Rassemblement pour la Calédonie dans la République (RPCR), the centrist Fédération pour une Nouvelle Société Calédonienne (FNSC) and the French government, represented by Georges Lemoine, the minister of DOM-TOM. However, the communiqué was not ratified because Jacques Lafleur, the leader of the RPCR, refused to sign.

autochthonous 'people' of Kanaky or New Caledonia and represented the other non-Kanak communities as *ethnies* (ethnic groups) within the nation. According to Roch Wamytan, the FLNKS President, the *revendication de l'identité Kanak* does not mean establishing an ethnic identity, although the term Kanak has evolved as an ethnic name; it means achieving the goal of nation — that is, a national identity (21 August 1996). Like Wamytan, many Kanak do not accept the interpretation of the term Kanak as the name of an *ethnie* (ethnic group), even though it is generally used in this sense. This illustrates a discrepancy between internal and external viewpoints. If Kanak refuse the idea of an *ethnie*, then what do they interpret the term Kanak to mean? According to Octave Togna, the director of the Agence pour le développement de la culture kanak (ADCK):

I am not ethnic. I do not accept the name 'ethnic' because I am originally here in my country, as [one of the] autochthonous people ... When you use *ethnie*, it indicates a certain number of population who live in a given place, from which they do not originate. For instance, there are ethnic groups of Europeans and Wallisians. People equals nation (8 October 1997).

What separates *ethnie* and 'people' is that the former has no right to independence or self-determination. Therefore, Kanak assert '*Nous sommes le peuple de ce pays*' (We are the people of this country). If Kanak were to be taken as an ethnic group, their legitimacy would lose ground. Here, we see that Kanak have reconceptualised the term *ethnie* to serve their struggle for the *revendication de l'identité Kanak*.

In *L'Avenir Calédonien*, the journal of the pro-independence Union Calédonienne (UC), terms such as *indépendance multiculturelle* (multicultural independence), *indépendance multiraciale* (multiracial independence), *indépendance pluriethnique* (pluriethnic independence), or *indépendance des multinationales* (independence dominated by multinational companies) could be found alongside each other in the 1980s.<sup>4</sup> The UC recognised the possibility of the first two terms, but it disapproved of *indépendance pluriethnique* because this implied an equal right to independence by all ethnic communities, including Kanak. The FLNKS' demand for sovereignty culminated in the declaration of a provisional government of the Republic of Kanaky with Jean-Marie Tjibaou as President in December 1984. The provisional government set out to put 'Kanak independence' into practice.

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<sup>4</sup> For example, 'Non-Canaques (Kanaks) must choose either independence dominated by multinational companies and political Mafias or Canaque independence with the opportunity and promise it offers if properly understood and accepted' (*Avenir Calédonien* 15 July 1980: 4); 'The Pacific Forum accepted independence as the solution. It talked about "MULTIRACIAL" independence and not "pluri-ethnic" independence.' There is a shade of difference' (*Avenir Calédonien* 6 Sept. 1984: 1).

We should also keep in mind that the demand for 'Kanak independence' was made against France as part of a decolonisation struggle and a search for nationhood rather than as part of local ethno-politics, even if the two are related. In their speeches, Kanak *indépendantistes* have always stressed that it is France that they need to negotiate with for the *revendication de l'identité Kanak*, rather than the local loyalists or other ethnic communities. So, Wamytan claims that 'The Kanak demands are our problem but not others... The logic of the struggle which concerns us is the relation with France, which dominates us' (19 October 1998).

It is also important to recognise that the underlying notions of Kanak sovereignty and independence harbour the possibility of interdependence shared with partners. In 1985, when asked about the difference between independence and sovereignty, Tjibaou explained that

Sovereignty is the right to choose partners; independence is the power to manage everything arising from colonisation, from the existing system. The Kanak people need the return of sovereignty over their own country — sovereignty over people, land, above and below, air and the sea, etc ... It is sovereignty which gives us the right and the power to negotiate all forms of interdependence. For a small country like ours, independence consists of the ability to consider interdependence (1985: 1593).

In the framework of the nation-state, sovereignty is generally understood as the supreme authority to determine a country's way of being, including the right to wage war. However, when such supreme authority tends to produce opposition and warfare, it is worth reconsidering the meaning of sovereignty as conceived within the norm of the nation-state. In this sense, Tjibaou's interpretation of sovereignty as the 'right to choose partners' and the 'power to negotiate interdependence' was postmodern in that it anticipated coexistence and cohabitation rather than supreme authority.

Such notions of partnership and interdependence seem to be inherent in Kanak culture, recalling the missionary and anthropologist Maurice Leenhardt's description of Kanak personhood. According to Leenhardt, the Kanak person is composed of two elements; on the one hand, 'an element which can be isolated by individuation' as a physical, 'asocial' entity; and, on the other hand, an element which remains 'the Other and includes all of human reality' and which 'is composed of participations, sociality, communion, and other values' (1979: 168–9).<sup>5</sup> In this communal relationship with the other, the traditional Kanak notion of the boundary can be said

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<sup>5</sup> According to Leenhardt, 'The person manifests the relationship between these two elements ... It is this communal relationship itself, temporalized and individuated, and it holds in itself the union of these two elements, individuation and communion' (1979: 169).

to be blurred and inclusive of others. The boundary is a focus for sharing with others, rather than a point of separation. There is then a syncretic dimension to Tjibaou's description of sovereignty; Tjibaou reconceptualised the international norms of sovereignty and independence, adapting them in relation to the cultural values of Kanak and the political context of their struggle.

## The Matignon Accords, 1988

In the decade that followed the signing of the Matignon-Oudinot Accords in 1988, the *revendication de l'identité Kanak* changed its meaning by acquiring a new mission. The aim of the Matignon Accords was to establish peace and promote decentralisation (under a system of provincial government) and socioeconomic and cultural development as well as provide for a referendum on the future of the territory in 1998. The Matignon Accords gave the population of New Caledonia ten years to think about and decide the future status of the territory in relation to France (FG 1988b: 8; JORF 1988a: 12568). Because the Matignon Accords had suspended the recovery of sovereignty, Tjibaou stated that

we, the Melanesians, who are today on the fringes of the economy, resolve to take an integral part in it, to use the economic instrument as an instrument of our struggle to take positions of responsibility and achieve independence (1996: 280).

Here, we see that the *indépendantistes* had changed their strategy. By linking economic growth with the acquisition of sovereignty, they presumed positively that economic development under provincial autonomy would lead to independence. In an article published in *L'Avenir Calédonien* ('*Note de Reflexion*': Koné 1993), they recognised that 'it was impossible to convince non-*indépendantistes* of "IKS" in 1998 at the end of the Accords.' They said that it was now necessary to reconsider 'IKS' 'in the context of international and local circumstances and geopolitical, economic and social realities' (*Avenir Calédonien*, No. 1015: 5). On socialism in particular, they commented:

Socialism in its purely ideological vision is now a museum piece since the fall of the Eastern European countries and the quasi-universal recognition of the primacy of the market economy (6).

This claim by the UC, one of the main pro-independence parties within the FLNKS, suggests that socialism had faded away as a principle. The biggest project of the Matignon Accords undoubtedly lay in the French-sponsored development of the capitalist economy.

The Matignon Accords did promote development, but when I asked about the possibility of independence in 1996, 1997 and 1998, towards the end of the Matignon decade, almost all Kanak said, '*Oui, mais pas maintenant*' (Yes, but not now). Why did so many Kanak feel that they were not yet ready for independence? Ismet Kurtovitch, a Caledonian<sup>6</sup> historian, said that France had made large investments and influenced Caledonian social life with hospitals, roads and schools. As a result of the Matignon Accords, Melanesians had obtained power and confronted the difficulties of managing the provinces (17 September 1997). Nidoish Naisseline, a Kanak politician and former leader of the liberation movement in the late 1960s, commented that the Matignon Accords had replaced the problems of independence with the problems of development and economic equality (1994: 13). It had been difficult to achieve equality in ethnic and regional terms in the ten years and gross inequalities remained unresolved. The confrontation with economic development had made many Kanak realise that they were not ready for independence.

A different view was put forward by a Kanak housewife who said that France had formed a Kanak bourgeoisie and that young people were demobilised politically. After the Matignon Accords, they stopped fighting and began working. Young militants believed that their leaders had sold Kanak to Jacques Lafleur (24 September 1997), the Caledonian leader of the RPCR and a wealthy businessman. Another Kanak said that the Matignon Accords had recolonised New Caledonia and made people forget the real purpose of their struggle. People do not have the spirit to achieve a 'nation'. It exists as an idea but not in reality (25 September 1997). These remarks suggest that development with substantial French aid had increased Kanak dependency rather than promoting autonomy and self-help. In this sense, the Matignon Accords had sapped the Kanak urge for independence and promoted neo-colonialism.

According to Fote Trolue, the only Kanak judge, however, Kanak had not changed their opinion regarding independence, but they were now debating how to approach independence (16 September 1997). What kind of approach is being taken then? When Naisseline started the liberation movement in Paris in the 1960s, he used the term '*Canaque*' as a symbol of liberation including not just Melanesians but other Caledonians: 'to be Canaque (*être Canaque*) was to be a person free from political, economic and social oppression' (see *Le Canaque: Homme Libre*, no. 1, Feb. 69). However, back home, he meant Kanak as an *ethnie* and the *revendication de l'identité Kanak* became the assertion of Kanak rights. In 1996, though, Naisseline said that 'The concept of Kanak identity is open, infinite, *pluriethnic* sovereignty and not nationalistic' (2396). Naisseline believes that Tjibaou changed the term '*Kanak*' to make its identity more open to others and that:

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<sup>6</sup> The term Caledonian (*Calédonien*) includes all inhabitant of New Caledonia, but mostly Europeans and non-Kanak.

After the [Matignon] Accords, the term, Kanak, changed its content... In the beginning, there was the context of the *revendication de l'identité Kanak* in opposition to colonialism, but since the Accords, it has come to mean more the construction of the country culturally, psychologically and aesthetically (1 October 1997).

Therefore, the meaning of the *revendication de l'identité Kanak* has shifted and has become that of the construction of the 'country'. As Togna, the ADCK director, explains:

The Matignon Accords were the moment when we stopped the struggle and began the construction... They mean trying to get on with people who are different and trying to work together. What is not easy today is mutual recognition between Kanak and non-Kanak (15 October 1997).

The new approach to Kanak independence involves the construction of a 'country'<sup>7</sup> together with other communities. How has this become possible? François Burck, a former Caledonian president of the UC, said that 'With peace, people accept each other' (13 October 1997). Kurtovitch also believes that Europeans have come to understand that they cannot do anything about this 'country' without the support of the Melanesians, short of risking civil war (17 September 1997). Régis Lethezer, a Caledonian who has worked for the UC for a long time, commented that people had been influenced by televised reporting of ethnic conflicts in former Yugoslavia, Africa or Asia. Among the different ethnic groups, there is now a direct communication which previously had not been seen (3 October 1997).

While ethnic conflict blew up around the world and in nearby Melanesian countries, peace was established in New Caledonia enabling communication among the different communities to be restored. As suggested by Togna, animosity still persisted, but the Matignon Accords had been successful in bringing about the reconciliation of Caledonian society. This made it possible to approach the new mission of constructing a 'country'. As this process of building a country is equivalent to 'nation-making', it can be said that the Kanak identity struggle has proceeded from the decolonisation stage to the postcolonial stage.

## Negotiating the Nouméa Accord

According to the provisions of the Matignon Accords, the population of New Caledonia was to decide its future by a referendum on independence in 1998.

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<sup>7</sup> Although New Caledonia cannot be defined as a 'country' in the sense of a sovereign state, I use this term in the context where Kanak or non-Kanak refer to New Caledonia as their '*pays*' (country).



However, the Matignon Accords had been concluded in haste and the *indépendantistes* now had a decade to consider the kind of independence they wanted. When I visited New Caledonia in 1991, negotiations were already under way. *Indépendantistes* were seeking a 'consensual solution', instead of a direct vote on independence, so as to avoid civil war and safeguard peace and economic development. The FLNKS was negotiating for an '*Etat associé à la France*' (a state associated with France),<sup>8</sup> an agreement akin to the 'Free association' that links the Cook Islands and Niue with New Zealand or the Compact of Free Association which links the Federated States of Micronesia (FSM), the Marshall Islands and Palau with the United States of America. For small Pacific Island states such agreements are pragmatic alternatives to complete independence which allow them to receive aid and protection while their former suzerains continue to exercise influence.

The FLNKS demand for a 'state associated with France' can be referred back to Tjibaou's concept of sovereignty and independence (see above). Like Tjibaou, Billy Wapotro, the Kanak director of a Protestant school association, says 'I know the limitations of the country. Due to these limitations, we have to manage the country with what I call interdependence' (9 November 1998). Therefore, when Kanak *indépendantistes* talk of independence or interdependence, it means a link with France. In other words, the 'Kanak movement's goal of rooted independence does not presuppose ... separation from France' and 'the tactical politics of de-linking and re-linking are inseparable' (Clifford 2000).

In negotiations, Kanak asked for an accession to sovereignty in 1998 with a calendar for the gradual transfer of powers. The idea of such devolution of powers can be traced back to the vision of *indépendantistes* at the time of the Nainville-les-Roches agreement (see *Avenir Calédonien* 28 July 1983: 1, 2), but in the mid-1990s *indépendantistes* changed their strategy in order to achieve a consensus. Instead of seeking the accession to sovereignty in 1998, the FLNKS sought the 'automatic passage' of an irreversible process of decolonisation leading eventually to the status of an 'associated state'. Opposing this, loyalists demanded that the population concerned be consulted. The RPCR believed that a poll on self-determination, in the form of a vote for or against independence, would result in independence being denied.

The consensual solution, involving a gradual transfer of powers over a twenty-year period and providing for a referendum on the eventual transfer of 'regalian' powers to New Caledonia was eventually approved in the Nouméa Accord, signed in May 1998. The Nouméa Accord itself was ratified by a referendum,<sup>9</sup> held on 8 November 1998,

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<sup>8</sup> The idea of an '*Etat associé à la France*' was mentioned by Burck, Christnacht and Wamytan, whom I interviewed on 23, 26 and 27 Aug. 1991 respectively.

<sup>9</sup> In the referendum, in which 74 per cent of voters participated, the Nouméa Accord was approved with 72 per cent in favour and 26 per cent opposed (*Lundi Matin* 9 Nov. 1998).

in which the two main signatories, the FLNKS and the RPCR, campaigned for a 'Yes' vote. While the FLNKS affirmed that New Caledonia would become independent, the RPCR maintained the opposite view.

## The Nouméa Accord, 1998<sup>10</sup>

The preamble to the Nouméa Accord recognises the mistakes France made in colonisation and the identity of Kanak as the original people of New Caledonia, and allows that a period of 'shared sovereignty' with France may end in 'full sovereignty' and the creation of a New Caledonian citizenship. In this sense, the Accord has brought about a further evolution in the meaning of the *revendication de l'identité Kanak*.<sup>11</sup> The 'shared sovereignty' means that over a twenty-year period, powers will be transferred irreversibly from France to New Caledonia.<sup>12</sup> In this gradual devolution of power, the Accord embodies an approach to decolonisation different from those often seen in the 'Third World' where independence is decided promptly. This transitional process gives time to prepare for running the 'country'. Major powers are still entrusted to France, but in relation to the transferred powers New Caledonia can exercise legislative and administrative responsibility. New Caledonia is no longer an overseas territory; indeed, it does not have a precise designation in the French constitution.<sup>13</sup>

The Nouméa Accord states that approval for full sovereignty will be decided by the vote of the people. Between 2014 and 2018, the Congress will set the date for a poll on the devolution of the reserved powers (i.e., the 'regalian' powers not devolved during the previous fifteen years), which will give New Caledonia the opportunity to acquire international status and to convert citizenship into nationality (Nouméa

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<sup>10</sup> This discussion is based on an English translation (Nouméa Accord 1998). The official French version was published in the *Journal Officiel de la République Française*, 27 May 1998: 8039-44.

<sup>11</sup> The Nouméa Accord promises to put in place legislation for Kanak rights on customary affairs such as customary status, customary land and customary palavers; protection of cultural heritage; adoption of Kanak identity symbols; and the establishment of the Customary Senate. Customary status, that is, the *statut civil coutumier*, replaces the *statut civil particulier*.

<sup>12</sup> The powers are of three types: transferred, shared and reserved. The 'transferred powers' are to be devolved in three stages (the first from 1999, the second from 2004 to 2009 and the third from 2009). This devolution is to be irreversible; however, for the second and third phases it is for the Congress of New Caledonia to decide the date on which powers should be transferred within this timeframe. The 'shared' powers, including international relations, are entrusted to the state. The reserved or 'regalian' powers, including justice, defence and foreign affairs, remain the responsibility of the state until the referendum (provided for under Section 5) on the final transfer of these powers to New Caledonia (Nouméa Accord, Section 3).

<sup>13</sup> Dominique Bur, the French High Commissioner at the time of the Nouméa Accord, refers to its status as *sui generis*, a unique category not previously existing (20 October 1998). Guy Agniel of the Université de la Nouvelle-Calédonie refers to New Caledonia's status as that of a '*collectivité territoriale à statut particulier*' (territorial community with special status) (indirect e-mail communication through Kasarhérou, Feb. 2002).

Accord, Section 5).<sup>14</sup> Although 'The State acknowledges that it is appropriate that New Caledonia achieve complete emancipation at the end of the last stage' (Section 5), France does not guarantee full sovereignty and neither does it promise independence, which is a choice entrusted to the people. The main problem with the Nouméa Accord lies in this uncertainty as to the future status of New Caledonia.

While many people appreciate the Nouméa Accord, their concerns and criticisms relate to this uncertainty. Beniela Houmbouy, a Kanak high school teacher, says that the Nouméa Accord allows time to prepare together and consider a solution. However, he worries whether the people will use the time to find a solution. They may fall into the same trap as happened with the Matignon Accords: the people thought that the situation would become (politically) clearer and (economically) equal in ten years, but this did not eventuate (30/10/98).

Nevertheless, New Caledonia has been granted a process which allows the gradual enlargement of power to manage their 'country' and which ends just short of full sovereignty. What is important to Kanak is that they can engage in this process, and not that they have failed to win an 'automatic' accession to independence. If independence had been granted immediately, the Nouméa Accord would have not been concluded, or it would not have been approved in the referendum, and the people of New Caledonia would once again have been divided. The process is important since it allows Kanak and non-Kanak to work for the new mission and to share their experiences with others. As Wapotro says, 'Up till [the] present, Kanak and *Caldoches*<sup>15</sup> have had their own destinies but we have decided to say that we have only one destiny from now on as the destiny of this country' (6 November 1998). Although this does not mean that conflicts between different communities have disappeared,<sup>16</sup> in this common destiny, the *revendication de l'identité Kanak* has changed its meaning.

One objective for Kanak in the mission of constructing a 'country' is socioeconomic development, and the Nouméa Accord promises the continuity of economic development and French financial support.<sup>17</sup> While the sociocultural values of Kanak

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<sup>14</sup> If the electorate (see Nouméa Accord, Section 2) votes against it, the Congress will arrange, at the request of at least one-third of its members, for a second poll in the following year. A third poll may also be held under the same conditions. If this fails, the political partners will meet to consider the situation, but the political status quo will irrevocably stay in force. The Accord also rules out the possibility of partition or secession.

<sup>15</sup> Europeans, especially descendants of European settlers.

<sup>16</sup> For instance, violence arising from a land dispute at Saint-Louis has continued since 2001 between Kanak and a neighbouring Wallisian community. According to Wamytan, to solve this conflict, the continual immigration flow from Wallis and Futuna to Saint-Louis has to be stopped (*LNC* 14 Nov. 2001 and 14 Feb. 2002).

<sup>17</sup> Under the Nouméa Accord, development contracts between the state and the provinces and most Kanak training programs continue. Also, taking into account the learning difficulties encountered by Kanak in the French education system, the Accord stipulates that all training should be more closely geared to local realities, the regional environment and urgent needs (Nouméa Accord, Section 4).

are seen as inconsonant with the capitalist economic system, they need to domesticate capitalism as part of their strategy, just as they did socialism. If they appropriate capitalism, they may represent it as 'Kanak capitalism' by articulating their traditional values: the sharing and solidarity which world capitalism lacks.

In political terms, will the creation of a citizenship<sup>18</sup> and the symbols of the 'country', as prescribed in the Nouméa Accord, help to construct an awareness of a common destiny as a nation? Loyalists assert that citizenship is purely a means of restricting the electorate and would not entail nationality. A loyalist politician says that citizenship defines the conditions for voting and nothing else (12 November 1998). However, Max Chivot, a Caledonian high school teacher who engaged in the liberation movement, believes that citizenship is important because it is shared by everyone. He says that it is a grand pact, an outcome of the Kanak struggle, and he anticipates that sharing citizenship may produce 'nation-ness' (27 October 1998).

Likewise, the establishment of the new symbols of the 'country'<sup>19</sup> may also have the effect of producing a sense of nation, though gaining consensus on these may be difficult. Chivot suggests that if Kanak identity should be referred to in the symbols of the 'country', it is a matter of Kanak culture, but if these symbols are to represent all citizens of New Caledonia, it will be difficult to achieve consensus (27 October 1998). To decide what symbols should represent the 'country' is not just a matter of politics, it is also a matter of cultural identity. Kanak, as well as Caledonians, think that the future of this 'country' cannot escape hybridity, either genetic or cultural. They each believe that they have to defend their culture and not lose their own identity. This is evident in the debate about the name for the 'country' and its people. The terms 'Kanak' and Kanaky have been competing with the terms 'Calédonien' and 'New Caledonia'. In this 'combat of the terms', there is an attempt to agree on the country's name: people mention Kanaky-Nouvelle Calédonie, Kanaky-Calédonie, Calédonie-Kanaky, or Kanak-Calédonie. The name of the country and other identity signs such as a flag can be changed at any time, but changes must be approved by a three-fifths majority in the Congress. So long as loyalists form the majority of the Congress, change is unlikely. Bernard Lepeu, the UC President in 1998, commented that name-changing is not the highest priority for the time being; what is essential is a change in the mentality of the people (28 October 1998).

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<sup>18</sup> The Nouméa Accord (Section 2) recognises a 'New Caledonian citizenship' and allows that this may be transformed into 'nationality' at the end of the Accord, if the population so decides. In the intervening period, the idea of a New Caledonian citizenship is applied so as to restrict the electorate and to protect local employment. With this citizenship comes the right to vote in the referendum after 2014.

<sup>19</sup> According to the Nouméa Accord, symbols such as the country's name, flag, anthem and currency are to be jointly researched so as to give expression to the 'Kanak identity' and the idea of a future shared by all the communities (Section 1.5).

So far as popular attitudes are concerned, loyalists do not seem to have greatly changed their opinion about independence. Loyalists continue to assert that *indépendantistes* will never acquire a majority and that there will never be independence. Simon Loueckhote, a Kanak loyalist and member of the RPCR, who appreciates both the Matignon and Nouméa Accords, says that 'The Matignon Accords are the first step towards the emancipation of Melanesians. The Nouméa Accord is the continuation of the emancipation' (5 November 1998). However, referring to the advantages of staying with France in terms of investment, money, education, culture and medical treatment, he says, 'Since France is a strong country and we are small, we have to have a tie' (5 November 1998).

Like Loueckhote, all loyalists mention the economy as part of the argument against independence. A cliché of the anti-independence position has been the idea that an independent New Caledonia would become poor like Vanuatu (the former New Hebrides, which acquired independence in 1980). The standard of living in New Caledonia is high because of the French budget, and loyalists think that for this reason people will not demand the last stage of independence (the transfer of the reserved 'regalian' powers). Moreover, New Caledonia may not have the economic capacity to manage the reserved powers such as defence, though the *indépendantistes* presumably covet foreign affairs and external relations. Realistically, what *indépendantistes* and loyalists have in common is that they both need French money. It can be said that Kanak *indépendantistes* pragmatically chose the relationship with France rather than independence.

For non-Kanak loyalists there is also the fear of displacement, and Vanuatu also offers an example of this. Martin and Françoise, a *Caldoche* couple, voted against the Nouméa Accord because they claim that they could not see clearly where it would lead: 'If Caledonia is managed by the FLNKS and the RPCR, we'll see a lot of very dirty business [political corruption] ... It is because of this, you see, that the FN [Front National] exists here. The FN is against the RPCR'. The FN is a radical right-wing party connected to the Front National in France. Martin says that he used to discuss politics with Melanesians but that now avoids this since he does not want quarrels. He says that consequently he has a lot of Kanak friends. One of their neighbours is a refugee from Vanuatu and the couple said that in Vanuatu shops owned by white people were burned and they had to leave with nothing: 'When there is independence, you are kicked out ... Whenever any country has achieved independence anywhere in the world, the situation is like that'. They also say that having Kanak friends is no guarantee: just because you are white, because of the colour, you will be kicked out (1 November 98). They cannot dispel these fears and the presence of France is a guarantee of their security.

While there seems to be little change in the mentality of loyalists, more change is evident among Kanak *indépendantistes*. In 1998, shortly after the signing of the Nouméa Accords, Raphaël Mapou, the President of the Fédération des Comités de Co-ordination des Indépendantistes (FCCI), a political party formed by dissidents who broke away from the FLNKS in 1997, said that he was convinced that in fifteen or twenty years time New Caledonia will be independent of its association with France since he believes that the new generation, especially Europeans, will support independence (12 November 1998). Within one-and-a-half years, however, the FCCI seemed to have switched to the loyalist camp. Léopold Jorédié, a Kanak FCCI leader who became the Vice-President of the first New Caledonian government established after 1998, told the local newspaper that 'We must stop telling Caledonians that in 2015 there will be independence' because even if the electorate is blocked for twenty years, the result will be the same. Calling himself a 'realist' and a 'Caledonian nationalist', rather than a Kanak nationalist,<sup>20</sup> Jorédié argued that France should continue to participate in shared sovereignty rather than grant independence (LNC 19 April 2000).

It is not just the FCCI which has changed its stance. In general, the Kanak stance towards independence and how it might be achieved has softened to allow for the idea of coexistence. Elie Poigoune, a Kanak *indépendantiste* who used to be a leader in the liberation movement, says, 'If the majority are against independence, I accept it. We have to live together' (27 October 1998). Wapotro says, 'I am also a democrat. We, the Kanak, have our private aspirations but we are also together with others and have to accept the majority decision' (9 November 1998). Like them, other *indépendantistes* I talked to, including the young, say that they will accept the majority decision. Wamytan has admitted that Kanak independence includes multicultural, multiracial and pluriethnic independence (9 October 1997). Today, most people tell me that there is not much difference between these terms.

This is congruent with the comment made by Alain Christnacht, a former French High Commissioner to New Caledonia: 'Now the FLNKS don't speak about Kanak independence. They say "give us back our sovereignty so that we can share this sovereignty with the other ethnic communities ..."' (Keith-Reid 1998: 35).

This idea of 'sharing sovereignty' recalls Tjibaou's interpretation in which Kanak notions of sovereignty exist in relation to partners and interdependence (Tjibaou 1985: 1593). Whether the partner is France or the non-Kanak communities, we should understand their demand for 'independence' in this context. Gérard Cortot, a Caledonian UC leader, sees the Nouméa Accord as the final step on the path to developing a constitution for New Caledonia as a 'country'. He anticipates that New

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<sup>20</sup> Kanak *indépendantistes* in general do not like to be called 'Caledonian'.

Caledonia will become independent; however, he says that what matters is not independence but interdependence because today a 'country' does not live alone (21 October 98). If Kanak independence has become Kanak interdependence, Kanak leaders must have realised that independence has proved to be little different to interdependence. From the perspective of interdependence, independence from others and dependence on others are not antinomic but complementary. This recalls the traditional Kanak notion of the boundary as a focus for sharing with others, rather than a point of separation. The Kanak identity struggle was also the search for ways to interrelate individuation (from others) and communion (with others), the others either being France or the non-Kanak communities. This search continues in the postcolonial phase of the struggle.

The search for identity is part of a never-ending quest. For Kanak, bringing outside elements into their cultural system does not mean creating a modular form of the Western model of the nation-state. The struggle is about constructing their own visions and models, through their interpretations of outside elements, in accordance with their own cultural values and political contexts. That their struggle has always responded to world events is evidence of this. The Melanesian liberation movement, which budded in the *événements de Mai* in 1968, developed in the joint struggle of Caledonian students with the concept of sovereignty as a 'Caledonian nation'. From 1975, the Kanak independence movement intensified, while New Caledonia's Melanesian neighbours attained independence.<sup>21</sup> Since the signing of the 1988 Matignon Accords, the Berlin Wall has fallen, the cold war has ended, socialism has collapsed and ethnic wars have proliferated, while the pursuit of economic development and capitalism has overtaken the world. In this global context, Kanak have had time to think about running the 'country' and negotiating independence in peace. If the 1983 Nainville-les-Roches agreement prescribed a double-binding proposition (balancing recognition of the Kanak right to independence with Kanak recognition of the right of other communities to participate in the self-determination process), in the Nouméa Accord the FLNKS has concluded that Kanak have to share sovereignty with others to run the 'country'.

This is democratic, but more importantly the *revendication de l'identité Kanak* has been officially endorsed. In the Nouméa Accord France expressed its regret over colonisation and recognised the identity of Kanak as the *autochtones*. Kanak culture and customary rights have been promoted, including the establishment of a Customary Senate and the Tjibaou Cultural Center. Land has been returned to traditional owners under new statutory arrangements and in accordance with the concept of rural development; and economic development has continued with

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<sup>21</sup> E.g., Fiji (1970), Papua New Guinea (1975), the Solomon Islands (1978) and Vanuatu (1980).

financial support from France. Except for sovereignty, Kanak have recovered their rights and dignity as the original people of this 'country'. Such progress has made it possible to change the pursuit of Kanak nationalism into a search for coexistence in a multicultural society. As noted in the beginning, the Kanak decolonisation struggle is not just the struggle for independence, but the struggle to recover rights. This indicates that, if the identity of the people and their rights are restored, ethno-nationalism is not necessarily driven to pursue itself to a bitter end. In today's world, where some tend to apply the theory of 'the clash of civilisations', it is worth considering the choice that Kanak have made to share a sovereignty based on interdependence with others.

This does not mean that Kanak have abandoned 'independence', however. When interviewed in 1996 Naisseline noted that New Caledonians had voted 'Non' to independence in a 1987 referendum;<sup>22</sup> however, he presumed that they would vote 'Pas prêt' (not ready), if called to vote on independence in 1998, and perhaps 'Oui' (yes) when next asked (7 September 1996). Houmbouy says that 'Independence is a step, it is a normal stage in the history of a country and has to be prepared for' (30 October 1998). Kanak traditionally construct long-term strategies, the results of which may not be seen until the next generation or after. This may still be applicable today; we should think of the Kanak struggle as one that will be carried on by the next generation. Togna believes that New Caledonia is already in a decolonisation phase as a result of the independence movement and that in twenty years it will be independent. However, adding that it is his children and grandchildren who will be voting, he says, 'I myself say it is independent. But I don't know if this is their priority ...' (29 October 1998). No matter what their future prospects may be, in the long-term strategy people are about to entrust to their children the mission of constructing the 'country'.

To end this discussion, perhaps there is no better conclusion than a remark made by Trolue: 'I had to reclaim my Kanak identity. But my daughter says, "why do I have to claim my identity? Because I have been, am and will be always Kanak"' (16 September 1997). If young Kanak do not necessarily feel a need to make the *revendication de l'identité Kanak* today, it is proof that their parents have long struggled to gain their rights and dignity as '*l'homme debout*', a person standing on his or her own feet.

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22 In September 1987, the newly elected Chirac government enforced a referendum, in the form of a yes or no vote on independence, which was boycotted by *indépendanistes*. The turnout for the referendum was fifty-nine per cent and ninety-eight per cent of those who voted were opposed to independence.



## Interviews

The following list gives the names of public figures interviewed, with their titles at that time. In order to protect their privacy, non-public figures are not listed.

Bur, Dominique: High Commissioner. Nouméa, 12/9/96 and 20/10/98.

Burck, François: former president of the UC. Nouméa, 23/8/91, 23/8/96, 10/9/96, 6/10/97 and 13/10/97.

Chivot, Max: teacher at the Lycée Do Kamo. Nouméa, 10/10/97 and 27/10/98.

Christnacht, Alain: High Commissioner. Nouméa, 26/8/91.

Cortot, Gérald: Chief Secretary of the Northern Provincial Consultative Committee of the Territory. Nouméa, 21/10/98.

Houmbouy, Beniela: teacher at the Lycée Do Kamo. Nouméa, 12/9/96, 15/9/97, 3/11/97, 26/10/98 and 30/10/98.

Kasarhérou, Emmanuel: cultural director of the ADCK. Nouméa, 2/9/96, 9/9/96, 12/9/97, 6/10/97 and 29/10/98.

Kurtovitch, Ismet: historian. Nouméa, 17/9/97 and 2/11/98.

Lepeu, Bernard: UC President. Nouméa, 28/10/98.

Lethezer, Régis: secretary of the UC. Nouméa, 10/9/96 and 3/10/97.

Loueckhote, Simon: RPCR senator and President of the Congress of New Caledonia. Nouméa, 12/9/96 and 5/11/98.

Mapou, Raphaël: president of the FCCL. Nouméa, 12/11/98.

Naisseline, Nidoish: President of the Province of the Loyalty Islands and of the LKS. Nouméa: 23/8/96, 1/10/97; Tadurem (Maré), 7/9/96.

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## Abstract

The *revendication de l'identité Kanak*, the Kanak identity claim, is central to the decolonisation struggle in New Caledonia. French colonisation dehumanised Kanak, depriving them of their rights and dignity. In the context of the movement for independence, Kanak asserted their identity in political and cultural terms vis-à-vis France and the non-Kanak communities in New Caledonia. They struggled for the right to restore their identity and to have it recognised as a symbol representing both the autochthonous people as a whole and the nation. At the same time, the independence movement politically and culturally domesticated the concept of the modern nation-state. Today, however, in the wake of the political accords of 1988 and 1998, the meaning of the *revendication de l'identité Kanak* seems to have shifted and it has been loaded with a new mission. This study demonstrates how Kanak demands for independence have changed in this postcolonial setting by tracing the historical notions of the Kanak identity claim through interviews with local people.

## Résumé

La revendication de l'identité Kanak est au cœur de l'entreprise de décolonisation en Nouvelle-Calédonie. La colonisation française a déshumanisé les Kanak, les a privés de leurs droits et de leur dignité. Dans le contexte du mouvement pour l'indépendance, les Kanak ont réaffirmé leur identité en termes politiques et culturels, vis à vis de la France aussi bien que vis-à-vis des communautés non kanak de Nouvelle-Calédonie. Ils se sont battus pour restaurer leur identité et pour que celle-ci soit reconnue comme un symbole représentant le peuple autochtone ainsi que la nation toute entière. Dans le même temps, le mouvement indépendantiste a su naturaliser voire intégrer le concept de l'Etat-nation moderne tant au niveau culturel qu'au niveau politique. Aujourd'hui cependant, dans le sillage des accords politiques de 1988 et 1998, la signification de la revendication de l'identité Kanak paraît s'être déplacée et elle a été investie d'une nouvelle mission. Cette étude fondée sur des entretiens avec la population locale, montre comment les revendications indépendantistes du peuple Kanak ont évolué dans le contexte postcolonial, et retrace dans une perspective historique, la notion de revendication de l'identité Kanak.

# *Restoring the Economic Balance: The Nickel Stakes in New Caledonia*

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*Frédéric Angleviel*

In order to win, we will have to be able to mobilize all our resources; all the projects, in both the North and South [Provinces], must contribute to the success of this great ambition: there is no place for internal, inappropriate and unprofitable rivalry between the North and South. It is our choice to decide whether we want to claim this position which could be ours. Faced with these stakes, New Caledonia will only find the necessary force and resources in unity and solidarity (Lafleur 2002).

With the signing of the Matignon and Nouméa Accords of 1988 and 1998 respectively, the divisive political question of independence has been emptied of its urgency and economic questions have resurfaced as a focus of public concern in New Caledonia. At the centre of these concerns is New Caledonia's nickel mining and metallurgical industry.

As the third largest nickel producer in the world, New Caledonia today produces for export twelve per cent of the nickel used on the planet and is believed to possess thirty to forty per cent of world reserves (Lafleur 2002).<sup>1</sup> The consumption of nickel increases by four to five per cent per annum and the gradual opening of the Asian market is a sign that this progression will continue, if not boom.<sup>2</sup> In 2003, New Caledonia exported its refined nickel products to more than ten countries (including,

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<sup>1</sup> The world's leading nickel producer is Canada (INCO 140,000 tonnes and Falconbridge 80,000 tonnes), the second is Russia (Norilsk 220,000 tonnes) and the third is New Caledonia (60,000 tonnes). Demand for nickel has steadily increased throughout the twentieth century and ten countries absorb seventy-five per cent of the world production (Japan, the United States, Germany, Italy, France, China, South Korea, the United Kingdom, Russia and Finland).

<sup>2</sup> In China, for example, the production of stainless steel products has increased significantly. In 2003, China only produced one million tonnes of the 4.2 million tonnes of stainless steel that it consumed. China imports half of the 120,000 tonnes of nickel that it requires annually to supply its modern stainless steel factories.

in order of priority, Taiwan, Japan, France, Spain and South Korea) as well as nickel ore to Japan and Australia. This is proof, if needed, that New Caledonian nickel has a worldwide vocation.

Of more immediate and local concern, however, is the part that the mining sector will play in the future of New Caledonia. Producing nearly ninety per cent of New Caledonia's exports, the mining and metallurgy sector has for a century been the principal provider of jobs in the private sector. It currently provides 3,000 direct jobs. From an economic point of view, the OECD ranks New Caledonia as the twenty-fourth richest country in the world thanks to the direct and indirect financial transfers from France and its nickel ore reserves (which constitute between a quarter and a third of known reserves).

With the large financial transfers coming from France and the progressive tertiarisation of the economy, one may ask just how closely New Caledonia's future remains tied to its mining mono-production. As indicated in the above statement by Jacques Lafleur, President of New Caledonia's South Province, everything is now being done to facilitate the development of new nickel processing plants in both the North and the South Provinces so as to generate employment and help balance the provincial economies. This paper provides a brief overview of the development of the New Caledonian nickel processing industry and the principal projects that are currently under development. Arguably, only the mining and metallurgy sectors are likely to offer enough jobs to ensure a serene future for New Caledonia. Notwithstanding the commitment of France and New Caledonia's provincial governments to the various projects, this future will also depend on international investment and market trends.

## **The Omnipresence of 'King Nick'**

Nickel mining has long been at the heart of New Caledonia's economy. It was in 1864 that Jules Garnier discovered the presence of nickel ore (garnierite) and in 1874 that the first mine began operating. Very quickly, nickel became New Caledonia's principal mining resource, though chromium, cobalt, copper, iron and coal also have been mined (Bencivengo ed. 1999).

Ever since New Caledonia began (in the 1870s) exporting its nickel ore to such countries as France, Japan and Australia, the possibility of processing the ore locally has been a major preoccupation due to New Caledonia's isolation and distance from large industrialised countries. Smelting on-site makes it possible to quadruple the value of the metal, to lower the cost of freight (a tonne of raw ore can be reduced to fifty-five kilograms of nickel mattes) and to process ore with a lower nickel content. Financier John Higginson had the first smelting works built by Jules Garnier in 1877

at Point Chaleix (Nouméa). This plant closed during the mining crisis of 1885, but it had allowed the establishment, in 1880, of the Société Le Nickel (SLN), the firm which has since dominated the nickel mining industry in New Caledonia.

The SLN built a second processing plant at Thio (on the East coast) in 1889. It produced 587 tonnes of nickel mattes, but closed in 1891 because of a lack of sufficiently qualified staff. A fall in nickel prices at the beginning of the twentieth century obliged the SLN to carry out several trials with processing at Tao, Thio and Yaté between 1910 and 1950. At the same time, the Ballande company created the Société des Hauts Fourneaux de Nouméa and, in 1910, opened a processing plant at Doniambo (on the northern outskirts of Nouméa). The worldwide crisis of 1929 put all New Caledonian mine operators in difficulty and, in 1937, following a merger between the SLN and Ballande (the Calédonickel company), Ballande sold Doniambo to the SLN. To this day, New Caledonia's metallurgical sector has depended on the progressive extension of the SLN's Doniambo plant.

In 1957, New Caledonia acquired a certain amount of autonomy, including in the mining industry. In 1963, however, France restricted the movement towards autonomy and in 1969 it again took control of the subsoil under the Billotte laws. One of these laws instituted a new tax system allowing the French state, and no longer the Territory, to allot tax advantages to French or international mining companies that invested more than 575 million francs CFP (Fcfp). Another law forced all mining prospectors to apply for personal mining authorisation from the Ministry of Industry.<sup>3</sup>

In 1966 the Canadian firm International Nickel Corporation Ltd (INCO) declared that it had developed a process making it possible to treat low-grade ore (laterites), previously considered a commercially unviable resource. This technological advance, a shift from pyrometallurgy to hydrometallurgy, put New Caledonia in a position to benefit from a development that was both structural and economic. After being criticised as being too powerful by Edouard Pentecost, a small miner, and Georges Chatenay, a local politician who supported INCO, the SLN announced its intention to process laterites (low-grade ore) and that it was important to maintain a French operator in the territory.

In 1967 the mining 'boom' began. Fuelled by the Vietnam war and the strikes that affected Canadian nickel companies, the boom lasted until 1972. New facilities were built and for a few years New Caledonia lived to the rhythm of mining trucks and ore tankers. In 1971, the Népoui conveyor belt began operation, being at that time the longest in the world. The social impact of the boom was considerable. Mining wages rose because of overtime work. At one stage there was a housing shortage due to

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<sup>3</sup> Indeed, all New Caledonia's ore is now subject to Prospecting Permit 'A', the terms of which are defined by the Council of State, and which was previously reserved for strategic ore (uranium) and oil. This law thus privileges national interests at the expense of local or international interests.

significant and rapid immigration from France as well as from Wallis and Futuna. There was also rural depopulation and strong inflation, as the rapidly acquired wealth of a large part of the population was invested in consumer goods. The boom created a new demographic (15,000 immigrants) and social situation which upset the political balance in New Caledonia. In 1972, the Union Calédonienne (UC), a moderate separatist party in power since 1951, lost control of the Territorial Assembly to a liberal right-wing and anti-independence alliance.

During this era, several more or less realistic projects to build new processing plants appeared. While the sole purpose of several announcements was to discourage competitors, four projects came to the fore: the Cofimpac project with the French government's Bureau de Recherches Géologiques et Minières (BRGM); the Port Boisé (South) project with the Pentecost group and INCO; the Penamax project at Prony with the Canadian company Amax and the French Penaroya, a subsidiary of the SLN; and finally the Poum project with the local firm of Henri Lafleur and the Patino Mining Corporation.<sup>4</sup> The eventual failure of all these projects has been attributed to either the Billotte laws (deemed unfavourable to the establishment of foreign interests in the territory) or the deterioration of the economic situation towards the end of the 1970s.

## **Restoring the Economic and Political Balance**

The mining crisis and economic slump at the end of the 1970s, the relative overpopulation of Melanesian reserves (and associated land claims) and the change in the national majority party in 1981, with the election of François Mitterrand as President, meant a progressive deterioration in relations between the communities in New Caledonia during the 1980s (Angleviel 2003b). This led to the 'events' (1984–1988) which put politics at the centre of local concerns, and finally to the Matignon-Oudinot Accords of 1988.

The objectives of the Matignon Accords were: to restore peace; to set up new institutions (notably the North, South and Islands Provinces) allowing the mainly independent regions to manage themselves; and to open up a dialogue between a French metropolitan government that had been in favour of fast accession to independence and the local political majority that favoured remaining part of the French Republic (Angleviel 2003b).

The Matignon Accords also allowed the economy to recover and made the restoration of the economic and political balance of power the focus of debate during the following decade. Central to this project was the recognition of the imbalances

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<sup>4</sup> In 1975 the state withdrew the mining rights accorded to Patino for failing to respect its engagement to build a plant at Tiébaghi. The project was resumed by BRGM Cofremmi/Amax in 1977 and it was on the basis of this work that BRGM Cofremmi joined with INCO in 1992 to develop the hydrometallurgical project at Goro (see below).

existing between the Kanaks and the other communities, between Nouméa and the remainder of the archipelago and between the South Province and the North and Islands Provinces. One of the solutions involved was the distribution of the French state's budget and territorial tax revenues in favour of the economically less developed North and Islands Provinces.<sup>5</sup> In 1990–91, the French state also helped the North Province acquire the Société Minière du Sud Pacifique (SMSP) from Jacques Lafleur.<sup>6</sup>

New Caledonians made use of the ten years of the Matignon Accords to pick up their damaged economy and learnt to speak to one another once again (Angleviel 2003a). As they looked ahead, the so-called mining issues became central to negotiations over the political and economic future of the country. In the talks that led to the 1998 Nouméa Accord the question of access to the mining resources became known as the 'mining prerequisite'. The SMSP wished to exchange its access to the mining deposit at Poum for the nickel deposit in the Koniambo massif (controlled by the SLN and its parent company, Eramet) in order to have sufficient reserves to set up a metallurgical project at Koniambo with Canadian company Falconbridge, Ltd. In the 1998 Bercy agreement, the French state agreed to facilitate the exchange by compensating Eramet. If land claims had been the basis of the political events in the 1980s, then mining claims were on their way to becoming the principal stake in future political debates (Caussin 1998).

The Bercy agreement made possible the signing of the Nouméa Accord on 5 May 1998. The general provisions of this Accord have been described in detail elsewhere (Angleviel 2003a). With regard to mining, responsibility was transferred from the French state to New Caledonia. Mining regulations are now locally established by Country Laws and are implemented by the Provinces (except those regarding the Exclusive Economic Zone for which only New Caledonia is responsible).<sup>7</sup>

The Nouméa Accord involves a further redistribution of resources in a continuation of the rebalancing project commenced under the Matignon Accords. On 1 July 2000, the signatories of the Nouméa Accord and the presidents of the three provinces established the Société Territoriale Calédonienne de Participation Industrielle (STCPI) to manage the shares of the SLN (a thirty per cent stake) and Eramet (about five per cent) which the French state allotted to New Caledonia under

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<sup>5</sup> This means that seventy-five per cent of the finance for development contracts passed between the French state and the Provinces is allocated to the North and Islands Provinces. The South province receives the other twenty-five per cent. Within New Caledonia, only fifty per cent of revenue is allocated to the South Province which is home to two-thirds of the New Caledonia's population and which generates eighty per cent of revenue (Freyss 1996).

<sup>6</sup> In 1991, Lafleur sold an eighty-five per cent stake in the SMSP to the Société de financement et d'investissement de la Province Nord (SOFINOR) for Fcfp 1.8 billion. The purchase was financed by the French state.

<sup>7</sup> A Country Law of 27 June 2001, for example, instituted tax exemptions for metallurgical projects during the construction phase as well as during the first fifteen years of operation.



the Accord. The South Province (Promosud) holds fifty per cent of the shares concerned while the North and Islands Provinces (Nordil) jointly own the other half. Fifty per cent of the value of the dividends is distributed to the Provinces, according to the following formula: fifty per cent for the North Province, and twenty-five per cent each for the Islands and South Provinces.

From a legal point of view, the mining resources henceforth depend primarily on the three provinces, though the Congress of New Caledonia plans to decide on a scheme to develop mining resources before the end of 2004. A Consultative Committee on Mining and a Mining Council have been created. One function of the Mining Council is to be 'consulted by the Congress on projects and national bills relating to hydrocarbons, nickel, chromium and cobalt, including those which, in these fields, are related to direct foreign investments' (see Organic Law 1999, articles 21, 22.11, 39, 40, 41 and 42).

### **The Mining Projects: Building New Caledonia's Economic Future**

Once the institutions provided by the Nouméa Accord were set up (Garde 2001; Christnacht 2004), the principal political parties put their energy into major economic development projects, including three projects for the establishment of new smelters. The political leaders of the North and South Provinces hope that the construction of a second, or even a third, metallurgical plant in New Caledonia will help restore either the balance of power (the Koniambo project in the North Province) or full employment (the two projects in the South Province). At the same time, in view of the importance of New Caledonia's mining reserves and the improvement of prices in the medium term, international companies have shown a renewed interest in the country.

The economic future of New Caledonia thus depends mainly on the realisation of at least one of the two international mining projects in progress — and to a lesser extent on the two other local projects. These projects and the progress that has been made on them to date (December 2003) are outlined below.

#### *The INCO Project: Goro Nickel*

In 1991, the Canadian firm INCO acquired the titles for the nickel deposit at Goro in the South Province and in 1999 it opened a pilot plant to develop its Pressure Acid Leach (PAL) processing technology. This hydrometallurgical process, involving the use of sulphuric acid, will allow it to process laterites. In 2000, INCO announced plans for the construction of a plant using this technology. It is anticipated that the project will eventually produce 55,000 tonnes of nickel and 4,500 tonnes of cobalt annually. INCO's engineers are developing a finished product that can be used

directly on the Chinese market, and a Japanese consortium directed by Sumitomo is likely to provide a quarter of the capital.

The distinctive feature of the INCO project is the processing of laterites using large amounts of sulphuric acid under pressure. This uses less energy than the pyrometallurgical process which involves burning the ore at 1,000 degrees celsius, but presents a new type of environmental risk (e.g., acid rain). Goro Nickel has undertaken to follow the recommendations made by the French Institut National de l'Environnement Industriel et des Risques (INERIS). This guarantee has allowed INCO to obtain in principle a tax break from the French government under the so-called 'Paul' Act, as well as various administrative authorisations.

Work at Goro began in 2001 and by June 2002 a large part of the earthworks had been completed. At this stage the project seemed well advanced: the company had obtained a prospecting permit for the nearby Prony massif;<sup>8</sup> it had proposed that New Caledonia receive five or ten per cent of the project capital free of charge; there was an agreement in principle that the BRGM would sell its fifteen per cent stake to Goro Nickel; a system of tax exemptions had been granted (Loi du pays N°2001-009 du 17 juillet 2001);<sup>9</sup> and Goro Nickel had put Fcfp140 million into a profit-sharing fund for development in the South.

In the final quarter of 2002, however, INCO announced that it was suspending construction because the budget had been exceeded by forty-five per cent. Some wrongly linked this interruption to INCO's Voisey's Bay project in Canada.<sup>10</sup> Indeed, INCO had used the advancement of the Goro project to put pressure on Inuit landowners to finally sign a contract allowing INCO to use the mining resources located on the Atlantic coast north of Goose Bay (Labrador).<sup>11</sup> There are, however, several good reasons why it is likely that INCO will continue with the Goro project. First, the Voisey's Bay and Goro projects are not interrelated from an economic or strategic point of view. The former is intended to complement supply to the Sudbury plants, whereas the latter is meant to become INCO's principal future establishment.

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<sup>8</sup> The South Province's decision to grant this permit was criticised by the opposition parties. According to the President of the South Province, Jacques Lafleur, the cession to INCO of the prospecting rights for the Prony massif was necessary to encourage the establishment of a mining base in the South Province and to ensure that Goro Nickel will have access to sufficient laterite reserves (Lafleur 2002).

<sup>9</sup> For a critique of this measure see Perret (2002).

<sup>10</sup> The Voisey's Bay site is believed to contain 142 million tonnes of mineral. INCO has signed two Impact and Benefits Agreements with the Labrador Inuit Association and the Innu Nation guaranteeing respect for the environment and the involvement of the population in economic development projects. It is expected that the site will last for thirty years.

<sup>11</sup> This is a practice often used in the mining sector, and especially by INCO. When INCO took an interest in New Caledonia during the world nickel boom, for example, it played on the fact that it had another project in Indonesia. However, at that time the French state was not in favour of foreign investment and INCO therefore opted for Indonesia.

Second, New Caledonia remains a secure investment in a stable region near growing markets. Third, INCO may find it beneficial to invest in the country containing the world's largest reserve listed to date. Each of its shares gives it a larger local base and is detrimental to rival groups. Finally, INCO has already spent Fcfp15 billion in New Caledonia (on the pilot plant, earthworks and other infrastructures).

#### *The SMSP-Falconbridge Project: Koniambo*

As part of restoring the balance of power, the French state is supporting the construction of a nickel processing plant at the foot of the Koniambo massif in the North Province. The project is a joint venture involving the SMSP (in which the North Province has a controlling stake) and the Canadian company, Falconbridge.<sup>12</sup> As already noted, the 1998 Bercy agreement provides for the eventual acquisition of the Koniambo massif by the SMSP. However, for the SMSP and Falconbridge to definitively acquire ownership of the massif, the decision to proceed with the construction of the factory must be taken by 1 January 2006 and a certain number of investments must also be made before this date.

Nevertheless, the Koniambo project is now well under way. Feasibility studies have confirmed the presence of 150 million tonnes of ore (or four million tonnes of metal) in the Koniambo massif, making it the largest garnierite deposit in the world. The smelter, using a pyrometallurgical process which avoids atmospheric emissions, will be built at Voh and the industrial complex will include a port, a thermal power station and a dam. The plant will have the capacity to process 60,000 tonnes per annum and it should allow 850 direct jobs, and 2,000 indirect jobs, to be created. The survey budget alone comes to Fcfp12 billion. The Basic Environmental Study took place in 2001 and the Environmental Impact Study was to be finalised by the end of 2003. The main problem, however, remains financing, which was entrusted to the Lazare bank and to the Société Générale of London within the framework of the tax-lifting law.

Much of the additional infrastructure required by the project is to be subsidised by the North Province: a coal-fired power station; a deep-water port; a dam on the Pouembout River; and runoff management facilities for the mine and its waste. A unique feature of the project is its consideration of Kanak land claims, which were overcome by a customary gesture towards the principal landowners as early as 1998. In return for the massif, the landowners expect employment for Kanak from neighbouring communities in return. In addition a Koniambo Committee has been set

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<sup>12</sup> In the Koniambo project, the SMSP holds a fifty-one per cent majority and contributes its rights to the massif. Falconbridge holds a forty-nine per cent stake and contributes its technology and knowledge of the international finance market.

up to bring together mining promoters and the communities concerned: the state, the government of New Caledonia, the North Province, the Customary Senate and the municipalities of Voh, Koné and Pouembout.

### *The Eramet/SLN Project*

A third major project involves the modernisation of the SLN facilities at Doniambo. Plans to increase the annual production of the SLN plant at Doniambo from 60,000 to 75,000 tonnes of nickel-metal by 2006 are well advanced. Fcƒp24 billion has already been committed and the SLN will accomplish its largest investment with the assistance of tax breaks in New Caledonia. With the modernisation of one of its three Demag electric furnaces, Doniambo will become the largest smelter in the world by 2004. A new workshop to deal with dust (representing one tonne per day) should be in service before the end of 2004 and dust emissions will then drop by seventy-five per cent. The anticipated increase in production will also involve the modernisation of the port area at Doniambo and of the Tiébaghi mine (situated in the North Province). With forty extra employees, this mine will employ 100 people. At the same time, the SLN has set up a five-year plan to recover metal waste at a cost of Fcƒp100 million. By mid-2003, 25,000 tonnes of scrap had already been dispatched to Asia for recycling.

### *The Ballande Project*

Lastly, the Société des Mines de la Tontouta (SMT) of the Ballande group has for several years been multiplying its preliminary projects. In 1997, the SMT revealed a plant project in Uié Bay (South) in partnership with Phelps Dodge of the United States and Sumimoto Metal Mining of Japan. In 2001, the SMT turned to a Russian company, Norilsk, for a project at Nakéty on the East coast. It also tried to interest an Australian firm, Monéo Metals, in a mining project in the area of the Bocage Cape on the East coast. At the moment, with the assistance of a former Vice-president of INCO, Walter Curlook, Ballande and its principal export customer, Sumitomo, are considering a preliminary project to build a small commercial plant with a capacity of 10,000 tonnes of metal per annum. This would process garnierites with a low nickel content using a leaching process. Ballande has announced that it will take on one-third of the Fcƒp300 million investment required.

## **The International Mining Stakes**

The French government is committed to supporting these projects. Visiting New Caledonia in July 2003, President Jacques Chirac affirmed that

Mining potential in New Caledonia must be exploited swiftly. It offers unique development prospects to restore the balance of power that is needed between the South and North Provinces. The State will provide the Provinces and the Government with the necessary powers and means to help them organize the mining development scheme stipulated in the Nouméa Accord. The simultaneous creation of three large metallurgical projects constitutes a major challenge (Chirac 2003a).

On 25 July 2003 at the headquarters of the North Province, a special meeting brought together Chirac, the Canadian CEOs of INCO and Falconbridge, the French CEO of the SLN and all the New Caledonian political authorities. Chirac reaffirmed the importance that the French state attaches to the three projects, especially the Koniambo project (Chirac 2003b). The President of the North Province, Paul Neautyine, stated that he also attached great importance to the realisation of the Goro project, the economic success of which should in the long term make it possible to increase the value of low-grade ore from the North Province. The CEO of INCO, Scott Hand, declared that the construction of roads and mining installations at Goro would resume in October 2003 and that he hoped to resume work on the plant itself in the first quarter of 2004.<sup>13</sup>

The future, however, will depend on the international market and international investment. Each year more than a million tonnes of nickel are produced. Twenty countries mine it and twenty-five countries refine it. The amount available on the world market can vary significantly, depending on such factors as the stocks of the Russian producer Norilsk, global social trends and the discovery of new deposits. As the majority of raw materials are sold at low prices by producer countries, nickel prices depend on the international context. More than half of the world's nickel is produced by Canada, France, Australia and Russia. The aforesaid producers demand relatively high prices for this ore as they have to make a return on labour that is more expensive than in developing countries. This makes it easier to understand why New Caledonia has not seen an 'Africanization' of its economy (Doumenge 2002).

International investment is also an important part of the industry and its future. New Caledonian mining companies have always worked with foreign associates or partners, if only to sell off nickel in favourable conditions. The Ballande group was the first to export its ore overseas in 1878 (Germany) before opening an establishment in

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<sup>13</sup> In fact, construction had not been resumed by May 2004. However, the firm points out that it is currently spending ten million Australian dollars per month and employing 500 people. The revised plant project involves less site coverage and the construction of modular buildings. More than 380 tonnes of equipment have been sent to Prony Bay, including the main chimney for the coal-fired power station.

Belgium (1907), then a refining plant in the United States. As for the SLN, it turned to the Australian market and then the American market during World War II. For a long time, ninety per cent of the SLN belonged to Eramet, with the remaining ten per cent being held by a Japanese company, Nishin. As for the Eramet group itself, in 1997 fifty-five per cent of the group belonged to the French state, thirty-two per cent was owned by foreign investors and another thirteen per cent was in the hands of French investors and small shareholders.<sup>14</sup> Following Eramet's 1999 merger with the Sima group, the French state only controls thirty per cent of Eramet. This merger made Eramet the leading world producer of special steel and nickel alloy.<sup>15</sup> In addition to its nickel branches in New Caledonia (SLN) and France (Le Havre), Eramet has a manganese branch in Gabon (Comilog, Elkem) and is currently diversifying its metallurgical activities in the United States (Erasteel) and in Asia.

Today, with the health of the economy proving satisfactory, the most pressing problem in New Caledonia is finding jobs for the contingents of young adults who arrive on the labour market each year. Some politicians have declared that the debate on independence no longer represents the real issue, and that the real concern for the future is whether all New Caledonians will be able to obtain employment. The finalisation of the two main mining projects could lead to the creation of 2,000 new jobs and more than twice as many indirect jobs. This would increase the active population in the mining sector from four to ten per cent of the total population (estimated at 260,000).

Only the mining and metallurgy sector is likely to offer sufficient employment to ensure a secure future for New Caledonia. If the three mining projects mentioned were to succeed, New Caledonia would be turning out one-fifth of the world's production, which would make it the world's leading nickel producer. This would create huge changes, at economic, social and even political levels. Full employment would be ensured for several decades, allowing a shared economic boom favourable to restoring the balance of power.

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14 It is this marketing of a significant share of the capital which explains how the group's management resisted its principal shareholder during negotiations concerning the exchange of the Koniambo massif for the Poum massif in 1998; Nishin Steel and the English pension funds (Fidelity and Mercury) expressed opposition to any transfer of assets without compensation.

15 Sima now has a thirty-eight per cent stake in Eramet. The STCPI manages a 5.14 per cent stake and Nishin Steel is now one of the small shareholders.

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## **Abstract**

As political issues in New Caledonia have been solved or postponed until 2018, economic issues are again at the core of decision-makers' concerns. This finds concrete expression in the existence of three competing mining projects, one of them backed by a metropolitan company, and the other two relying on investors from the Pacific rim (Canada, Japan and Australia). If these three mining projects were to succeed, New Caledonia would turn out one-fifth of the world's nickel production. This would result in huge changes, on both the economic and political levels, and in a period of shared economic prosperity conducive to the restoration of balance between communities in New Caledonia.

## **Résumé**

Les questions politiques en Nouvelle-Calédonie ayant été résolues ou reportées à 2018, la question économique est revenue au centre des préoccupations des décideurs, ce qui se concrétise par l'existence de trois projets miniers concurrents, l'un d'eux étant soutenu par une société française, et les deux autres s'appuyant sur des investisseurs du *Pacific rim* (Canada, Japon et Australie). Et de fait, si ces trois projets miniers aboutissaient, la Nouvelle-Calédonie produirait le cinquième de la production mondiale du nickel. Il en découlerait d'énormes changements tant au niveau économique que politique, et une période de prospérité économique partagée favorable au rééquilibrage entre les communautés en Nouvelle-Calédonie.



# *Where Literature is Ahead of Politics: World Fiction is Coming to New Caledonia*

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*Sonia Faessel*

*Les dieux sont borgnes* (The Gods Are One-Eyed) is the title of a play performed at the Théâtre de l'Île (Island Theatre) in Nouméa in October 2002. Co-authored by Pierre Gope and Nicolas Kurtovitch, the play is one of the most recent examples of contemporary New Caledonian literature, a literature which is emerging in the work of writers who are either native to, or long-term residents of, New Caledonia. In this case, both authors have deep roots in their country; Kurtovitch, of Bosnian descent, is the scion of nickel miners; Gope is a Melanesian from Maré island. Both have a keen interest in New Caledonia's future and in this play they offer a comprehensive vision of New Caledonia's past, present and future. This vision transcends recent and present-day political rifts between supporters and opponents of independence and other political issues.

The play's three acts introduce the explorer James Cook as a figure of Oceanian mythology and the Kanak that he encountered upon his arrival in New Caledonia in 1774. The first act is centred around this first contact and the comical misunderstandings between Princess Lotha, the most important character in the play, and Cook's sailors. The second act plunges the spectator into the past and possible future of Lotha's tribe while her husband (the chief) negotiates a fishery deal for his people. In this act, Cook is a modern-day adviser endowed with the divine attributes he has acquired as the God Lono (a fertility god from Polynesian mythology). The third act mixes past and present: the fishery negotiation having collapsed (the chief has betrayed his own people by negotiating for royalties rather than the autonomous management that his people demanded), Cook and the sailors leave the island and we return to the time of the discovery at the beginning of the play while, in the present, Princess Lotha expresses her doubts as to the future. Apart from Lotha, Cook and the chief, most of the other characters are simply designated as 'sailors', 'savages' or 'spirits' — a device which facilitates the shifts in time.

Though one author is Kanak and the other European, the writing is not hybrid. There is no mixing of styles; it is simply a play written by two separate hands. In the preface, Nicole Kurtovitch (wife of Nicolas) specifies that the writings should not be separated or analysed from an ethnic perspective. She says that her husband simply took pleasure in writing the play with his good friend, Pierre Gope. For both authors, writing is a sensitive issue; as writers, they wanted to imagine freely, even deliriously, drawing upon their inner differences in terms of culture and education. Both are related deeply to the land, and the very first words of Princess Lotha to Marco, one of the sailors landing with Captain Cook in September 1774 are 'you are on my land' (Act 1, scene 1).

The voice of the two authors is evident in Cook's poetic description of his first sighting of New Caledonia: 'All of you, raise your heads and look around. Have we ever met so tall and so strong a tree, have we ever heard a river sing like this one; never, nowhere else, the air has been so soft and bracing at the same time' (Act 1, scene 1: 14–15).<sup>1</sup> Though spoken in English, this appreciation is very different from the original description made by the real Captain Cook, who was so deeply impressed by the desolated land of Northern Caledonia. So, beware! This is not a play about history rather it is a fantasy, as the play's director, Yves Borrini, would say.<sup>1</sup>

The *mise en scène* allows for many meanings: the character of Cook is both a metaphor and a mask; every object can operate as a puppet so that its meaning can change with each performance; and the dances, drums and songs open up the world of the imagination. One actor can be several characters: Cook is successively the British explorer of the Enlightenment, a Kanak chief and a contemporary Kanak. A stage direction at the end of the first scene says: 'the sailors and Cook put on *bagayou* (penis sheaths), and from this moment they become the savages'.

The subject of the play is the social imaginative world in which reality is apprehended through fancied representations of the group or the society to which the writer belongs. In her preface, Nicole Kurtovitch clearly points out this dimension and explains the title, 'The Gods are One-eyed'. The Gods are crippled because they don't see the fragility and the anger of human beings, and because they themselves are mortal. The arrival of Cook is a part of New Caledonian mythology and it is with wonder that we watch the transformation of Cook into Lono, a god of fertility, and his final death at the hands of Kanak. Although Cook's actual death occurred in Hawai'i, and although Lono is a Polynesian rather than Kanak deity, Cook's fate is part of the mythology of the South Pacific and the play firmly places New Caledonia within its Pacific cultural context.

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<sup>1</sup> Borrini spells out his motives and the meaning of the play in the preface to the *Grain de Sable* edition of the play.

As for the writing itself, it contains an explosive mixture of humour, history, plays on words, anachronisms and asides to the audience as well as a blend of three languages: English, French and Nengone. The *mise en scène* offers the same mixture: drama, comedy, poetics, buffoonery and a play within a play, so that the audience is puzzled and has some difficulty in finding its way through this blend of languages and dramatic forms.

There are paths through this global and social imaginative world, however. The first one is indicated at the beginning of the play and concerns first contact between European and Kanak. In the perception of the Other there is a tension between repulsion and sublimation. In the first scene, the sailors assimilate Kanak to cannibals: 'no difference between a savage and a cannibal', says Marco, 'they both feed on human flesh'. For the Kanaks, the white man is sick and has a 'head coloured like cheese'. These comments clearly set apart the ideologies and the history of these two societies; for Europeans, every barbarian was qualified as a cannibal (see the *Essays* by Montaigne)<sup>2</sup> and the experience of Bruni d'Entrecasteaux, who was offered a cooked child's hip by a Kanak (according to the commentaries of Houton de La Billardière) resulted in the classification of Kanaks as cannibals and dangerous people for almost a century. For the Kanaks, the white man could be a living dead thing, coming out of the sea — which explains the white colour of his skin (Leenhardt 1937).

The sublimation of the Other, on the other hand, involves reference to both European and Polynesian mythology. Cook invokes the idea of the Noble Savage and the guilt of the civilised when he says that he is the savage who is going to spoil everything in the paradise he has just discovered. At the end of the first scene, Cook is transformed (as noted) into the Polynesian God Lono.

From ideology to politics there is only a small step, and the two authors, especially Gope, indicate clearly that they wanted to write about power.<sup>3</sup> For Gope, power games are at the very heart of the play and, as Kurtovitch explains, the real story is a contemporary rather than a historical one. In the second scene, the postcolonial speech is obvious and is mostly spoken by the character of Princess Lotha: 'come and admire the nice guys who speak and think for us in the right way; and fuck the people who want to walk in another direction: they voted, so the only thing they can do now is shut up' (Act 2, scene 1, l. 45). Princess Lotha is the one who speaks for her people — more than her husband, the chief who will compromise and betray his people. The scene recalls the French playwright Jean Anouilh's rejection of dishonest compromise in *Antigone*.<sup>4</sup> Lotha refuses the white imaginative vision of Kanak people as hangers-

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<sup>2</sup> Montaigne, using relativism to take exception to the prejudices prevalent in his time, wrote that 'each one of us calls barbarity what departs from his own practice' (Montaigne 1998).

<sup>3</sup> See the interview with Gope and Kurtovitch in the DVD of the play produced by the Centre de documentation pédagogique de Nouvelle-Calédonie.

<sup>4</sup> In the final confrontation between Antigone and her uncle Creon, king of Thebes, Antigone rejects compromise: 'I don't want to understand. Understanding is good for you. I'm here for a different purpose. I'm here to say no to you and die.' (Anouilh 1946: 88).

on and cannabis smokers. She wants a place for her people: 'we want this fishery, we need it, to bring people together, especially the young, to involve them in the economy so they will give a meaning to development by being a part of it and not left aside'. These claims are based on the Kanak cultural identity and they must be articulated very carefully, as Lotha reminds her husband: 'words have a meaning, and you must pay attention to this'. The spoken word of the chief is the expression of an entire group, and Princess Lotha begs her husband not to forget this: 'you are trusted not because you are the chief, but because we know everyone, we grew up together. Don't ever forget who we are, who we were once, don't forget our dreams'.

In these scenes it is easy to recognise the contemporary debates about cultural identity and the economic balance which must be found between New Caledonia's three provinces. It is also the case that the play itself is very institutional insofar as it was entirely funded by the French government.<sup>5</sup> Funding must be made profitable and to have a play written by a Kanak and a European is quite in keeping with the spirit of the 1998 Nouméa Accord. Even the political parties which continue to live on the conflicts between oppressed Kanaks and white colonisers find their way into this play. When the chief fails in his fishery negotiations, he comes back with royalties for his tribe instead of economic autonomy, and Princess Lotha reminds him about the new gods: 'you fertilise them with money, money is the new God of Fertility, you have forgotten it or you haven't understand the rules of the game. Cook, Lono, Money, Lono, Cook, the trunks, the iron, the materials, Money. Get it?' (Act 3, scene 2, l. 66).

Fortunately, the play goes beyond a simple reflection on politics. The classic Manichean political speech, pitting a culture and its traditions (those of Kanak) against a colonial system, has no effect in a rational and profit-oriented world. Mythology leads to a dead end too, literally: Cook is killed because he became the god Lono. There are limits to what can be understood, as the puzzled chief complains to Cook:

Instead of the nothingness that my friends claim hopelessly, I have chosen to work with the others. We'll never get anything by staying apart. How can this contradiction be solved: by participating when you don't control everything, or by remaining yourself and not moving forward? (Act 3, l. 58)

In explaining to the chief why he accepted the role of Lono, Cook remarks that:

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<sup>5</sup> This funding provided for the two authors' writing residency ('From One Ocean to the Other' at the Centre national des écritures du spectacle at Villeneuve-lez-Avignon), the performance of the play in Nouméa and in Avignon (in July 2003 during the Avignon Festival) and the DVD and guidebook prepared for students and teachers.

Being Lono is both the result of one's efforts and the trap that closes upon you. Discovering, overcoming boundaries, limits, frontiers, seeing the stars somewhere else, seeing the colour of the ocean somewhere else; that is what I wanted and that is what I have achieved.

But there is a price to pay for everything, could I have avoided it. Could you avoid it? (Act 3, l. 59)

The paths of ideology, ethnicity, politics or mythology lead to despair and solitude. Princess Lotha eventually leaves her beloved husband and she asks in vain for the spirit of her grandmother to protect her once again and to help her through her fear of loneliness.

Instead of separating people in the name of the incommunicability of cultures, one can also seek out a place in a social world that is multicultural and multispatial because pluriethnic. Instead of an unfruitful opposition, people have a chance to travel through several cultures, to build up a new identity in a changing world, to find a new planetary cosmopolitanism, as expressed in the world fiction defined by Salman Rushdie (1992).<sup>6</sup> It is not an easy path, but it is, in my opinion, the purpose of the play. Even if Princess Lotha tells Marco that he belongs somewhere else and that her place is here, they nevertheless dream of a shared future together. Although Cook is killed, he sincerely tried to understand the people he made contact with. The meanings of things have changed. Lono is replaced by Money. Now there are new gods, dangerous ones, who have the power of money and think for others, but despair leads nowhere.

The last words or the play are pronounced by Princess Lotha, a representative of the modern Oceanian woman, fighting for respect and recognition instead of the ancient submission to man: 'I have doubts, many doubts'. These words are not negative, rather they are a reference to the unique cultural experience Europe inherited from the Greek philosophers, the only culture founded on doubt and which has evolved by constantly questioning itself. To question oneself in this way is not easy to do in everyday life. The whole play is proof of this idea.

As early as the first act, the reader or theatregoer is called on to shuttle continuously between the past, as represented by Cook's discovery, and his or her own time. When Marco asks, 'What are the minor risks?' the second seaman replies, 'Small 14 metre snakes with three-metre hoses in their mouths'. Later on, the same seaman plays assorted tricks using a plastic snake to scare Marco. Cook, the intellectual —

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<sup>6</sup> World Fiction is an anglophone dynamic set in motion by, among others, Rushdie's novel *Midnight's Children*. The original feature of this novel, as compared to European literary traditions, lies in its expression of a multiculturalism that rejects reliance on a single cultural heritage. Hence there is a polyphony that is often disconcerting and the expansion of what Bakhtin calls the dialogic.

a stage direction says that he ‘dives deep into the ruthless world of studies and questioning’ (Act 1, scene 1, l. 19) — receives the ethnographic knowledge handed down in the books that the contemporary Princess Lotha brings her husband (Act 3, scene 2, l. 50).

What we have here is a multicultural representation — the drums evoke Africa, and the water pistol and the hose belong to the contemporary world and suggest childish practical jokes. Characters switch from the *bagayou* (penis sheath) to jeans, from the spoken word to books. The very idea of representation is highlighted throughout the text or performance: Marco looks for ‘the one who is responsible for this staging’ (Act 1, scene 1, l. 19); after the plastic snake episode the chief asks Cook why he has ‘accepted this role’, causing Cook to wonder whether he has the calibre to play the part of Lono; and, at the play’s end, Princess Lotha asks the audience ‘What story have we performed?’

Marco’s literary style of speech — an improvised poetic prose suffused with exoticism, romanticism and lyricism — (Act 1, scene 1, l. 16) is clearly highlighted and mocked as such by Cook: ‘that is familiar’. There is a mixing of language registers (‘Your story is a never-ending backwash that is starting to give me a pain in the ass’) and wordplay (untranslatable into English) on Gope’s Maré language; the sound ‘Maré’, for example, is a pun meaning the island and *marrez-vous*, ‘have a good laugh’. Lotha is described as ‘a tropical bomb’ and thereafter she talks about the whites comfortably settled with their refrigerators as the ‘the kings of Vaseline’. There is a linguistic awareness (‘words do have a meaning’), but there is no pidgin French or Bishlamar to be found here; colonial literature, in this sense, is well and truly dead.

As soon as the first words in the play are spoken, the dialogism is enhanced; there are multiple points of view within the same narrative voice and literary idealism (as defined by Sartre’s claim, in the preface to *Black Orpheus*, that the substance of literary discourse is the subjectivity that perceives the universe) vanishes:

Here we are in 1774, the very date when James Cook landed. The first explorer who landed on our shores from the sea on board a big sailing ship ... Luckily, after three days at sea, we spotted a big land, where no European navigator had landed yet ... I wanted to land there, not only to see the lie of the land, but still more so as to have an opportunity to observe a solar eclipse, which should occur soon (Act 1, scene 1, l.14).

The white man’s soliloquy on his culture and literature is over, for the emergent literature of the colonised gives the European a different image of himself. The fight against cultural, economic and political imperialism which is still significant — ‘We have to find our way through the middle of this story-line’ (Act 3, l. 77), says Princess

Lotha, the main protagonist, whose feminine point of view is a testimony to the emergence of a new group in Caledonian and francophone literature — is about to give way to the quest for identity within a cosmopolitanism that is Caledonian first and global second.

Thus the play displays a state of mind prevalent in New Caledonia at the present time. That is, the state of mind of a newer generation, one that looks forward to a common future. It is less about being viewed in relation to a political party or position than about being concerned with the place of New Caledonia in the Pacific and in the world, about defining a citizenship that takes into account the specific features and aspirations of the various ethnic groups (no less than seven in number) that make up the population of New Caledonia.

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## Abstract

Through the analysis of one of the most recent New Caledonian theatre productions, a play co-authored by a Caledonian, Nicolas Kurtovitch, and a Melanesian, Pierre Gope, this paper shows that literature can be a step ahead of politics. Going beyond traditional dissensions, this play ('The Gods are One-Eyed') conveys the aspirations of a people who wish to live together — with their hopes, disappointments and doubts — and to build a country.

## Résumé

Il s'agit de montrer, par l'analyse de l'une des dernières productions néo-calédonienne, une pièce de théâtre à deux mains par un écrivain calédonien, Nicolas Kurtovitch, et un écrivain mélanésien, Pierre Gope, que la littérature peut devancer la politique. Au delà des dissensions traditionnelles, cette pièce (*Les dieux sont borgnes*) traduit les aspirations d'un peuple: vivre ensemble, avec ses espoirs, ses déceptions et ses doutes, pour construire un pays.

# *Nation Building in the Republic of Palau*

*Donald R. Shuster*

The Palau archipelago is a small island state located in the north-western corner of the north Pacific. Palauans experienced the yoke of four different colonial powers during the past century. While the Spanish (1885–1899) and German periods (1899–1914) were relatively short and had little impact, the Japanese period (1914–1944) brought about significant social and economic changes to Palau and Micronesia in general. The destruction of the Japanese world during World War II set the stage for the establishment of the United Nations' Trust Territory of the Pacific Islands (TTPI), of which Palau was a part, which was administered by the United States from 1947 until 1994.

Regarding the Trusteeship Agreement (TA), one astute islander remarked in the 1960s that 'We got all the trust and the US got all the territory.' For the United States, to acquire all the territory was the dominant strategic feature of the TA (46th Annual Report: Trust Territory of the Pacific Islands, 1993). This document gave the US authority to close any part of the vast island area, establish military bases, station armed forces and make use of volunteer forces. On the other hand the US was mandated to promote economic, social, educational and political development. As the administering authority, it was obliged to 'promote the development of the inhabitants of the trust territory toward self-government or independence' (TA, Article 6). Unlike the US unincorporated territories of Guam, Puerto Rico, the Virgin Islands and Eastern Samoa, in the case of Palau this language provided the theoretical grounds for Micronesians to negotiate their future political relationship with the US on a semi-government-to-government basis. The Trust Territory was not US property. Furthermore, the TA guaranteed islanders the right to self-determination. While self-determination was not a big issue in 1947, it certainly had become one within a few decades.

Palau's journey to independence and membership of the United Nations was long and difficult. From the mid-1970s, Palauans engaged in increasingly intense



discussions over three issues. First, a superport for oil tankers to be built on the reef. Second, a constitution that had to go to a vote on three occasions before being ratified in 1980. Finally, there was fierce debate and even physical conflict over the negotiation of a Compact of Free Association with the United States. The Compact was finally approved by Palauan voters in 1993 after eight plebiscites, and came into force and effect on 1 October 1994 (it will expire in 2009). With particular reference to international relations, political leadership (under Presidents Kuniwo Nakamura and Tommy Remengesau Jr), governance and local identity, this paper focuses on events in the Republic of Palau in the decade since independence.

## **United Nations Membership**

After Constitution Day (celebrated on 9 July), 1 October 1994 is the greatest day in Palau's history. On that day, President Nakamura declared the Republic of Palau and its people to be 'a sovereign and independent nation in free association with the United States of America'. Palau's Independence Day celebration was the grandest the Republic has ever hosted. Commemorative coins were cast, a formal declaration was written and proclaimed, a huge feast and entertainment were offered, fireworks lit the night sky, and dignitaries from some twenty-three foreign countries and half a dozen UN agencies and other major groups attended the formalities and festivities.

Soon after the grand independence day celebration, Nakamura applied to the UN for membership. In an earlier speech to the Trusteeship Council May 1994 he had stated that Palau was ready to enter the international arena as a sovereign nation. Before the end of the year, he led an entourage of traditional and elected leaders to New York City. On 15 December 1994, the UN General Assembly voted for Palau's admission to full membership in the world body as its 185th member. Nakamura was overcome with pride. His entire political career had been caught up in the Trust Territory bureaucracy and he had attended UN sessions as a ward. Now he addressed the UN Assembly as president of a member nation 'to offer sincere thanks to all the members of the United Nations, particularly the members of the Trusteeship Council. Together, we can celebrate a victory for the principle of self-determination and the idea that stronger nations can help others overcome devastation and destruction to recover their nationhood and identity' (Nakamura 1994). The same day, the Palau delegation participated in a special flag-raising ceremony with UN Secretary-General, Bhoutros Bhoutros-Ghali. Many of the visiting Palauans were overwhelmed to see their nation's flag flying alongside 184 others. With 20,000 people, Palau was the smallest member of the United Nations in 1994, but at that moment it was the largest in terms of national pride.

## Palau's International Personality

The United Nations accepts the status of a Freely Associated State as a valid conclusion to a decolonisation process (Leibowitz 1989: 62-3). The Republic of Palau is therefore recognised as a sovereign state, and since 1994 it has established diplomatic relations with nearly thirty countries, including Australia. Palau has accredited ambassadors to the UN, the US, Japan, the Republic of China (Taiwan), and the Republic of the Philippines. During the past three years in particular, Palau's skill in negotiating difficult issues with the US, Australia and the People's Republic of China (PRC) has been impressive, especially given the small size and limited experience of Palau's diplomatic corps.

Under the Compact of Free Association, the US has complete authority for defence and security (including strategic denial rights — the right to deny any other foreign power entry into Palau's territory), but Palau retains autonomy in foreign affairs. In early 2001, this distinction was put to the test when Palau allowed three warships from the Republic of China (Taiwan) to pay a goodwill visit. Reportedly, the US State Department was not enthusiastic about the visit and Admiral Fellin (Commander, US Naval Forces, Marianas Islands) visited Palau to discuss the visit with both President Remengesau and Vice-President Sandra Pierantozzi. President Remengesau insisted that the visit was neither a military exercise nor manoeuvres, but strictly a friendship visit. He made a clear distinction between legitimate security and defence concerns on the one hand and the exercise of foreign affairs powers on the other, and determined that the Taiwanese visit was an issue of Palau's autonomy in foreign affairs. Apparently some form of understanding emerged from the consultations because the Taiwanese vessels paid a second courtesy call in 2002 without incident.

Palau and Australia established diplomatic relations in 1995 and this made possible the grant to Palau of a 165-ton fast patrol boat, and associated maintenance and training to the year 2027. Australia has made, and continues to make, numerous small grants of considerable significance, such as the completion of Mindszenty High School building expansion and sports training. This relationship was put to the test in 2001 when Australia requested Palau to temporarily accept some 600 Afghani refugees. Australia offered to provide financial support for the processing and temporary housing of the refugees. Palau's Minister of State consulted with the Australian ambassador in Pohnpei about food, water, health, camp infrastructure, and security. Palau's high chiefs were consulted about possible camps in Melekeok State or on Angaur island. Given the good relationship between Australia and Palau, and the Republic's recognition of the UN position on assistance to refugees, the negotiations were carried out in good faith. In the end, however, Australia decided not to use Palau

as a temporary location for the refugees. Papua New Guinea and Nauru were chosen instead.

In early 2003, another international event that took some skilful negotiating on the part of Palau's executive was the near riot situation created when the owners of the Orientex garment factory disappeared with all the factory's money, leaving 216 Chinese seamstresses stranded in Palau. The women were left without return airfares, lost pay due to illegal wage deductions, and were owed at least five months of back wages. The workers' protests and food shortages forced Palau authorities to contact the People's Republic of China (PRC) embassy in the Federated States of Micronesia (FSM), alerting them to the dire situation facing a large group of PRC citizens. The embassy sent two officials to examine the situation. This was followed by a delegation of sixteen officials from the central and provincial governments in south China, the areas from where the women came. Although Palau and the PRC do not have diplomatic relations, their representatives agreed that the PRC central government would send two aircraft to transport all the women and officials to China. Unexpectedly, the women balked at the airport because they wanted strict assurances that their back wages would be paid. President Remengesau's chief of staff, Billy Kuartei, urged the Chinese leaders to give such assurances. This was done and the aircraft departed after about an hour in Palau. At this time, the SARS epidemic was a major threat and Kuartei wanted the planes in the air as soon as possible. Kuartei surmised that the PRC officials responded quickly to this emergency because they were hoping for a relationship based on Palau's future recognition of the PRC's One-China policy (Kuartei 2003).

## Special Relations

The Republic of Palau has special relations with the United States and Japan. The former is based on the Trust Territory relationship, the Compact of Free Association and gradual Americanisation. The relationship with Japan is underpinned by family ties established during the pre-war period of rule (1914–1944), when Palau was the headquarters for the civil government of the Japanese mandate.

By the end of the fifteen-year period of the Compact of Free Association (1994–2009), Palau will have received direct payments of US\$409 million. This includes a trust fund that now stands at about \$130 million, a circle road for Palau's largest island, Babeldaob, costing \$149 million, and \$35 million for a complete telephone system that is now in place. Palau received \$190 million in the first year (1994–95) of the Compact and will receive an average of \$13 to \$23 million in the remaining years (Republic of Palau 2003: 38). This huge injection of funds (together with funds obtained from elsewhere for construction projects) has made possible the

expansion of the foreign workforce in Palau: over half of Koror's population now consists of foreign citizens and in 2000 the nation's labour force was made up of 4,580 Palauans and 5,000 foreigners. Palauans seem unworried about this dynamic because everyone is busy making money.

In return for this US funding, Palau has given up part of its sovereignty to the extent that the US is responsible for Palau's defence and security and, as noted, has the authority to deny entry into Palauan territory of any foreign power. Since 1995, the two countries have had annual Joint Committee meetings and in 2003 the US agreed to supply training assistance in the areas of security, health and counter-terrorism as well as provide excess equipment and navigation aids. Because of this special relationship, after the terrorist attack on New York City of 11 September 2001, President Remengesau offered the US military full use of Palau's port facilities.

Concerning Japan, President Nakamura had a standing rule to never bring up the issue of war damages or claims for alleged wartime atrocities. As a result, he was extremely successful in gaining financial support from Japan for infrastructure development, including over \$100 million for the electrification of Babeldaob island and a \$25 million grant for the bridge linking Koror with the principal island of Babeldaob as well as support for a new airport terminal, an internationally known coral reef research centre, and technical assistance of various sorts. Japan maintains an embassy in Palau and a Japanese university is now examining the feasibility of Ocean Thermal Conversion Technology on the east coast of Babeldaob. Also, a private winery from Hokkaido began ageing its wine — some 10,000 bottles — in Palau's pristine waters in early 2004. This unique method of ageing involves submerging the wine in depths of over 60 feet for a year. The Palau-Japan Wine Collaboration project is expected to benefit Palau's economy, but the ocean waters must remain clean.

The economic dimension of the Japan-Palau relationship is growing. Until recently, forty per cent of Palau's 60,000 annual tourists were Japanese. A unique Japanese citizen, Hideo 'Joe' Morita, heir to the Sony fortune, has taken a special liking for Palau. He has established a successful organic farm in rural Babeldaob, and in 2001 opened the exquisite 'Dolphins Pacific Park', the world's largest dolphin research facility. The facility is a 200 million gallon lagoon open to tourists for encounters with the dolphins. One of Morita's motives for building the dolphin facility was for disabled children to experience the thrill of encountering dolphins, nose to nose. Morita may also invest \$45 million in an exclusive, low-rise hotel to be built on an uninhabited island.

## **Weak Governance and Questionable Deals**

Palau has an uncanny tendency to attract entrepreneurs, both serious and unscrupulous. On several occasions foreign investors have joined with local

entrepreneurs to create controversial and sometimes illegal situations. This occurred with the IPSECO power plant deal (an arrangement allegedly involving huge bribes to high-ranking officials) and a separate attempt to secretly sell Republic of Palau passports in the early 1980s; with a \$200 million loan scheme to be run through the Palau Development Bank in the 1990s; with the Orientex garment factory desertion (described above); and in 1999 with the laundering of \$1.7 billion of suspect money through a Palau bank. These situations took a toll on Palau's reputation, but fortunately there has been a recovery.

Recently, Palau's Special Prosecutor stated that Palau had a lot less corruption than the Federated States of Micronesia or the Republic of the Marshall Islands: 'You can see that most of the money goes where it's supposed to go' (Walton 2003). This is encouraging evidence of good leadership, national pride and attention to rules.

However, President Remengesau and the Palau National Congress are sometimes at loggerheads concerning what constitutes good governance. In November 2003, the Congress passed legislation to legalise casino gambling on Angaur Island in Palau's south. Remengesau vetoed the bill, citing social and moral reasons. The bicameral congress attempted to gather votes to override the veto, but public sentiment was on Remengesau's side and the override attempt failed.

Because of complaints in 1999 from the respected New York and Deutsche banks about money laundering by a bank licensed in Palau, Remengesau persuaded the Congress to pass strong, international-standard banking legislation, including immunity for a watchdog banking commission. At the end of 2003, the Congress attempted, by amendment, to weaken the banking legislation in favour of two banks that had lost their licences through non-compliance. Remengesau vetoed that legislation; the Congress attempted to override the veto but again failed.

In other recent skirmishes between the President and the Congress, the Congress has attempted to weaken the Office of the Special Prosecutor and to abolish the position of Minister of Justice. President Remengesau again vigorously and successfully opposed both efforts. The attempt to render impotent the Special Prosecutor is reminiscent of an earlier effort by Congress to take the teeth out of the Code of Ethics Act. Fortunately, both attempts failed.

On the international front, another episode that is in the category of questionable deals concerns the Republic of China-Palau Cultural, Economic and Trade Interchange Association (RPCETIA). The Taiwanese have been courting Palau since self-government began in 1981, but since independence Taiwanese approaches have become aggressive. The ambitions of the RPCETIA are enormous given Palau's small land mass (488 square kilometres) and population. According to the association's brochure, the Taiwanese envisioned taking Babeldaob's 396 square kilometre island with about 8,000 people and making it resemble a part of Taipei. The 1995 version of

this plan, called the 'Rainbow Project', generated heated controversy in Palau because of conflicting claims on land and sales activity in Taiwan offering homes, residency and citizenship in Palau. Criticism from the Palau National Congress prompted an investigation by the Special Prosecutor, who determined that President Nakamura's cabinet minister had not engaged in any wrongdoing with respect to RPCETIA. Gino Chen, the association's head, failed in his efforts to obtain clear title to huge tracts of land on Babeldaob.

The 'Rainbow Project' appeared to have faded away, but the RPCETIA reappeared in 2002 as the Fuworld Development Corporation. The revamped dream, called 'The Star of Micronesia', envisions an \$8.7 billion investment in a massive construction project in central Babeldaob on a Build-Operate-Transfer basis. According to this approach, the Taiwanese would build and operate all the facilities to recoup their investments and then turn over the facilities to Palau. This idea has captured the attention of some state governors. The new plan envisages eighteen separate structures, including a new international airport, a presidential palace, a national bank, an airport hotel, a tourism office and a National Congress community enlarging the impressive structures recently completed in Melekeok State, Babeldaob. This gigantic scheme appears preposterous because with a nearly nine billion dollar price tag there would certainly be many strong strings attached. The new prospectus makes no reference to residency, citizenship, or passports — something that, if included, would immediately bring up the 'red flags' of opposition from both government leaders and concerned citizens.

It seems that Palau attracts two kinds of private, foreign-supported development projects. On the one hand, there are the small-scale, practical, appropriate technology projects, such as the successful Palau Organic Farm venture of Joe Morita, or the agriculture operation in Aimeliik State supported by a Japan-based non-governmental organisation. On the other hand are the huge, multimillion-dollar operations, some of which are transparent, such as Morita's 'Dolphins Pacific Park', and others like the Fuworld project, the IPSECO project or even the grandiose superport concept of the mid-1970s, which carried an aura of exclusivity and even mystery. Carrying out foreign investment business in Palau is always difficult because clear title to land is generally not available and individuals, both foreign and local, sometimes seek to subvert or avoid laws, regulations and legitimate authority.

## **Leadership**

As in other small-scale societies, politics is a very big business in Palau. Elected office is highly coveted and candidates work hard and spend large sums of money to get elected. Politics is also a family and clan affair. Palau has had just a handful of

presidents since the first election under the new constitution in 1980. The first President, Haruo Remeliik, struggled to get the new government going and was assassinated in 1985, shortly after beginning his second term. In a special election held in 1985, Lazarus Sali, then a senator in the Palau National Congress, defeated the interim President, Vice-President Alfonso Oiterong. Sali's Vice-President was Thomas Remengesau Sr. the father of the current President. After three years in office, Sali committed suicide in 1988. The regular election that year saw seven candidates compete for the presidency. Ngiratkel Etpison was elected, but garnered only 26 per cent of the vote under a plurality rule. This period, from Remeliik's election in 1980 to Etpison's defeat in 1992, was one of mediocre presidents and weak governance. At this time, Palau was the world's last Trust Territory and it was yet to achieve a new political status, unlike the other jurisdictions of the former TTPI, the Federated States of Micronesia and the Republic of the Marshall Islands, which became freely associated states in 1986.

Since 1992, one man stands out above the others as the leader on the road towards UN membership and better governance. Kuniwo Nakamura, of mixed Palauan-Japanese heritage, won the presidency in a close race against attorney Johnson Toribiong in 1992. Nakamura and his Vice-President, Tommy Remengesau Jr. who himself was elected president in 2000, have guided the Republic's canoe of state for over a decade.

As Palau's fourth elected president, Nakamura carved out his place in Palau's history as a great president. He resolved the debt problem relating to the IPSECO power plant; completed the Compact agreement with the United States, thereby regaining Palauan sovereignty and a new political status; responded effectively to infrastructure problems; brought Palau into the United Nations; kept the domestic peace; represented Palau with distinction on the international scene; and garnered over 120 million dollars of aid in the form of grants and loans from Japan and the Republic of China.

President Tommy Remengesau, who served as Nakamura's Vice-President for eight years, watched and participated in all this activity. He has moved well in Nakamura's wake, despite some opposition from the National Congress. Furthermore, Remengesau's Vice-President, Sandra Pierantozzi, has earned a substantial reputation as an activist minister of health, a portfolio she carries with great enthusiasm, and as a captivating speaker at international conferences and workshops. In a real way, Pierantozzi represents the power of Palauan women and may challenge Remengesau in the November 2004 elections (as may former congressman, Polycarp Basilius).

## Identity

Four bouts of colonialism did not alter Palauan cultural and world views in any major way. Palauans have a strong sense of identity and ethnic pride and sometimes humorously refer to themselves as the 'Jews of the Pacific', in that many of them live outside of Palau and do well in pursuits overseas. Palauan tradition and identity is publicly expressed on Constitution Day, 9 July. As legend has it, the people of Palau are descended from Milad, a Palauan goddess and founder of Palau's second cultural period. She had four children, who in ancient times founded the village polities of Ngaremlengui (the oldest), Melekeok (the second oldest), Aimeliik (the female of the group), and Koror (the youngest). The 9 July celebrations have been cycled to these foundational local polities in respect to tradition.

Since independence, Palau has asserted its identity both internationally and locally. The new nation became the Olympic movement's 200th member and participated in the Sydney Olympics in 2000. Palau is active in a number of UN organisations, and belongs to the Pacific Islands Forum, the World Bank, the International Monetary Fund, and the Asian Development Bank. Palau's performance at the Eighth Festival of Pacific Arts in New Caledonia in 2000 was so impressive that Palau is to host the Ninth Festival, scheduled for July 2004. Presidents Nakamura and Remengesau have chaired conferences of regional leaders and made Palau's presence known at international meetings. They have walked the China tightrope carefully in relations with both mainland China and island Taiwan. Nakamura visited the PRC in May 1997 and received a \$600,000 grant, although he declined to sign an economic relationship agreement. He was briefed by both the US State Department and Central Intelligence Agency on what to expect during his visit.

As President, Remengesau also paid a state visit to the Republic of China (Taiwan) in 2002. He supported Taiwan's application for membership in the World Health Organization and later urged the UN General Assembly to accept Taiwan's entry to the UN fold. In exchange, Taiwan has provided millions of dollars for various infrastructure projects, including extensive road repair, a new national museum building and a cultural centre. The latter two structures, costing a total of \$5 million, are needed for the Ninth Festival of Pacific Arts. Given Palau's dealings with both Chinas, one might conclude that Palau has an unspoken Two-China policy.

Palau's journey from UN ward to UN member was not an easy one. The deaths of two presidents and internal feuding shook confidence; the Trust Territory government bureaucracy threw up complications; and the lengthy negotiations over the Compact of Free Association with the US created doubt and generated social tensions. But the Palauans had unshakeable resolve. Their cultural values and astute leadership earned them a UN seat. Since 1994, Palauans have established their presence internationally, have learned to deal with major regional powers such as the US, Australia, and the



People's Republic of China, and have solved internal issues regarding governance and corruption. For the rest of the decade, the major challenge for Palau will be to establish a wider economic base and continue to improve governance. Negotiations on a new compact arrangement with the US will be a major agenda item for the republic's leadership prior to 2010.

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## Abstract

The Republic of Palau gained its independence in 1994 and became the United Nations' 185th member. Palau had been a part of the Trust Territory of the Pacific Islands and a ward of the United Nations for nearly forty-five years. This paper examines a decade of development during which Palau, a freely associated state, learned to deal with world powers, handled problems associated with corruption and weak governance, achieved special relations with the United States and Japan, demonstrated good leadership in the executive branch of government, and expressed its unique identity on the regional and international stage.

## Résumé

En 1994, la République de Palau ayant obtenu son indépendance est devenue le 185<sup>ème</sup> et le plus petit des Etats membres des Nations Unies. Palau a fait partie du Territoire sous tutelle des îles du Pacifique et a été sous la protection des Nations Unies pendant près de 45 ans. Cet article retrace une décennie de développement au cours de laquelle Palau, un état sous contrat de libre association, a appris à traiter avec les grandes puissances, s'est occupé de problèmes liés à la corruption et aux carences de l'administration, a établi des relations privilégiées avec les Etats-Unis et le Japon, a fait preuve de grande qualités de gestion dans la conduite de la branche exécutive du gouvernement et a réussi à exprimer son identité propre sur la scène régionale comme sur la scène internationale.

# *Marching Rule Revisited: When the Cargo Comes*

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*J. M. Herlihy*

At independence in 1978, and for many years previously under the British colonial government, the Solomon Islands was renowned for its peaceful lifestyle and comfortable levels of subsistence. In terms of the maturity and skills of its workforce, it was probably better equipped to handle its own affairs than most of its Pacific neighbours. A generation later, the Solomon Islands had become known worldwide as a dangerous place to visit, and as an even more dangerous place to live. While most of the other relatively new nations of the south-west Pacific also suffered from declining economic viability, increasing corruption and poor governance, the Solomons alone became a 'failed state', with a theoretically democratic political system that was unable to break away from the power acquired in the late 1990s by armed militias and criminals.

This paper re-examines the Marching Rule or Maasina Rulu<sup>1</sup> movement of the 1940s and 1950s, and evaluates the attitudes, patterns and events that over time have influenced actions and reactions at village level. The paper then considers the relationship between the attitudes and behaviours associated with Marching Rule and those involved in the emergence of the Malaita Eagle Force (MEF) in late 1999, the events surrounding the 2000 coup and the subsequent decline into criminality. It concludes that both movements were intrinsically cultist and that the attitudes and behaviours that culminated in the disastrous events of recent years were deeply rooted in the same village-level mechanisms for the acquisition of status that were behind Marching Rule.

## **From World War II to Marching Rule**

Traditionally Solomon Islands villagers sought and respected the status that derived from power, whether that power came from inherited status, superior knowledge or

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<sup>1</sup> Maasina Rulu derived from an Are'Are word for brotherhood, and it is widely believed that the term Marching Rule was a corruption of this.

wisdom, skill as a warrior, or the acquisition and distribution of material goods. With the advent of World War II, however, the concept of power attained a dramatic new dimension. For those who had contact with the military experience, the war demonstrated knowledge, power, material goods and attitudes beyond anything they previously had known. It also demonstrated that the use of violence and killing could be justified in a good cause.

Even more influential were the cultural attitudes of young men at war, notably the free-handed Americans, and the recognition and respect they gave to their Solomon Islands partners. This contrasted sharply with the attitudes of the British colonial administrators both before the war and, more significantly, on their return to the Solomons after the war. Like other South Pacific countries, the Solomon Islands were colonised relatively late in the nineteenth century, and remained

on the margins of European maps, and European thinking. As a result, they did not really attract the 'best and brightest' of colonial administrators, nor — in relative terms — did they have comparatively significant resources devoted to their development ... enthusiasm for the colonial experience in the South Pacific was distinctly lacking (Downer 2000).

When the returning British administrators attempted to excise the war experience and, worse, confiscate the material goods that the departing troops had bequeathed to the Solomon Islanders, pre-war resentments intensified enormously.

World War II marked the transition from reluctant acceptance of colonial rule, and of the often incomprehensible British administration of the earlier twentieth century, to repeated attempts by Solomon Islanders to recover their identity and strength. These attempts were accompanied after the war by a range of activities and rituals designed to bring to village level some of the material benefits they had seen. One of the postwar manifestations of these aims became known as Marching Rule.

Marching Rule was essentially a local level political movement, fuelled by cargo cults directed at capturing American largesse. It amalgamated established Solomon Islander techniques for the acquisition of power and status with the promise of material rewards. For much of Solomon Islands history, such methods have been an important element in winning supporters in political power plays.

Marching Rule commenced in 1943–44 on Guadalcanal, among Malaitan men working with the United States forces. The earliest recorded meetings on Malaita were in January and February 1944 and the first signs of resistance to government authority were reported from North Malaita not long afterwards (Laracy 1983: 17). At first Marching Rule was a secret movement and most activity was confined to the Are'Are communities, though by December 1945 it had triggered British administrative

interest. By the time the movement emerged publicly in 1946 it was firmly established, but the main leaders deliberately maintained their anonymity in official eyes (Coates 1970: 293–5).

Initially some Malaitan and Nggela people attempted to ‘buy’ continued American support with a donation of several hundred dollars (Bennett 1987: 293). Then, in mid-1945, one of the early leaders, Nori of Waisisi, and two others approached the American commander with the suggestion that the United States take over the administration of the Protectorate. Though the commander made it clear on that occasion, and again later in 1945, that this would not eventuate, the hope persisted (Laracy 1983: 17), and the leaders of the new movement turned to ritual, imitation and cultist practices to bring the Americans back. Belshaw (1950: 119) reported that

Buildings were erected to warehouse the expected free gifts from American liberators; monetary contributions were exacted from the adherents of the movement; the leaders were reputed to have boundless wealth in dollars and to pay their followers twelve pounds a month; Melanesians were forbidden to work for Europeans unless a wage of twelve pounds a month was paid; missionary and administrative work was resisted; demonstrations of several thousand natives took place on Government stations demanding education, higher wages, political independence, and the removal of Europeans; ‘soldiers’ were drilled; the central organisation on Malaita established connections with Ulawa and San Cristoval and the movement was eventually copied in the Santa Cruz group and the Western Solomons.<sup>2</sup>

Nori of Waisisi became the ‘spokesman’ for the movement and was the most active member in promulgating Marching Rule beliefs in other islands. In November 1945, he was appointed ‘head chief’ of the movement in Are’Are and another Marching Rule leader, Timothy George, became ‘head chief’ for South Malaita. From its early stages, the Marching Rule leadership was confrontational. In December 1945, Nori banned the recruitment of Malaitan labour without an order from Timothy George and himself. Other orders included statements that the Chief of Maasina Rulu would rule the people, and that the government headmen ‘have no business to the people’ (Laracy 1983: 95). Lists were published giving the names of people who were black-

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<sup>2</sup> The views of Belshaw and others are in sharp contrast to the explanation given on the Are’Are website (Anon. [n.d]), which presents the movement as involving ‘the idea of loving each other, helping the poor, orphans and widows. Also to cooperate with the government, church, medical service and custom. Nori added that this included making farms and communal villages’. Even from the Are’Are account, however, it is clear that there was significant concern on Malaita about the relationship between government headmen and Maasina Rulu leaders.

listed for working for white men, or expelled for 'taking sides' with the main opposition leader, head chief Kakaluae of Tae (Lau) Lagoon (ibid: 105).

At its peak, the organisation of Marching Rule was exceptional. Villages moved en masse into larger settlements on the coast to facilitate the arrival of the Americans. Daily chores were organised into specialities directed by minor 'chiefs' and, where it did not exist in the traditional leadership system, a hierarchical system of decision-making was introduced. The relationship between 'custom' and the law was expanded by the codification of traditional systems, and 'custom' courts were set up to deal with breaches of Marching Rule laws (Allan 1950). Funds were collected to pay for a teacher, medical officer and agricultural adviser. Inevitably, during this time, the movement won support among islanders who worked for the government, including the police (Laracy 1983: 25–6, 115).

Church affiliations were a significant factor in the spread of Marching Rule. Five of the nine Marching Rule leaders were either teachers or prominent adherents of the South Seas Evangelical Mission (SSEM) (Coates 1970: 293), a non-denominational Protestant mission influential in central Malaita, and many supporters came from the same background. The SSEM had shown little appreciation for Melanesian culture and, with the Seventh Day Adventists, had evacuated its missionaries (mainly women) during the war (Hilliard 1978: 266). Its relatively unstructured approach gave considerable scope for individual interpretation (Whiteman 1983: 267–71) which, with the withdrawal of its missionaries, provided fertile ground for Marching Rule. Though some missions, notably the Anglican Church on Santa Isabel, actively opposed Marching Rule for its cultist component (Laracy 1983: 23, 94), others, such as the Catholic mission, supported its developmental aspects (Whiteman 1983: 271).

From late 1946, when Marching Rule came into the open with demonstrations involving thousands of people, the failure of the anticipated American ships to arrive gradually eroded its support and it began to self-destruct. Its leaders, blaming the 'Outside' people for damaging the movement (Laracy 1983: 109), responded with more vigorous measures to maintain the momentum. One writer reported that:

pressure tactics, even terrorist tactics, were used to round up those who had not joined the movement, while as its size increased, and it became harder to control, its courts imposed severer sentences. Non-violence was becoming violent. The movement was deteriorating into a despotism. Complaints were privately received by the British authorities, alleging wrongful imprisonment and coercion (Coates 1970: 295).

Over the next two years, despite vigorous attempts to maintain the movement's influence, adherents began to withdraw and return to their inland villages, expressing disenchantment with its failure to deliver on its promises.

In the declining months of the movement, its cultist aspects became more prevalent, and rumours that the Americans would soon return resulted in increased attention to ritual. Laracy (1983: 29) reported that 'firewood beacons were built to guide the transports ashore; sheds were built to house the cargo they would bring; and dugouts were built in the bush for the people to hide in while the American troops fought to evict the British administration'.

In 1947 the government, which had previously tolerated the movement, goaded by the discovery that the real leaders of the movement had deceived them in publicly dissociating themselves from Marching Rule, and fearful that a proposed strike in support of wage claims would exacerbate the labour shortage, took action to suppress the movement (Coates 1970: 295; Laracy 1976: 124).<sup>3</sup>

While the question of whether Marching Rule was primarily a cultist movement, a proto-nationalist movement or a developmental movement undoubtedly remains moot, none of these elements are mutually exclusive and Marching Rule incorporated a significant proportion of each. That public backing for Marching Rule fell away after the war when it was clear that the Americans would not return, and despite the support for its developmental aspects from the colonial government and some missions, was a strong indicator of how Solomon Islanders themselves saw its priorities. The developmental initiatives quickly collapsed when the movement failed to achieve its aims and lost public support.

A useful tool for assessment of the overall significance of Marching Rule is the investigative question of 'Who benefits?' Certainly the British colonial government did not benefit, despite its generally improved post war management and an initially low-key response to the movement. Equally certainly, the indigenous leaders and communities who opposed Marching Rule did not benefit. After the event, developmental initiatives were directed towards placating the Malaitan participants in Marching Rule, thus giving official recognition of sorts to their grievances. However, these initiatives did not reach peripheral Marching Rule adherents, such as the island of San Cristobal, or the communities that were not involved.

The main beneficiaries were the Marching Rule leaders. Despite their six-year prison sentences, they were subsequently treated with considerable respect by the colonial government and continued as leaders in their communities after their release.

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<sup>3</sup> Keesing (1977: 41) attributes the stories of misuse of funds, coercion and violence to disgruntled loyalist headmen and paid informers, but other sources (see Laracy 1983 and Bennett 2002) indicate that the stories had substance.

Later, some of the leaders of Marching Rule and of subsequent 'cults' moved into the National Parliament. Not until the 1980 elections, two years after independence and nearly thirty years after Marching Rule, were former Marching Rule leaders absent from the national decision-making process.

## **The Declining Years, 1981–97**

Though various analyses of the 2000 coup have emphasised the role of longstanding 'traditional' concerns such as land rights, in retrospect the three factors that contributed most to the gradual decline of Solomon Islands institutions were largely political.

The first of these related to the politics of dealing with central government, which prior to independence had been regarded as a foreign institution, interventionist and often inept, but an exploitable resource. Solomon Islands communities sent to parliament those who were regarded as the most effective in challenging the government and in facilitating access to its resources. These perceptions carried over seamlessly after independence, with two important variations: the controls instituted by the colonial power over use of resources were significantly weakened by public sector inexperience and unrealistic community expectations; and, with minor exceptions, the resources at the central government's disposal were no longer underpinned by an overseas treasury. Diversion of national government resources was no longer a win-win situation for Solomon Islands communities; it had become a zero-sum game.

The second factor contributing to the decline of institutions related to the overlapping of several relatively innocuous clauses in the Independence Constitution and the Penal Code concerning traditional rights and obligations in relation to compensation. Section 17 of the 1978 Solomon Islands Constitution states that '[A]ny person any of whose rights or freedoms under this Chapter has been contravened shall be entitled to compensation for the contravention thereof'. In addition, the Constitution specifically addresses rights for compensation with regard to property and land acquisition (ss.3, 8, 111), and Section 27 of the Penal Code provides for a person convicted of an offence to make compensation to any person injured by his offence. As the relationship between traditional and modern mechanisms for compensation evolved, however, the different obligations became less clear-cut.

The third factor was the disproportionate influence exercised by personalities and individuals in a small state. In the Solomon Islands the most notable example of this was the late Solomon Mamaloni, who served as Prime Minister in 1981–84, 1989–93 and 1994–97.

Mamaloni institutionalised a form of corruption that he rationalised as being in the national interest. His networks extended to foreigners and senior officials in the public sector, non-governmental organizations — including the churches — the police and the judiciary. In most cases, the benefits provided to such supporters were legalised by their incorporation into the relevant laws under the guise of government incentives to promote development (Office of the Prime Minister 2000). In the final analysis, however, Mamaloni's legacy was that 'from the earliest days of independence, through the logging period of the late 1980s and middle 1990s, politicians, bureaucrats, local leaders, power brokers, conmen and their hangers on' were milking the national treasury dry (Roughan 2003b).

The country felt the effects of Mamaloni's erratic leadership for many years prior to the 2000 coup. By 1995, the economy was close to bankruptcy. Public services had declined as wages and allowances went unpaid. Maintenance on roads, shipping and buildings was irregular or non-existent, and utilities were unreliable due to non-payment of government bills. The justice system had been largely neglected and was poorly resourced. For a considerable period prior to the 1997 elections, in fact, the situation was very little different from that which pertained following the coup, with one exception: the generalised violence that resulted from the widespread use of firearms from 2000 onwards meant that the criminality that had previously been covert became commonplace, and highly visible.

## **Change and Reaction, 1997–99**

The approach of the 1997 election saw an unprecedented demand for more effective leadership across the country, and the formation of the Solomon Islands Coalition for Change (SIAC) under the leadership of economist and long-term politician Bartholomew Ulufa'alu. The high turnover at the 1997 elections sent a record number of failed parliamentarians back to their communities, where they often promoted community dissatisfaction with the successful candidate. Nonetheless, popular support for SIAC increased as the public identified benefits in terms of health services, education opportunities and assistance with resource use.<sup>4</sup> The methods which Mamaloni previously had used to bring down several governments were this time unsuccessful: during SIAC's first three years of office, three votes of no confidence failed.

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<sup>4</sup> A survey by the Solomon Islands Development Trust showed an improvement of between five and eight percentage points in public ranking of the SIAC Government's performance on these indicators by comparison with the previous government, despite continued limitations on the availability of money (Roughan 2003a). Despite the problems it faced from 1998 onwards, overall the SIAC Government ranked highest of any government since the report card surveys commenced in the early 1990s.



In March 1998, when the new government had only been in office for a little over six months, a decision was reportedly made by Guadalcanal leaders to use old World War II weapons and other firearms to expel Malaitans from Guadalcanal (Short 2003). Though the origins of the Guadalcanal Revolutionary Army/Isatabu Freedom Movement (IFM) are unclear, there is little reason to doubt the SIAC Government's belief that a strong political component was involved (see also Fono 2001; Office of the Prime Minister 2000; Kabutaulaka 2001) and that Mamaloni, who had familial as well as political ties with Guadalcanal, at least concurred with the initial moves.

The Guadalcanal hostilities can be attributed in part to the failure of previous governments to come to grips with land issues, social problems, law and order inadequacies and village-level development (Kabutaulaka c.1999). In addition, the disrespect shown by some Malaitan settlers and hangers-on towards the rights and customs of their hosts in other provinces had been a concern on Guadalcanal for many years. These grievances were given additional impetus by the situation following the 1997 election, by the political manoeuvring of the newly elected premier of Guadalcanal Province, Ezekiel Alebua, and by the depressed economy inherited from the Mamaloni years.

Most of the participants in the subsequent fighting, however, were young people, some barely in their teens, who adopted the Guadalcanal grievances as justification for their adventure without fully understanding the causes or the consequences of fighting (see, for example, Gray 2002). Many were disenchanted youth for whom rural life had little to offer in the 1990s. As the situation worsened, some of these men — notably Harold Keke and his brother on the Weathercoast — gained local power and status as fighting leaders. Participants in these groups had little incentive to return to their previous anonymity.

Violence erupted in late 1998 and, by mid-1999, more than 20,000 Malaitans, many of whom had legitimate land use arrangements with their Guadalcanal hosts (Kabutaulaka 2002: 7), had been displaced. Scores of civilians were killed, tortured, injured, or otherwise abused (Amnesty International 2000). Without doubt the Guadalcanal actions at this stage went far beyond a reasonable expression of historic grievances, and set the scene for the hostility and reprisals that eventually resulted. Tensions were exacerbated by the heavy-handed response of some Royal Solomon Islands Police, whose members were predominantly Malaitan, and the killing of some IFM supporters, but on the whole the restraint shown by the many innocent Malaitans and other Solomon Islanders who were victimised during 1998-99 was a noteworthy aspect of the Guadalcanal situation.

By late 1999, Guadalcanal villages were suffering food shortages as a result of the conflict. When a state of emergency was declared on 16 June 1999 the Guadalcanal

militants considered laying down their arms.<sup>5</sup> In October 1999, following a series of peace negotiations and agreements, the state of emergency was lifted, and in November the National Census team was able to cover the entire island of Guadalcanal without incident (de Bruijn 2002). At precisely that point, a group of young Malaitans announced the formation of the Malaita Eagle Force (MEF).

The IFM and the MEF were similar in many ways, notably in relation to the generation gap, the enthusiasm with which many young people attached themselves to their respective causes and the marked inability of each group's leaders to deliver on a multiplicity of agreements. Neither side can be exonerated from responsibility for subsequent events: the IFM started the hostilities, the MEF escalated them. Where the two groups differed was in their ultimate objectives.

## **Towards Treason**

Though the Guadalcanal grievances had been ignored by previous governments, signs of disaffection and of a deterioration in law and order were evident long before the events of 1998–99. The economy was in decline, violent incidents occurred in various areas, and demands for compensation were frequent and often successful. The expectation was well-established that compensation could include large monetary payments and that the government, rather than the courts or traditional mechanisms, could and would pay it (Foukona 2002). With the formation of the MEF, however, the issue of compensation for the Malaitans dispossessed in 1999 became the springboard for a step far more dangerous than any action previously taken.

Just as the lessons drawn from previous experiences were absorbed and translated in *Marching Rule*, the lessons of *Marching Rule* were taken up and transmuted in the development of the MEF. The most notable example of this was the use of firearms. When asked, many years later, why *Marching Rule* did not make more use of the weaponry it had collected from World War II, Nono'ohimae made the point that the retribution exacted following the Bell case (the killing of a colonial official on Malaita in 1927), and the Islanders' knowledge of the firepower available during the war, would have made any such attempt foolish and self-destructive (Roughan 2000d). By the late 1990s, however, Solomon Islanders had been isolated from events in the rest of the world for years and had good reason to believe that the external powers were unlikely to intervene in their 'internal affairs'. In that situation, no constraint appeared to apply — or did apply — to the use of weapons. The power which this conferred swung the MEF response to the violence on Guadalcanal towards the treasonable overthrow of the democratically elected government.

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<sup>5</sup> *Solomon Star*, 21 June 1999. This, however, did not occur and the violence continued for some months.

The Solomon Islands Penal Code defines 'treason by the law of England' as an offence against public order (Part VII, s.48) and states that any person who devises or intends, and expresses or carries out any such act, matter or theory is guilty of the offence termed treason and shall be liable to imprisonment for life. Section 51 (b) explicitly states that any person who forms an intention

to levy war... in order to put any force or constraint upon, or in order to intimidate or overawe, the legislature or legislative authority of any of Her Majesty's dominions, or of any country which has been declared to be under her protection or in respect of which Her Majesty has accepted a mandate ... [and who] manifests such intention by an overt act, or by publishing any printing or writing, shall be guilty of a felony, and shall be liable to imprisonment for life.

Other sections of the Penal Code deal with unlawful assembly, aiding soldiers or police in an act of mutiny, unlawful drilling, exciting hatred or contempt of any class of persons, going armed in public, intimidation, threatening violence and various other offences relevant to events from 1998 onwards. The Code also covers offences within the administration, such as corruption, extortion and false claims.

However, while the Solomon Islands government had the legislative provisions to prevent, contain or punish the type of offences that occurred prior to and during the coup, its ability to enforce these provisions had been undermined by the corrupt networks established under Mamaloni's leadership, and it was forced to negotiate.

The government took responsibility for assisting with the repatriation of displaced Malaitans (Fono 2001: 1; Angiki 2000a, 2000b), but it was not in a position to meet enormous — and frequently changing — compensation claims.<sup>6</sup> To the Malaitans' great credit, through most of that year they did not press for immediate payment of compensation. However, this changed in November 1999 after a series of breaches of the peace agreements by Guadalcanal groups, and after the SIAC Government questioned its alleged responsibility to pay compensation for damage caused by the Guadalcanal rebels. Angry, impatient and interpreting the government's actions as a sign of favouritism towards Guadalcanal, some Malaitans made the disastrous decision 'to fight back' (Nori 2001: 6).

In early 2000, the MEF actions were directed more towards bringing pressure to bear on the government to pay compensation than towards attacking the Guadalcanal groups. One of the first steps was to obtain firearms, and on 17 January 2000 a small MEF group raided the police armoury in Auki on Malaita. A week later, Andrew Nori

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<sup>6</sup> Some SI\$17 million dollars were reported to have been paid by the Government in late 1998, with a total of SI\$50 million up to March 2000.

announced himself as spokesman for the MEF and submitted a claim to the government on behalf of displaced Malaitans (Global IDP [c.2000]; Nori 2001: 6).

From the outset, the MEF approach was confrontational and uncooperative. When the government sought to broker peace negotiations, on the grounds that peace should be established before compensation claims were considered, the MEF threatened that unless the government paid compensation there would be no peace. It refused to attend the peace conference scheduled for early 2000 (Nori 2001: 7), and made threats against the Malaita Provincial Government to prevent it attending (Kabutaulaka 2001). However, given the economic situation, the power and status that accrued to possession of a firearm, and the inability of MEF and IFM leaders to control their forces even when they wished to do so, the MEF demand for 'justice [compensation] before peace' was clearly unworkable.

From this point, the MEF lost much of the leverage and goodwill that the Malaitans generally had gained from their victimisation in 1999 and their restrained response. It also lost some ground on Malaita itself. Though the MEF claimed to represent Malaita as a whole, in fact it had more in common with Marching Rule than with much of Malaita. With one-third of the country's population, Malaita was far from united. Significant divisions on traditional and religious lines had been compounded in the 1940s and 1950s by the involvement of some groups in the leadership and rank and file of Marching Rule. Andrew Nori, the ex-politician and private lawyer who was defined or defined himself as leader, spokesman, legal adviser and mentor of the MEF (Kabutaulaka 2002: 18), was of the Are'Are family of Marching Rule leader Nori of Waisisi, and was uncompromisingly hostile towards the SIAC leadership.

In February 2000, as a result of the impasse triggered by the MEF intransigence, the Prime Minister, Bartholomew Ulufa'alu, sought overseas assistance and the governor-general, Sir John Ini Lapli, formally outlawed both the IFM and the MEF.

Under the Solomon Islands Penal Code, a society is unlawful if it includes any combination of ten or more persons whether the society be known by any name or not, if formed to levy war or encourage or assist any person to levy war on the government or the inhabitants of any part of the Solomon Islands; or to kill, injure or incite to kill or injure any person; or to destroy or injure or incite to the destruction or injury of any property; or to subvert or promote the subversion of the government or of its officials; or to commit or incite to acts of violence or intimidation; or to interfere with, or resist, or incite to interference with or resistance to the administration of the law; or to disturb or incite to the disturbance of peace and order in any part of the Solomon Islands. Alternatively, it is unlawful if declared by an order of the governor-general to be a society dangerous to the good government of the Solomon Islands (Penal Code s.69 (3) and (4)). The IFM and the MEF met the criteria on all counts.

The governor-general's declaration that the IFM and the MEF were illegal societies was a setback for the MEF. The Penal Code provides serious penalties for management or membership of an unlawful society. It also reverses the usual onus of proof, so that anyone who has any apparent connection with it is deemed a member unless they can prove otherwise (Penal Code s.69 [3] and [4]).

The declaration had especially serious ramifications for Andrew Nori with regard to his standing as a lawyer and an officer of the court. Nonetheless, Nori remained in touch with other MEF leaders over the next months. In March 2000, he informed the Prime Minister, his advisers and the Guadalcanal provincial executive, that the situation would 'deteriorate further' if nothing were done about the MEF compensation claims and its request for a report on Malaitans missing on Guadalcanal. In May, Nori reiterated the MEF threat (Nori 2001: 7).

By this time the government was gravely concerned about the potential for serious fragmentation of the country and in late April it had again approached the Australian government and other countries for assistance. On 1 May 2000, the Prime Minister briefed an Australian parliamentary delegation, stressing the need for the fifty-person multinational police force for three months that he had previously requested from the Australian Prime Minister. The government's fears of further fragmentation were well-founded. In Western and Choiseul Provinces, during May, some Malaitans were harassed and evicted and local forces, sometimes jointly with dissident Bougainville Revolutionary Army groups, had started to raid armouries to obtain weapons with which to resist the MEF incursions (Costello 2001).

After the ban had been in place for three months, however, the MEF began to feel the pressure and in May 2000 Nori made some concessions on its behalf. On 13 May, Nori and other leaders agreed, in the Auki Communique, to recommend that the ban be lifted, but confirmed that total surrender of arms would be a prerequisite for government to address all the conditions submitted by Guadalcanal and Malaita Provinces. Two days later, Nori was reported as saying that 'if the ban is lifted this week, a cease fire could be in place within seven days' (SIBC 15 May 2000).

When the ban was suspended on 16 May to enable talks to go ahead the situation was sufficiently calm for a large international Youth Conference to be held in Honiara, though the government continued to seek overseas assistance. However, the announcement on 18 May that forty Fijian police would soon be arriving to join the small Multinational Police Assistance Group was followed by reports of the 19 May coup in Fiji. The Fijian police never arrived.

For the next week, the news of the Fiji coup seemed to have little effect on the Solomon Islands situation, and the government appeared to be regaining a modicum of control. On 23 May, it extended the suspension of the ban for a further two weeks — taking it up to 6 June 2000 — in recognition of the positive moves towards peace.

On the same day, Nori made a further concession, announcing that the MEF leadership had agreed to a two-week period of 'restraint', following the signing on that day of 'Pre-Cease-Fire Guidelines' (SIBC 23 May 2000),<sup>7</sup> as long as the IFM and its supporters did not act in a hostile manner to Malaitans and residents of Honiara City and Marau during that time. Shortly thereafter, the Guadalcanal Provincial Government announced that it had set aside five million dollars to compensate the people of Malaita for 'abusive language and disrespect to their chiefs' by the people of Guadalcanal (SIBC 25 May 2000). The MEF was losing support in Malaita itself, as MEF militants reportedly forced displaced Malaitan families to make 'donations' of money and food for MEF support (Amnesty International 2000).

Neither MEF nor IFM militants, however, were prepared to surrender their guns.<sup>8</sup> Within a week the peace talks were in doubt. In addition, by the end of May, the level of coverage the *Solomon Star* was giving to the Fiji situation caused the Minister for State, Alfred Sasako, himself a journalist, to write to the paper expressing grave concern and pointing out that 'in view of the situation in Solomon Islands it appears the editorial decision of the newspaper is openly encouraging open hostility against a democratically elected government' (SIBC 30 May 2000).

Though Nori later denied that the Fiji coup influenced subsequent events in the Solomon Islands, the linkages between the two Pacific Island countries, and the rapidity with which the Solomon Islands coup followed, suggested that the Solomons coup was more than coincidental. In late May, the MEF leadership established an alliance with almost half the Solomon Islands Police Force (Lapli cited in ASPI 2003) to form a joint MEF-Paramilitary Command. Also in late May, Nori informed the Australian media that 'war is not a remote possibility. It is a possibility, in fact a probability' (ABC online, PM, 5 June 2000). In early June, the MEF took control of the police armouries, weapons held by patrol boats, the communication facilities, and the government.<sup>9</sup>

At 11am on 5 June, one day before the period of 'restraint' and the suspension of the ban were due to expire, Nori delivered a speech announcing the coup.<sup>10</sup> This was

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7 The Assistant Commonwealth Special Envoy dealing with the ethnic tension in the Solomon Islands, Professor Ade Adefuye, publicly criticised reporting of the ethnic tension by foreign media as sensational, saying that they often exaggerated the incidents that occurred during the ethnic tension on Guadalcanal, and downplayed the real progress towards peace at this time.

8 George Gray (2002), previously a fighting member of the IFM, explained this: 'I found settling down in my community difficult. This was especially so because I had to surrender my weapons, which were my source of power. Giving them up meant that I would become powerless'.

9 Events moved so quickly from peace negotiations to the coup in the aftermath of the Fiji coup that an Australian intelligence agency was later reported (Daley 2000) to have provided an assessment only one or two days before the coup, based on a range of material including human intelligence and signals intercepts, to the effect that the SIAC Government was unlikely to be overthrown.

10 Despite Nori's subsequent attempts to deny that these actions constituted a coup, the events of 5 June and thereafter meet most dictionary definitions of a coup d'état.

a high point for Nori, who claimed that the joint MEF-Paramilitary Command had asked him to be the new Prime Minister (Nori 2001: 7) and who was suddenly courted by the media and overseas delegations. It was also a turning point for the MEF. On the following day, the IFM issued a press statement condemning the coup and Alebua called on the Prime Minister not to resign (SIBC 6 June 2000); three days later, Nori announced that the MEF had declared war on the IFM. Within weeks, any semblance of discipline within the MEF had largely disappeared, and the descent into criminality was swift.

Nori and the MEF seriously underestimated the consequences of the coup. In the Parliament, though the movement achieved Nori's aim of forcing Prime Minister Ulufa'alu to resign, the MEF had to resort to further threats and intimidation to control the SIAC members who still held a majority. The conditions attached to the Prime Minister's resignation, notably with regard to disarmament and a return to peaceful conditions, were never seriously addressed. Outside the Parliament, the situation worsened and law and order problems escalated. Despite the new government's rapid payment of about SI\$10 million in compensation payments (Roughan 2000c), incidents of theft, extortion, increased killing and inadequate police action were reported regularly, and within a month some business operators in Honiara admitted paying 'protection money' to the MEF (ABC Newsradio 27 July 2000; Roughan 2000b). The costs attached to the removal of the government increased exponentially with the surge in compensation payments after the coup, thousands of jobs were lost with the closure of major industries (*Sydney Morning Herald* 11 November 2000), and the economy collapsed.

## **The Marching Rule Echo**

One of the most striking features of the so-called 'ethnic tension' was the similarities and linkages between the MEF and the legendary, but unsuccessful, Marching Rule movement.

In both movements hostility towards the national government and towards local leadership rivals was a notable feature and, in both cases, acts of intimidation and violence increased when it appeared that the movement was in decline and the government was gaining the upper hand. Some leaders in both movements were implacably antagonistic towards their governments despite the fact, in both cases, that there were other leaders and communities, including other Malaitan communities and leaders, who counselled against this. It was also despite the fact that their respective governments actively sought compromise, negotiation and an end to hostilities, and in SIAC's case had provided considerable financial assistance for displaced Malaitans. In both cases the excessive degree of hostility was suggestive of personal vendettas, most notably by tyro or failed candidates for political status.

Significantly, both movements aspired to the forceful removal of their governments; Marching Rule anticipated that the Americans would fight with and evict the British; and the MEF used force to overthrow the SIAC Government.

Both movements included a significant 'cargo' component. In Marching Rule the cargo was associated with the anticipated return of the Americans and American goods. With the MEF the 'cargo' aspect originally attached to compensation. After the coup, however, any 'cargo' or material goods that members desired were seen as legitimate spoils — cars, houses, consumer goods and money.

The propensity for 'magical thinking' in Marching Rule was evident in its unrealistic use of rituals and behaviours designed to compel the Americans to return. With the MEF, this lack of realism is seen in the insensitivity to real world consequences evident in many of Andrew Nori's pronouncements as spokesman. In December 2001, for example, totally ignoring the criminality that had been unleashed by the MEF over the previous eighteen months, Nori asserted that 'the current mad-rash [sic] for claims and the disorganised manner in which the claims were paid or promised to be paid was the mistake of the outgoing government'; and that 'the TPA [Townsville Peace agreement] does not obligate the SIG [Solomon Islands Government] to pay compensation for lost property, injuries or damages. What it requires is for the SIG to find assistance from foreign aid donors towards meeting the demands'. And again:

the state is not destroyed just by removing its elected government — whether induced by revolutionary or democratic means ... Honiara, which was taken over by the MEF on 5th June, 2000 is back in business. There are certainly cases where output is not as high as the pre-coup period but, overall things are picking up. The retail industry is flourishing with the curtesy [sic] of the property compensation payments (Nori 2001).

In 2000, cultist activity of the more traditional type was also identified on both sides. Father Terry Brown, Bishop of Malaita, reported that

there was certainly cultic activity by the IFM. Many of their fighters wore traditional Guadalcanal kabalato (loin cloths) and a traditional string around the neck (like the Moro Movement). They used various forms of magic to make themselves immune from gunfire ... There was certainly some cultic activity by MEF — some use of traditional sacrifice, magic, etc. The founder of the phallus-worshiping 'Only You' sect in Honiara in the eighties joined the MEF and was said to collect Guadalcanal skulls for his shrine in bush above Honiara. He displayed some in the Auki market. The Melanesian Brothers worked against this cultic activity on both sides (Brown 2003).



As with the cultist elements of Marching Rule, the 'compensation cult' that reached its peak after the 2000 coup grew in a climate of economic depression and institutional devastation. In the Marching Rule era, the drop in copra prices of the late 1930s was followed during and after the war by the destruction of the country's infrastructure and the withdrawal of major investment. Rebuilding was costly and slow, which some administrators attributed to the negative effects of Marching Rule (Bennett 1987: 203–5). The situation from 2000 onwards, though equivalent, was even more complex and less amenable to the type of initiative that eventually led to economic recovery in the late 1950s and 1960s. National revenues had been systematically stripped for years prior to the election of the SIAC Government in 1997 and alternative sources of income dropped dramatically in 2000. Many expatriates who evacuated at the time of the coup and some major investment enterprises still have not returned. Significantly, the payment of compensation did nothing to dampen unrealistic expectations or to satisfy demand. For several years 'compensation' claims, in many cases illegitimate, became the preferred source of income for many ex-militants.

A strong element of militarism was evident in both movements. Marching Rule sought to bring the Americans back as their colonial power, and engaged in militaristic rituals to do so. The MEF sought ever-increasing amounts of 'compensation' from the government for real and imagined wrongs by Guadalcanal militants, which the government was neither responsible for nor in a position to pay, and engaged in militaristic rituals to do so. Marching Rule villages were laid out on the pattern established by the American camps, military-style drilling was required, and resistance to the established government increased even as the movement was losing support. The MEF also organised on military lines, with many participants favouring heavy military-style camouflage clothing complete with masks as well as their high-powered military-style weaponry.

Church and family affiliations were also significant in both movements. Some MEF participants, notably Andrew Nori, had close family ties with participants in Marching Rule and Nori even adopted his father's title of 'spokesman'. The recurrence of other names from Marching Rule in the MEF indicates the extent to which oral history and clan loyalties played a part. In addition, most members of the MEF, as in Marching Rule, came from the minor Protestant missions — the South Seas Evangelical Church (previously the SSEM), Seventh Day Adventists, Baptists and Jehovah's Witnesses — though some had reverted to custom beliefs. Many Malaitan settlers on Guadalcanal were from Malaitan areas that contained higher percentages of the Protestant denominations and, as the MEF included many displaced Malaitans, those groups dominated (Brown 2003).

In addition to village followers, both movements attracted support among the better-educated and those who had greater experience of the modern sector. In Marching Rule some police who had been strong supporters of the government became involved in the movement. In the MEF coup, about half of the police were active participants and other better-educated employees, such as some journalists, provided important support.

Both movements blamed 'outside people' for their difficulties; in Marching Rule, those Solomon Islands leaders who did not support the movement were singled out; and with the MEF, the Guadalcanal leaders, the IFM and the SIAC Government were lamed. In both cases, the effect of this 'blame the victim' syndrome was to diminish the extent to which the leaders of the respective movements were held responsible.

As with Marching Rule, the question of 'who benefits?' in relation to the 2000 coup points clearly to the leaders, many of whom received enormous monetary returns in the form of payments, allowances and 'compensation' after the event, in addition to significantly greater visibility and status. Nori states (2003) that he received about SI\$300,000 in legal fees for his work on the cease-fire negotiation and the signing of the agreement in August 2000, and a further SI\$430,000 for his involvement in the Townsville Peace Agreement of October 2000 (at the time, the massive equivalent of over A\$6,000 per day for the first exercise and over A\$5,000 per day for the second).<sup>11</sup> Other MEF leaders established businesses and some, like their Marching Rule predecessors, later entered Parliament.

Like the Marching Rule leaders, the MEF leaders failed to recognise that the behaviours and attitudes they had inculcated were inconsistent with the aims they claimed to espouse. Marching Rule failed to achieve its aims. Similarly, the MEF and its allies failed to meet or even address the stated aims for the coup. These aims, outlined by Nori in 2000, were clear:

- 'To instate law and order in our National Capital and on Guadalcanal generally;
- To restore confidence in the process of governance;
- To accelerate the current peace process, so that our people may establish human relationships to feel secure and benefit from what this country can offer; [and]
- To prevent Solomon Islands from disintegrating' (Nori 2000).

These unexceptionable aims proved to be totally out of reach. As subsequent events demonstrated, the 'compensation cult' was incompatible with responsible government. The MEF and its allies never came close to matching the level of responsibility shown by the beleaguered SIAC Government.

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<sup>11</sup> These calculations are based on Nori's own figures and the dates that he provides for the two periods, the first commencing on 14 July and lasting until 2 August 2000, and the second from 12 September to 16 October 2000, and assume that he worked a seven-day week. The exchange rate was provided by the Reserve Bank of Australia for the end of October 2000.

Prior to the coup, most of the violence that had plagued the nation was interpersonal and inter-group. Magical thinking — except in the unrealistic assessment of the consequences of a coup — took more or less traditional forms and was mainly confined to practices for obtaining ‘cargo’ which had been tried and tested. After the coup, this changed. The disciplines involved in earlier rituals to bring the cargo were no longer required. The power and the cargo could be obtained with a gun.

## Outcomes and Prospects

The one constant through the years has been the status that involvement in such movements as Marching Rule has brought at a local level to leaders who would otherwise not have achieved status, or certainly not achieved it as quickly. Except in this respect, Marching Rule achieved few of its material and political aims, and those with which it became associated would in most cases have occurred anyway (Bennett 1987: 309). The same could be said for the MEF’s actions in 2000–2001, except that the ‘cargo’ did eventuate: large sums of ‘compensation’ could be freely obtained for spurious claims or on the basis of threats, extortion and the overt presence of military-style weapons in the hands of militants. This is perhaps the most dangerous thing that could have happened.

As in the aftermath of Marching Rule, the government and various aid donors moved quickly to placate the malcontents and to provide them with financial and other assistance for resettlement. For many of the victims — those who had been threatened or assaulted or who had seen family members tortured and killed, those who had lost their houses or cars and seen their careers curtailed, those who had been the victims of extortion in the name of compensation, and those who suffered without health and other basic services while money budgeted for services was handed out on demand to armed militants — this was indefensible. In effect, those who had brought the country to its knees were rewarded while those who suffered most to rebuild it were left unaided. The bitterness generated by the events of 2000 and thereafter is likely to be felt for many years to come.

On the other side of the coin are the militants themselves and those who regard ‘their’ militants as heroes. Herein lies the stuff of legends of the future — in the same way that Marching Rule leaders were regarded as heroes by their children and grandchildren — and the seeds of possible future conflict.

From a historical perspective, one of the most important results that could emerge from the chaos and criminality under which the majority of Solomon Islanders suffered during the crisis years would be national awareness of the real heroes of 1998–2000. These are the stories of the Melanesian Brotherhood and the women who stood

between warring groups; the Honiara residents and expatriates who remained in their jobs through the crisis and tried to maintain a semblance of normalcy; the Solomon Islanders from other provinces who risked their lives and property by staying in the capital despite the threats and thefts; the politicians from both sides of the Parliament who faced down the guns and intimidation to attempt to restore good government; and the many individuals and communities across the country who suffered, did not seek compensation, and held their communities together. Most of these stories have yet to be told.

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## **Abstract**

This paper begins by re-examining the Marching Rule or Maasina Rulu Movement of the 1940s and 1950s in the Solomon Islands, and the attitudes, patterns and events that over time have influenced actions and reactions at village level. The paper then examines the relationship between the attitudes and behaviours associated with Marching Rule and those involved in the emergence in 1999 of the Malaita Eagle Force (MEF), the events surrounding the 2000 coup and the subsequent decline into criminality. It concludes that both movements were intrinsically 'cargo cultist', and that the attitudes and behaviours that culminated in the disastrous events of recent years were deeply rooted in the same village-level mechanisms for the acquisition of political status that were behind the Marching Rule movement.

## **Résumé**

Cet article réexamine dans une perspective historique le mouvement du 'Maasina Rulu' des années 40 et 50 aux îles Salomon, aussi connu sous le nom de 'Marching Rule', ainsi que les attitudes, les idées, les tendances et les événements, qui ont, au cours de l'histoire, influencé les actions et les réactions au niveau des villages. Il s'intéresse ensuite à la relation qui existe entre les dispositions et comportements associés au 'Marching Rule' et ceux qui découlent de l'émergence en 1999 du Malaita Eagle Force (MEF), des événements associés au coup d'état en l'an 2000, et de la déperdition en criminalité qui a suivi. Il conclut que ces deux mouvements s'apparentent essentiellement au 'culte du cargo' et que les attitudes et les comportements qui ont conduit aux événements désastreux de ces dernières années trouvent leurs racines profondes dans les mécanismes déployés au niveau du village pour l'obtention d'un statut politique tel que cela a été le cas avec le 'Marching Rule'.

# *Des sociétés dans l'Etat : Démocratie et communautarisme à Port-Vila, capitale du Vanuatu<sup>1</sup>*

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*Eric Wittersheim*

L'idée d'un « retour » de la politique à des logiques ethniques ou tribales, mis en avant pour expliquer les désordres étatiques contemporains en Mélanésie, n'est pas qu'historiquement et sociologiquement fausse. Elle exprime aussi plus profondément le retour d'un certain préjugé ethno-sociologique qui voudrait que le groupe y prenne irrémédiablement le pas sur l'individu. Dans ces sociétés, il n'y aurait pas d'individus, mais seulement des corps sociaux primordiaux et claniques, qui resurgiraient au fur et à mesure que se concrétise la déliquescence des semblants d'Etats que les anciennes puissances coloniales avaient installés. Cette sorte de racisme « scientifique » s'est construite sur une opposition entre la *Gemeinschaft* (communauté) et la *Gesellschaft* (société) qui, de Tönnies à Durkheim en passant par Leenhardt, s'est renforcée dans l'esprit de tous ceux qui persistent à penser que la notion d'individu reste largement ignorée dans toutes les sociétés non judéo-chrétiennes. Une telle vision s'est répandue pour aujourd'hui caractériser la plupart des discours portant sur la politique en Mélanésie, que ce soit les discours diplomatiques, médiatiques, développementistes et souvent même les discours savants.

En abordant la question électorale dans la continuité des problèmes qui ont été abordés tout au long de ce travail, j'essaierai de montrer qu'elle peut servir de révélateur des recompositions sociales, économiques et politiques. En effet, si les résultats électoraux restent remarquablement stables dans le temps au Vanuatu malgré les crises graves qui n'ont pas manqué pas d'advenir (avant comme après l'indépendance), leur apparente stabilité masque des mécanismes complexes de réarticulation et de réinterprétation des affiliations politiques. Ce texte sera donc l'occasion d'examiner quelques unes de ces nouvelles tendances électorales. On y

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<sup>1</sup> Une première version moins détaillée de ce texte a paru dans le *Journal des anthropologues*, 92-93 (« Actualité politique dans l'étude des sociétés contemporaines »), mai 2003 : 235-257.

verra comment de nouvelles logiques politiques s'inscrivent aujourd'hui, dans le tissu social et économique de la capitale, Port-Vila, qui connaît depuis quelques années une nouvelle expansion. En effet, l'un des paradoxes de l'idée d'autochtonie dans la politique contemporaine est que, sous couvert d'authenticité et d'ancienneté, elle est d'abord le produit de dynamiques urbaines contemporaines.

## Les « groupes ethniques » en question

L'étude des phénomènes politiques contemporains en Mélanésie souffre en effet d'une perspective ethnociste ou primordialiste, qui perçoit la construction nationale comme un phénomène uniquement exogène et artificiel, avant tout imposé aux populations. L'opposition entre ville et tribu, entre Etat et pouvoir traditionnel ou entre culture nationale « inventée » et culture locale « authentique » ignore cependant les liens profonds qui existent aujourd'hui entre ces sphères sociales un peu trop bien caractérisées (Jolly 1992). Cette posture théorique n'a pas empêché que se développent des points de vue sur le contexte présent de ces sociétés. Le paradigme de l'« invention de la tradition » par exemple, qui s'est construit sur la dénonciation de ces oppositions entre les élites (unilatéralement considérées comme « acculturées ») et le peuple (forcément plus « authentique » et dominé), oppositions peu nuancées mais néanmoins très opératoires sur le plan rhétorique (Hamelin & Wittersheim 2002). L'une des raisons en est que l'ethnologie de la Mélanésie se décline toujours en unités sociolinguistiques plutôt que sur des dynamiques transversales entre les groupes (si tant que ces groupes soient pertinents en tant qu'unités sociologiques), ou même sur les « frontières ethniques » chères à Fredrik Barth. La pertinence même du modèle étatique occidental en Mélanésie reste un débat largement controversé. De nombreux anthropologues — comme d'autres observateurs occidentaux : missionnaires et administrateurs coloniaux autrefois, coopérants et agents du développement aujourd'hui — s'accordent à dire que la Mélanésie, comme le suggère son extrême fragmentation linguistique et politique, reste marquée par une diversité culturelle dont il serait illusoire de penser qu'elle pourrait se fondre dans des ensembles sociaux plus vastes tels que la nation.<sup>2</sup>

Pour tenter de comprendre comment s'affirment aujourd'hui des revendications identitaires à l'intérieur de l'Etat, j'ai essayé d'étudier des phénomènes sociaux et économiques transversaux en dépassant le découpage « ethno-linguistique » qui est d'ordinaire appliqué aux recherches sur la Mélanésie. L'histoire de la mise en place des institutions politiques et administratives au Vanuatu permet de percevoir la fluidité

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<sup>2</sup> Rappelons que les Etats mélanésiens sont ceux qui connaissent la plus grande diversité linguistique au monde : 700 langues pour 5 millions d'habitants en Papouasie-Nouvelle-Guinée, 113 au Vanuatu pour à peine 200 000 habitants.



des formes d'identification et d'appartenance, et invite à relier des ensembles sociaux dont on a toujours affirmé qu'ils n'avaient rien de commun.

## **Une intégration lente et diffuse à l'Etat**

Durant la période coloniale, l'action administrative comme celle des missionnaires et des colons ont en effet peu à peu intégré ces petits univers sociaux à un ensemble plus vaste, aux contours plus ou plus moins flous mais de plus en plus prégnant à tous les niveaux de la société : l'Etat. Le constat d'une « absence » de l'Etat au Vanuatu a maintes fois été établi. Bien qu'apparemment peu présent ni effectif dans la vie des habitants, et en particulier « ceux des îles » (« *ol man aelan* », c'est-à-dire par extension tous ceux qui ne vivent pas en ville), l'Etat existe pourtant bel et bien dans ce pays indépendant depuis un peu plus de vingt ans. Regroupements en villages autour des missions, travail sous contrat en Australie et en Nouvelle-Calédonie au XIX<sup>e</sup> siècle, scolarisation, migration vers les centres urbains de Port-Vila et Luganville au XX<sup>e</sup> siècle : par les frontières, les contraintes et les possibilités — réelles ou imaginaires — qu'il impose aux habitants, l'Etat, de manière indirecte, est beaucoup plus présent que ne le laisse supposer l'absence presque totale d'équipements et d'infrastructures (adductions d'eau et électricité, routes, dispensaires, voire écoles) dans de nombreux endroits de l'archipel. Aux sciences politiques qui évaluent l'Etat à l'aune de sa « pertinence fonctionnelle » évidemment faible au Vanuatu (Miles 1998), il est indispensable d'associer une ethnographie des logiques sociales et des stratégies qu'il suscite chez les individus, quelle que soit leur place au sein de la société.

Les réflexions qui suivent s'appuient sur des enquêtes menées en Nouvelle-Calédonie (à partir de 1991) puis au Vanuatu (depuis 1997). Après avoir travaillé sur les trajectoires des leaders indépendantistes kanak, pour comprendre l'émergence de ces individus précisément « à cheval » entre plusieurs univers de référence (la « coutume », les religions chrétiennes, les structures économiques et politiques occidentales), j'ai entrepris des recherches sur la construction de l'identité nationale dans les anciennes Nouvelles-Hébrides. Poursuivant tout d'abord sur les premiers leaders nationaux dans ce pays, j'ai progressivement porté mon attention sur l'apparition de quelques mouvements politiques et sociaux produits par l'évolution du pays depuis son indépendance, qui remettent en cause la « traditionnelle » opposition entre anglophones et francophones au Vanuatu.

## **Une histoire jalonnée de divisions**

Le Vanuatu, micro-Etat peuplé d'un peu moins de 200 000 habitants, fut l'un des territoires colonisés où le nationalisme indigène s'est le plus appuyé sur l'héritage culturel et une réaffirmation des traditions pour construire sa légitimité. Le Vanuatu se

distingue d'ailleurs par la prégnance de ces symboles, croyances et pratiques dites traditionnelles en de nombreux endroits. Cet archipel de quatre-vingts îles, où l'on parle toujours plus d'une centaine de langues vernaculaires, a connu simultanément une double colonisation (française et anglaise). Les Nouvelles-Hébrides (devenues Vanuatu à l'indépendance en 1980) possédaient donc deux langues officielles, deux systèmes éducatifs et judiciaires et plus généralement deux formes de gestion des affaires coloniales très différentes durant toute la période du condominium (1906–1980). L'empreinte de ce contexte colonial atypique – plus proche, à certains égards, de celui du Cameroun ou de l'île Maurice que de celui de ses voisins mélanésiens — est toujours visible sur les institutions et la vie politique du pays. À cette division politique et linguistique induite par la colonisation s'ajoute une grande fragmentation religieuse, les différentes missions chrétiennes installées dans l'archipel depuis la seconde moitié du XIX<sup>e</sup> ayant donné lieu à des stratégies complexes d'adhésion ou de rejet de la part des habitants.

A partir de la fin des années 1960, l'émergence d'une génération de nouveaux leaders par l'entremise des missions – et avec la bienveillance des Anglais — allait progressivement poser les jalons d'un conflit durable entre « anglophones » (indépendantistes) et « francophones » (dits « modérés », et convaincus avec les autorités françaises que l'indépendance devait être mieux préparée). Le mouvement lancé par ces jeunes anglophones visait à émanciper leur pays du colonialisme pour y substituer un « socialisme mélanésien » tout à la fois progressiste, culturaliste et chrétien, largement inspiré des mouvements tiers-mondistes africains. Ce mouvement se vit abondamment reproché d'être contraire aux aspirations et aux intérêts du reste de la population ; population rurale pour qui la « coutume » (*kastom*) serait non pas une simple idéologie nationale mais avant tout un mode de vie. L'opposition farouche manifestée à l'égard des nationalistes anglophones par certains groupes assimilés à la sphère traditionnelle a ainsi largement contribué à accréditer l'idée d'une « résistance » face à la mise en place d'un Etat moderne et d'une culture nationale écrasant les particularismes locaux. Les plus importants d'entre eux furent deux mouvements syncrétiques (appelés *cargo cults*) : Nagriamel et son leader Jimmy Stevens à Santo (Hours 1976), et le mouvement John Frum à Tanna. Le fait que ces mouvements aient été largement soutenus alors par les autorités françaises, qui cherchaient à freiner l'émergence d'un mouvement national démocratique, où qu'ils aient trouvé dans les inégalités économiques ou la question foncière des thèmes de prédilection n'entament guère la certitude que cette opposition découlait logiquement du conflit tradition/modernité. Pour le géographe Joël Bonnemaïson (1985), dont le travail fait autorité parmi les travaux en langue française sur le Vanuatu, ils seraient même de véritables « refus de l'Etat », une expression qui rappelle celle de « société contre l'Etat » (Clastres 1974). Dans ce cadre, l'opposition entre la ville naissante, où

évoluent des Mélanésiens « modernes » et « occidentalisés » et le monde rural, perçu comme le vrai Vanuatu, traditionnel et inchangé, est devenue la pierre angulaire du discours savant sur la construction nationale. En faisant l'économie d'une étude du changement social, et notamment de la profondeur historique des situations sociales contemporaines, ces deux auteurs ont ainsi pu construire la fiction de sociétés doués d'une « préséance » les avertissant des « dangers » de l'Etat.

## Un siècle de migrations économiques

C'est cependant faire assez peu de cas de quelques facteurs économiques ou sociaux, souvent déjà anciens, qui ont modelé l'histoire de la nation néo-hébridaise/ni-Vanuatu. Les migrations économiques sont par exemple un aspect majeur de la vie des habitants des Nouvelles-Hébrides depuis la période du *blackbirding* (fin XIX<sup>e</sup> – début XX<sup>e</sup> siècle), où plusieurs dizaines de milliers de jeunes hommes ont séjourné plusieurs années en Australie, à Fidji ou Nouvelle-Calédonie pour y travailler sur des plantations de canne à sucre notamment. Leur retour au pays, le plus souvent dans leur communauté d'origine (la ville ne constituant pas alors le pôle d'attraction économique qu'elle est aujourd'hui) eut des répercussions locales importantes, bousculant les hiérarchies en place, introduisant l'économie de marché et accentuant l'implantation du christianisme, contexte souvent favorable à de jeunes leaders ambitieux.

Le développement, à partir de la Seconde guerre mondiale, des deux petits centres urbains qu'étaient Port-Vila et Luganville, constitue bien évidemment un autre facteur important de circulation des individus. Depuis l'indépendance, l'exode rural est devenu particulièrement important : la population de la capitale double en moyenne tous les dix ans depuis le premier recensement de 1969, atteignant aujourd'hui près de 40 000 habitants. Cependant, ce déplacement massif et régulier vers la ville masque des logiques de circulation migratoire assez complexes. Le passage — ou le retour — de l'un à l'autre correspond autant à des stratégies qu'à des contraintes, et peut découler de motivations très variées. La conjoncture économique, une alternance politique ou une affaire familiale sur son île d'origine peuvent interrompre ou suspendre une « carrière » brusquement, qu'il s'agisse d'un haut-fonctionnaire ou d'un employé peu qualifié. Par ailleurs, l'opposition entre anglophones et francophones, péché originel de cette nation, recule peu à peu, en ville en particulier où les plus jeunes générations semblent de plus en plus ignorer cette démarcation.

La ville, qui voit se développer de nombreux quartiers précaires alentours et où la marginalisation économique des ni-Vanuatu apparaît de manière plus flagrante, amène à s'interroger sur la manière dont se constituent de nouveaux groupes sociaux «

déterritorialisés ». Car la ville, ici, n'est pas ce moule réducteur qui risquait de « créoliser » rapidement la jeunesse de Port-Vila. Comme le linguiste Jean-Michel Charpentier (1999) l'a justement noté, dans les faubourgs pauvres qui environnent la capitale, les plus jeunes continuent étonnamment à parler la langue vernaculaire de leurs parents. *Melting pot* ou creuset en ce qu'elle produit une culture, ou plutôt une expérience commune qui ressemble fort à une identité nationale, la ville est aussi, au Vanuatu, une machine à produire ethnicité et « islandism » (sentiment d'appartenance insulaire).

## **Division coloniale vs appartenance territoriale**

L'histoire des différentes formes de découpage territorial qui se sont succédées, comme celle de la mise en place d'institutions provinciales dans le cadre de la décentralisation (1994), censée mieux correspondre à la diversité culturelle du pays, permet justement d'appréhender cet espace étatique à l'intérieur duquel s'inscrit l'existence des habitants de ce pays. L'affaiblissement de l'opposition anglophone/francophone et les limites sociologiques du schéma tradition *vs* modernité m'ont conduit à suggérer que de nouvelles formes d'identification et d'appartenance prenaient désormais le dessus sur les référents sociologiques habituels. La gestion coloniale et postcoloniale des affaires du pays a peu à peu fait émerger de nouvelles frontières sociales et culturelles. Ainsi, il apparaît que la référence à une identité insulaire, qui amène les individus à s'auto-désigner comme originaire de telle ou telle île est apparue sous l'influence conjuguée de ces nouvelles formes et stratégies d'installation ou de circulation des populations et de l'imposition d'une nouvelle lecture de l'espace, fondée sur des références géographiques, onomastiques et cartographiques européennes (Jolly 1994). Les îles les plus peuplées, comme Tanna et Malekula, abritent un grand nombre de langues et d'unités politiques différentes ; cela n'empêche pas les migrants originaires de ces îles de se désigner très naturellement, en ville, comme des « Man Tanna » ou des « Man Malakula ». Le développement erratique qu'a connu le pays — avant comme après l'indépendance — a favorisé un fort exode rural, ce qui a eu pour effet de faire émerger de nouvelles formes d'identification (« les gens du sud ») parmi la population émigrée dans les deux villes.

Dans les deux villes du pays, Port-Vila et Luganville, il est d'ailleurs frappant de constater que la référence à l'île ou la province d'origine tend à supplanter la référence au camp anglophone ou francophone, jusque-là incontournable car elle recouvrait différents domaines : la langue, l'école, le travail, la religion (catholique ou protestante). La vie politique du Vanuatu, marquée par une instabilité parlementaire chronique et par une multiplication des divisions partisans depuis l'indépendance, est d'ailleurs de plus en plus souvent évoquée sur le registre de l'ethnicité. L'effritement

des deux grands partis (le VP — Vanua'aku Pati —, anglophone, et l'UPM — Union des partis modérés — francophone) au profit d'un grand nombre de petits mouvements constitués autour de quelques leaders historiques principalement soutenus par leurs « *wantok* » (ceux qui parlent la même langue) n'est-elle pas même pour certains commentateurs le signe d'une « normalisation » de la politique nationale dans un contexte mélanésien marqué par ses divisions politiques et linguistiques ?

Au cours de mon second terrain au Vanuatu (fin 1997-début 1998, à Port-Vila et séjours à Santo, Tanna et Malekula), est survenue une crise sociale et politique qui m'a permis de prendre la mesure des transformations survenues depuis l'indépendance. En décembre 1997, le Médiateur de la République, Marie-Noëlle Ferrieux-Patterson (une citoyenne ni-Vanuatu d'origine française qui s'était lancée dans une vaste entreprise de dénonciation de la corruption) publiait un rapport sur la gestion de la caisse de retraite du Vanuatu (VNPF), révélant que celle-ci avait accordé à quelques entrepreneurs (pratiquement tous d'origine asiatique, et appelés indistinctement *sinoa*, « les chinois » par la population ni-Vanuatu) et surtout à de nombreux politiciens de premier plan — dont les ministres du gouvernement du moment — d'importants prêts immobiliers à un taux d'intérêt très généreux. Certains de ces prêts prévoyaient des traites dépassant largement les revenus de leurs bénéficiaires. Une enquête publiée par le seul journal indépendant, l'hebdomadaire *Vanuatu Trading Post*, faisait également apparaître que seuls 3 d'entre eux, sur 48 bénéficiaires, avaient entrepris de rembourser cet emprunt. Ce scandale a suscité une vague de mécontentement parmi les « *grassroots* » (terme péjoratif qui désigne la population pauvre vivant dans les deux centres urbains): du fait de l'absence d'une couverture sociale ou d'une assurance-chômage, la caisse de prévoyance est la seule forme de sécurité dont bénéficient les travailleurs.<sup>3</sup>

A l'initiative de quelques leaders de l'opposition<sup>4</sup> et de chefs coutumiers représentant les très nombreux migrants vivant en ville, des manifestations eurent lieu pour exiger la restitution des sommes déposées. Le VNPF étant incapable de répondre à l'afflux de demandes, des émeutes survinrent dans les deux villes du pays (Port-Vila et Luganville): le 12 janvier 1998, des commerces et des habitations appartenant à des personnes bénéficiaires de ces prêts immobiliers furent saccagés ; le gouvernement eût

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<sup>3</sup> Le VNPF (Vanuatu National Provident Fund, ou Caisse nationale de prévoyance) prélève 6% sur le salaire des employés qui leur sont redistribués à la retraite — 55 ans). La plupart perçoivent un salaire proche du minimum légal, 16 000 vatus (120 euro). Les enseignants perçoivent environ 40 000 vatus (300 euro), députés et haut-fonctionnaires environ 120 000 vatus, soit un peu moins de 1 000 euro par mois. Le coût de la vie, y compris celui des produits de base (importés ou locaux) est cependant très élevé, équivalant à peu près à celui des pays les plus industrialisés.

<sup>4</sup> Le gouvernement étant alors composé d'une coalition entre les francophones de l'UPM et le NUP, le parti — anglophone et majoritairement composé de gens du nord — du père de l'indépendance, le pasteur anglican Walter Lini.

la fâcheuse idée de vouloir faire appel à des troupes fidjiennes ou australiennes pour rétablir l'ordre, accentuant encore le sentiment de trahison ressenti par la population. Au cours de ces événements (qui durèrent environ d'une semaine) et entraînaient la mise en place de l'état d'urgence, le Père Walter Lini, Ministre de la justice, énonça à la radio une longue liste de noms désignant les responsables de ces troubles : opposants, fonctionnaires, etc. Parmi eux, une proportion importante de personnes originaires de Tanna, une île du sud parmi les plus peuplées du pays, et de la région qui l'entourne, TAFEA. Ces émeutes avaient effectivement été déclenchées, à Vila en tout cas, par des chefs de Tanna vivant dans les quartiers péri-urbains (Blacksands, Ohlen, End blong airport). Il faut savoir que dans la capitale (près de 40 000 habitants au dernier recensement, contre seulement 9 000 en 1979), les migrants sont accueillis sur des terrains concédés par les « manples » (les gens du cru) en échange d'un soutien politique à leur leader. Ils forment là des sortes de faubourgs mélanésiens, où coexistent différentes Eglises et communautés mais où prédomine essentiellement l'organisation sociale coutumière.

Avant l'indépendance et la restitution de toutes les terres du pays à leurs propriétaires coutumiers, les migrants s'installaient sur des terres appartenant aux colons français, qui attiraient une main-d'œuvre importante des petites îles environnantes dont une large partie s'est fixée il y a plusieurs dizaines d'années dans un quartier au nom trompeur, *Seaside*. Contrairement aux autres quartiers périphériques et pauvres de Vila, celui-ci, plus urbain, ressemble à un véritable bidonville. Ses habitants viennent de plusieurs îles et le quartier se découpe en sections bien délimitées : *Seaside Paama*, *Seaside Tongoa*, *Seaside Futuna*. Les îles de Paama et de Tongoa font partie du groupe des îles *Shepherds*, proche d'Efate où est située la capitale. Leurs habitants ont très tôt commencé à migrer à Vila pour y travailler, d'abord temporairement, leurs îles surpeuplées n'offrant pas de ressources suffisantes. La ville n'attire donc pas indistinctement tous les *manbush* par ses lumières et ses mirages ; elle attire d'abord des individus pour qui elle représente une solution à un problème donné, et pour qui elle offre en outre des opportunités. En effet, les possibilités d'embauche ou d'installation à Port-Vila sont conditionnées par l'existence de réseaux sociaux reliant la capitale à l'île ou à la communauté d'origine. Par conséquent, moins qu'une résurgence tribale, le vote communautaire est d'abord l'expression logique de la manière dont se constituent ces réseaux à l'intérieur de l'Etat. C'est pour cela que, parmi les gens de Tongoa installés à *Seaside* par exemple, la mobilisation derrière la candidature d'Alick Noël (UPM) semble évidente au chef Josh Tokai:<sup>5</sup>

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5 Au cours du même entretien, celui-ci résume ainsi sa vie à Port-Vila : « Je suis venu ici en 1956. Je suis resté depuis. Je travaillais pour un français, qu'on appelait Ballande [une grande famille de Nouméa]. J'ai travaillé trente ans pour lui. Tu sais avant, c'était différent. J'ai travaillé trente ans, puis après quand il a arrêté, eh bien moi aussi je me suis arrêté. »

Au moment des élections, tout le monde doit venir à Seaside. Tout le monde ! Si il y en a que t'as pas encore vu, tu les verras à Seaside. Parce qu'il y a plein de gens ici. Ils pensent qu'ils peuvent gagner des voix ici. Mais on a déjà un candidat pour qui on vote : Alick. Parce qu'il est de chez nous, il parle la même langue que nous... Si on vote pour quelqu'un d'une autre langue, il va pas nous aider ! (*Long Taem blong eleksen, evrioan mas kam long Seaside. Evrioan ! Spos oan yu no luk fes blong hem, yu luk hem long Seaside. From i kat tumas man long ples ia. Oli tink se oli save winim vot long ples ia. Be mifela i kat oan man mifela i vot long hem : Alick. From hem i manples, oan lanwis ... spos mifela i stap vot long oan narafela lanwis, be i no stap helpm mifela !*)

Les migrants de Tanna, arrivés pour la plupart plus récemment, ne disposaient pas de candidats, ni de relais suffisants à l'intérieur de l'Etat et des structures urbaines pour créer ce type de réseau mobilisateur vertical. Ils ont donc longtemps constitué un apport électoral décisif pour un leader national emblématique, Barak Sope, qui à partir de sa sortie du VP en 1988 s'est assez intelligemment tourné vers certaines communautés minoritaires, notamment les francophones, pour élargir ses soutiens. Autrefois jeune et radical idéologue du National Party, longtemps fidèle partenaire de Walter Lini, il devint brièvement Premier ministre avant d'avoir des ennuis judiciaires et d'être brièvement emprisonné. Barak est originaire d'Ifira, cette petite île située en face de Port-Vila dont la population possède de nombreux terrains de valeur aux alentours.<sup>6</sup>

Grâce aux concessions accordées pour construire villas, commerces ou bâtiments publics sur ces terrains, les *man Ifira* bénéficient d'une sorte de « fonds social » (le *Ifira trust*) qui a ainsi permis, lorsque je m'y trouvais en avril 2002, d'envoyer une vieille femme se faire opérer d'un cancer en Australie : le coût global (8 000 euro) de l'opération et du voyage était intégralement supporté par le *Ifira trust*. Cette richesse économique ne signifie pas pourtant pas pour autant que les gens d'Ifira appartiennent à une quelconque classe dominante, ou à une élite sociale et intellectuelle. Mais elle est néanmoins constitutive de la cristallisation des identités ethniques en ville : privilégiés par le fait que la capitale s'est virtuellement construite « chez eux », les gens d'Ifira sont souvent accusés de confondre leurs intérêts avec ceux de l'Etat.

A contrario, la revendication politique qui tend à se constituer sous la bannière provinciale de TAFEA est née d'un sentiment de frustration. Frustration liée à la faible représentation des gens de cette province dans les secteurs clés de l'Etat et de l'économie, malgré l'importance relative de leur population. Parmi les individus qui

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<sup>6</sup> Dont le petit îlot d'Iririki, où se trouvait autrefois l'*Iririki district school* (que fréquentèrent notamment la famille Kalsakau et George Kalkoa), ainsi que la résidence britannique. Aujourd'hui l'îlot a été transformé en complexe touristique.

soutiennent cette initiative, on remarque ainsi une certaine distanciation vis-à-vis des catégories sociales habituelles (divisions religieuses, linguistiques et partisans) au profit d'un ralliement régionaliste : « élite » ou peuple, éduqués ou non, ses partisans se disent d'abord « *man Tafea* ». <sup>7</sup> C'est en évoquant ces événements, quelques semaines plus tard, avec Jean-Pierre Nirua (un francophone né à Tanna, diplômé de l'université de Fidji, devenu l'un des principaux responsables du centre universitaire anglophone de Port-Vila), que j'appris qu'il ne s'agissait pas d'un mouvement spontané mais d'un véritable projet politique basé sur l'idée de communauté :

La politique des partis nous a divisés, nous les gens de TAFEA. Maintenant, on essaie d'intégrer la dimension traditionnelle au système électoral, c'est-à-dire de voter pour les gens de la Province.

La revendication politique qui tend à se constituer sous la bannière provinciale de TAFEA est donc née d'un sentiment de frustration. Frustration due à la faible représentation des gens de cette province dans les secteurs clés de l'Etat et de l'économie, malgré l'importance relative de leur population.

Nirua correspond pourtant au profil type de l'« élite indigène moderne », cette société civile à la fois nationaliste, subtile et mesurée, qui est censée être garante de la pérennité d'un Etat de droit démocratique selon les tenants des théories de la « modernisation ». Un Etat composé d'« individus post-ethniques », indiquant par là qu'il s'agirait avant tout d'un stade de développement entre la sphère traditionnelle/communautaire et la sphère moderne/individualiste. Ici se rejoignent souvent les analystes politiques et les économistes du développement, dans une vision somme toute assez évolutionniste de la « greffe » de l'Etat dans les sociétés dites traditionnelles. Mais ce type de stratification, de même que la notion de classe sociale, butent souvent sur les logiques particulières auxquelles la spécificité de l'histoire de l'Etat au Vanuatu donne naissance.

Parallèlement en effet d'autres communautés, dont les membres sont pourtant beaucoup mieux intégrées à l'économie et à l'Etat, se soudent elles aussi sur des critères dits ethniques ou régionalistes. C'est le cas des habitants d'une petite île du nord, Ambae, qui malgré sa faible population fournit une part conséquente des « élites » du pays (politiciens, haut-fonctionnaires, hommes d'Eglise) ni-Vanuatu. Cette situation est avant tout le produit d'une histoire coloniale et missionnaire spécifique (Allen 1968; Wittersheim 2003) : présence conjointe de plusieurs petites sectes protestantes dynamiques, insertion plus importante dans l'économie de marché par le commerce du coprah et création d'un hôpital et d'un grand collège anglicans sur l'île. Mais cette

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<sup>7</sup> Théories critiquées et dépassées par J.-F. Bayart dans ses travaux sur le caractère endogène des dynamiques étatiques en Afrique (1989).



particularité provoque l'ironie, voire la jalousie du reste de la population à propos de la « réussite » et de « l'intelligence » des *man Ambae*, surreprésentés dans la haute fonction publique. Elle amène pourtant au même constat sur le développement de stratégies ethniques ou communautaires à l'intérieur de l'Etat, transcendant ces « frontières mentales » si nombreuses au Vanuatu (langue vernaculaire et langue coloniale, confession religieuse, camp politique). Si, à la suite du scandale de 1998, les gens de Tanna demandèrent majoritairement à récupérer l'argent qui leur avait été prélevé par la caisse de retraite, ceux d'Ambae, réunis dans une église de l'Assemblée de Dieu (*Assembly of God*) à Port-Vila, écoutèrent un de leurs leaders, Jacques Sese, qui leur affirmait tout simplement qu'il était dans leur intérêt de faire confiance à l'Etat et de laisser leur argent prospérer plutôt que de le dépenser. Présenté comme un « grand chef » d'Ambae (où il n'existe pas de titres de chefs mais des systèmes de grades), Jacques Sese, qui fut récemment ministre de l'éducation (UPM), possède ainsi un ascendant important sur les habitants d'Ambae. Pourtant, étant francophone et catholique, il appartient à des univers de référence très minoritaires sur Ambae. Bien que prompts à dénoncer les risques d'« *islandism* » parmi les autres communautés, en particulier les *man Tanna*, ils sont pourtant les premiers à avoir eu l'idée de bâtir, à Port-Vila, une « maison des man Ambae ». Symbole communautaire, certes, mais qui est peut-être plus à ranger du côté du régionalisme que de l'ethnicité. Les deux personnes à l'initiative de cette opération sont Henry Fira, un assez jeune diplômé qui dirigeait *Piango* (*Pacific Islands Association of NGOs*, qui fédère le travail de plusieurs centaines d'ONG de la région), et Silas Hakwa, avocat renommé qui s'est lancé avec succès, en 1998, dans une carrière politique sous la bannière du VP.

## Nouvelles situations, nouveaux leaders

C'est à partir de ce type de situations qu'il est utile et possible d'aborder la question du leadership et de ses transformations. Les types de pouvoir ne correspondent pas seulement à des systèmes sociopolitiques ou écologiques donnés ; ils s'élaborent et évoluent précisément lorsqu'apparaissent des situations nouvelles (Otto 2002; Wittersheim 2002). J'ai pu souvent constater que je partageais des références intellectuelles et humanistes fortes avec les leaders mélanésiens formés dans la lutte anticoloniale. Au début de mes recherches sur les leaders kanak, j'avais l'intuition qu'ils constituaient un excellent angle de compréhension des transformations en cours dans leur société. Ils étaient en mesure d'exprimer une vision originale du monde et de la politique, utile pour comprendre les mécanismes de l'« indigénisation » des valeurs et des institutions occidentales (Tjibaou 1996). Par certains aspects, leur vision, fondée sur l'idée d'une spécificité culturelle et d'un mode de vie harmonieux, a été dépassée par les difficultés qu'ont connues les pays mélanésiens.

Puis j'ai commencé à rencontrer au Vanuatu, autour du mouvement régionaliste de TAFEA décrit précédemment, des individus s'affirmant comme de nouveaux leaders, échappant complètement à ce modèle et apparaissant comme en nette rupture avec les conceptions tiers-mondistes classiques de la politique. Des leaders dont les ressources sociales et symboliques ne se trouvaient pas dans des structures classiquement hégémoniques (partis, Eglises) mais dans l'identification à cette nouvelle communauté régionale apparue dans le contexte urbain. L'idée qu'un leadership nouveau se construit en parallèle au groupe social qui lui sera soumis (Balandier 1971) m'a semblée à de nombreux égards confirmée par l'évolution postcoloniale du Vanuatu. Dans le cas des *man TAFEA* vivant à Port-Vila, les motivations réelles des personnes qui sont tentées par la revendication provinciale sont économiques et sous-tendues par une stratégie d'insertion dans la société étatique : comme le dit Noël, un militant du mouvement qui a appartenu près de trente ans à l'Union des partis modérés et vit dans l'un des plus récents « quartiers » autour de Vila, *End blong airport* : « Quand nous avons quitté Tanna pour venir ici à Vila, nous avions un projet. C'était pour pouvoir payer l'école aux enfants ». L'homologie entre les membres de ce mouvement et ceux qui le mènent est loin d'être anecdotique : elle permet de repérer les éléments constitutifs du discours de l'ethnicité à l'intérieur de l'Etat moderne.

Après parfois plusieurs dizaines d'années en ville, les *man Tanna*, dont l'île reste l'une des plus sous-équipées en matière d'écoles notamment, restent cantonnés aux métiers sales ou difficiles. Ils vivent toujours sur des terrains litigieux concédés par Barak Sope. Et c'est d'abord la manière dont ils perçoivent la discrimination dont ils sont victimes de la part d'autres communautés qui les amène à revendiquer en tant que communauté plutôt qu'en tant que classe. Le débat sur les traditions inventées s'est largement appuyée, à propos de la Mélanésie, sur l'idée d'un affrontement de classes entre nouvelles élites mélanésiennes urbaines et populations rurales (Wittersheim 1998). Pourtant, ces groupements politiques communautaires révèlent des solidarités verticales, entre « élites » et « peuple », plutôt que des regroupements entre classes. Dans une certaine mesure, ces regroupements annoncent peut-être la formation d'« ethnoclasses ». L'homologie entre les membres de ces mouvements et ceux qui les dirigent est donc loin d'être anecdotique : elle permet de nuancer l'usage du terme de « classe sociale » dans un contexte de stratification sociale encore en formation, et de repérer les éléments constitutifs du discours de l'ethnicité à l'intérieur de l'Etat moderne.

Un homme au profil atypique a joué un rôle-clé dans le déclenchement des émeutes de 1998. Saby Natonga, qui est originaire de Tanna mais a grandi à Vila, incarne un leader d'un nouveau type. Passé par le Lycée français de Vila, puis par une école de comptabilité, Saby Natonga a mené parallèlement une carrière de sportif de

haut-niveau (boxe et football) et un travail de manager dans un supermarché appartenant à un commerçant d'origine chinoise, René Ah Pow. Saby ne commence pas son récit par un tableau du pays avant l'indépendance, comme les leaders plus âgés ; il ne cherche pas à élaborer un discours intégrant coutume, christianisme et construction nationale. Ancré dans son expérience de « *man Vila* » (citadin) ayant toujours travaillé dans le secteur privé, son propos mêle une vision basiste et populiste du développement, fondée sur l'agriculture, à un libéralisme teinté de cynisme :

Le Vanuatu est composé de plein d'îles, mais toutes ont les mêmes problèmes. A Vila, plein de gens vivent dans des cabanes. Il y a problème du logement, d'où s'installer. Il y a le problème du travail, les gens ne trouvent pas de boulot. Là-dessus, les partis politiques sont venus et ont divisé les gens à l'intérieur des communautés. Ce qu'il faut, c'est reconstruire à partir des communautés. Quand on parle d'une communauté, il y a le chef, le pasteur, les femmes, les enfants ... tout le monde. Mais aujourd'hui, le chef et le pasteur n'ont plus d'autorité. Chacun va de son côté. Il faut que chaque leader fasse son travail dans la communauté ... Ici au Vanuatu, tu vas dans n'importe quel coin de brousse et tu trouveras des taros, du manioc, des papayes. Donc ils ont à manger. Mais c'est la mentalité des gens qui n'est pas bonne.

Le Vanuatu a déjà conquis son indépendance. Les gens doivent comprendre ça. Donc il ne faut pas toujours attendre que la France ou l'Australie viennent nous donner de l'argent. Je dis ça parce qu'avec le Plan de réforme globale, on a aussi reçu tous ces conseillers expatriés. Et quand on parle des conseillers, ils gagnent plus d'un million par mois ! (env. 8000 euros). Ça ne sert à rien d'emprunter de l'argent à la Banque asiatique de développement, que les grassroots — la base — vont devoir rembourser. Ils vont devoir le rembourser, mais l'argent il n'est pas là, il est ailleurs ... Ici, tout le monde devrait travailler la terre, car tout le monde possède une terre ... Les ni-Vanuatu font de leur mieux, mais c'est le marché qui décide. Si tu fais le poids, tu t'en sors, sinon ... C'est comme ça aujourd'hui, c'est une logique mondiale (*Saby Natonga, 4 mai 2002, au Bon Marché à Port-Vila*).

À seulement 34 ans (il est né en 1970), Saby Natonga possède déjà une aura importante par le pouvoir que lui confère son poste de manager au Bon Marché (distribution de marchandises, emplois) mais également par des liens avec des activités apparemment secondaires mais qui toutes sont liées à la « communauté » des *man Tanna* à Port-Vila : il est lié au syndicat des taxis (dont on dit qu'il fut même un temps l'homme de main), et possède une petite société de vigiles (National

Security), secteurs où sont cantonnés les gens de Tanna, peu qualifiés et souvent perçus comme des *manbush* (culs-terreux, provinciaux) ou des « durs ». Il est également incontournable au sein du club de football de TAFEA, dont il est aujourd'hui entraîneur et président après y avoir joué et remporté avec lui le championnat national huit années d'affilée. Lors du scandale des retraites en janvier 1998, il joua un rôle prépondérant dans le déclenchement puis l'arrêt des émeutes et des déprédations, ce qui constitue à ce jour son plus haut fait de gloire politique :

On attend toujours après le gouvernement, mais le gouvernement, c'est nous finalement. Mais nous on est à la base, tout en bas, au niveau des communautés. C'est pour cela qu'il faut renforcer la communauté ... Je prends un exemple : si je n'avais pas formé cet esprit de communauté parmi les gens de Whitesands (une communauté de Tanna), les émeutes du VNPF n'auraient pas pu avoir lieu

dit-il lors d'un meeting dans la zone rurale d'Efate pendant la campagne électorale 2002. En 1998, en pleine crise, il fut nommé directeur par intérim de la Caisse nationale de prévoyance pour calmer la colère de la foule (majoritairement des *man Tanna*). Mais, alors que les *man Ambae* affirmaient leur confiance en l'Etat, le nouveau conseil d'administration du VNPF dirigé par Saby Natonga prit la décision de restituer à tous les membres qui le désiraient l'intégralité de leur cotisation — un manœuvre qui lui permit d'apparaître comme un homme providentiel auprès des gens qui pensaient que leur argent avait tout simplement été volé. La manière dont il décrit son entrée en politique souligne d'ailleurs le soin qu'il apporte à la constitution de son parcours d'homme politique. Il insiste ainsi sur le fait que c'est Walter Lini, alors ministre des affaires intérieures, qui l'appointa comme « acting chairman » (président par intérim) du Conseil d'administration du VNPF. Ces événements peuvent d'ailleurs être perçus comme un acte fondateur pour Saby et ce mouvement, dans le sens que Marc Abélès donne à ceux-ci dans le contexte politique de la France rurale contemporaine :

Les liens politiques qui engendrent les réseaux prennent racine dans une conjoncture bien précise. Il y a des événements fondateurs... C'est alors qu'apparaissent des personnalités qui en quelque sorte 'prennent le pouvoir', s'imposent aux autres, font circuler des idées, multiplient les liaisons, créent des réseaux. Ces figures ont un rôle essentiel : ils incarnent les ruptures, ils cassent la longue durée. Bref, ils construisent de nouvelles légitimités (Abélès 1989 : 57).

## Les élections de mai 2002: communautarisme et stratégies électorales

Le vote et les campagnes électorales constituent un élément tout à la fois fécond et discutable d'observation des comportements politiques. Le vote, procédure à la fois individuelle et collective, met en lumière des tendances politiques qu'il est cependant impératif de replacer dans leur contexte. La stratégie électorale de Saby Natonga offre ainsi un angle d'attaque privilégié pour saisir la manière complexe dont se construit aujourd'hui le champ politique au Vanuatu.

Peu avant les élections législatives de 1998, certains politiciens originaires de la province de TAFEA appartenant à différents partis avaient envisagé de constituer un groupe de pression communautaire au Parlement, voire d'imposer l'un des leurs au poste de Premier ministre. Mais depuis, Saby Natonga, qui avait déjà été candidat aux élections à Tanna en tant qu'indépendant, a constitué son propre parti, NCA (*National Community Association*), réunissant une partie des chefs des communautés originaires de Tanna qui vivent dans les quartiers entourant Port-Vila. Aux dernières élections municipales de Port-Vila, en 2001, NCA obtint deux des quatorze sièges et une place de maire-adjoint, malgré des accusations de fraude électorale. Saby et NCA sont également accusés d'être financés par la communauté chinoise, notamment par René Ah Pow,<sup>8</sup> le propriétaire du « Bon Marché », pour qui Saby travaille. Ils ont présenté onze candidats aux dernières législatives de mai 2002. Bien qu'il soit fort du soutien d'une « masse » de gens comme il le dit lui-même, Saby Natonga a opté pour une stratégie qui a ses limites : l'affirmation politique des *man Tanna*, qui ont toujours inspiré une certaine crainte, n'est pas de nature à fédérer d'autres groupes insulaires en dehors de la province de TAFEA. Et ce malgré la volonté de se poser en mouvement national : *National Community Association* présentait des candidats « des Iles Banks jusqu'à Aneytium », c'est-à-dire du nord au sud de l'archipel.

Lors des élections de 2002, NCA n'a d'ailleurs pas réussi pour autant à rassembler tous les *man Tanna* vivant à Vila. Une partie d'entre eux, politiquement socialisée à travers les ramifications du mouvement John Frum jusque dans la capitale, a en effet voté pour un autre nouveau mouvement, le « *Grin Pati* » ; celui-ci, reprenant le logo et une partie du discours des Verts français, est une véritable nébuleuse derrière laquelle se profile l'ombre de quelques hommes d'affaires expatriés. Ce parti-là eut deux élus, dont l'un, Keasipai Song (représentant du mouvement John Frum au Parlement), a cependant rejoint NCA au début de l'année 2003. Désormais, Saby et NCA pourraient bien compter sur une base électorale plus large. Saby se dit par ailleurs courtisé par certains grands partis, comme il est parfois consulté par des

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<sup>8</sup> René Ah Pow faisait partie de la première Assemblée représentative des Nouvelles-Hébrides en 1976 (Wittersheim 2002), au titre des élus représentants les « intérêts économiques ».

diplomates et des conseillers expatriés ; pour le moment cependant, il ne pèse encore guère en face des politiciens les plus solidement installés de l'UPM ou du VP. Ces partis cooptent fréquemment de nouveaux leaders locaux populaires, mais leur appareil politique centralisé est solide.

En fondant son propre mouvement politique, Saby Natonga entend assumer son statut d'homme providentiel : « Il est fort comme les Blancs ! Il est comme les Chinois, c'est un dur ! » dit à propos de lui son oncle Roy Ialsul, qui est l'un des chefs représentant les *man Tanna* à Vila.<sup>9</sup> Dans un court et stimulant essai historique sur les Nouvelles-Hébrides, *To Kill a Bird with Two Stones* (1981), publié à Port-Vila par le centre culturel et traduit récemment en français sous le titre *Faire de deux pierres un coup*, Jeremy MacClancy suggérait que si les *man Tanna* avaient reconstitué une partie de leur vie coutumière et rurale dans les faubourgs de Vila (nakamals, médecins traditionnels, autorité des coutumiers) en revanche « l'individu considéré comme un *big-man* dans une communauté urbaine est souvent celui qui a le mieux réussi selon les critères occidentaux » (2002: 165).

NCA représente bien néanmoins cette tendance de plus en plus marquée pour le communautarisme en politique. Cette inclinaison est d'ailleurs reprise par les grands partis (UPM et VP), qui prennent désormais soin de choisir leurs candidats en fonction du poids des différentes « communautés » en ville, tout en maintenant parallèlement une image et un discours nationaux, comme l'explique Alick Noël (ancien maire de Vila) durant la campagne législative de 2002, dans *Grassroots* :

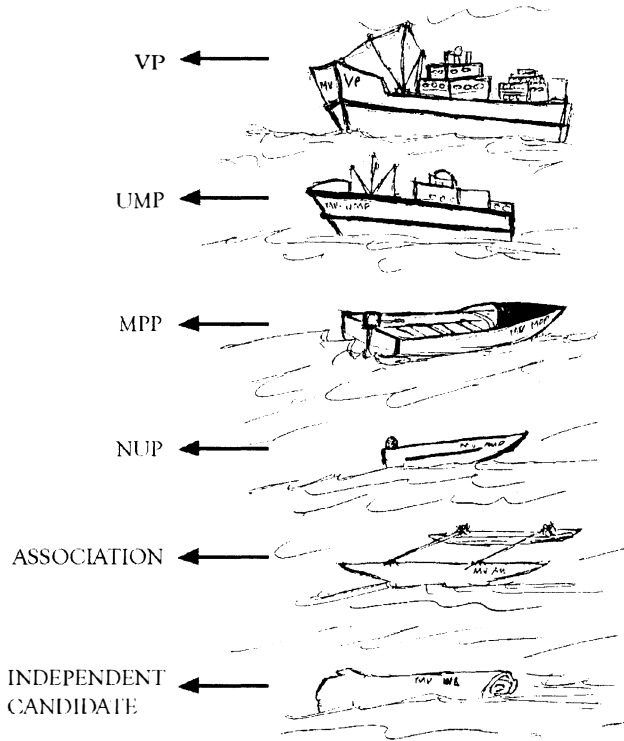
Je suis candidat de l'UPM et je représente la communauté de Shefa à Vila. Mais il y a des gens d'autres communautés qui veulent nous aider, de Tafea, de Mallicolo, de Santo... Le danger, et on essaie de prévenir les gens, c'est que comme aux dernières élections il y a plein de petits partis qui se présentent. Il faut que les gens comprennent qu'ils doivent voter pour les deux principaux partis, l'UPM et le VP, pour qu'ils aient une majorité solide et qu'ils puissent former un gouvernement stable.

A la suite de cette élection de mai 2002, les deux grands partis qui dominent la vie politique du Vanuatu, le Vanua'aku Pati et l'UPM, n'ont pas connus les désagréments de certains de leurs homologues français au même moment. La plupart de leurs leaders ont été réélus. Ni le système, ni la polarisation de la politique autour de quelques grands partis n'a véritablement été remise en question. D'ailleurs, bien que la démocratie y soit un phénomène très récent, l'émiettement relatif des grandes formations politiques au profit de nouvelles logiques d'identification communautaires y est loin d'avoir atteint

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<sup>9</sup> J'ai réalisé, au cours des élections législatives de mai 2002, un film sur la campagne menée par Saby Natonga et les militants de NCA à Port-Vila (*Grassroots, ceux qui votent*, 82 min., 2003).

## VOT LONG STIMA



*Tract du Vanua'aku Pati (avril 2002)*

celui des pays africains par exemple. Il faut dire que les Etats mélanésiens, au contraire de beaucoup de pays africains, n'ont pas connu la longue transition du pouvoir despotique avant d'expérimenter le multipartisme (Otaeyek ed. 1999).

Même au plus fort de la domination du VP dans les années 1980, le pays n'a jamais ressemblé à une dictature. En dehors des leaders des insurrections de Santo et Tanna, et des Français impliqués qui furent expulsés du pays, aucun homme politique francophone n'a été condamné ou même persécuté. Dès l'indépendance, si le VP gouvernait seul, en revanche le président du Parlement était le chef de l'opposition, Maxime Carlot (francophone). Les élections depuis 1979 furent toutes assez disputées, et le VP n'est finalement jamais parvenu à élargir son hégémonie au-delà de la sphère anglophone/protestante, ce qui souligne paradoxalement la prégnance du poids des structures communautaires ou locales dans la mobilisation politique.

À Luganville, la deuxième ville du pays située sur la grande île de Santo au nord, la proportion d'allochtones est si importante que depuis plusieurs scrutins — les

élections ont lieu tous les quatre ans —, les candidats des différents partis aux élections représentent tous des communautés originaires d'autres îles, notamment Ambae et Pentecôte. L'opposition entre gens du cru et allochtones donne lieu à des stratégies complexes : ainsi, une sorte de « logique minoritaire » se fait jour qui conduit à voter pour un candidat qui, bien qu'il soit d'une autre île, d'une autre religion et d'un autre parti, est avant tout lui aussi un migrant et un minoritaire en ville, plutôt que pour des candidats appartenant à des institutions hégémoniques. En 1991, les candidats du Vanua'aku Pati, originaires de Santo et appartenant à l'Eglise presbytérienne (majoritaire) avaient été balayés de manière inattendue par des candidats venus d'une autre île et de confession adventiste ou Eglise du Christ (« Luganville », par Rita Bill, dans Van Trease 1995).

## **Nouveau leadership et société civile**

Ces processus s'avèrent utiles pour comprendre la genèse des constructions identitaires et les conséquences de la mise en place d'institutions locales, mais aussi pour dépasser l'apparente dichotomie entre les élites et le peuple, ou la logique d'affrontement entre classes qui est parfois un peu rapidement plaquée à ce type de situation dans les sociétés dites traditionnelles. Ici, les personnes impliquées dans la mise en avant d'un discours identitaire sont des « élites » au sens sociologique (politiciens, haut-fonctionnaires), qui s'allient avec des leaders coutumiers pas toujours très « traditionnels ». Les personnalités de la société civile qui imaginent et mettent en œuvre ces propos ne cadrent guère avec l'image d'une élite machiavélique, s'opposant à des gens du peuple englués dans leur tradition. C'est consciemment, mais certainement pas de manière cynique, que ces personnes — dont les trajectoires sont aussi complexes que les situations en question — font appel à la « tradition » dans des contextes contemporains. Les haut-fonctionnaires et les politiques concernés sont, du fait de leur parcours, très conscients de ces inégalités de développement héritées de la période coloniale, et ce « repli » identitaire est d'abord pour eux le constat d'un échec comme dans le cas de Jean-Pierre Nirua. Mais ces mouvements ethniques « nationaux » ont souvent peu à voir avec les ethnies repérées et étudiées par les ethnologues.

On est donc ici tenté de remettre en question la notion de société civile, si commode pour qualifier d'une manière univoque tous les individus apparentés à des « agents de la modernisation » dans les Etats postcoloniaux comme le soulignent Jean et John Comaroff dans un récent ouvrage (1999). Tout comme l'idée, qui en découle, que seule une société civile forte, constituée d'individus éduqués, salariés et « post-ethniques », serait capable de résister aux démons du primordialisme. Ce n'est pas que les critères servant à définir la société civile (éducation, valeurs, statut social) soient moins prégnants que les références identitaires, mais que les institutions permettant leur regroupement et l'expression de leurs intérêts de classe sont quasiment



inexistantes. Il n'y a guère, au Vanuatu, de critique idéologique structurée des politiques actuelles (imposées ou endogènes), ni même de mouvement hybride en réaction à la « mondialisation » comme on en identifie aujourd'hui — souvent trop rapidement — un peu partout dans le monde.

Par ailleurs, on devrait plus systématiquement rappeler qu'au Vanuatu, les différences de niveau de vie et d'éducation entre Mélanésiens sont relativement peu importantes au regard du fossé qui existe entre eux et la petite communauté expatriée du pays (environ 3000 personnes, majoritairement des Australiens et Français). Cela pourrait n'être qu'anecdotique si l'économie du pays n'était elle-même totalement contrôlée par des Européens et des familles asiatiques (chinoises et vietnamiennes) implantées de longue date. A l'exception de petites épiceries ou échoppes servant un plat du jour, aucun commerce (restaurants, hôtels, supermarchés) important n'appartient à un ni-Vanuatu. Le pays est un paradis fiscal depuis 1971, et sert de pavillon de complaisance à de nombreux cargos qui n'ont jamais vu la baie de Port-Vila ; mais ces activités ne génèrent guère d'emplois, et finalement peu de richesses pour l'Etat.

L'étude des membres de la « société civile » montre que celle-ci est au mieux en gestation, et qu'elle contient de nombreux courants difficilement réductibles à un terme général. Les distinctions établies par les critiques du discours développementiste nous semblent particulièrement utiles dans ce cadre : au sein de la société civile s'affrontent des courants contradictoires, groupes de pression ou ONG qui cherchent à faire entendre leur voix et à s'installer dans le débat démocratique. Mais ces groupes — chefs traditionnels, associations de femmes, Eglises et mouvements religieux, groupes à caractère politique — n'ont ni le même comportement, ni les mêmes buts. Faut-il dès lors continuer à employer le mot même de société civile, ou plutôt lui soustraire celui, plus nuancé, de « mouvements sociaux » (Mamdani et Wamba-Dia-Wamba 1997) ?

Ces perspectives d'analyse de la Mélanésie contemporaine ramènent toutes à la question du politique, ou de la politique. Non que ces sociétés seraient par essence plus politiques que d'autres, mais plutôt car leurs formes sociales et leurs hiérarchies sont en constante évolution plus depuis un siècle : aucun des systèmes politiques qui se sont concurrencés ou succédés n'est en effet devenu stable et pérenne. L'instabilité gouvernementale que connaît le pays depuis 1998 a ainsi tendance à occulter les questions économiques et sociales de fond, au profit d'une pratique politique plus « politicienne » : renversements d'alliances gouvernementales, transfuges de parti à parti, scission des grands partis. La société changeant tout le temps, les transformations du leadership accompagnent et parfois suscitent ces changements. Chefs coutumiers ruraux ou urbains, big-men, religieux, leaders de communautés, élus locaux ou nationaux, nouveaux leaders « ethniques » : que ces catégories existent ou non, les leaders n'existent pas ex-nihilo. Tout comme ils ont besoin d'être en phase avec leur société pour s'imposer et même pour exister, l'un et l'autre sont nécessaires pour comprendre les

mutations qui ont cours aujourd'hui en Mélanésie. Cependant, plutôt que d'en faire les figures emblématiques d'une spécificité culturelle qui continue de faire des Océaniens des peuples « à part », ces leaders doivent aujourd'hui nous permettre de saisir les formes particulières que revêtent l'Etat et les modèles occidentaux de gouvernement dans cette région du monde qui n'est plus « hors du temps », si tant est qu'elle l'ait jamais été.

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## Résumé

En Mélanésie, les transformations sociales survenues du fait de la colonisation et de la christianisation, puis de la mise en place d'états indépendants, restent aujourd'hui mal connues. Cette région reste perçue comme peuplée de petites sociétés traditionnelles incapables de s'intégrer à des Etats-nations. Au Vanuatu, la gestion coloniale puis postcoloniale a pourtant fait peu à peu émerger de nouvelles formes d'identification (politique, religieuse, insulaire, régionale) à travers plusieurs phénomènes: découpages territoriaux, création d'institutions locales, migrations vers la ville et regroupements ethniques. De nouveaux leaders, à la fois instigateurs et produits de ces transformations, sont également apparus, brouillant les catégories bien connues du leadership mélanésien (big-man, chef). Cette question est ici étudiée à partir des stratégies électorales mises en place par certains de ces leaders, notamment lors des élections législatives de mai 2002.

## Abstract

In Melanesia the social transformations arising from colonisation and christianisation, and then from the creation of independent states, remain poorly understood to this day. The region is still perceived as one inhabited by small traditional societies incapable of being integrated within nation-states. In Vanuatu, however, colonial and then postcolonial administration has seen the gradual emergence of new forms of identification (political, religious, islander, regional) through several phenomena: territorial divisions, the creation of local institutions, migration towards towns and ethnic regrouping. New leaders, who are at the same time both instigators and products of these transformations, have appeared, thereby blurring the well known categories of Melanesian leadership (the big-man and the chief). This paper examines this trend through the electoral strategies employed by certain of these leaders on the occasion of the legislative elections in May 2002.

# *Politik is Poison: Local Conceptions of Politics in Northern Vanuatu*

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Michael G. Morgan

In your community in Australia, there are not all the problems associated with politics. In Vanuatu it is poison (Abel Vora Kwan 2 Nov. 1999).

Before, all the churchmen told us that, 'you must not follow too much *kastom* or you will get *nakaimas* [ensorcelled] or poisoned'. They told us, 'you are killing one another. You are poisoning yourselves' (Cyrus Mue 24 Feb. 2000).

Political scientists and political anthropologists often use 'politics' objectively to describe such things as the means by which power is established and maintained within established structures of governance (e.g., Seaton and Claessen 1979: 12; cf. Beck 1997: 103). However, when ni-Vanuatu talk about *politik* — the Bislama gloss for politics and political action and much more besides — they mostly describe practices, events and partisan rivalries that have amplified factionalism. As a contingent state of democracy, *politik* embodies the unwanted aspects of modernity and nationhood; it is the distinctive burden of citizenship. However, to comprehend what *politik* means to people in northern Vanuatu, we must be aware of the contexts in which it is used and the events and relationships that are its exemplars.

This paper constitutes part of a broader survey of local conceptions of *politik* in Vanuatu, conducted as part of a doctoral dissertation (see Morgan 2003). The oral narratives about *politik* spoken to me by members of the Churches of Christ<sup>1</sup> in the

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<sup>1</sup> The Churches of Christ are a congregationalist denomination which arrived in the New Hebrides at the end of the nineteenth century. Like the South Sea Evangelical Mission (SSEM), the church traces its connection with Melanesia to the Queensland Kanaka Mission (Frazer 1985: 228; Bowes 1990: 54; 'The Kanakas', *The Australian Christian*, Feb. 1893: 41–2; see also Moore 1985: 54). Indeed, Churches of Christ people name as their founders labourers, such as Willie Tabymancon and Willie Vutigele, who converted to Christianity in the canefields and then returned to the islands.

According to the 1999 national census, the Churches of Christ constitute about four per cent of Vanuatu's population, mainly scattered through Penama Province and Sanma Province in northern Vanuatu but including growing urban populations in Port Vila and Luganville (Republic of Vanuatu, National Statistics Office 1999: 20). In Penama Province, where Pentecost, Ambae and Maewo people began to convert to the Churches of Christ between the late 1890s and early 1900s, the church accounts for over sixteen per cent of the province's adult population.

course of my research unmistakably evoke social division. They depict the breakdown of old boundaries, the destruction of church strength, morality, progress, the consequent eruption of denominational and social fissure and the establishment of new hierarchies which are seen to typify the postcolonial state. Encapsulated in the exemplary statements quoted above are the major themes explored in this paper. In these statements, *politik*'s meaning is grounded in references to missionisation and evangelisation. Through the analogy between *politik* and sorcery or poisoning, practices which were proscribed by the Churches of Christ after its arrival in the northern New Hebrides in the late nineteenth century, my interlocutors shed light on the key issue signified by *politik*: it equated to a form of social poisoning.

In illustrating how Churches of Christ worshippers use ideas about *politik* to comment on the parlous nature of national sovereignty, I suggest that *politik* connotes conflict between ni-Vanuatu. In the case of the Churches of Christ, this conflict is located in the contestations over the resurgence of *kastom* deriving from the influence of Nagriamel and the subsequent defection of certain communities to rival denominations. Indeed, church leaders often evoke a history of grievance in which the Churches of Christ have been disadvantaged by democracy. Moreover, conflicts deriving from *politik* are believed to disadvantage ni-Vanuatu vis-à-vis foreigners and are thought possibly to augur warfare in Vanuatu. Finally, by situating conceptions of *politik* alongside conceptions of *kastom* (practices deemed to be indigenous) and *skul* (school, church and Christianity), I address the idea that embedded in local conceptions of *politik* is the manifestation of hierarchies between ni-Vanuatu.

## Antecedent Research

Despite its vernacular usage by Melanesians in Vanuatu, the Solomon Islands and Papua New Guinea (e.g., Siegel 1997: 192), the term *politik* has been investigated mainly in anthropological discourses on Vanuatu, and then rarely systematically. The concept was first explored in a paper presented by the anthropologist Robert Tonkinson to the 52nd Australian and New Zealand Association for the Advancement of Science (ANZAAS) conference in 1982 (Tonkinson 1982: 10). Tonkinson hinted at the ambivalent position adopted by his interlocutors — South East Ambrymese Presbyterians — to 'politics' across Vanuatu and expressed optimism that 'policies and plans' would eventually take the place of 'conflict and argument' in popular conceptions of *politik*. However, the belief that *politik* connotes division and conflict has become entrenched in local discourses and, consequently, in academic ones.

Since 1982, *politik* has been addressed only parenthetically in anthropological research on Vanuatu (e.g., Brunton 1989: 157; Facey 1995: 214; Miles 1998: 65). Although anthropologists writing about the New Hebrides/Vanuatu have often

referred to *politik* as a generally negative force, they have rarely sought to recuperate its broader implications systematically, preferring to represent *politik* as simply foreign and divisive. For example, Margaret Jolly noted that while the people of Bunlap, south Pentecost, refrained from entering party politics, they saw *politik* as 'alien and divisive. They also eschewed the concepts of voting and representative politics, rather than local control by consensus' (Jolly 1994: 52). In drawing the distinction between alien and indigenous modes of social organisation, Jolly situated discussions of *politik* and *kastom* within the broad ambit of discussions of westernisation and modernisation. However, she threw light on a crucial discursive strategy undertaken by most ni-Vanuatu; they often juxtapose the perceived negative aspects of *politik* with their ideas about *kastom*, which convey a sense that *kastom* furthers consensus and natural order.

Thus, *politik* has been used by academics to connote westernness, individuality and detachment from place, in contrast to Melanesianness, consensus, community and attachment to place (a key aspect of *kastom*). Hence, the political scientist William Miles, who conducted his research in Vanuatu in 1991–92, categorised democratic governance, and therefore *politik*, as negating the 'natural order' of control by big-men or chiefs and therefore as something to be rejected by local people (Miles 1998: 65). Drawing upon field research conducted between 1999 and 2000, Australian National University anthropologist Jack Taylor has suggested that people in Atvotvotu, north Pentecost, use the architectural features of traditional meeting-houses, or *gamali* — known in Bislama as *nakamal* — as a metaphor for the moral dichotomy between connectedness to place and disconnectedness. Cross-supports, *gaibulurovo*, symbolise men who support their chief and honour local alliances, whereas cross-beams that intentionally do not connect, *ngaitegelolo* (literally, 'support that wrongs within'), characterise disconnectedness from local issues and deceit — embodied, as Taylor's key interlocutor averred, by 'a rubbish shit man ... a *politik* man ... a member of parliament' (Taylor 2002: 14). Crucially, *ngaitegelolo* are not errors of construction for people in north Pentecost; they are crucial components in the construction of *gamali* (Taylor, personal communication).

The tropes of division, conflict and being disconnected from local concerns are common in accounts about the nature of *politik*. For example, Ellen Facey noted in Nguna, Vanuatu, in 1979 that people were generally sceptical of *politik*, although they were open supporters of the majority nationalist Vanua'aku Pati. She posited that *politik* had ultimately negative connotations and involved 'heated argument, efforts to deceive and even incitement to violence of members of one party against another' (Facey 1995: 214). Facey contended that Ngunese people preferred the prospect of a one-party government under the Vanua'aku Pati to the entrenched internal antagonism of multi-party representation in Nguna, because they feared the consequences of internal community dissent. Similarly, Lamont Lindstrom

highlighted cases in which political leaders in Tanna addressed only their own supporters, because opposition supporters wished to 'avoid hearing rival political statements and participation in distasteful conversational exchange' (Lindstrom 1990: 144). Naturally, the pervasiveness of division as inherent in *politik* has become central to its usage in the academic literature pertaining to Vanuatu. For example, in his *New Bislama Dictionary*, the linguist Terry Crowley construed *politik* implicitly as a harmful force: '*Projek I no gohed gud long ples ya from politik* or 'the project did not go well there [sic] because political divisions are strong' (Crowley 1995: 189).

## The Churches of Christ and *Politik*

*Politik* spans several contexts and it is shaped by specific local and regional historicities. As Jolly has argued, *politik* is used to describe the eruption of spiteful social relations occasioned by rivalry between political groups and the consequent destruction of exquisite or organic moments of relative social cohesion under traditional authority (Jolly 1994: 52). It is also seen to have undermined the spiritual redemption and material progress embodied in adherence to particular Christian denominations (Morgan 2003). To understand the potency of oral histories about *politik* recounted by past and present Churches of Christ worshippers, it is crucial to recognise the specific history of that church and the challenges to its cohesion that were unleashed in the lead-up to independence for Vanuatu. Churches of Christ people, like most ni-Vanuatu, periodise the decade before Vanuatu's independence in 1980 as the *taem blong politik* (time of politics) and represent it as an interval of intense, occasionally physical conflict with unquestionably long-lasting consequences.

The history of *politik* is inextricably linked with decolonisation and the events surrounding it. Churches of Christ worshippers trace the beginning of *politik* to the emergence of the Nagriamel movement in Santo in 1967; and the part that the Churches of Christ leader Abel Bani played in advocating involvement in Nagriamel. By the early 1970s, Nagriamel's leadership claimed 10–20,000 adherents from Epi in the central New Hebrides to the Banks and Torres Islands at the archipelago's northern extremity (Jackson 1972: 159; cf. Plant 1977). Although this figure was almost certainly exaggerated, the Nagriamel movement was unquestionably the most influential local association to be found in the New Hebrides until the emergence of the New Hebrides National Party (NHNP) in 1971. The NHNP grew quickly into a modern, nationalist political party led by educated, Christian ni-Vanuatu and indigenous clerics. In 1977, in line with its increasingly radical calls for national emancipation, the NHNP was renamed the Vanua'aku (our land) Pati (VP). As local political mobilisation escalated in the New Hebrides during the 1970s, Nagriamel came to be seen as a political organisation, albeit one which eschewed the nationalist and statist imperatives of the Vanua'aku Pati.

While Nagriamel began in response to a specific instance of land alienation in Espiritu Santo, it was quickly yoked to broad anti-colonial sentiments among local people in the northern New Hebrides. Yet from the early 1970s onwards, Nagriamel was also increasingly closely linked with French commercial interests in Espiritu Santo and, later, property developers and agents provocateurs associated with the American libertarian Phoenix Foundation. By the time Nagriamel was eventually involved in a secessionist rebellion in 1980, its original agenda, to defend local people against the alienation of their land by western interests, appeared subordinate to colonialist (French) or neo-colonialist (Phoenix Foundation) agendas (MacClancy 1980: 123–39, 140–8; MacClancy 1981: 25–46; Beasant 1984; van Trease 1987: 127–69, 206–58; cf. Rodman c.2000).

The interplay between Nagriamel and the Churches of Christ led to strident disputes over church doctrine. Politically, many of the church's indigenous lay leaders and many of its adherents supported Nagriamel's initial precepts and they appropriated its message. Specifically, the return of alienated land and resistance to colonial incursions fitted well with a key tenet of the Churches of Christ: that involvement with the Anglo-French Condominium always resulted in disaster for local people. Consequently, at independence in 1980, many ni-Vanuatu Churches of Christ worshippers became embroiled in the Santo Rebellion, in which Nagriamel was a key constituent. Although Churches of Christ doctrine prohibited participation in traditional practices which invoked the heathen past, Nagriamel members often sought self-consciously to reinvigorate *kastom* (Allen 1981: 8 fn; see also Monnier 1987), that is, actual customary practices presumed to be indigenous. Ironically, given that the resurgence of *kastom* was so fundamental to the assertion of national identity in the Melanesian states at independence, conventional Churches of Christ worshippers now see this resurgence as a condition of *politik*. These worshippers often depict those practices thought to be derived from pre-Christian customs and revived by Nagriamel supporters during the 1960s and 1970s as threats to the basic tenets of their church doctrine. As sources of conflict within communities, customary practices are considered something to be endured, rather than celebrated. Thus, one Churches of Christ worshipper suggested: '*Politik* has made problems in our church. It opened the door to *kastom* and now many things have "come inside" our communities' (Aron Natu 26 Mar. 2000). *Politik* often undermines arbitrary assumptions about the relative importance of Christianity to conceptions of nationhood. As I argue here, Christianity — like the imagined nation, Vanuatu — is also seen to be subject to corrosion by *politik*.

In light of the preponderance of Christian religion in Vanuatu, indigenous members of the Churches of Christ often juxtapose *politik* with the authority of the church and the naturalness and cohesion of indigenous Christianity. Indeed, given



that the Churches of Christ are now depicted as indigenous or home grown, *politik* is often portrayed as an external imposition, a practice of white people, whereas 'Christianity is something universal', a transnational association to which ni-Vanuatu claim membership. Thus, while involvement with Nagriamel did not necessarily involve the abandonment of biblical teachings, many conventional Churches of Christ worshippers now consider Nagriamel to have been satanic. Although the uprising was easily suppressed in 1980, its legacy for the Churches of Christ is now glossed as *politik*.

## The Legacy of Statehood

Ni-Vanuatu also identify decentralisation and the devolution of colonial assemblies as a source of conflict, and a beginning for *politik*. From the late 1950s onwards, the Anglo-French Condominium sought to establish local government councils which challenged local power structures, whether customary in nature or church-oriented (see Morgan, 2003: 121–204, 300–4; cf. Premdas and Steeves 1984: 1989). While colonial officers often conceived of local councils as training grounds for local elites, for ni-Vanuatu Churches of Christ worshippers the establishment of the councils marks not the beginning of emancipation from colonialism but the beginning of the ongoing internecine friction that characterises nationhood — that is, *politik*. These narratives also focus on the rise of Nagriamel and the support given to that movement by Abel Bani, the indigenous leader of the Churches of Christ. Simultaneously, they encompass generational change within the church, specifically the emergence of a cadre of trained ministers within the churches who opposed Bani and Nagriamel and gravitated towards nationalist politics. Local histories about *politik* describe the perceived breakdown of community and church cohesion.

As noted, the resistance of the Churches of Christ to the establishment of local councils was based on an informal canon, that involvement with the Anglo-French Condominium always ended in disaster for local people (Allen 1981: 38). Shortly after the colonial government's first attempts to establish local councils in west Ambae in 1960, Abel Bani became an active anti-local council activist. The emergence of Nagriamel in 1967 offered Bani an avenue for his sentiments. Nagriamel's initial *raison d'être* was to defend Santo people against encroachment by predominantly French ranchers. Through the agency of Bani — and others — Nagriamel quickly spread throughout west Ambae and then on to Churches of Christ communities in Pentecost and Maewo. By May 1968, Nagriamel was so widespread that Ambae (Aoba) local government councillors complained that few people paid their council taxes in Nduindui, preferring instead to contribute to 'Buluk's council' (Nagriamel) on Santo (ALC 1968). Of more concern to Churches of Christ

missionaries and conventional worshippers, Nagriamel members often sought to reinvigorate *kastom* and traditional practices which the Churches of Christ had prohibited because they invoked the heathen past.

British administrators saw the establishment of local councils as weapons against the rapid spread of Nagriamel. In Santo, the foundation of Ambrymese 'squatter settlements' in Vanafo in 1966 — a precursor to the formation of Nagriamel — forced the issue for the British District Agent for Northern District, Dick Hutchinson:

it is apparent that the wrong type of leaders are beginning to make themselves heard. If we cannot establish a local council for Santo we are unlikely to find the right kind of leaders emerge. The vacuum between the decline of the power of traditional chiefs and the establishment of responsible local administration is now being felt here (NHBS 1966).

Simultaneously, in 1967, the first class of indigenous Churches of Christ ministers was training at Banmatmat Bible College in South Pentecost. Politically progressive and nationalist but religiously doctrinaire, the Banmatmat graduates challenged the authority of the lay leaders, in particular that of Abel Bani, and opposed both *kastom* and Nagriamel. On doctrinal issues, they tended to side with the Australian and New Zealand missionaries of the Churches of Christ resident in the New Hebrides; indeed, they were often stricter than many liberal missionaries. Politically, the leaders of the Conference of Churches of Christ in the New Hebrides gravitated towards the NHNP formed in 1971 and its cleric-leaders, whereas the preceding generation of church leaders, including Abel Bani, had gravitated towards Nagriamel.

At independence in 1980, many ni-Vanuatu Churches of Christ worshippers became embroiled in the Santo Rebellion, in which Nagriamel was heavily involved. By 1980, the New Hebrides Conference of Churches of Christ reported that of the fifty-seven villages under the church's influence only twenty-six remained associated with the conference, twelve were aligned with Nagriamel and one was opposed to the conference, although the political affiliations of this church's congregation were not disclosed (McLean 1980). The political inclinations of the other eighteen villages were not mentioned. Although the Santo uprising was easily suppressed in 1980, it left lasting political, social and religious legacies for the Churches of Christ.

As I have argued, local accounts of the establishment of local councils and their effects serve as entrées to broader more inclusive narratives about the current state of nationhood and of *politik*. Having touched on my 'history' of events surrounding the local councils, I now turn my attention to these stories — practised histories and fragmented eyewitness accounts — told to me about local councils by Churches of Christ people.

Only in Pentecost and Maewo do Churches of Christ people openly state that local councils were appropriate and legitimate. In West Ambae, people generally privilege the church councils as effective institutions and denigrate the local councils. The local councils are depicted as foreign and exploitative, whereas the deliberative councils of the Churches of Christ — glossed here as church councils — are represented as virtuous, progressive and, above-all, home-grown. In many oral histories, the major grievance with local councils was that the government had imposed local councils without first achieving consensus about their viability and legitimacy.

For many of my interlocutors, the trajectories of *politik* are clear and they identify both Nagriamel and the local councils as factors which contributed to the emergence of *politik*:

In 1960 the *tufala gavman* signed something they called decentralisation. They decentralised [government] to plenty of places. At this time Jimmy Stephens thought he would join the government. He did not go [He failed to be elected]. Jimmy Stephens was cross [so] he created [*putumap*] Nagriamel in 1968. These two things went together [*stap tugeta wantaem*]: Jimmy Stephens with *politik* (Peter Tari 29 Feb. 2000).

Other people represent local councils as something of the ‘white man’, which raised the possibility of being dispossessed of their land. Jacob Viralingalana remembered:

Yes, they [Local Council] came here in 1960. At this time everyone was afraid here. Everyone thought that the local council was the work of the white men. They were afraid that they would come here and whip us, take the land of the people who lived [on it] (Joseph Viralingalana 1 Nov. 1999).

By contrast, people often characterise church councils as effective institutions of local government, underpinned by the virtue of the spiritual and religious leadership of Churches of Christ lay leadership. For example, Amon Ngwele invoked the three tenets of Churches of Christ mission activity — toil, Christian communalism and modernisation — and recast them as fundamental aspects of church councils:

At this time it was hard for everyone. Everyone worked for each other at this time here. [It was] as if the Gospel was good but [public] work also went ahead. They cut roads, cleared the bush and planted [coconut] seeds. These two things went together at the one time (Amon Ngwele 20 Jan. 2000).

Such nostalgia for church leadership underpins the practical recognition that independence — statehood — has brought few benefits to local people.

Indeed, in local memories, the pre-independence church furthered unity and peace among communities, whereas the processes of secular government and its condition, *politik*, are remembered as divisive. Peter Tor was the secretary of the South Pentecost local council from its inception in 1971 until 1977, when he resigned to resume his responsibilities as a teacher at Ranmawot. Touring administrative officers lamented Tor's departure because he had been an exemplary administrator and because the viability of local councils was often predicated on the strength of key staffers. When I spoke to Peter about his resignation he proffered what appeared to be a somewhat banal reason. In his opinion, local councils were crucial institutions of government, but his support for them marginalised him from certain social relations within the Churches of Christ: 'At this time, you see, I was in love with a girl from Ranlitor but her father told her, "No. You cannot marry this man because he is government"' (Peter Tor 20 Sept. 1999). Tor brings a personal tension to his account of his decision to leave the local council. The cost of his identification with *gavman* highlighted the prevailing political climate and emphasised the validity of his decision to opt for a less contentious position as a teacher: 'At this time *politik* intensified [*kam antap bikwan*]. Divisions affected [*kam insaed*] the church as a result of this thing, *politik*. It was better to be working inside the church, just as a teacher'.

Stories about *politik* state that division is the major legacy of statehood, rather than the entrenchment of any one democratic institution. Moreover, given the recurrent theme of confusion and division within the Churches of Christ because of the interactions between local people, the church and the colonial state (that is, *politik*), that division extends to the imagined unity of the Churches of Christ.

## Taem bifo I kam taem nao

Oral histories about *politik* explain the transition from 'then' to 'now' (*taem bifo I kam taem nao*). The divisions that emerged within the Churches of Christ during the *taem blong politik* retain their salience in contemporary political settings. For example, one central Pentecost man characterised the trajectory between the events of the *taem blong politik* and the present in these terms: 'Nagriamel men are now UMP (Union of Moderate Parties) *politik* men. Vanua'aku they stay the same. Only thoughts of the past remain but the division is still here'. In short, oral histories about *politik* describe the corrosion of church unity by contending, objectively political, ideologies.

In fact, since independence the number of political parties vying for support among Churches of Christ worshippers has proliferated. Politically, the Churches of Christ are now divided between supporters of the Vanua'aku Pati (VP) (predominantly in Maewo and Ambae), the Union of Moderate Parties (UMP) (predominantly in Ambae and Santo) and, more recently, the National United Party (NUP) (in Ambae,

Maewo and Pentecost). Indeed, adherence to the NUP, formed by Father Walter Lini in 1991, has allowed Churches of Christ worshippers to attain high office within the state. James Bule from east Ambae became Deputy Prime Minister and Minister of Trade in the administration of Barak Sope in 1999–2001. Paul Ren Tari from Maewo became the Speaker of the Parliament of Vanuatu during the same period.

Nostalgia for the lost innocence of the Churches of Christ is a prevalent theme in oral histories about *politik*. When ni-Vanuatu reminisce about the ascendancy of the Churches of Christ, they suggest the existence of an earlier, exquisite moment — halcyon days — in which possibilities were infinite and in which local Christians looked forward to the bright future of salvation (Clark 1997: 79). In this respect, positive accounts of the mission past amount to implicit critiques of the modern state of Vanuatu. In certain contexts my interlocutors defined *politik* simply as the way of government (*rod blong gavman*), although they often envisaged government (*gavman*) in generally negative terms. That is, *politik* describes the way that government is constituted and the way that power is maintained under conditions of democratic elections, irrespective of whether secular government (*gavman*) is considered the most appropriate form of governance. References to the virtue of church leadership are underpinned by the practical recognition that independence has brought few benefits to ni-Vanuatu.

Under these conditions, *politik* also reflects an anxiety about a particular form of modernity and a critique of the state. For Churches of Christ members, this is exemplified in the complaints that after independence their hospitals were downgraded and that hospital equipment, funded largely through local programs, was transported to hospitals operated by other churches. A sense of shared identity and group ownership of institutions applies more strongly to the foundation narratives of the Churches of Christ and their mission schools and hospitals than to the national narrative of indigenous struggle against Anglo-French colonial control or the idea of a shared citizenship of Vanuatu. Negative reflections on independence are constructed to contrast the Churches of Christ history against the national narrative — and those of contending denominations — as history’s arguable losers. Moreover, the damage done to the Churches of Christ because of *politik* is seen to have undermined the value of national sovereignty.

That Churches of Christ people represent the majority denominations as having benefited more from independence reflects an emergent ‘tragic’ narrative about the waning influence of the Churches of Christ. Despite a disproportionately high representation in national parliament and a number of high-profile parishioners, many of the Churches of Christ’s adherents still consider their church to be disadvantaged. Partly, this is an extension of the self-definition of the Churches of Christ as the church of the poor. Yet Churches of Christ people claim that their

church has been marginalised from the state and that it is therefore now unable to defend itself from the inroads that newer conservative evangelical sects and Pentecostal Christian denominations are making into nominal Churches of Christ communities.

The tragedy of this situation is more pronounced because the Churches of Christ are venerated as one of Vanuatu's mother churches, the denominations that first carried 'the light' of the Gospel to Vanuatu. But their inclusion in this select group alongside the Presbyterian Church, the Melanesian Mission, the Catholic Church and, less popularly, the Seventh-day Adventist Church, has done little to compensate for the handicaps of its relative small size. Democracy has offered few tangible benefits for the Churches of Christ, despite its status.

During a visit to central Pentecost by the Head of State, President John Benneth Bani, in 1999, Silas Buli, the Principal of Ranwadi Senior Secondary School, a Churches of Christ run school, recounted: 'It is as if we [the people of the Churches of Christ] are victimised by the processes of government and gain no benefit at all from political will or democracy' (Buli 1999). For many church leaders, their apparent marginalisation is just one of the many religious and ecumenical corollaries of involvement in Nagriamel and, ultimately, the rebellion. More generally, many Churches of Christ people suggest that the defiance of the colonial state that characterised the leadership of Abel Bani, the church's pre-eminent evangelist and indigenous leader, ultimately contributed to the disadvantaging of the Churches of Christ. However, as the setting of Silas Buli's comments suggests, these sentiments represent important strategies for political mobilisation and are usually played out only in orthodox political arenas.

## We Fight

Despite the extent to which ni-Vanuatu criticise the system of democracy extant in Vanuatu, when talking about *politik*, it is their own actions — as much as the system in which they operate — that are being evaluated. Rather than stress division between groups, local accounts of *politik* place primary emphasis on internal discord within the church and within local communities. Partly, the conflicts implied by *politik* among Churches of Christ worshippers relate to the upsurge in *kastom* (those practices believed to be traditional by local people) arising from Nagriamel's influence among the Churches of Christ. Nagriamel members deliberately sought to revive *kastom*, and recuperated practices considered by conventional Churches of Christ worshippers to be tantamount to apostasy, and possibly satanic. Pagan religious rituals such as spirit worship, the use of traditional medicines and poisons (*lif meresin*) and *kastom* dancing and singing were reinvigorated, kava drinking became more explicit

and Nagriamel's leader, Jimmy Stephens, adopted polygyny. Moreover, increasing reliance on *kastom* knowledge facilitated the rejection of western medicines in certain areas, long central to the Churches of Christ's secular activities. The vigorous interplay between conventional worship and resurgent *kastom* is now seen to be one of the major aspects of the conflict inherent in *politik*.

Churches of Christ worshippers generally agree that in the aftermath of the 1980 rebellion the Churches of Christ were so weakened that other denominations were able to convert disenchanted former worshippers. According to one west Ambae woman, the 'confusion' created by Nagriamel's great appeal among the Churches of Christ and its subsequent suppression by the newly independent state allowed other sects to capitalise on the church's weakness. Former Nagriamel supporters cited the need to make a new beginning as their reason for defecting from the Churches of Christ. For example, in the mid-1980s, Baetora people in south Maewo, evidently humiliated by their support for Nagriamel, and citing community disorder and spiritual confusion, defected to the Seventh-day Adventist Church, which presumably had not been so heavily affected by *politik*. In west Ambae, at Vinangwangwe, Churches of Christ worshippers defected to the neighbouring Assemblies of God in the mid-1980s. One Vinangwangwe man suggested that their defection was predicated on the resentment shown towards them because they had not followed the conventional leaders of the Churches of Christ into the Vanua'aku Pati. He suggested that the leaders of the Churches of Christ blamed Nagriamel supporters for the divisions that took place because of *politik*.

Samson Bue, elected as the Union of Moderate Parties MP for Ambae in 2002, links the damaging consequences of this ideological and religious conflict to his own belief in the political and cultural impediments to development for grassroots people. This factor, more than any other, compounded the divisive impact of *politik*: 'We fight and now the fruits of our labours for independence are in foreigners' hands' (Samson Bue 23 Feb. 2000). For many ni-Vanuatu, the ubiquitous Chinese merchants whose economic power is a reminder that most ni-Vanuatu do not 'eat the fruits of independence' are the primary villains, but increasingly in urban settings 'Australian advisors' (or other conceptualisations of exploitative expatriates) are seen to sustain the subjugation of local people.

In certain circumstances, the divisions created by *politik* are seen to replicate the penultimate events in an unfolding Judaeo-Christian narrative. Pessimistic forecasts about the outcomes of *politik* have been harnessed to messianic or millennialist prophecies. For many — but not most — local people, the conflict implicit in *politik* may augur the final conflict, Armageddon. At the very least, the divisions created by self-government are such that many local people fear that Vanuatu will eventually succumb to warfare, like its Melanesian neighbours:

we don't know the future. New Guinea has a fight ... a war, Solomon [Islands] has a war, Fiji tries in the last few years. Vanuatu is heading for war, with itself or with some others. If we have a gun like the white man we will do it that way [use guns] ... I can see that we are heading for war. *Politik* has made too much [many] strong heads (Nelson Bulinock 30 Aug. 1999).

## ***Kastom and Politik: Chiefs, Statehood and the Creation of New Hierarchies***

A prevalent theme in the oral histories about *politik* is the creation of new hierarchies in the postcolonial state. Ni-Vanuatu often suggest that the most visible progeny of independence are profligate and opportunistic politicians. Men who know *politik* are reputed for the intricate ways in which they are able to propagate falsehoods. Indeed, the ability of politicians to seduce (*switem*, to sweet-talk) voters while simultaneously failing to deliver on their promises is widely commented on. As one disillusioned Churches of Christ minister stated: 'We elected these people to free us and all they do is oppress us' (Ps. Samuel Vusi 16 Aug. 1999). Importantly, such notions constitute part of a wider public discourse in Vanuatu about the nature of statehood and citizenship, especially given the perceived failures of Westminster democracy to deliver tangible benefits to grassroots ni-Vanuatu.

I began this paper with two statements about the poisonous nature of *politik* made by two of the people whom I interviewed in west Ambae. As my research project gravitated towards documenting local conceptions of *politik* — and the narrations of the events that constitute *politik* — among the Churches of Christ, my interlocutors often drew comparisons with my experiences and understandings of politics (*politik*) in Australia. In several instances, they sought meaning, stories and factual clarification from me; and they drew comparisons between their experiences of *politik* and their assumptions about the effect of *politik* in Australia. For example, my friend Abel Vora Kwan stated, 'In your community in Australia, there are not all the problems associated with [*long saed*] politics [*politik*]. In Vanuatu it is poison' (Vora Kwan 2 Nov. 1999). His comments have been used as the general organising principle for this paper because, taken from the perspective of a Christian ni-Vanuatu, they encapsulate conceptions of *politik*. However, the way in which that information was conveyed also speaks to the dynamism of the interview process.

The anthropologist Ron Brunton noted that pagan people in the Irakik area of Tanna greeted the formation of political parties in the 1970s (the beginning of a kind of *politik*) sceptically: 'parties are okay for you white people. You can deal with them. You do not always disagree amongst yourselves' (Brunton 1989: 157). Brunton



interpreted the negative connotations of *politik* to be based on Tannese people's envy of western social organisation, harmony and capacity to work in unison. As he assumed, at face value *politik* contains elements of reflexive and negative self-assessment for many ni-Vanuatu. For example, a former Nagriamel man and defector from the Churches of Christ stated:

When black men take part in politics it is no good. I think [it seems] that when white men follow political parties and their brothers follow a different party you are still brothers. It is not the same for us. If we [black men] go into a political party, we all must go now. Now it looks as if all men realise what *politik* is (Jacob Tanga 1 Nov. 1999).

Clearly, ni-Vanuatu often categorise *politik* as something foreign, probably of European origin, and socially destructive. Abel Vora Kwan invoked more than just the negative consequences of political animus for ni-Vanuatu when he compared the state of *poliitik* in Australia and Vanuatu. From the perspective of rural Vanuatu, Australia is a country where democracy operates at a relatively high level of efficiency. Vora Kwan assumed that in Australia, politics is not associated with the destructive forces that were unleashed in Vanuatu by electoral politics. Indeed, Australia is characterised by many ni-Vanuatu as a cohesive society and a wealthy and powerful nation-state, which, presumably, Vanuatu might become if it were not humbled by its fractious politics. The visible number of Australian 'experts' and 'advisors required for good governance' in Vanuatu reinforces Australia's affluence relative to Pacific Island states (e.g., ADB 1998).<sup>2</sup> No doubt Vora Kwan's comments were mediated by his categorisation of me as an Australian researcher interested in *politik*; in this instance, Australia was important as a mutually recognisable discursive anchor, rather than simply an emblem of the superiority of Western modes of social organisation, as Brunton assumed. The intimacy of the interview situation was such that metaphors, analogies, symbols and emblems were constantly searched for by both parties to find shared meanings and mutual intelligibility.

Cyrus Mue's attitudes to *kastom*, church and *politik* are historically and locally contingent, as they are tied up with his involvement with Nagriamel and the rebellion. Mue had subversively maintained knowledge of traditional songs, dances and medicines against the prevailing doctrine of the Churches of Christ until the late 1960s, when Nagriamel provided an avenue for practicing this knowledge. In 1980, Police Mobile Unit (PMU) officers incarcerated Mue and his Nagriamel comrades. Irrespective of the challenges to state integrity that Nagriamel entailed, for local ni-

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<sup>2</sup> Vanuatu is currently undergoing a structural reform program sponsored by the Asian Development Bank and bilateral donors.

Vanuatu — separated from the elite agendas for secession — the suppression of the rebellion amounted to the suppression of discrepant views derived from attempts to revive *kastom*, and it highlighted the inherent danger of political action. For Mue, *politik* contained implicit threats of violence based on the reaction of the Vanua'aku Pati government against Nagriamel's activities.

Mue's statements serve as an entrée to his ideas about the establishment of new hierarchies in Vanuatu after the rebellion. He marked out the boundaries between what he believed the missionary depiction of pre-contact society to be and the damage that ni-Vanuatu inflict upon each other in the course of politicking. His analogy drew on Christian symbolism as much as it reflected pre-contact or traditional sanctions against social disorder. Nevertheless, the implication was clear: just as 'church men' thought that the ultimate outcome of traditional practices would be the inescapable annihilation of local people, *politik* may also end in tragedy for ni-Vanuatu. Mue situates his ideas about *politik* alongside *kastom* and Christianity (*skul*), symbolised by reference to the Bible:

I will compare politik with kastom, and afterwards with the Bible. In kastom a man who is a big chief [may] sit by the taboo fire: all men are under him. When he kills a pig he shares the food with everyone, they eat ... The government does not do this. [All] of our big leaders of government, when they sit around the table in the Nasara [dancing ground] of ours at parliament there [in Port Vila] they do not make much effort for the grassroots. The Bible says of religious leaders it is not straight to eat with [high political leaders]. Jesus said, 'I come not for the righteous people or the believers; I come to save the sinners'. This is the policy of Jesus Christ. Our high leaders, they speak at the national level only, but we who live down here at the grass roots, they do not eat with us (Cyrus Mue 24 Feb. 2000).

Cyrus Mue's comments frame the relationship between church, state and traditional leadership for grassroots people. This triad constituted a major discursive framework for discussions of *politik*, *kastom* and church, here marked by references to the 'Bible', but elsewhere referred to as *skul* (school, church) or described in straightforward fashion as Christianity.

The apparent failure of key state agencies in Vanuatu has fostered a public debate about the role of chiefs in Vanuatu. In contemporary Vanuatu, chiefs play a significant, albeit ambiguous, role in national affairs. Mue's hierarchy of legitimacy (chief-church-politician) impressed upon conceptions of *politik* in two ways. First, in stark contrast to notions of Westminster democracy, the perceived virtue of chiefs whose leadership is founded on tradition, reciprocal relations and inclusiveness is

juxtaposed against the assumed ascendancy of national politicians whose positions are constituted theoretically by universal suffrage elections, but whose behaviour is elitist, dismissive and unresponsive. Second, the irony of democratic politics for most ni-Vanuatu is that politicians appear to benefit from their position as national leaders, while failing to reciprocate towards the people who elected them to office. *Politik* is emblematic of the newly established hierarchies in Vanuatu; there cannot be any assumptions about basic similarity between all ni-Vanuatu, as were possible during the colonial period. New forms of oppression involving the subjugation of ni-Vanuatu by other ni-Vanuatu have replaced the shared mantle of colonial oppression.

Conceptualising *politik* in these ways helps people — in this case, past and present Churches of Christ worshippers — explain the transitions required by colonisation and decolonisation and the tensions that arose between the different local strategies conceived and enacted to deal with these forces, between cultural assertion and cultural interaction (see Cooper 1994: 1544). Contained in these articulations of *politik* are local conceptions of political ideology, the state, citizenship, church, Christianity and tradition. Such narratives can act as forceful ideologies, especially where they appear to be shared and transacted by groups. Indeed, narratives such as these constitute important sites for the articulation of identity. They are often laden with critiques of independence, politics and the state and for this reason represent important, if under-utilised and often ignored, resources for throwing light on political actions in Melanesia. If we are to meditate on the nature of statehood and citizenship in Vanuatu, conceivably the best point of departure is the stories ni-Vanuatu tell about their effects and nature, through their dependent condition, *politik*.

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## Abstract

This paper is about the ways in which past and present Churches of Christ worshippers from northern Vanuatu understand *politik*, the Bislama term for politics, political action and much more besides. It explores the origins of *politik* as described in oral histories about the interplay between the Churches of Christ, state institutions and Nagriamel, a traditionalist movement which emerged in 1967 and spread throughout northern Vanuatu. Nagriamel inspired the resurgence of *kastom*, where previously it was proscribed, and conventional Churches of Christ worshippers consider the tension between *kastom* and church doctrine to constitute part of the conflict inherent in *politik*. *Politik* is poison in that it is seen to have corroded the unity of pre-existing social groups, such as the Churches of Christ. Contained in these articulations of *politik* are local conceptions of political ideology, the state, citizenship, church, Christianity and tradition. Narratives such as these constitute important sites for the articulation of identity and they are often laden with critiques of independence, politics and the state. For this reason, they represent important, if under-utilised and often ignored, resources for throwing light on political actions in Melanesia.

## Résumé

Il est question dans cet article de la façon dont les fidèles de l'église du Christ, d'hier comme d'aujourd'hui dans le Nord du Vanuatu, conçoivent la *politik*, un terme qui en bislama définit la politique, l'action politique et davantage encore. L'article explore les origines de la *politik*, telle qu'elle est décrite au travers de la tradition orale, en tant qu'interaction entre les églises chrétiennes, les institutions gouvernementales et Nagriamel, le mouvement traditionaliste ayant fait son apparition en 1967 et qui a étendu son influence sur le Vanuatu du nord. Nagriamel a inspiré la résurgence de la *kastom* alors que celle-ci était autrefois proscrite, et les fidèles des églises chrétiennes traditionnelles considèrent que les tensions qui existent entre la *kastom* et la doctrine de l'église font partie intégrante des conflits inhérents en *politik*. La *politik* est dans ce sens perçue comme un 'poison', qui a sapé l'unité de groupes sociaux préexistants comme celui des églises chrétiennes. A travers ces diverses formulations de la *politik* s'inscrivent des notions particulières et locales de l'idéologie politique, de l'état, de la citoyenneté, de l'église, de la chrétienté et de la tradition. Les narrations de ce genre constituent un important contexte qui permet à l'identité d'être formulée et elles sont souvent chargées de critiques sur l'indépendance, la politique et l'Etat. C'est pour cette raison précisément, que ces narrations représentent un instrument essentiel, bien que souvent sous-utilisé, voire ignoré, pour mieux comprendre l'action politique en Mélanésie.

# *Reconceptualising Contemporary Pacific Island States: Towards a Syncretic Approach*

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*Steven Ratuva*

Pacific Island states are some of the smallest in the world. They are also some of the most diverse states in terms of linguistic variation, ethnic composition and even state 'type'. While there are some identifiable differences between cultural sub-regions, which have inspired anthropological categorisations such as Melanesia, Polynesia and Micronesia, there are also marked similarities that exist across Oceania, and which over the years have formed the basis for generalised assumptions of homogeneity, as encapsulated in terms such as 'Pacific culture' and the 'Pacific Way'.<sup>1</sup> Such discourses of difference and similarity, and the interaction between them, provide the broad sociological background to the notion of the syncretic state that is developed in this paper. The paper reconceptualises Pacific Island states in relation to what I propose to call their 'syncretic' nature.

A *syncretic state* is shaped by the processes of contradiction and accommodation that occur between various social, political, cultural, ideological and economic forces. The dynamic relationships between these forces keep things in a state of pluralistic continuity. Opposites are not always in a state of contradiction as is generally assumed, but also engage in complex relationships where they co-opt, accommodate, and manipulate each other to create a new synthesis. In the process, serious social transformation takes place. To understand the dynamics of state reconfiguration within Pacific Island states and how they face up to the challenges of globalisation it is important to situate Pacific Island states in these dynamic terms.

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<sup>1</sup> The terms Melanesia, Polynesia and Micronesia are European constructs, first used by the French explorer D'Urville in 1830. Over the years they have been used by anthropologists, historians, sociologists, colonial officials and even Pacific Islanders themselves to categorise Pacific societies. The lines of demarcation are often arbitrary, and obscure the cultural dynamics between and within those categories. See Ratuva (1998).

Pacific Island states, owing to their colonial, postcolonial and incomplete globalised history, remain in a relatively subaltern position within the global system. They continue to vigorously engage in the redefinition, rearticulation and reproduction of a Pacific identity which incorporates dichotomies such as modernity and tradition, subsistence and market relations, individual rights and communal rights, and liberal democracy and traditional authority. The processes of contradiction and accommodation that occur within these dichotomies form part of the broader process of adaptation to external and internal dynamics, involving the selective assimilation of what are perceived to be relevant political, ideological, economic, technological and cultural factors. The so-called modernisation process is not unilinear, as generally assumed, but involves the interaction, mutual engagement, negotiation, articulation, manipulation, cross-pollination and reproduction of these factors at different levels of society.

The focus on the syncretic aspects of Pacific Island states assists in deconstructing and understanding these complex processes and how they help to shape the modern Pacific state. States in the Pacific are continuously in a state of transformation and flux. The forces which engineer these changes need to be comprehensively analysed in order to understand some of the continuing problems of governance and development in the Pacific.

## **Understanding Pacific Island States: Early Analysis by Island Intellectuals<sup>2</sup>**

Since the early 1970s, at least five different approaches to understanding the development of Pacific Island states have been put forward by Pacific Island intellectuals. These approaches, together with their strengths and weaknesses, are here outlined.

### *The Pacific Way*

In the immediate post-independence period, there was a romantic euphoria about a new Pacific golden age and renaissance. The term 'Pacific Way', coined in the early 1970s by the late Ratu Sir Kamisese Mara, Fiji's first Prime Minister, encapsulated the new synergy between embracing modernity by facing up to the challenges of independence and retaining a unique Pacific identity (Mara 1997).<sup>3</sup> A new homogenous Pacific identity had to be reinvented and articulated to provide

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<sup>2</sup> I use the term intellectual here broadly in the Gramscian sense. To Gramsci, the role of 'organic intellectuals' was to provide a group with a sense of homogeneity and awareness of itself. See Gramsci (1971).

<sup>3</sup> In his autobiography, titled *The Pacific Way: A Memoir*, Mara (1997) emphasised his pivotal role in creating the discourse as a way of unifying the diverse Pacific cultures and people.



legitimacy for the new postcolonial states as well as for the emerging Pacific elites, who saw themselves as founders or fathers of the new postcolonial Pacific order.<sup>4</sup> Consensus, rather than divergence, was an essential ideological ingredient of the discourse of the Pacific Way. It was also popularised within academia and became an ideological focus for the young Pacific intelligentsia of the 1970s and 1980s.<sup>5</sup> Within the broader discourse of the Pacific Way, Pacific states were conceptualised as innocent, hopeful and vibrant entities with the potential to outgrow their past by emulating Australian and New Zealand models of progress. There was a strong feeling of regionalism fostered by the regional elites to generate solidarity in a region which was geographically, politically and culturally diverse (Crocombe 1976).

The concept of the Pacific Way had two important dimensions. First, it was an emancipatory ideology, a regional nationalistic ideology of sorts which embraced a collective psychology against foreign forces such as French colonialism and nuclear testing, the neo-colonial attitude of Australia and New Zealand, US military testing and other activities deemed foreign to the Pacific (see Ali and Crocombe 1983). Second, the Pacific Way was seen as an unquestioned cultural embodiment which underpinned the ideology of Pacific Island states. In this way it was a means of public legitimation to sustain the regional and domestic (national) status quo. It was politically significant for the emerging regional ruling class, who labelled those opposed to their rule as 'anti-tradition', 'un-Pacific' or even 'pro-communist'. It was not part of the Pacific Way to criticise authority, chiefs, traditional leaders or other political leaders. This was one of the major drawbacks of the concept and one which haunts political governance in the Pacific to this very day.

This collective ideal took a severe beating during the 1987 Fiji coups. The Fiji coups showed that things were not right in the tranquil imagery of Pacific Way, and that internal contradictions within individual states could undermine regional unity. The coups affected the whole Pacific as Fiji was the regional base from which policies and ideals of regional solidarity radiated.

Regional solidarity was further weakened by the formation of sub-regional blocs such as the Melanesian Spearhead Group (MSG). The MSG was partly based on the assumption that Melanesian states were culturally homogenous and had to join together to maintain this identity. There was also an attempt to set up a Micronesian bloc, but talk of a Polynesian bloc did not eventuate in any form.

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4 Some of the prominent founders, along with Ratu Sir Kamisese Mara of Fiji, were Sir Michael Somare of Papua New Guinea and Father Walter Lini of Vanuatu.

5 This was especially so at the University of the South Pacific, the regional university where many of the current leaders were educated. Some still strongly hold to the ideal of the Pacific Way.

### *Modernisation Theory*

Within the immediate post-independence period, there emerged several schools of thought which attempted to analyse and understand Pacific Island states in the light of existing theoretical trends. Perhaps the most dominant was the modernisation discourse which conceived of Pacific Island states in terms of a teleological, unilinear progression from tradition to modernity (e.g., Nayacakalou 1962; Thaman and Thomas 1981; and Gray 1974). Within this framework, greater emphasis was made between the Polynesian, Melanesian and Micronesian states so as to simplify (and in many ways oversimplify) the diverse nature of traditional societies (see Crocombe 1989). The characteristics of these states were defined fundamentally in terms of how the traditional modes of governance such as the relatively egalitarian Melanesian 'big-man' or the more hierarchical and authoritarian chiefdoms of Polynesia were evolving towards modernity. Some assumed that the Melanesian states were more easily assimilated into the modern democratic system because of their more egalitarian nature.

The evolutionary assumptions underpinning such theories placed Pacific states at the lower end of a continuum, progressing through insurmountable odds towards the higher levels of 'civilisation' occupied by New Zealand and Australia, the fatherly Pacific neighbours. This approach focused largely on the sophistication and complexity of the formal and legalistic institutions of governance. It tended to be mechanical and simplistic and did not really explain the underlying dynamics and interrelationships which shaped the configuration of state institutions, political culture, political processes and political ideologies.

### *The Pluralist Model*

The pluralist model was very much influenced by J. S. Furnivall's thesis (1948), later modified by M. G. Smith (1965) and L. Kuper (1974), that within certain states social groups may exist alongside one another without merging into a single political entity. This plural society thesis was most pronounced amongst scholars on Fiji such as Ali (1982) and Premdas (1980). It assumed that differences in culture were a barrier to the creation of a multiracial state and thus political stability.

By emphasising the primacy of cultural differences, the plural society thesis undermines the historical significance of the state and the colonial policies which institutionalised separation and limited the potential for cultures to merge, integrate and relate in a mutual way.

### *The Neo-Marxian Alternative*

By the 1980s, neo-Marxian discourse began to assume a significant profile within the Pacific academy, especially at the University of the South Pacific where there was a growth in critical intellectual engagement which challenged mainstream political, sociological and economic discourses.

The 'left renaissance' provided an alternative conceptualisation of Pacific states, based on an understanding of the dynamics of global imperialism, colonialism and the resultant articulation of opposing modes of production (Howard and Durutalo 1987; Narayan 1985; Naidu 1989; Sutherland 1985). Most of the neo-Marxian intellectuals were Fiji-based and focused much of their analysis on the state in Fiji. Within this general schema, Pacific states were perceived as peripheral satellites orbiting around the metropolitan powers in an unequal relationship. These views were influenced by leading dependency and under-development theorists, such as Andre Gunder Frank (1978) and the world systems theorist Immanuel Wallerstein (1979). However, the neo-Marxian framework tended to ignore the significance of ethnicity in favour of explaining virtually everything in terms of class. For instance, ethnic and political conflict in Fiji was perceived purely in terms of the contradictions between labour and capital, ignoring ethnicity altogether. Ethnicity was not analysed as an independent social category with its own historical and sociological dynamics and it was not until the 1990s that ethnicity was revisited as an important sociological variable with complex political and sociological dynamics (Ratuva 1999).

### *The Postcold War Debate*

The debate over the nature of Pacific Island states took a new turn in the late 1980s and 1990s as a result of crises in Fiji, Bougainville, the Solomon Islands and Vanuatu. The romantic image of the new Island states had faded and there was an increasing focus on internal tension under generalised labels such as 'arc of instability', 'failed state', 'dysfunctional state', 'collapsed state', 'Africanised state' and even 'Balkanised state', borrowed uncritically from other parts of the world (e.g., Reilly 2000).

There are a number of problems with this focus on state failure. First, there is focus purely on the modern formal institutions of the state and its capacity to deliver, and there is a lack of in-depth historical and sociological analysis of the dynamics which shape the evolution and character of the state. The static, positivistic and formalistic methodology deployed does not address the question of why the state is in 'crisis' in the first place. Second, there is a tendency to apply the templates used in studying societies in other parts of the world. As a result, many of the significant and unique characteristics of Pacific Island societies are overlooked.

In the following discussion I develop the syncretic state theory, drawing upon and integrating two theoretical strands, namely Joel Migdal's theory of the 'state in society' and a theory of social dialectics derived in part from the Marxian theory of dialectical materialism. Migdal's 'state in society' theory conceives of the state in relation to the various social, political, cultural and economic forces in society which shape and define its character through constant dynamic interactions (Migdal 2001). The theory fails to identify the precise nature of these interactions and their consequences in particular conditions, but it is still useful in that it provides a comprehensive schema for encapsulating the diverse societal forces which drive political change and shape the dynamic configuration of the state.

The dialectical approach provides insight into the complex relationships between opposites (thesis and antithesis) and how this synergy creates a new synthesis, which in turn can become either a thesis or antithesis. A major shortcoming of the dialectical theory, however, is that it does not conceive of the opposing relations as potentially accommodating, but rather as fundamentally at odds with each other. The approach that I propose focuses on the syncretic dimensions of the state and argues that seemingly contradictory opposites can in fact coalesce and accommodate with each other, and even evolve into new forms of relationships and discourses given particular conditions and contexts.

## **Pacific States, Syncretic States**

Pacific Island states have been shaped by a number of competing and coalescent forces. The different characteristics of these states, from the western to the eastern Pacific, are due to their different historical experiences and sociocultural dispositions. Nevertheless, there are common cultural, political and economic dynamics which they confront and engage with in a variety of ways. To support this argument, I examine four sets of dichotomies — and the dynamics that exist between them — namely: tradition and modernity, state identity and communal identity, subsistence and market economy, and individual and community.<sup>6</sup> Owing to the constraints imposed by space, the examples will be drawn mainly from Fiji.

### *Tradition and Modernity*

One of the major forces shaping the structural and ideological dynamics of the modern Pacific state is the interrelationship between discourses of tradition and

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<sup>6</sup> Other sets of dichotomies that may be examined in this way include: kinship ties and meritocracy; state interventionism and neo-liberalism; local and global cultural discourses; traditional leadership and democratic leadership; liberal democracy and communal democracy; custom and Western governance; hereditary status and achieved status; human rights and communal rights.

modernity. Modernisationist discourse conceives of this relationship in terms of a dichotomy involving the gradual evolution of the 'backward' traditional mode towards 'advanced' modernity. The 'traditional' is seen as immemorial and primordial, while modernisation is seen as natural and imperative. The criticism of the immemoriality and primordality of tradition comes from the politics of tradition school, in particular the likes of Roger Keesing (1989) and Stephanie Lawson (1991, 1996, 2001), who argue that tradition is a result of constant sociocultural reinvention. Modern Pacific states, they argue, are shaped by the continuous reinvention of past discourses to justify and legitimise the present status quo.

By assuming a unilinear framework, modernisationists ignore the complex relationships taking place between the traditional and the modern and how they shape each other. The politics of tradition school offers a more informative assessment, but it too oversimplifies the relationship between tradition and modernity by assuming that the reproduction of tradition through sociopolitical reinvention only serves to legitimise state elites. While this instrumentalist view is true in some cases, it is not true in many others. Tradition is no doubt subject to manipulation and reinvention, but, at the same time, it is a socially and culturally embedded phenomenon which people live in their everyday lives. People change tradition either consciously or unconsciously in response to emerging circumstances.

The syncretic approach suggests that though tradition and modernity are useful categories as historical and cultural markers, they are in themselves increasingly irrelevant because of the ways in which they have defined and redefined each other. The modern Pacific state is a juxtaposition of democratic forms resulting from years of adaptation and experimentation involving the making and unmaking of new and old forms. There are a number of dynamics taking place simultaneously at different levels. While there appears to be opposition between tradition and modernity at one level, there is also a process of accommodation and synthesis taking place at another level. Contradiction and accommodation occur simultaneously.

The following examples help substantiate this argument. Fiji's political system is a product of years of articulation between the traditional sociopolitical mode and British parliamentary democracy intertwined with a process to accommodate ethnic plurality. The result is a dynamic synergy between traditional politics and modern democracy; between state nationalism and communal nationalism; between subsistence kinship relationship and the market economy; between individual rights and communal rights. These discourses act and react with each other simultaneously. Sometimes the contradictions come to the surface in the form of coups (as in 1987 and 2000), and in 'normal' circumstances the diverse forces accommodate, negotiate and readapt in a constantly evolving environment.

The coups in Fiji have created new conditions for new manifestations of tension and accommodation. While there is tension amongst politicians at the level of parliamentary debate and political rhetoric based on the struggle over power-sharing and the articulation of ethnicised interests, there is also mutual dialogue between them at the extra-parliamentary level of the *talanoa* (discussion) forum.<sup>7</sup> While the indigenous Fijian-dominated state has an affirmative action policy for the indigenous population, it has also accommodated a Ministry of National Reconciliation and a Ministry for Multicultural affairs. While there may be asymmetry in the allocation of resources and in the political commitment to these processes, there is nevertheless a situation of civic engagement and communal mobilisation taking place simultaneously. Civic nationalism (a commitment to a collective state identity) and communal nationalism (a commitment to ethnic identity) exist in opposition to, and in accommodation with, each other (Ratuva 1999).

In Tonga, the relationship between feudal monarchy and popular democracy is another example of a syncretic relationship. The pro-democracy movement advocates the neutralisation of the king's authoritarian power, yet they still have deep sentimental links with the monarch as the ultimate sociocultural symbol of Tonga. While the king and his nobles adamantly maintain traditional authority and reinvent ways to legitimise it, they also use limited and tokenistic democracy to provide themselves with political legitimacy. The case of Samoa is, in principle, similar, but there is greater mobility and openness in relation to the power of the *matai* (traditional chiefs) and the process of universal suffrage.

In various parts of Melanesia the state elite class has been able to negotiate and manipulate the contradictions and accommodations between the traditional 'big-man' and modern democratic discourses and practices so as to maintain or change the status quo.

### *State Identity and Communal Identity*

The interrelationship between state (or civic) identity and communal identity is one of the significant factors shaping the ideological character as well as the stability of the state (Stavenhagen 1996). The two modes of identification shape and define each other, contradict each other and accommodate each other on an ongoing basis. The degree of contradiction between state and communal identity depends very much on a number of factors, including the level of homogeneity of the state concerned. For instance, in Fiji, where the two major ethnic groups (indigenous Fijians and Indo-Fijians) are historically and culturally very distinct, and where politics is based on

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<sup>7</sup> The *talanoa* forum was first organised by Dr Sitiveni Halapua, the Director of the Pacific Islands Development Program of the East-West Center in Hawai'i.

ethnicity, the tension between state identity and communal identity is high. Nevertheless, there is also a high degree of accommodation between these two modes of identity. The demand for a collective national identity which revolves around the state is sometimes contradicted by demand for the maintenance of communal identity. The policies of multiracialism (involving coexistence, but also the maintenance of distinctiveness) put in place after independence in 1970 to some extent consolidated the process of accommodation (Ratuva 2003).

In the Solomon Islands also there is a tension between state identity and communal identity. This came to the surface in the form of violent confrontation between the people of Malaita and the people of Guadalcanal in 2000 (Kabutaulaka 2004). This is also the case with the tension between Bougainville and Papua New Guinea where the demand by the people of Bougainville for a separate identity from the PNG state fuelled a violent civil war. Apart from on Bougainville, the tension between communal identity and state identity in other parts of PNG is low. In relatively culturally homogenous societies, such as most of Polynesia, the tension between state identity and communal identity is also low and in some cases it is virtually non-existent.

Figure One presents an expression of the relationship between state identity and communal identity in terms of:

- the degree of tension between state identity and communal identity;
- the level of mutuality and accommodation between them;
- the extent to which these two sets of variables are institutionalised (either in constitutions or in law) as part of the political order; and
- the extent to which relationships of tension and accommodation are embedded in national political culture and accepted as a 'normal' part of political culture.

The relationship between state identity and communal identity is roughly measured using three broad categories: high (H), medium (M) and low (L). These categorisations are not static, but change in relation to the political climate. These measurements are based on a broad qualitative review and analysis of a number of significant political variables and dynamics outlined below, based on years of observation and analysis and discussions with some country experts.<sup>8</sup> Some of the variables and dynamics taken into account include:

- the existence of a unifying national identity;
- the general acceptance of this national identity;
- the existence of various forms of communal identities;
- the extent to which these communal identities compete with each other or compete with national identity for legitimacy; and

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<sup>8</sup>For this I am indebted to David Hegarty, Sinclair Dinnen, Ron May and Greg Fry, all of the Australian National University's Research School for Pacific and Asian Studies, and for the wealth of information which I had the privilege to access without restriction.

- the degree to which these two modes of identity — communal and national — accommodate each other, have been institutionalised or have become part of the state's political culture.

As can be seen in Figure One, Fiji ranks high in terms of tension, institutionalisation and political culture, and medium in terms of accommodation. A brief exposition is appropriate. The colonial and postcolonial state in Fiji has been shaped by the dynamic contradiction and accommodation between the two modes of identity. The 1970 Constitution institutionalised this through separate communal representation (a legacy of colonial rule) which effectively reinforced and, worse still, legitimised the sociocultural divide between Indo-Fijians and indigenous Fijians. Through this process, ethnic identity (identity in relation to sociocultural inheritance) came to be associated with political identity (identity in relation to rights of state citizenship) (Ratuva 2004).

The rise of indigenous Fijian ethno-nationalism and the coups of 1987 and 2000 were manifestations of the attempt to transform the multiethnic state identity into an indigenous one. Over the years, the state in Fiji has been the site for intercommunal contestation (involving indigenous Fijians versus Indo-Fijians) as well as contest between each of these two groups and the state. That ethnic tension largely revolves around the struggle over state power amongst elites helps contain conflict at that level. This also prevents intense ethnic sentiments flowing into the civil community and causing full

**Figure 1: Comparison of the Relationship between State Identity and Communal Identity in Pacific Island States**

	Tension			Accommodation			Institutionalisation			Political culture			
	H	M	L	H	M	L	H	M	L	H	M	L	
Fiji	X				X		X				X		
PNG		X	X	X				X				X	
Solomon Is	X					X		X				X	
Vanuatu		X			X			X				X	
Tonga			X	X					X				X
Samoa			X	X					X				X
Tuvalu			X	X					X				X
Kiribati			X	X					X				X
Nauru			X	X					X				X



scale inter-ethnic civil war, as in the Solomon Islands. Ironically, Fiji's multiracial experiment has consolidated a significant degree of intercultural goodwill which was able to absorb the full impact of ethno-nationalist extremism in 1987 and 2000.

### *Subsistence and Market Economies*

The relationship between subsistence and market economies and practices is not necessarily antagonistic, as conventional wisdom would have it. In the Pacific states these economies are part of a symbiotic relationship between the state and the population at large. The subsistence economy is an effective cushion for economic problems such as unemployment, inflation and recession. Communal ownership of land is socioeconomic insurance against absolute poverty and extreme exclusion. The traditional redistributive system of exchange reinforces this. However, at the same time, the attraction of getting rich quickly has led to disputes amongst landowners regarding community leadership and access to resources. In Fiji, clan chiefs usually receive, by law, most of the allocation from royalties and leases and this has consequently led to numerous intra-clan disputes. The desire for overnight wealth has led many people, both in Melanesia and Polynesia, to appropriate communal resources (e.g., rights to land, minerals, forests and fisheries) for personal gain.

It should be noted here that, in places like Fiji, the subsistence pattern has also been transformed into much more complex market relations, such as the lease arrangements for tourism and agriculture. Indigenous Fijian subsistence landowners, through the Native Land Trust Board, lease their land to Indo-Fijian cane farmers or foreign multi-national tourist companies.

In most other Pacific states, the subsistence sector exists side by side with the market economy. While the Pacific Island states encourage the development of economic growth and in some cases engage directly in business, there is also a recognition that the subsistence sector provides an important social safety net mechanism which maintains a certain degree of communal solidarity and continuity. However, because of the dynamic synergy between the subsistence and market economies, it is no longer possible to talk of a pure subsistence economy, but rather of a semi-subsistence and semi-market economy.

### *Individual and Community*

The continuing synergy between the individual and the community is significant because it underpins the dynamics of modern Pacific political culture and the relationship between this culture and the discourses and practices of modern governance. While the emphasis on the individual (e.g., the individual vote) is derived from the Western liberal democratic notion of individual rights, it has over

the years been redefined and recontextualised to fit into the traditional communal schema. The practice of communal democracy in Fiji, where versions of traditional authority and ideology are integrated with the Western parliamentary system, is a case in point (Ratuva 2004).

In fact, Pacific elites oscillate between the two modes in a selective and dynamic way when they see the need for it. Both tradition (or its reinvented versions) and liberal democratic ideals are simultaneously deployed and used, both consciously and unconsciously, to serve particular purposes, such as political mobilisation, legitimation or wealth seeking. One way in which this is manifested is the use of kinship to mobilise support during elections. Another is the practice of giving priority to traditional leaders when it comes to vying for leadership in the modern democratic system. The institutionalisation of the leadership roles of the Tongan king and nobles, the Samoan *matai* or the Fijian *ratu* in the modern state system is indicative of the significance of communal relations in the individual-based liberal democratic framework.

The tension between individuality and communality also manifests itself in what is largely regarded as corruption. Some people believe that communal kinship links are perpetually unbroken, irrespective of the situation. This has bred various forms of nepotism and corrupt practices where elites use their individual privileges for the benefit of their communal *wantoks*. In a symbiotic way, communal solidarity can be mobilised and deployed by politically ambitious individuals to support their political campaigns.

The new globalised state elites in particular oscillate between the discourse of globalised individuality and that of the localised communality. The former is personified and characterised by high education, international mobility, open and liberal views and professional competence. The latter is characterised by a primordial disposition towards the *vanua* or *fenua* as the basis for communal identity. Pacific elites often acquire either one or both of these personalities in a utilitarian way to maximize benefits either in terms of economic wealth or sociopolitical status.

Depending on the situation, the notions of individual rights and communal rights are both accepted and repudiated. In some cases, as in Fiji, both are legislated for and accepted as part of the state norm. In some cases, traditional forms of reconciliation, relationships and land ownership are recognised by the law and in some cases they are not.

## Syncretism and Reconfiguration

The examples above have been selectively chosen to indicate the degree of dynamism and synergy that may exist between seemingly opposing variables. The relationships

between them define the magnitude and trajectory of social change and the dynamics of reconfiguration within Pacific states. The ethnic conflicts and violence in Fiji, the Solomon Islands and Bougainville are part of a reconfiguration process in which contending forces compete for political power and economic resources. The increase in the incidence of corruption is a result of a number of behavioural dispositions in response to the relationship between subsistence and market economies as well as between the individual and the communal.

As Pacific states respond to global imperatives they continue to adapt and resituate themselves in utilitarian ways to keep up with modernity and at the same time keep their past relevant. However, some Pacific states are able to adapt more successfully than others. Some, like Fiji and Samoa, have been able to make use of the available opportunities to consolidate economic gains, while some have not been so successful. Some Polynesian states, such as Samoa, Niue, the Cook Islands and Tokelau, are still caught in the dilemma between relying on metropolitan New Zealand for economic survival (through aid and remittances) and having an independent political identity. Papua New Guinea faces the same dilemma with Australia, the former colonial power.

Violent changes in state configuration tend to be limited to the Melanesian states. This is because they are more culturally heterogeneous than Polynesian states and thus politics is more contested and potentially violent. Political violence in Polynesian states has been more individualised in the form of political assassinations (as in Samoa). Perhaps the Polynesian state with real potential for political violence is Tonga, where certain members of the pro-democracy movement have warned of possible violence if the monarchy is not reformed and if the political system is not democratised (Moala 2003).

A significant factor which may impact on the reconfiguration process in Pacific states is the creation of a free-trade zone through the Pacific Islands Countries Trade Agreements (PICTA). This may have a number of consequences. The Pacific states will need to give up certain sovereign rights, such as the imposition of tariffs, in favour of a regionally accepted tariff formula. The individual states will no longer be in a position to negotiate bilaterally and independently of the regional trade bloc. Once locked into the regional bloc, the individual states will inevitably be at the mercy of the unrestricted flow of goods into the country. Bigger states with greater trading power, such as Fiji, will become dominant and small ones which do not have any competitive industrial base will be forced to become economic satellite states.

Australia's proposal for a common market and a common currency, if accepted, might strengthen the economic position of the small states, but it might also lock them into a perpetually dependent satellite relationship with Australia. The sovereignty of the Pacific Island states will be seriously compromised. This is

especially so given the current neo-colonialist adventurism by Australia in the region, driven by Australian 'strategic interests' (ASPI 2003). The global terrorist threat has provided Australia with the chance to extend its security border into the Pacific, using Pacific states as buffers. One of the ways in which this is done is through regional training of military and police officers on security matters and the signing of anti-terrorist agreements. Australian security and anti-terrorist 'experts' are sent into the region to preach the gospel of security. In 2003, the Australian Agency for International Development (AusAID) paid for an Australian security expert to review the defence and security situation in Fiji, the most politically significant Pacific state for Australia. Australia's realignment and redefinition of the Pacific's security framework means that the Pacific states' sovereign control over their borders may diminish with time. The island state borders will become extensions of the Australian state border and as a consequence the sovereignty of the island states will be seriously compromised.

The subordinate position of Pacific states in the global economy makes them susceptible to big power bullying. For instance, island states such as Nauru, the Cook Islands and Vanuatu were pressured and intimidated by the OECD countries for alleged money laundering. Instead of bringing the banks involved to account, the OECD chose to target the weak and vulnerable states whose only sin was to provide tax-free havens for international business. Many of the banks involved in money laundering also operate in the US, Britain and other western countries, but these countries were never taken to task. The more vulnerable Pacific Island states became easy targets.

These few examples show the extent to which Pacific Island states engage in complex relationships by negotiating the local and the global in a dynamic way. The localisation of the global and the globalisation of the local are sometimes contradictory and sometimes complementary processes. This multi-layered syncretic engagement can be seen in the past evolution of Pacific states and it continues to shape the process of reconfiguration in the present.

Pacific Island states are small, yet they are continually being shaped by the interactions between various social, political, economic and cultural dichotomies. Tension and accommodation occur simultaneously in a syncretic way, thus the term *syncretic state*. The tension created by the syncretic relationships accounts for the potential instability, and the process of accommodation provides the atmosphere for social coherence and stability. Dichotomies do not necessarily entail conflict; they also accommodate each other and they sometimes produce a new synthesis when the circumstances demand. This continuing dynamism also accounts for the reconfiguring process of Pacific states.

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## Abstract

Located at the 'margins' of globalisation and still at the 'crossroads' of transformation, Pacific Island states are essentially syncretic in nature. Over time, the evolution and reconfiguration of Pacific Island states has been shaped by multiple forces, both external and internal, and complex modes of interaction, contradiction, accommodation and synthesis between them. These forces are characterised by contradictory yet mutually engaging political, economic, cultural and ideological dichotomies (for example, tradition and modernity, individual and communal rights, subsistence lifestyles and the global market economy). The paper reconceptualises contemporary Pacific Island states by examining the dynamics of syncretism as these states engage with both local and global forces of change and reaction.

## Résumé

Situés 'en marge' de la globalisation et toujours 'au carrefour' de la transformation, les états insulaires du Pacifique sont essentiellement syncrétiques par nature. Avec le temps, l'évolution comme la reconfiguration des états insulaires du Pacifique a été façonnée par un ensemble de forces à la fois internes et externes, par des modalités complexes d'interaction, de contradiction, d'adaptation et de synthèse entre eux. Ces forces se caractérisent par une série de dichotomies politiques, économiques, culturelles et idéologiques, qui tout en étant contradictoires s'amorcent mutuellement

(par exemple, tradition et modernité, droits individuels et communaux, économie de subsistance et économie globale de marché). En examinant les dynamiques de syncrétisme qui opèrent tandis que ces états insulaires du Pacifique se mettent en prise avec les forces locales et globales qui animent le changement et la réaction au changement, cet article définit une nouvelle conceptualisation du Pacifique contemporain.

# Customary Law Systems and the Pacific Island State: The Search for Workable Relationships

Guy Powles

In considering the reach of the state in Pacific societies, two questions stand out: how effectively does the formal apparatus of government extend its authority and influence across geographic barriers or cultural divides? and how deeply does it penetrate the social fabric? Decentralisation has progressed slowly, and the old dichotomies between the 'formal' and the 'informal' sectors of government, of the economy and the legal system still persist despite the increasing mobility of people and ideas. As a corollary to the first question, then, to what extent do the value systems of the population at large influence state policy-making at the centre?

Convincing answers to these questions are hard to find, as little empirical evidence exists. Yet Pacific leaders have been heard to blame problems of 'weak' states and governance issues on the 'misfit' between introduced institutions and Pacific values.<sup>1</sup> In examining the above questions with reference to law and its development in Pacific Island states, this paper addresses some of the causes of the dissatisfaction expressed by some Pacific leaders. As well as suggesting that a better understanding is needed of both the 'informal' legal dimension — comprising 'customary law' and its process — and its relationship with the 'formal' law of the state, it considers how policy-makers might approach these issues in the context of future reforms.

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<sup>1</sup> There is a growing tendency to criticise the Pacific's constitutions. In August 2002, the Commonwealth Heads of Government Round Table in Suva agreed, *inter alia*, that 'Existing constitutions often contain certain aspects foreign to the Pacific experience and do not take account of the circumstances and values of Pacific societies. Pacific constitutions should reflect the aspirations of, and be owned by, the people' (*Samoa Observer* 25 Aug. 2002).



Two propositions are advanced here. The first proposition is that the nature and significance of customary law and the dimension within which it operates are not widely appreciated. Further research is likely to demonstrate that the realities of 'informal' social control play a major role in determining how people perceive central government, the character of a 'state' and the meaning of participation in it. The second proposition is that closer integration is required of the streams of knowledge and expertise that derive from the study of anthropology, politics and law respectively, and that appropriate consultative processes of policy-making should be attempted in order to assist the state to manage this aspect of its responsibilities.

This discussion is divided into four sections. With particular reference to the idea of the semi-autonomous social field, the first section considers how certain anthropologists and political scientists have approached questions about state-society relations. It also briefly considers the legal foundations of customary law and the terminology of 'custom' and 'tradition' as it relates to customary law and leadership. The second section then describes the domain within which customary law plays a significant role, while the third section reviews issues for policy-makers. Finally, there is a tentative outline of how policy may be developed in such a way as to ensure that change is popularly accepted as legitimate.

## Concepts and Meanings

### *The Semi-Autonomous Social Field*

Some thirty years ago, the sphere of a Pacific Island society in which social control is exercised informally through customary law would have been identified by legal anthropologist Sally F. Moore as an example of a 'semi-autonomous social field' (SASF) (Moore 1973). Moore developed this notion to describe a field within society which is more or less autonomous, depending upon its relationship with the state. Autonomy enables it to 'generate rules and customs and symbols internally', while it may also be 'vulnerable to rules and decisions and other forces emanating from the larger world by which it is surrounded'. Thus, the SASF 'has rule-making capacity, and the means to induce or coerce compliance'. It is set in a larger social matrix, the formal legal institutions of which may enjoy a near monopoly on the legitimate use of force, but which 'cannot be said to have a monopoly of any kind on the various forms of effective coercion or effective inducement'. In the Pacific, these social fields have their own customs and rules and the means of coercing or inducing compliance.

Crucially for this paper, Moore concludes 'that the various processes that make internally generated rules effective [within an SASF] are often also the immediate forces that dictate the mode of compliance or non-compliance to state-made rules'

(Moore 1973: 721). Studies of the application of this concept,<sup>2</sup> and William Rodman's application of it to Vanuatu (Rodman 1993), indicate further relevant characteristics. While the SASF maintains a degree of detachment from the larger social matrix, and may even approach full autonomy, the linkages between the two may wax and wane in effectiveness. In matters of law, an SASF may be regarded as autonomous when its members process their own disputes and maintain social order without reference to central government. The more disputes concerning members of a local community that state officials process, the less independence or legal autonomy the local community can be said to have. Conversely, when discussing the 'health' of Pacific Island states, it can be said that the independence of the legal authority of the local communities is increased to the extent that the effectiveness of the state is diminished or weakened.

Of course, over time, and from one part of a country to another, there will be changes affecting the relationship. Therefore, rather than make assumptions about, for example, conditions of legal dependency and semi-autonomy between the centre and rural areas in Pacific Island states, Rodman recommends that relations between the state and its semi-autonomous populations be viewed as 'dynamic, variable, and subject to continuous readjustment and change' (Rodman 1993).

### *The State and Society*

Essential as anthropology is to the study of customary law, the internal authority of SASFs and the leadership authority of traditional leaders in the making and administration of such law are of such significance in Pacific Island states that one must also turn to politics, or the study of the exercise of power. Foremost, for the purposes of this discussion, is the work of Peter Larmour (e.g., 1985, 1997 and 1998), and in particular, his analysis of the relationship between states and their societies (1992).

Drawing on examples from the Pacific, Larmour has examined the nature of both the state and the 'stateless societies' within it — that is, the kinship and larger political groupings which are internally self-sufficient. For Melanesian communities which are small in scale, Larmour concludes that each contains: common beliefs and values; face-to-face and many-sided relationships; and reciprocity among members. In each community law and order is maintained by:

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<sup>2</sup> The SASF appears to be a basic conceptual building block for anthropologists, but the terminology may be misleading. The image of a state 'centre' surrounded by populations in the 'periphery' or on the 'margin' may, in some cases, fail to convey the proportionately large size of those populations, or to reflect the degree of autonomy they may enjoy.

- the threat of ‘self-help’ retaliation;
- the offer of reciprocity and the threat of withdrawal;
- the use of sanctions of approval and disapproval (especially via gossip, ridicule and shaming); and
- the threat of witchcraft accusations and supernatural sanctions (Larmour 1992, citing Taylor 1982: 91).

Larmour comes to three valuable conclusions, which this paper takes up and affirms. First, he notes the variety of relationships across the Pacific that exist between leaders and led. In every case this is a reciprocal relationship involving both power and responsibility of some sort. Second, the political science term ‘civil society’ applies to ‘those institutions and associations that are separate from the state, yet a condition of its existence, and perhaps a counter to its potential to become arbitrary and authoritarian’ (Larmour 1992: 107). Larmour makes a point which many commentators on ‘civil society’ overlook, namely that in the South Pacific a broader conception of civil society is needed ‘to include associations such as clans and kinship groups that mediate between individuals and the state’. Where the chiefs represent such groups to the state, a clearer understanding of their roles is required.

A third conclusion reached by Larmour is that while ‘states are continually redeploying within societies’, this is not always at the expense of the civil society sector; sometimes greater use is being made of ‘the non-state option’. This occurs, for example, in cases where police concede that community-based methods of social control are to be preferred (Larmour 1992: 116). I would add that, for some countries, it is state inactivity — and failure to respond to community needs — that has caused communities, through their leaders, to ‘redeploy’ and even to test the limits of their semi-autonomous fields. In any event, what is still required, ten years after Larmour made this observation, is not criticism of state institutions for their inappropriateness (nor the dismissal of customary systems and processes for their obstructive conservatism), but rather an answer to the question of ‘why the relationship between state and society continues to be problematic’.

### *The State and Sources of Law*

As introduced into the Pacific, the notion of the ‘state’ assumes sovereignty over everything that has gone before, exists today and is being created for tomorrow. The constitution of each Pacific state and its related legislation defines sources of law and establishes a hierarchy which makes all law subject to the constitution and the statutes of the legislature. However, the term ‘state’ is commonly used to describe only the constitution, statutes and introduced common law, together with the institutions and agencies of government, parliament, judiciary and bureaucracy established by them. This is the field in which ‘formal’ law and centralised authority hold sway.

As a question of legal theory and practice, what is the legal foundation for the regimes of social control which apply in SASFs? And how have the boundaries between the authority of the state and that of the customary systems been drawn? In theory, a state has options as to what priority to accord to 'informal' customary law, whether to reserve certain areas (such as land tenure) for custom alone, and when to allow introduced principles of 'English' common law to take precedence over local customary law (Morse and Woodman 1988). In practice, colonial administrators determined the character of the legal system, constitutional advisers concentrated on political institutions, and, by and large, it has proved impossible for post-independence governments to develop satisfactory methods of ensuring that the appropriate law is available for the particular matter that has arisen — in other words, to stamp their system with their own brand name.

When customary law and common law are in competition before the courts, the latter tends to be favoured. Attempts have been made to assist the courts with rules to determine whether customary or 'formal' law should be recognised and applied in a given case, and some such rules have the potential, if enforced, to reform recognition practices in favour of greater use of customary law.<sup>3</sup> However, it remains the case that court decisions are based mainly on law that is not understood by, or which makes no sense to, the parties concerned. This tends to alienate people from the 'formal' law and confirm them in their belief that their own customary law is what they need.

#### 'Custom' and 'Tradition', 'Customary Law' and 'Traditional Leadership'<sup>4</sup>

For consistency in this paper, the terms 'tradition' and 'traditional' are understood to connote perceived connections with a depth of history, even antiquity (Ward and Kingdon 1995: 13), while 'custom' and 'customary' are understood to reflect continuity, from a past that may be quite recent, through to the present. Everywhere in the Pacific, the meaning of custom varies according to the occasion. In Vanuatu, *kastom* embraces a range of customary behaviour, institutions and aspects of culture.

'Customary law' is very much about values and processes. It may be described as the articulation of a particular value system through processes themselves derived from that system. If one seeks a definition with wide application in the Pacific,

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<sup>3</sup> For example, the *Underlying Law Act 2000* of Papua New Guinea.

<sup>4</sup> Taking into account the few formal definitions that exist (in constitutions and statutes), I have constructed the 'definitions' for the Pacific in this section with the assistance of a discussion centred on Papua New Guinea's experience (James and Fraser ed. 1992; Aleck and Rannells ed. 1995) and comparison with the much earlier and, in some ways, contrasting experience of Africa (e.g., Hamnett 1975; Roberts 1976, 1979). I have also been assisted in my analysis of customary law by discussions with Sue Farran, Miranda Forsyth, Yoli Tom'tavala of the University of the South Pacific, and Customary Law students from ten Pacific countries – and, of course, by the opportunity to read their research essays (see note 25 below).

customary law may be said to be: a set of rules or principles that govern people's behaviour, such that people feel bound to obey for fear of a sanction of some sort, be it public shaming or other public unpleasantness, ostracism, or a requirement to make good, pay compensation, render service, contribute to the common cause, undergo physical punishment, or worse.<sup>5</sup> As most customary law is unwritten and 'informal', its content, appearance and 'shape' are usually to be found in the legal anthropologist's notebook. Unfortunately, there are few such notebooks in the Pacific, though there is a growing interest in the so-called codification of custom (see below).

Also, as the concepts of customary law and 'English' common law differ greatly, caution must be exercised by those who attempt to define one in terms of the other (Roberts 1976). Constitutional and statutory definitions, in the few places that they may be found in Pacific states, make no attempt to define the content of customary law. They do, however, make it clear that the customary law under consideration is that which exists today in the place where it is said to apply. Change over time and diversity between places are therefore envisaged. Perhaps the most difficult, yet crucial, problem is determining the point at which 'custom' becomes current 'customary law'. In order to determine what is applicable now, one must consider at least three dimensions:

- length of practice — for how long has the custom been practised?;
- scope of application — how widely is the practice observed?; and
- degree of adherence — how binding is the custom?

The particular mix of these dimensions will vary from place to place and time to time, and none of them is determinative on its own. Of course, this analysis relies upon abstract reasoning from observation, and there is no evidence that the groups or communities in which customary law is operating consciously apply the above three-dimension test. Leaders will assert that the custom in question must be complied with, and there is usually no forum near at hand in which to challenge this assertion.

The term 'traditional leadership' evokes the notion of depth of 'tradition' in order to connect symbolically with legendary or remembered chiefly ancestors. The expression seems to be used generically in relation to chiefship throughout the region, regardless of whether status is ascribed, or achieved, or both. Such leadership connotes the exercise of power coupled with reciprocal responsibilities. If chiefly orders are obeyed as binding upon the persons affected, the chief's words are law — customary law.

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5 Cf. Taylor's description for Melanesia (1982: 91, cited in Larmour 1992). For Africa, Hamnett (1975) offered this: 'Customary law can be regarded as a set of norms which the actors in a social situation abstract from practice and which they invest with binding authority ... The relation of norms is to practice rather than to "lawyer's reasoning". The actors or participants play a dominant role in the determination of law. The validation and status of the norms is essentially social in nature'.

Thus a 'customary law system' is an institutionalised authority structure — within a kinship group, village or broader social grouping — which is sustained by either the authority of leaders or the consensus of the community or, as is more common, by both. The authority structure and consensus process are themselves founded in custom. Such a customary law system exists within an SASF, outside the formal legal apparatus of the state, and is designed to apply customary law without state intervention.

## The Domain of Customary Law

Customary law systems within SASFs sustain and empower the communities. There are at least four ways in which populations beyond effective reach of the centre exhibit greater immersion in custom:

- by greater adherence to 'customary values';
- by stricter observance of 'custom';
- by wider acceptance of 'traditional leadership'; and
- by persisting appreciation of the nature and usefulness of 'customary law'.

Of course, evidence is required as to how much reliance is placed on customary law and in what spheres of social activity customary law is strongest and most influential.

Can the extent of popular reliance on customary law be quantified? Seven years ago, rough data was gathered from twenty-four states and territories across the Pacific region. Conscious of the need for caution when working with diverse cultures, a comparative table was constructed (Powles 1997b).<sup>6</sup> The spheres of activity in which customary law plays a significant role were ascertained for each entity and an attempt was made to estimate the types of customary law and the extent to which it was used in each case. The crude profiles constructed<sup>7</sup> provide a broad comparative picture which is used to structure the following discussion of the four principal spheres of customary law activity: kinship, leadership, property rights and social control.

### *Kinship Relations and Place: The Ties that Bind*

Throughout the Pacific, allegiance is to the kinship group, which offers support and social security, and provides an environment for interaction according to rules. The

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<sup>6</sup> One purpose of the table was to show in which entities indigenous society is broadly homogeneous in terms of culture and language with minor local variation, and in which of them society is multi-custom, comprising a number of indigenous communities whose custom and language are distinct.

<sup>7</sup> For example, entities were coded according to such measures as 'possessing a substantial body of customary law in relation to most of the land area' (Fiji: Yes; New Caledonia: No); and 'possessing some customary personal law in relation to some marriages and adoptions' (Solomon Islands: Yes; Tonga: No).

law of the state seldom interferes in this area. The customary law of the kinship group is 'domestic', but it infuses relations with outsiders or external concerns, and may flow through to an extended grouping such as a clan or tribe. Such law is concerned with the present, but it also translates the past (as through genealogies) and determines future conditions. In small-scale communities, the customary law is the sum of the rules of its constituent groups — and it is autonomous vis-à-vis the state.

The group is associated with a place, and the concept of place connotes more than just holding rights to land. The significance of place as a marker is that it helps to define a person in relation to the world; it is the basis of social identity, and a source of knowledge.<sup>8</sup> There is therefore a spatial element to allegiance and 'feeling bound'. Breaches of rules relating to kin and place have unpleasant consequences. Where custom marriages are recognised (as in most parts of Melanesia), the state leaves it to the kinship groups (the SASFs) to provide the customary law and process.

### *Leadership*

Academic interest in chiefship has grown in the last decade.<sup>9</sup> Chiefs themselves appear to have recognised the new opportunities for status and influence created by the resurgence of interest in cultural identity across the region, of which resurgence they are also a part. The following discussion draws attention to salient characteristics of chiefship such as the variety of types of chiefship, legal protection afforded to it, the contribution it makes to the organisation of society and the significance of the cultural notion of respect.

*Variety:* A feature of traditional leadership in the Pacific is the variety of its forms and the means by which status is acquired. The categorisation of traditional leaders in Melanesia as 'competitive big-men' and in Polynesia as 'hereditary authority figures' has been informative, but the models are usually portrayed simplistically. In the case of Melanesia, it has long been clear that heredity plays a large part in succession in some societies. Also, in Samoa and Fiji, while the bloodline carries much weight, it is expected that other qualifications may carry the day in a contest for a given title. Even in those Melanesian societies which did not recognise heredity as such, big-man leadership often rests on a mixture of achievement and 'hereditary advantage' (May

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8 Bolton (2003) devotes a chapter to 'ples' in Vanuatu.

9 See White and Lindstrom ed. (1997) on chiefship in Samoa, Tonga, New Zealand, Fiji, Rotuma, the FSM, the Marshall Islands, Vanuatu and the Solomon Islands. See Shuster et al. (1998) for Palau, Tahiti, Guam, the Cook Islands and American Samoa. For New Caledonia, see Agniel (2001). Studies on Samoan chiefs include Meleisea (1987 and 2000), Va'ai (1999), and the Huffer and So'o collection (2000). For Papua New Guinea, see Scaglione (1996) and May (2001). Vanuatu has attracted much attention, including (in addition to White and Lindstrom) Bolton (1999 and 2003), Larcom (1990), Rodman (1993), Tepahae (1997), Vuhu (2003) and Wittersheim (1998).

2001: 231, citing Standish 1978). A successful big-man's son may begin his career with support, wealth and opportunities for education, which may put him well ahead of any rival.

*Constitutional Protection:* The constitutional protection enjoyed by chiefs in certain Polynesian and Micronesian states reflects the amount of power and influence they wielded during the colonial period (Powles 1997a). In Samoa, American Samoa, Tonga,<sup>10</sup> Fiji, the Marshall Islands and certain of the Federated States of Micronesia (FSM), chiefs have entrenched positions in one crucial capacity or another in the national law-making process. Chiefs have advisory roles in the Cook Islands and Vanuatu. They are appointed to courts in Samoa, Vanuatu and the Solomon Islands. However, this national recognition is not a reliable measure of the influence of chiefs in Pacific societies, where the customary roles and functions of the chief are determined in terms of the customary law system of which they are part and not by the state. Research from the FSM and the Marshall Islands indicates that chiefship inside government produces outcomes very different from the chiefship which is restricted to non-government activity within SASFs (Haglegam 1998). It is difficult to say which of these situations is more conducive to the survival of the customary institutions. This is an area in which more comparative research is required.

*Organising function:* For Polynesian (including Fijian) societies with a long history of hereditary lineages, one finds that chiefship itself has had a pervasive organising function. For example, Va'ai speaks of the fusion of the Samoan family and a hierarchical system of titles which creates the *fa'amatai* or chiefly system: 'As the primary instruments of traditional authority, *matai* are the epitome of leadership in families, villages, districts and the country as a whole' (1999: 30). The *matai* is chosen by the family as its head (there are about 20,000 *matai* title-holders in a population of 170,000), but has no political status and is not recognised outside the family until the village council of *matai* gives its approval. The primary social unit of Samoan society is thus the family kinship group, while the basic political unit is the village, governed by the council of chiefs which rules the SASF according to customary law.<sup>11</sup> The genius of the *fa'amatai* lies in the capacity to adapt and take advantage of change. Hence nearly all officials and business people of note in Samoa hold a chiefly title, and *matai*ship has captured the government and commercial sectors (Powles 1986). This is status rivalry based on kinship, not class, working to seek maximum leverage between customary entities.<sup>12</sup>

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10 In Tonga, it was the dominance of a chiefly dynasty which 'created' the state.

11 Its functions cover the three 'branches' of government: making customary laws, administering and enforcing them, and adjudicating upon disputes.

12 See Tcherkezoff (2000). Meleisea deplors the 'moral confusion' which results from the mixing of value systems (2000: 193).



Tonga's institutions of government were organised to suit the exercise of traditional chiefly power (Powles 1987). Resistance and calls for greater popular representation in the legislature come from a section of the community which challenges authority, but which is not, as one might have expected, an alienated educated 'middle class'. James points out that, despite the pressures on them, these individuals have not formed a social class, and that kinship groups are still held together by vertical social linkages (2003). Custom is alive within the Tongan family, but, beyond it, organisation is by statute.

Vanuatu offers a Melanesian example of the organising potential of chiefship. Although the diverse cultural groups lack common criteria for the category of 'chief' (Bolton 2003: 9), the notion of chiefly leadership is held up as an essential element of *kastom* and is taking hold at both national and local levels. As required by the Constitution, any legislation designed to provide for the resolution of land disputes must engage the services of chiefs — hence the recent legislation for the new Customary Land Disputes Tribunals (the initial work of which is yet to be assessed). It is clear that the National Council of Chiefs, the pinnacle of a national organisation created by the chiefs themselves, will continue to play a leading role in issues of social and even political concern. Tension between the nationally elected politicians and the national chiefs elected by island councils of local chiefs seems likely to increase (see Wittersheim 1998 and Bolton 2003).

*Respect:* Within most customary law systems, there are highly advanced notions of respect for seniority (embodied in chiefs, elders or heads of families). Every indigenous Fijian is brought up to understand *vakaturanga* (respect for chiefly qualities or standards), which has its counterparts in Tonga, Samoa and most societies. There are words for showing honour and respect to others in every language spoken in the Vanuatu archipelago (Bolton 2003: 4). The 'way of respect' is an entrenched customary value which assists in the maintenance of social control within SASFs.

#### *Property Relationships: Land, Natural Resources and Cultural Property*

In most Pacific Island countries, between eighty and one-hundred per cent of all land is held under customary law. Customary law governs the different types of rights which groups and individuals may hold in relation to land, including rights to build, grow crops, plant trees, receive income, have access or hold residual benefits. Similarly, rights may be held to natural resources on or below the surface, waterways, the foreshore and the marine environment. The relationships between groups and land are at the heart of customary values (Kalinoe 2001: 79) and thus help to define and bind SASFs. The cultural traditions relating to land are salient to the process of development (Kabutaulaka 1998: 146).

Intellectual property rights relating to the protection of cultural rights are a recent addition to the scope of customary law. Rights to 'traditional knowledge' (including biological, botanical and medicinal knowledge) and 'expressions of culture' (art, music, handicrafts etc.) are of such concern to Pacific Island peoples that in 2002 the Secretariat of the Pacific Community and UNESCO held a Ministers' meeting to propose a national Model Law to establish a protective regime. Under such a Model Law, customary law will determine:

- who are the traditional owners of traditional knowledge or expressions of culture
- whether their custody of the same is in accordance with the customary law and practice of the group, clan or community
- whether the use to which the applicant will put the same is customary or non-customary
- the method by which disputes about ownership will be determined and
- the elements of offences against the Model Law which will be required to be proved in court, and civil claims that may be made in this field.

Thus the state may be obliged to heed determinations made within an SASF.

A further category of property rights governed by customary law is rights to chiefly titles in countries where the law recognises that the title is an entity — an office — separate from the personality of the holder. For example, the Tongan, Fijian and Samoan chiefly titles are like the English or Scottish baronetcies; they may be conferred, held, removed and passed on.

### *Local Government and Social Control*

In many states, the decentralisation of government institutions and services has not progressed far and local, traditional organisations operating within SASFs are still relied upon.<sup>13</sup> For example, many Pacific states are reliant upon customary law systems, including customary processes, to maintain law and order and to resolve disputes. The involvement of chiefs in the formal law-making process has been discussed (see above). In the courts and tribunals chiefs apply customary law, but it is the informal everyday work of traditional leaders in the communities which is so essential to the nation; they are necessary extensions of the police force.

Perhaps the most significant development in the area of customary law is the growing use of chiefs and respected community leaders in mediation, and in addressing the underlying causes of disputes. In this way, families can be assisted in dealing with youth offending. The notion of restorative justice can be fitted in well with customary processes (Dinnen 2003). Formal courts are being encouraged to

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<sup>13</sup> It is eighteen years since the publication of the classic study of decentralisation (Larmour and Qalo ed. 1985) and a more up-to-date assessment is now required.

devote more energy to such alternative methods of dispute resolution (Powles and Hill 2001, ch. 24).

There is another side to social control which is less attractive, however. Power can be abused, and accountability mechanisms may not be developed. Local entities may compete with central government for the control of local affairs, particularly where that includes commercially viable natural resources, and considerable friction may occur (Va'a 2000). The return to old 'bad' ways may be irresistible, as in the case of demands for compensation (Akin 1999), 'an ancient element of Melanesian culture' (Bennett 2002: 14). Issues also arise around the impact of constitutionally protected human rights (see below).

The formal courts often have to rely on the proper functioning of customary law in order to do justice in the totality of the circumstances of the case. For example, in fixing penalties, customary punishments, compensation and settlements are taken into account by the courts.

## **Future Directions and Policy-Making for Customary Law Systems**

Where does this review of customary law's relationships with society lead to in the twenty-first century? A number of considerations will impact upon the directions that policy-making might take. This section examines very briefly such matters as the factors affecting the operation of customary law, the significance of state dependence on customary systems, the relevance of the debate about the authenticity of custom, the connection between customary law and culture, and the degree of distinctiveness, or separation from the formal legal system, which it might be desirable for customary law to retain.

### *Factors Affecting the Operation of Customary Law*

Certain historical, social and formal legal factors may enhance, impede or reduce the recognition and use of customary law, and hence may affect relationships between SASFs and the state.

*Constitutional approaches and legal pluralism:* As noted above, constitutions and legislation often provide a formal legal foundation for customary law systems, and the courts also have a role in recognising customary law. Each state and territory possesses a unique formula or mix of sources of law — a pluralistic legal structure in which customary and formal law vie for the limelight. However, the customary law of an SASF may sometimes exist beyond the reach of formal law, and without formal recognition. For example, this may be said of the customary law jurisdiction of the village and custom-area chiefs of Vanuatu.

These aspects of the legal scene naturally attract the attention of lawyers, who wish to discern as precisely as possible which law applies to what. Uncertainty is anathema to lawyers, whose training inclines them to apply the law that is more readily found in statutes, case law and textbooks. Determining whether customary law can be applied may be a lengthy process requiring perseverance. Thus, while constitutionally protected legal pluralism provides space for customary law, it places it in direct competition with formal law for the human resources (including inclination and skill) needed to manage law throughout the state as a whole.

It is not clear to what extent the leaders who adopted the 'independence' constitutions appreciated the impact that introduced laws would have on custom. Yash Ghai, who carried out a review of Pacific constitution-making and who was at the birth of two states, observed that:

The incorporation of customary values and practices and the accommodation of traditional authorities in the constitution was the most difficult and complex intellectual and technical problem in the whole exercise (1988: 39).

Constitutional pluralism both threatened and supported custom (Ghai 1988: 41). Tribunals such as Vanuatu's Customary Land Disputes Tribunals (comprising chiefly members) apply customary law to the ownership of all land, while Samoa's Land and Chiefly Titles Court (comprising chiefly judges) is charged exclusively with applying customary law alone to all land and titles. In contrast, the Tongan constitution makes no formal provision for customary law. The Tongan formal laws relating to royal and other hereditary titles, and to residual ownership of land, have preserved for 125 years a significantly modified version of what was once Tongan customary law. Tongans today now appear to regard such formal laws as 'traditional', together with the century-old land distribution system (Powles 1987).<sup>14</sup> In Fiji, the situation is different again. The Native Land Trust Board contains a unique balance between the customary authority of local chiefs and the grasp of central bureaucracy, but it lacks an adequate dispute resolution system (Ward 1995).

*Human rights:* In the clash of values evident between customary law systems and introduced notions of law, the sharpest conflicts often arise when customary law and authority are in breach of the principles of 'universal' human rights as set out in the state's constitution. Bills of Rights were seldom seriously debated or questioned in the constitution-making process (Ghai 1988: 41). Yet such fundamental rights are based on western philosophy and values and in many cases they seriously undermine traditional authority (e.g., the authority to exercise customary law jurisdiction, to impose sanctions, to exile and to restrict mobility).

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<sup>14</sup> As to the persisting importance of Tongan kinship ties, however, see the section on 'Leadership' above.

Obvious disjunctions appear when courts apply anti-discrimination clauses to customary norms such as those which reflect land succession principles which exclude the female,<sup>15</sup> chiefly attempts to restrict the freedom of movement by forcing a wife to return to her island,<sup>16</sup> or punishments for starting up a new religious denomination, which impede freedom of religion.<sup>17</sup>

Some constitutions protect customary laws relating to land tenure, or the status of chiefs. Others include provision for the rights of groups and the duties of individuals, thus softening the 'hard edge' of the thrust to promote the interests of the individual above all else (see Ghai 1988: 42–6). Nevertheless, such clashes erode public confidence in both sub-systems of law, and the list of such cases is growing rapidly (Farran 1997). The highly contentious judgments are usually made by a single judge, in accordance with the 'English' common law tradition,<sup>18</sup> and if they are expatriate (as in three of the four cases referred to here),<sup>19</sup> they are accused of failing to understand custom. There should be a better way of achieving common understandings than a 'one-off' gladiatorial contest between opposing value systems. In the meantime, to the extent that chiefs in the communities feel alienated by the law emanating from the centre, opposition, even hostility, increases.

*Codification:* The unwritten nature of customary law has ensured that it continues to be something of a mystery to central government officials, judges, lawyers and commentators. It is often said that the codification of customary law in certain spheres, such as land tenure and succession to chiefly titles, would encourage and facilitate recognition of customary law by courts and state authorities. Indeed the absence of rules governing the registration and use of customary land is alleged to stand in the way of economic development (Crocombe and Meleisea ed. 1994; Crocombe, ed. 1995; Hooper 2000).

It is also clear, however, that once customary law principles and rules are recorded, the outcome will soon cease to be custom. Not only is it likely that current custom will be distorted in the recording process — perhaps to reflect the recorder's ideals and orientation (e.g., gender) — but codification will freeze custom at a point in time, undermining that essential element of customary law, its currency. New Caledonia is

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15 *Noel v Toto*, Supreme Court of Vanuatu, 19 April 1995. For the facts and judgment of this case, see <<http://www.paclii.org/vu/cases/VUSC/1995/3.html>>.

16 *Public Prosecutor v Kota*, Supreme Court of Vanuatu, 31 Aug. 1993, <<http://www.paclii.org/vu/cases/VUSC/1993/8.html>>.

17 *Sefo v Attorney-General*, Supreme Court of Samoa, 12 July 2000, <<http://www.paclii.org/ws/cases/WSSC/2000/18.html>>; and *Lafaiialii v Attorney-General*, Supreme Court of Samoa, 24 April 2003, <<http://www.paclii.org/ws/cases/WSSC/2003/8.html>>.

18 This may be compared with 'European' civil law judicial panels, where responsibility is shared among several judges.

19 Although indigenous judges preside in most Pacific Island states, their training is in the common law system.

wrestling with the issue (Customary Council 2001). Much depends upon who controls the record, and how easily the law may be amended. The Land Codes of Kiribati and Tuvalu, for example, were enacted by parliament as statutes. They would be very much harder to change than the customary by-laws of a village.

There is, however, a widespread belief in Pacific communities that unwritten law is at a great disadvantage and that the recording of local village or island 'constitutions' and rules of custom will help to ensure knowledge and compliance. Such writing projects are particularly common in Vanuatu and the Solomon Islands. The best known example in Vanuatu is the 'Custom Policy of the *Malvatumauri* (National Council of Chiefs)' published in 1983. This contains forty articles, some divided into detailed sections. It was translated into English in 1993 and submitted to the attorney-general two years later. To date, despite much pressure from the Council, no specific government action has been taken in relation to it.<sup>20</sup> At least six island communities have written up their laws, covering the structure of community government, the rules of conduct to be observed, enforcement and the means of resolving disputes.<sup>21</sup>

### *State Dependence on Customary Systems*

Pacific Island states rely on customary institutions to varying degrees for the provision of many services which, in wealthier countries better equipped for decentralised control and delivery, would be undertaken by government. The relationship between government and communities (between 'central' and 'local') is therefore a vital one. It is also very sensitive and often politicised. To the extent that local chiefs 'bargain' with government, oppose limitations on their own activities and insist on greater political legitimacy (through closer association with the voters than elected representatives), there is the real risk that governments will move to rein in the chiefs. An obvious target in such a process would be the authority system through which chiefs exercise power, namely customary law.

In Vanuatu, to take just one example, the National Council of Chiefs seeks legislative authority for what many local chiefs already do in their communities, such as ordering youths back to their villages, or wives back to their husbands, and resolving disputes which would otherwise go to court. However, it is not impossible that in giving the chiefs legislative authority the government could also provide a

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<sup>20</sup> The English version is published in Lindstrom and White (1994).

<sup>21</sup> For example, the '*Tanna Island Kastom Law*' of the Tanna Island Council of Chiefs Committee, written 1981–83 and translated into English in 1994, contains a detailed discussion of rules for daily life on Tanna. The customary laws of communities on Ambae, Anaetyam and Maewo are in written form (Rodman 1993), and I have seen the 'constitution' of Nguna, off Efate. The General Secretary of the Lakalakabulu Council of Chiefs on Ambae offers a detailed account of their 'constitution', customary law and administration (Vuhu 2003).

right of appeal against actions or decisions taken by chiefs.<sup>22</sup> Observation of the chiefly systems of Pacific countries over many years leads me to the conclusion that the future of customary law as the people's law will depend very much on the part that customary leaders choose to play in future developments.

### *Education and Economic Development*

According to some writers (e.g., Huffer and Molisa 1999), Pacific communities need to be better informed about the nature of the modern state and the importance of participation in it. Unfortunately, the 'educated elite' (a varying mix of politicians, professionals and successful business people) does not always see empowering the electorate to be in its interests. Chiefs, also, tend not to share information, particularly where there is status competition and it is recognised that 'knowledge is power'. While literacy levels in some countries remain low, there seems to be little option but for local authority structures to manage the daily affairs of the communities.

Where economic development is successful, the future of customary law may depend on its usefulness in maintaining the community-based strength of leadership systems. Making leaders accountable to the group at the local level may encourage the more equitable distribution of wealth. On the other hand, where chiefly authority marries commercial advantage, or where the union is between chiefly office and government position, conflicts of interest may lead to corruption in business or government, and undermine the customary law system itself (Powles 1990).

### *Authenticity*

A charge sometimes levelled at Melanesian chiefship and related customary systems is that much of it is invented, reinvented or rediscovered. It is suggested that evidence of the weakening of custom and customary law can be found in the behaviour of aspiring leaders who, without justification, claim to be chiefs and to have the authority of tradition behind them.<sup>23</sup> Having reviewed the literature on the topic,<sup>24</sup> I am ultimately persuaded that it does not matter that 'false claims' have been made in this regard. I accept Margaret Jolly's approach that it is for people to present themselves as they see fit, and that whether or not to accept an interpreted past is also for those

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22 In Samoa, for example, the *Village Fono Act 1990* affirmed the customary authority of the village council of chiefs and conferred fresh statutory powers but, at the same time, it provided a right of appeal to the Land and Chiefly Titles Court regarding any punishment imposed by the council. To that extent, the autonomy of the village council has been curtailed.

23 See the discussion of 'Leadership' above.

24 The anthropologist Keesing (1989) led a charge which provoked a sustained reaction from many commentators (e.g., Larcom 1990 and Bolton 2003).

concerned to decide (1992). For Vanuatu, it does not matter that *kastom* is a 'cultural construction'. The criteria suggested in the first part of this paper can be used to determine whether certain behavioural patterns indicate the presence of customary law. Ultimately, the sense of being bound to comply is what matters.

### *Discourses of Culture, Politics and Custom*

By comparison with countries of the African and Asian regions, culture in Pacific Island states takes on a significantly larger meaning. As Antony Hooper observes, culture in the Pacific 'impinges on the "harder" structures of political and economic organisation much more directly and effectively' (2000: 2). The large and vigorous traditional sector owns most of the land (all of it, in some cases) and natural assets. While control indeed differs from ownership, it is true to say that customary law governs a large proportion of the economic resources that are basic for development (and this paper has identified the key spheres in which customary law is determinative). Hooper adds that

Culture also impinges on national politics. Politicians have to be elected, and where the electors derive a great proportion of their livelihoods from the traditional sectors, matters of custom and tradition carry considerable political clout (Hooper 2000: 3).

Although it is not always recognised as such, customary law is the backbone of culture. It provides the means for driving culture, and protecting it.

In a reflection that has some relevance for the authenticity debate and the concern that custom may be too flexible, the anthropologist Marshall Sahlins remarks of the Pacific peoples he has studied that 'Their respective cultural traditions survived in the different ways they changed. Tradition is not the opposite of change' (2000: 51). He concludes, quoting Paul Hountondji, that 'culture is not only a heritage, it is a project' (2000: 58).

Indeed the relationships between SASFs and the state have been shown to be dynamic and in flux, as suggested by Rodman (1993). Adopting Moore's explanation of the SASE, this paper has shown that the autonomy of the SASF in Pacific Island states waxes and wanes in response to factors which, from time to time, tend to erode or support the status of its customary law. Friction, and sometimes open conflict, seems inevitable when strong customary institutions (such as those administered by Fijian or Samoan chiefs) or aspiring chiefly groupings compete with central government for the control of local affairs (as in Vanuatu).



### *Between Integration and Semi-Autonomy*

Lawyers talk of integrating custom within the formal legal system, or at least harmonising the two sources of law. The intention may be to achieve ‘the best of both worlds’ but, unless reform is carefully managed, the weight of the external forces behind social, economic and political change will fatally erode the integrity of the customary law system. In the process, dramatic disruption will occur in the customary law governing the spheres of activity described in this paper, particularly in relation to land and social control. It is doubtful that any politician would risk his or her re-election prospects by espousing reforms which may be seen as likely to have such consequences.

An alternative, rather sceptical, view is that the two fields of customary and formal law are so hopelessly entangled in practice that it is best not to interfere with them at all. Such an approach (which is attractive to many lawyers) implies that the continuing ‘moral confusion’ (Meleisea 2000: 193) over the sources and respective merits of competing value systems is not unhealthy — or that the damage to both fields of law is justified — because the dictates of central government will ultimately prevail, and certainty will be achieved.

Objections to the closer alignment of customary systems with the formal institutions of the state often come from those who believe that the separation of the two is in the best interests of the semi-autonomous communities and their traditional leaders. In 1991, a constitutional convention reviewing the Constitution of the FSM overwhelmingly rejected a proposal to set up a formal traditional council of chiefs at the national level. The reason for this was that most Micronesians felt that such chiefs should not be part of the government at that level (Haglegam 1998). Within the FSM there is a variety of approaches, but it seems to be generally regarded as preferable that traditional leaders — as non-politicians — should only exert their significant influence on the electorate from the sidelines, where they do frequently determine the outcome of elections.

The legal anthropologist Norbert Rouland asks whether we want to legitimise custom — ‘to invoke its trustworthiness’ — but ‘does immutability then become its dominant image?’ How can there be harmony between custom and the changing needs of the group which generated it? (2001: 12). This paper’s response to this question lies in its definition of ‘customary law’ as a system responsive to social change. Its trustworthiness resides in its capacity to meet the specific needs of time and place. Its apparent immutability, when cherished values are perceived to be under attack, seems due largely to the failure of both national and local leaders to consult their constituencies and to articulate policies which are understandable and which address people’s concerns. In each Pacific polity, and at any given time, the balance achieved between integration and semi-autonomy will be unique.

## Policy Development and the Legitimation of Change

This paper has demonstrated that closer examination is required of what it is that creates the conditions for semi-autonomous fields and provides the social cohesion that binds their members. It is necessary to identify the factors which underpin a 'centre versus margin' or 'state versus society' dichotomy that increasingly fuels, and is fuelled by, political and economic stress. Essential to such an examination is the study of law and its practice, both formal and informal. As instruments of social control, such law and practice are major factors in determining the strength and particular characteristics of semi-autonomous fields and their relationships with the state.<sup>25</sup>

Concerns raised about the harmful erosion of custom, unacceptable breaches of human rights, or the undesirable confusion within current politico-legal systems — together with the influence of traditional leaders seeking to establish or consolidate power — will lead governments to take action and to review the situation. A specific crisis, such as the failure of dysfunctional institutions responsible for customary land policy and management, would add a sense of urgency.

What approaches might be taken in such a situation? The final section of the paper presents a brief analysis of proposed stages in the process of reform of 'formal'-'informal' relationships. I wish to make it clear, however, that there are few experts on the subject of reform processes, and, while relying on my own practical experience, I do not claim to be one of them. Furthermore, there is no blueprint to fit all societies and situations.

Nevertheless, some preliminary points should be made. There is convincing evidence of the need for widespread consultation and allocation of time for consideration of reform proposals. Any reform process must be in accordance with the local way of doing things — for example, the *Nakamal Way* or the *Fa'a Samoa*. Process is critical, regardless of any uncertainty as to what it might contribute by way of substance to the matter in hand (Huffer and Molisa 1999).

The conventional approach to legal reform is either the ad hoc 'commission of inquiry' or reference to a standing 'law reform commission'. In neither case is the modus operandi suited to dealing with a major policy issue affecting the value systems and daily practices of the population at large. Of course, the conventional techniques employed by such commissions are preferable to none. The Vanuatu government, which lacks the services of either type of commission, has announced that it is about to consider changes to the formal law relating to the authority and responsibilities of chiefs. It will be interesting to see what processes will be set in place.

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25 The Law School of the University of the South Pacific has recognised the importance of such study by including the subject 'Customary Law' in its curriculum, at both undergraduate and postgraduate levels. With brief training in interview techniques, law students are encouraged to undertake empirical research into aspects of custom and customary law (see also note 4 above).

It should also be noted that a statutory 'formula' for the ongoing consideration of related provisions of customary law and formal law exists in Papua New Guinea and the Solomon Islands. The former has led the way in the region with thinking about how best to preserve the most useful and desirable elements of customary law within an integrated system, called the 'underlying law' of the state. The recent PNG statute<sup>26</sup> requires changes to the way in which courts handle custom and imposes clear obligations on both the National Courts and the Law Reform Commission to investigate customary law as it arises in disputes and to develop appropriate underlying laws for the case in hand. To the extent that this ongoing responsibility is limited to cases brought before the court, it is not designed to address broad policy issues.

An advantage of the approaches mentioned above is that they would have no more than a gradual effect on the customary law of the daily lives of citizens in their communities.

A more focused and sustained methodology is required for such policy development. Fingleton correctly observes that 'The challenge is to find ways of combining a high level of public involvement in policy-making with the practical ability for governments to bring laws into effect' (2002: 14).<sup>27</sup>

Set out below is a five-stage process, which is suggested as a program that might be considered when a major review of law and practice, formal or informal, is proposed (e.g., in relation to land or social control issues). In some cases, certain of the stages might be scaled down or omitted. Ideally, the government would confer responsibility for the process on an independent commission. The process begins with multi-disciplinary research and the consideration of papers arguing policy options. Widespread public consultation might then be followed by a representative public convention, deliberation in parliament and further public education.

*Multi-disciplinary research:* As lawyers are largely untrained in the collection and interpretation of empirical data, and social and political scientists generally abstain from legal research, a multi-disciplinary approach seems necessary. This would allow objectives and methodologies to be clarified. Questions about the existence of customary law rules or principles (as discussed in this paper) would require collaborative study of how people behave in particular places and situations, as well as of the wider implications of any reform.

*Policy options:* The preparation of discussion papers and provisional policy statements again requires different types of expertise. The tendency of some senior government lawyers to control the drafting process and to seek to 'have the last say'

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26 The *Underlying Law Act 2000* is based on a twenty-eight year old draft by Bernard Narokobi, then Chairman of the Law Reform Commission. There is doubt as to whether the Solomon Islands legislation has been brought into force.

27 However, Fingleton may appear to spoil his point by adding 'That, thankfully, is a challenge for a political scientist, not a lawyer'.

could be resisted by favouring a process in which the government's viewpoint is one of several to be tested at this stage. Academic input of particular relevance to the subject area under review would be called for or even commissioned.<sup>28</sup> Both Samoa and Fiji have independent institutions of indigenous studies, and other countries have resources with which to contribute to a focus for the above two stages.<sup>19</sup>

*Widespread consultation and listening:* In many countries, the precedent exists for travelling 'roadshows' which reach distant villages as well as urban areas. The independent stance of the reform body is important here. Experience also shows that consultation amounts to more than asking people what they think about the issue at hand. The materials presented would include drafts of ways of expressing alternative policies and laws. The product at this stage would comprise materials set at perhaps two levels of comprehensibility, and published in local languages. The print, radio and TV media would be invited to assist. Civil society organisations in several countries have developed ways of encouraging grassroots participation in decision-making on matters that affect ordinary villagers.<sup>30</sup> Such techniques might be examined and, if appropriate, adopted in the reform process. In the course of meeting with people on their terms, government and reform officials associated with the consultation have a remarkable opportunity to listen, and assess public opinion.

*Representative public convention:* Such a process has been used in order to confer public legitimacy on major events such as the adoption of independence constitutions (in Samoa, the FSM and the Marshall Islands). If the reform under consideration involves significant amendments to the constitution or legislation, a convention would be desirable. The objective would be to encourage the public to assume ownership of the new measures.

*Consideration by parliament, and public education:* The convention should include a cross-section of members of parliament so that parliamentary debate is well-informed. As the new laws enter into force, explanatory brochures and other materials might be distributed widely, particularly to high schools and tertiary bodies.<sup>31</sup>

Such policy development and legitimacy processes could begin now in many countries. This seems essential if workable relationships are to be established between the informal and formal arenas of the state. As time goes on, political tensions and 'moral confusion' have the capacity to erode the best as well as the worst aspects of the politico-legal systems of Pacific Island states.

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28 The Fiji Constitutional Review Commission obtained, and ultimately published, such academic studies in the course of its deliberations leading to the Constitution of 1997 (Lal and Vakatora 1997).

29 In Vanuatu, for example, the Cultural Centre and Museum is in a position to provide cultural input on a number of issues.

30 For example, the 'Democracy Learning Circle' workshops run by the Vanuatu Rural Development and Training Centres' Association, and similar programs of the Solomon Islands Development Trust.

31 It is suggested that the 1997 Fiji constitution should have been explained more widely and accurately. As it was, it was misrepresented to some constituencies, and confusion as to its meaning contributed to support for the 2000 coup.

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## Abstract

This paper engages with the discourse on Pacific Island states and their constituent elements, and fits law and legal systems into the picture. Closer examination is needed of the extent and significance of distinctions between 'customary law' and 'formal state law'. The nature of the customary spheres in particular is not well understood by policy-makers. This paper identifies the spheres in which customary law systems are active and discusses the factors which sustain or erode them. Where centralised government systems are weak, the state depends upon customary law systems. This study recommends further research on this topic and considers how greater attention may be paid to the development of legal policy in such research.

## Résumé

Cet article amorce une discussion sur les états insulaires du Pacifique et sur les leurs éléments constitutifs en intégrant dans ce contexte le droit et les systèmes législatifs. Il apparaît nécessaire d'examiner de plus près l'importance, ainsi que la signification, de la distinction qui est faite entre 'droit coutumier' et 'législation étatique'. Le caractère particulier des domaines sur lesquels s'exerce le 'coutumier' est souvent méconnu par les hommes politiques. Cet article identifie les domaines dans lesquels les systèmes de droit coutumier sont en activité, et étudie les facteurs qui participent à leur maintien



ou à leur dépréciation. Lorsque les systèmes gouvernementaux centralisés sont faibles, l'Etat dépend des systèmes fondés sur le droit coutumier. Cet exposé recommande que davantage de recherche soit faite sur ce thème et envisage de quelle façon cette recherche pourrait s'intéresser davantage au développement de la politique judiciaire.

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