

Uncertainties as New Caledonia Prepares for Its Final Independence Referendum

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Introduction

France's decision to hold the third and final independence referendum in New Caledonia under 1998 Nouméa Accord provisions on 12 December 2021 means that on that day, the Accord expires, along with the certainty and predictability it and previous agreements have provided for 30 years. Answering the question 'Do you want New Caledonia to accede to full sovereignty and become independent?' eligible New Caledonians will vote either to become independent, or to negotiate new post-Accord governance provisions, in both cases recasting the territory's ongoing relationship with France. The results of the first two referendums, with large and growing Indigenous-based minority support for independence, suggest the outcome will be close.

In recent years, Indigenous Kanak-led independence parties have made steady gains — in the local congress, in government, in the first two independence referendums, and in exerting political pressure to manage the major nickel resource¹ — on the basis of compromises weighting electoral procedures to their advantage. In December, these measures will lapse along with the Accord.

France is pulling out all the stops, testing the limits of the impartiality necessary as the organiser of an incontestable referendum process, to persuade residents to stay with France. Through a widely circulated 'discussion' paper on legal implications of a 'yes' or 'no' vote, it is nudging voters towards an apparent choice between independence in a yet-to-be defined partnership with France, or staying with France and necessarily renegotiating institutions and some shared powers as the Accord lapses. An 18-month transition period applies in either case.

The date of the referendum itself has been controversial. By mid-October independence leaders were calling for a postponement, citing the effects of a serious resurgence of the COVID-19 pandemic on the campaign.

Whatever the result, deep divisions and uncertainties are intensifying within the territory, and will endure beyond the December voting day. Uncertainties are correspondingly emerging for France and its self-proclaimed Indo-Pacific engagement, for the Melanesian archipelagos in the immediate neighbourhood, and for the wider Pacific region, with new challenges for Australia, whose relationship with France is under pressure after its decision to join AUKUS (Australia, the United Kingdom and the United States). Part 1 of this paper reviews recent developments and key issues, as the final independence vote approaches. Part 2 provides an analysis of the regional implications, regardless of the outcome of the referendum.

Part 1: Background and the lead-up to the third referendum

Arrangements for an independence vote on up to three occasions were provided for under the 1998 Nouméa Accord, which itself had extended the date of an original independence vote promised within 10 years by the 1988 Matignon-Oudinot Agreements. It was the Matignon Agreements, backed by major agreements on the restructuring of the territory's lucrative, and until then colonially dominated, nickel industry in an effort to 're-balance' economic revenues, along with other re-balancing initiatives, that put an end to years of armed conflict and civil disturbance over independence. The agreements did so on a promise of the creation of three provinces,

new governance institutions and an independence vote by 1999. The North Province is predominantly Indigenous in population, while the Islands Province is overwhelmingly Indigenous, with both these provinces dominated by independence parties. The South Province, where the capital Nouméa is located, is primarily European and loyalist.

By 1998, all parties agreed that the risk of a return to the violence and turmoil of preceding years was too great to hold the vote. Tensions had been such that independence leader Jean-Marie Tjibaou and his deputy Yeiwéné Yeiwéné had been assassinated in 1989 by a radical nationalist opposed to the compromises the two leaders had signed onto. Party leaders and France agreed in the Nouméa Accord to defer the vote a further 20 years, to 2018. Even then, parties left it till the latest statutorily possible time in 2018 to initiate the independence referendum process. That process provided for up to three consecutive votes, up to two years apart, so long as the answer was 'no' to independence.

In November 2018, the first vote under the Accord was held, returning 56.7 per cent 'no', and 43.3 per cent 'yes', a larger than expected support for independence, and one which was almost exclusively Indigenous Kanak, underlining the ethnic divide (Fisher 2019). A second vote was duly held in October 2020, in which the 'no' vote declined to 53.3 per cent and the 'yes' vote, again largely Indigenous Kanak, but clearly with some non-Kanak islander support, grew to 46.7 per cent. One difference was that a significant minor Kanak radical party, which had abstained in 2018, took part in 2020. Voter turnouts of 81 per cent in 2018 and just under 86 per cent in 2020 were spectacularly high compared to typical voter turnouts in New Caledonia of around 40 per cent for French parliamentary elections and 70 per cent in local provincial elections. Just 9970 votes in a total vote cast of 153,036 separated the two sides in 2020 (Résultats consolidés 2018; Résultats définitifs 2020).

Both to ensure the durability and legitimacy of the referendum process in the territory — and because Pacific Island countries, through both the Melanesian Spearhead Group (MSG) and the Pacific Islands Forum (PIF), and the United Nations (UN), took an interest in the votes — France was at pains to organise the referendums in as impartial a manner as possible. Both referendums were observed by UN and PIF delegations. For the second referendum, which was held during the COVID-19 pandemic,

the PIF delegated its role to diplomatic missions of its three members resident in Nouméa (Australia, New Zealand and Vanuatu) and the visiting UN observer mission followed local quarantine procedures.

The results were a surprise to France and the loyalists. They had hoped for greater support from at least some Kanaks against independence, after 30 years of agreements which had brought about the handover of many responsibilities from France to newly created local governance institutions; substantial injections of French financial and other support for education, health and employment in an effort to move towards matching metropolitan French standards and conditions; and the development of two massive new state-of-the-art nickel plants, one in the mainly Kanak north, the other in the mainly European south. For their part, independence leaders had seen the agreements as buying time for them to acquire the experience and skills to administer government and manage the economy.

In fact, support for independence in the two referendums mirrored the proportionate support in the legislature created by the Accord. Of the 54 seats in congress, loyalist group support had declined from 36 seats in 2004 to just 25 in 2019, independence party strength increasing from 18 to 26, with a new small non-aligned Polynesian party holding the remaining 3 seats from 2019.

A critical basis for these results has been the restricted electorates provisions under the agreements. Possibly the most fundamental compromise underpinning the success of the Nouméa Accord, these provisions responded to deep independence party grievances over the French tactic in the 1970s of encouraging immigration from metropolitan France and its overseas territories, specifically to outnumber the Indigenous people who were at the heart of the independence movement.²

It was bitter opposition to this policy that had led the Kanak people to boycott a 1987 independence referendum with disastrous results. Kanak leaders condemned the fact that that the vote allowed participation by people with only three years residence in the territory, including many temporarily posted officials and others who had been encouraged to migrate, in support of French sovereignty. The 1987 referendum unsurprisingly returned 98 per cent support for staying with France. Tensions continued to escalate, culminating in a bloody exchange in a small

cave in 1988, where independence groups took French police hostage, and were met with a brutal French response, with a total of 21 deaths (19 Kanak and 2 police). The events took place between two French presidential election rounds, which undoubtedly sharpened the French response.

In acknowledgement of Kanak grievances, the Nouméa Accord provides that only those with longstanding resident status can vote in local provincial elections (which decide the composition of the territory's congress) and in the final referendums. The definitions are complex, but essentially provide for only those with 10 years residence to 1998 to vote in provincial elections, and those with 20 years residence to 2014 to vote in the final referendums. The provisions were an innovative response by France. The French constitution affirms the indivisibility of the vote, and had to be amended to provide for it. The measures were not implemented easily: in the first term of the first congress under the Nouméa Accord, loyalist parties challenged the provision, saying the 10-year requirement really meant 10 years residence to the date of each provincial election (a 'sliding' interpretation which would include successively more newcomers) rather than to 1998. Some loyalists took their case to the UN Human Rights Committee and the EU Human Rights Court, both of whom delivered judgements based on international law which supported the independence party interpretation (Faberon and Ziller 2007:394). It took until 2007 for French legal mechanisms to confirm the independence party interpretation.

Despite these domestic and international legal confirmations of the legitimacy of the negotiated restricted electorates for the duration of the Accord, loyalists and other French citizens in New Caledonia continue to proclaim the unfairness of the exclusion of those French citizens who arrived after the eligibility dates and who say they have been deprived of the vote. Loyalists have also criticised the agreed Nouméa Accord formula for the allocation of funding to the three provinces, saying it excessively favours the two independence-led provinces.

It is the effect of the voter eligibility provisions on the local election and final referendum process which has particularly rankled loyalist supporters. Their weakened majority has been compounded by chronic division within their own ranks. All Indigenous Kanaks, by definition, are eligible to vote, since they meet the residence criteria. However, not all Europeans,

who form the rump of support for staying with France, nor all non-Kanak islanders and residents (see Table 1), meet these criteria. Therefore independence leaders have been happy for the timing of the referendums to stretch as long as statutorily possible, given that the Kanak population is growing faster than the European population, with young Kanak voters attaining voting age and becoming eligible to vote, while there are few new European additions to the eligible voting list.

Moreover, for the first time in 2019, official figures showed a net emigration from the territory of around 2000 people per year over 2014–19 (ISEE 2020; LNC 29/10/2020). This figure was pre-COVID. If the trend continued from 2020 to 2022, the absolute end date of the Accord, a departure of 6000 could potentially dent the pro-France vote, given the emigrants are not likely to be Indigenous Kanaks, and that the outcome differential in the second referendum was just under 10,000.

Table 1: New Caledonia's ethnic composition, 2019

Community	Number	Proportion of population (%)
Kanak	111,856	41.2
European	65,488	24.1
Multiple*	30,758	11.3
Wallisian/ Futunian	22,520	8.3
Other**	20,486	7.5
Non-declared	20,299	7.5
Total	271,407	100.0

*Includes mixed blood

**Indonesian, Vanuatuan, Tahitian, Vietnamese, other.

Source: ISEE (2021).

Developments since the second referendum in October 2020

Adding to this underlying trend of steadily increasing support for independence parties in the local congress and in the referendums, in the months following the second referendum the independence side has successfully exerted its increased strength in governance institutions and the nickel sector.

In late 2019, owners of Vale Brazil, the principal operator of the vast new Goro nickel project in South Province, decided to sell. Australia's New Century Resources, which had considered taking over the investment, withdrew in September 2020, just one

month before the second referendum, following independence party leaders' calls for local rather than foreign ownership (Faatau 17/8/2020). A North Province statutory body proposed a venture with a Korean company, which was opposed by loyalist parties in the South Province, who supported European investment proposals. At the end of December and early into 2021, protests and demonstrations by independence party supporters increased, with road blockages, and the throwing of stones and Molotov cocktails at police. Protestors also invaded the high-tech Goro plant offices, destroying property.

On 2 February 2021, the two main independence coalitions withdrew from the collegial local 'government' or cabinet, citing inter alia concerns over the lack of implementation of collegiality and mishandling of the nickel plant sale issue (Groupe UC-FLNKS 2021). In the subsequent re-election, independence parties displaced the loyalists as the majority in the New Caledonian government for the first time. They were less successful in agreeing on who amongst their number should be elected president of the government, grinding government to a halt for five months and requiring France to step in to run the budget at one point. On 2 July 2021, they agreed to elect a leader of the Parti de libération kanak (Palika), Louis Mapou, as president of the government.

To address differences over the sale of Goro, French Overseas Minister Lecornu convened consultations with loyalist and independence party leaders in Paris. On 4 March a compromise was reached, whereby New Caledonia would retain 51 per cent share in the plant, with the shares of a Swiss-based investor set at just 19 per cent (LNC 4/3/2021). Although independence leaders will continue to push for more local control, the change was a significant win.

At this point, the independence side duly implemented Nouméa Accord provisions allowing for a third referendum. The Accord required that, since the first two referendums had rejected independence, a third and last vote could be held, by the end of 2022, with the support of one-third of the congress. Independence leaders held well over the 18 seats necessary, and on 8 April 2021 their 25 representatives supported the call, with all loyalist parties abstaining.

Independence leaders scored another success on 28 July 2021 when their candidate for president of the local congress, Rock Wamytan of the Union Calédonienne (UC), won after disputing loyalist parties

failed to agree over a candidate. This meant that, for the first time, independence parties dominated both the government and the congress.

The independence parties, of course, like the loyalists, have their differences. But they have been able to surmount division more effectively than the loyalists have, in the common interest of a referendum outcome in their favour. Anthony Tutugoro has helpfully analysed some aspects of these differences (Tutugoro 2020).

France's organisation of the third referendum

It is against this background of growing confidence and institutional influence of the independence parties, and disarray among the loyalists, that preparations for the impending third referendum are being made. These factors, together with the decisive nature of this third vote, have seen a concerted effort by France to highlight the risks of supporting independence, and to do what it can to encourage voters to vote to stay with France, while working for neutrality in overseeing the practical arrangements for the vote.

France has been in a delicate position as organiser of the referendum process. The poor history of numerous statutes altering autonomy provisions from the 1970s to 1980s, the violence of those decades, and the boycotted 1987 referendum preceding the calamitous hostage situation in early 1988, were all events closely watched and condemned by Melanesian and wider regional neighbours. The MSG was formed in the mid 1980s largely to support the Kanak independence movement. PIF members played a major role in having New Caledonia put on the UN decolonisation agenda in 1986, and subject to UN oversight, over French opposition. The UN is thus also watching, passing resolutions on New Caledonia every year since (and see Gravelat 2020).

While clearly favouring New Caledonia staying with France, France has often had to play the arbiter while implementing the Nouméa Accord. It knows the referendums must be seen as impeccable for a durable, inclusive long-term future shared by independence and loyalist parties alike, and to sustain international scrutiny to maintain support for France as a power in the region and beyond. Thus, France engaged the UN in finalising voter lists, and invited UN and PIF observers, and international journalists, to the first two referendums, with no negative reports.

For this final vote, France's approach has been different, in part because it has involved a downgrading of the level of handling of the process. For the first vote, it was the French prime minister, then Édouard Philippe, who led the process. He personally engaged in negotiating agreement over preparations and key issues, choosing to by-pass the regular meetings of the Committee of Accord Signatories, the steering group for implementation of the Nouméa Accord, but nonetheless engaging a wide number of party leaders. In July 2020, Macron replaced him with Jean Castex, and also appointed a new minister for overseas France, Sebastien Lecornu, the first overseas minister in nine years who did not come from an overseas French department or territory. It was the overseas France minister, not the new prime minister, who was charged with overseeing the third referendum process.

Lecornu took up his position in the middle of the COVID-19 pandemic. He visited Nouméa just after the second referendum, holding online Zoom meetings while quarantining. He hand-picked just five independence and five loyalist leaders to meet, a smaller group than involved before, on the island of Leprédour, near Nouméa. He had no more success than Philippe in maintaining the cohesion of the dialogue group. There was no conclusive outcome, and independence members, at that time protesting against the Goro nickel sale, withdrew.

Responding to the April call for a third referendum from the congress, Lecornu again selected a small group of leaders to come to Paris from 25 May to 1 June to consider the date of the vote, and discuss the 'institutional future' and expectations of France in the period immediately afterwards, whatever the outcome. While it is not clear why, France replaced its most senior representative in New Caledonia, the high commissioner, on 19 May just days before the meeting.

France has sought to shape public opinion in New Caledonia, focusing on the negative aspects and implications of a 'yes' vote (Maclellan 18/6/2021). Immediately before the meeting, the territory-wide daily newspaper published the results of a survey the French government had commissioned, underlining that 94 per cent of respondents saw the link with France as important, 43 per cent opposed independence and 31 per cent favoured it. The survey projected the departure of between 10,000 and 24,000 people in the event of independence, with a further 59,000 unsure about staying (in a total population

of 271,407 people) (LNC 11/5/2021). The daily also published a 'leaked in advance' 46-page French paper detailing the respective consequences of a 'yes' and 'no' vote (see below). It is not known whether the leaking was the initiative of an individual or whether it was 'unofficially' endorsed by the French authorities. The paper highlighted in some detail the negative impacts of a 'yes' vote, notably the significant loss of funding and French personnel, threats to French nationality, and flagging the departure of 10,000 to 70,000 individuals (LNC 24/5/2021). Literally on the eve of the Paris meeting, another French government-commissioned survey was released showing that 66 per cent of metropolitan French people favoured full sovereignty for New Caledonia (LNC 24/5/2021). All of this undoubtedly was designed to heighten local concerns at the likelihood, and negative consequences, of a 'yes' vote.

The meeting was difficult. Divisions between the parties were acute, particularly over the date of the final referendum. The loyalists wanted a vote as early as possible. They cited the two earlier outcomes favouring staying with France and saw an early final vote to confirm that result as essential for the sake of the economy and investment, which had stagnated in view of the uncertainties about the future. Independence leaders preferred as late a date as possible, in October 2022, to give them the maximum chance of securing majority support.

Senior leaders of the Parti de liberation kanak/ Union Nationale pour l'Indépendance (Palika/UNI) elements of the independence coalition, the Front de Libération Nationale Kanak et Socialiste (FLNKS), declined to attend the meeting, saying the agenda was 'fluid and ambiguous' (L'Humanité 25/5/2021). This group had flagged in the past that it preferred bilateral talks with France. An eminent loyalist leader, Pierre Frogier, also withdrew, refusing even to consider the idea of a date beyond 2021 for the final referendum.

Some progress was made. Daniel Goa, leader of the independence FLNKS group that did attend, the Union Calédonienne (UC), building on the 2018 FLNKS statement on the sovereignty of a new Kanaky (FLNKS 2018), signalled potential new 'interdependences' in partnership with France in the event of a 'yes' to independence (Goa 2021). Palika/UNI had supported an independence-in-partnership with France option from 2017.

The group considered France's yes/no paper, which was expanded upon after discussion but not released publicly. A short declaration was agreed, setting out some parameters for the future (Déclaration 2021). Those present endorsed working together for a common future, with an 18-month transition period to follow the vote. This was a compromise by independence groups, who had proposed three years for transition in the case of independence (LNC 11/8/2020). Territorial partition was ruled out. In the case of independence, the declaration identified some immediate transitions (such as curtailed financial transfers), longer-term transitions in sensitive areas such as justice and law and order, and some access (not defined) to double nationality. Efforts towards a partnership with France were agreed, although qualified as 'without guarantee of success'. In the case of a 'no' to independence, the right to self-determination would remain, New Caledonia would stay on the UN list of non-self-governing territories for the transition period, responsibilities already transferred would remain, and France would continue its support.

Most significantly for independence groups, after 12 December, in the case of a 'no' to independence, the restricted electorate which had underpinned their electoral success throughout the Nouméa Accord period, would be 'partially opened' (Déclaration 2021). Details were not provided.

The declaration indicates there would also be a '*référendum de projet*', or 'program referendum' at the end of the transition period, whatever the outcome of the third referendum, no later than June 2023. It is unclear what this 'program referendum' refers to after an independence outcome. Such a vote is understandable in the case of a 'no' vote, to stay with France, consistent with French legal practice, to endorse whatever future governance provisions are agreed after the lapsing of the Nouméa Accord. But in the case of independence, given the restricted electorate for the third and final vote under the Nouméa Accord, it is difficult to see independence leaders agreeing to yet another territory-wide vote, where they would no longer benefit from eligibility of longstanding residents only, to endorse independence at the end of what would be likely to be a disruptive transition period.

A less consultative approach by France than in the past referendums was evident when Overseas Minister Lecornu announced on 3 June that the date of the

final vote would be 12 December, over the opposition of independence leaders. He did so unapologetically, noting that the decision was not by consensus, but lay within his statutory powers, and was taken to secure the end of the Nouméa Accord (Lecornu 2021).

No doubt one consideration for Macron's administration was the timing of presidential and national parliamentary elections in April and June 2022 respectively. A meeting of the Nouméa Accord Steering Group had referred to taking these dates into account (Comité des signataires 2019). The tragic hostage-taking event between two presidential election rounds in 1988 highlighted the potential for the French political calendar to impact New Caledonia. Although New Caledonia's future is not on the national agenda, national parties have links with particular local parties, and could take positions on a New Caledonian referendum campaign, entangling the two sets of campaigns. On the other hand, consequences from a December referendum could conceivably impact national campaigns if, for example a 'yes' outcome were seen as the 'loss' of New Caledonia, or in the event of violence in New Caledonia (personal communications May 2021).

It seems very likely that the calculation underlying an early date was that of a more likely vote to stay with France, and a preference to hold the vote while the current administration was in power. Independence leaders noted that the decision on the date was unilateral, and they did not support it. They have been reticent about the yes/no paper (see below). On 23 June congress endorsed the referendum date, with independence parties abstaining or opposing.

Paper on consequences of a yes/no vote

On 16 July 2021, the high commissioner publicly released an official version of the yes/no document. Here, French practice has again differed over the first two referendums. The French government is statutorily required for such referendums to issue a document explaining to voters the consequences of their vote. In the first two cases, short non-controversial three-page papers simply setting out likely consequences, with equal space to each side, were published without fuss (Gouvernement de la Nouvelle-Calédonie 2018; Haut-commissariat 28/8/2020). Since the second vote, the paper has become a discussion paper, evolving into 40 pages by the time of the Paris meeting, and now a 101-page document. No doubt for this final vote, France

wanted discussion and clarification of what local parties saw as France's immediate future role, whatever the outcome.

Still, the paper appears at the least unbalanced, even taking account of the circumstance that a 'yes' vote would entail substantially greater changes than those entailed in a 'no' vote. The latest version (Ministère des Outre-mer 2021) includes 41 pages of detailed consequences of a 'yes' to independence, as opposed to just 10 pages in the case of a 'no' vote, with a further 44 pages of detailed annexes. The 'yes' section consists entirely of precise details of multifarious aspects of governance, specifying financial support from France that would need to be met somehow once withdrawn, and projecting the numbers of personnel and others who would depart an independent New Caledonia. The areas covered include health, education and land management, together with significant sovereignty powers not yet delegated, such as defence, foreign affairs, currency, law and order and justice. Options and questions around the sensitive issue of the future of French (and EU) nationality are raised. Discussion points after each section raise questions about how the new state would operate the existing programs and flag the need for special bilateral negotiations and treaties with France for programs to continue. While the paper does claim to be spelling out implications for the French state after a vote, nonetheless in its repeated references to negotiating links with France it borders on the prescriptive for what would be a newly independent country.

Annexes in the document present various consequences of independence for French nationality: analogous arrangements made in other territories on independence, albeit in different conditions, such as Comoros and even Algeria (which became independent only after years of murderous conflict, with repercussions in metropolitan France itself); a paper on currency presenting only the options of a new currency or continued attachment to a French Pacific currency and the euro, with no mention of adopting an existing alternative currency such as the US\$, AU\$ or NZ\$; and 10 pages of further financial detail about the AU\$2.4 billion of French support granted to New Caledonia annually that would be withdrawn, followed by a brief list of the far lower amounts (in the millions or tens of millions of euros at most) granted to now-independent territories under France's

aid program. Vanuatu is cited, to whom France gave 3.16 million euros (AU\$5 million) in 2019.

The 'no' section flags in general terms the need, notwithstanding the irreversibility of transfers of powers under the Nouméa Accord, to address, on its lapsing, necessary future changes. It notes that the restricted electorates and existing provisions for special employment protection for longstanding residents (as opposed to more recent arrivals) will be incompatible with the French constitution after the Accord expires, and that parties will need to redefine voter eligibility and employment rights consistent with the French constitution and international treaty commitments. The 'no' section only briefly refers to other complex, fundamental areas needing to be addressed, including the continuation of the existing governance institutions themselves (for instance, the congress and provincial assemblies), the current collegiality of the executive, and the distribution of responsibilities between territory and provincial governments. No detailed options are presented. It flags possible new transfers of responsibilities, including so-called Article 27 responsibilities (tertiary education, media and local administration) which could already have been handed over but on which local parties had not been able to agree. It refers to a continued right of self-determination and role for the UN at least in the transition period.

What is clear from the yes/no paper is that, regardless of the outcome of the December referendum, extensive negotiations are foreshadowed in the 18-month transition period, between local political leaders and France. While the referendum question is formally 'Do you want New Caledonia to accede to full sovereignty and become independent?', the paper in fact posits a choice for voters between independence with a network of partnerships with France or staying with France with renegotiated governance provisions.

Since the paper was released, the territory-wide daily newspaper has regularly released articles highlighting, in detail, consequences of a 'yes' vote in sensitive areas (in particular, potential effects on French citizenship, higher education and health). The loyalist-led South Province has said it would post the paper in every letterbox in the province.

The major independence groups within the FLNKS coalition initially in principle welcomed the partnership aspect of the paper's 'yes' section, consistent with their support for an ongoing relationship with France

after independence. Early on, the UC welcomed the yes/no paper's indications of France's post-independence support, saying they had sought a detailed paper for some time (LNC 29/5/2021). The UNI, although absent from the Paris meeting, said it was happy with France favouring independence-in-partnership (LNC 4/6/2021). No doubt a 'partnership' approach reassures undecided 'yes' leaning voters that independence would not mean severing support from France. Still, the long-released FLNKS Project for a Kanaky-New Caledonia (FLNKS 2018) envisages future partnerships to be negotiated with France 'and other Pacific countries'.

At a meeting of the FLNKS congress on 21 August to prepare for the referendum campaign, leaders slammed the yes/no document as favouring the loyalist position (LNC 22/8/2021a). Rock Wamytan said that the FLNKS coalition 'did not want to reject France, it is a great nation. We simply want to change our links, our relationship with her'. However, various FLNKS leaders referred to the 'destabilising actions by the administering state during this last stage of the Noumea Accord' through the 'taking of sides in the yes/no document which is nothing more than an indictment against the yes case'. A leader of the Union syndicale des travailleurs Kanak et Exploités (Confederation of Kanak and exploited workers' unions) referred to the French government's 'sinister moves ... This document produced by the State, against the yes, reveals its support of the no and its undeniable support of the loyalists in this campaign'.

FLNKS spokesman Daniel Goa called for unity to respond to the challenges put by France in this document. Anthony Lecren (UC) referred to the document as 'no more nor less than propaganda for the no'. He said that a number of working groups were considering questions raised in the document and would respond. Other teams were working on the FLNKS' own version of a yes document (LNC 22/8/2021a).

A number of loyalist parties met on the same weekend under a new banner, Voix du Non (Voices for No). They extolled the virtues of the yes/no paper which, they said, would 'make the difference' (LNC 22/8/2021b). Christopher Gygès, director of the campaign, said that they would be focusing on those who had abstained, the undecided and newly registered voters, armed with the yes/no document to convince voters.

Effects of managing the COVID-19 pandemic

In another departure from its practice during the first two referendums, France's Prime Minister Castex announced that Overseas Minister Lecornu would visit New Caledonia in early October, just weeks before the vote. In the past, senior French ministers refrained from visiting during the period preceding the vote. Castex indicated that the visit was to focus on COVID management as well as the organisation of the referendum (Castex 2021).

The management of the COVID-19 pandemic became a political issue in 2020 during the second referendum campaign. UC leader and FLNKS spokesman Daniel Goa, in an open letter, demanded the recall of the French high commissioner owing to the handling of the pandemic which he said aggravated health concerns. He accused the French government of ignoring local powers over health, including by not closing borders to the rest of France despite New Caledonia's then COVID-free status, and of variable application of local quarantine requirements. He suggested the health of the people was under threat, and likened France's approach to the mass deaths of Kanaks from influenza after the arrival of French colonialists (Goa 2020). The high commissioner subsequently refuted the allegations, but the letter had had its effect.

With the rapid deterioration of New Caledonia's COVID-free status by mid-2021 as the Delta variant of the virus impacted the territory, lockdown measures were reimposed from early September for one month. New Caledonia passed from having experienced no COVID deaths to 9 September 2021, to 225 deaths by 12 October 2021, most in the Kanak community (LNC 2/10/2021). On 12 August France banned any arrivals and departures other than for undefined 'motifs impérieux' or compelling reasons, until 31 December, after the third referendum date. While electoral officials will presumably be allowed to enter New Caledonia, it is not known how this change may affect the attendance of supporters of either side during campaigning, or of international observers for the final vote.

At the time of writing, as Overseas Minister Lecornu arrived in New Caledonia on 5 October, independence leaders called for a postponement of the

December vote owing to the effect of the pandemic on the organisation of a 'sincere and incontestable vote' (FLNKS leader Victor Tutugoro in LNC 4/10/2021). Most loyalists strongly opposed postponement. Lecornu reaffirmed the 12 December voting date, 'unless the pandemic is out of control' (LNC 12/10/21).

The vote and France's security guarantee

Finally, at the highest level, France has sought to underline the potential effect on New Caledonia's security should it, or others of France's territories, vote for independence. On 29 July, on a visit to French Polynesia, President Macron gave a significant speech in Papeete (Macron 2021a). While one purpose of his visit was to address outstanding issues relating to French compensation for victims of its nuclear testing there from the 1970s to the 1990s, the timing of the visit and key elements of his speech were clearly designed to send a clear message about security to New Caledonia, to the other French Pacific territories, and indeed to the rest of the region.

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

After reviewing France's support for French Polynesia in his speech, Macron lingered on the crucial role of that territory, through past nuclear testing there, in ensuring France's nuclear deterrence capability, which he said well served both France and French Polynesia. While stopping short of making the apology that many angry local survivors of the tests have sought, Macron spoke emotionally about 'imperfect knowledge' at the time.

He concluded by referring to his Indo-Pacific strategy in which French Polynesia, New Caledonia and

Wallis and Futuna played 'an essential part'. France was an Indo-Pacific power, he said, and after years of seeing its overseas territories as sources of confrontation, France now appreciated the unique opportunity to be at the heart of zones where 'the world was being made'. In the Pacific 'confrontation between the two major global powers was playing out'.

He warned that the Pacific was 'at the heart of wars, and growing pressures for influence'. 'Woe betide the little, woe betide the isolated', who were facing influence and attacks from 'hegemonic powers who will come for their fish, their technology, their economic resources'. He said that 'to be French here, in this context, is an opportunity ... For we have an Indo-Pacific plan' which would protect them, including through partnerships France had built with allies including Australia ('an essential partner'), New Zealand, India and Japan. 'Let us tie ourselves to the mast and hold on' (Macron 2021a).

What is clear from the foregoing is that differences have deepened, and stakes heightened, as the referendum campaign unfolds and France drives home the risks of change. Independence leaders, energised by their recent referendum and electoral successes, are rallying the faithful to support their cause and vote as they had in the last referendum. Loyalist parties are working to unite and surmount complacency to ensure a continued majority in favour of staying with France. Both sides are targeting the 25,000 eligible voters who abstained in 2020, to achieve the less than 10,000 votes need for a majority.

The future beyond 12 December remains clouded. The only certainties are that the result of the third and final independence vote will be close, and that either outcome will be inconclusive to the extent that the fundamental deep-seated differences and issues remain. Regardless of the outcome, the dialogue and negotiation which represent the spirit of past accords will be required, if tension and violence is not to re-emerge as they lapse. Unrest and violence can certainly not be excluded.

Part 2: Regional and other implications

These new uncertainties have potentially wider effects. They raise questions and concerns for France, for New Caledonia's Melanesian neighbours, for the wider Pacific region, and for Australia.

France

As Macron's Papeete speech acknowledged, the stakes in its sovereignty in the Pacific are high for France, stakes which Macron himself has defined and sharpened through his Indo-Pacific strategy. The strategy rests on French sovereignty in the two oceans through its territories, well explained in numerous public documents in recent years (for example, Ministry for Europe and Foreign Affairs 2021; and see Regaud 2021, a broad review by a former Ministry of Defence official). Macron underlined the importance of the overseas territories when he proclaimed from the remote Iles Éparses in the Mozambique Channel west of Madagascar in 2019: 'Here is France; it is pride, it is our wealth ... France is an archipelagic country, a world country. We are not here to have fun, but to build the future of the planet' (in Connell and Aldrich 2020:429–30).

The strategy acknowledges the various benefits to France deriving from its overseas territories. These include a global basis for its claims not just to Indo-Pacific participation but to special leadership in the UN (France is only one of five permanent members of the Security Council), NATO and the EU; its status as number two maritime global power on the basis of its extensive exclusive economic zone (11 million square kilometres, of which 7 million square kilometres derives from its Pacific territories alone); its support for Europe's space program; its access to minerals and energy sources, and its scientific expertise in biodiversity, marine resources and sustainable development (Fisher 2015).

France's sovereign role is now being redefined by the referendum process in New Caledonia. In the case of the territory choosing to stay with France, further negotiations of power transfers have been flagged although core sovereign responsibilities on security such as defence and law and order are unlikely to change. If the decision is for independence, the yes/no document suggests extensive bilateral partnerships may be negotiated, again changing the nature of France's presence, in vital areas such as defence and foreign affairs. But the yes/no document is a

discussion paper, not a binding agreement, and it has proved controversial. As the FLNKS sovereignty plan underlines (FLNKS 2018), an independent New Caledonia could choose partnerships with other regional or extra-regional countries.

Flow-on effects of significant change would be inevitable to others of France's 13 overseas possessions.³ French Polynesia, where Macron chose to present his speech on the benefits of French sovereignty, is the number one example. French Polynesia has for decades been seeking similar privileges to those granted to New Caledonia. The territory has an independence movement, which was successful in securing regional support to be included on the UN decolonisation list, despite French opposition, in 2013. France devolved a major series of statutory powers similar in some ways to those in New Caledonia in 2004. Political leaders and parties in some of France's other possessions around the globe are likely to seek comparable concessions. President Macron referred to Wallis and Futuna and Mayotte as examples of places seeking comparable re-balancing reforms when opening the first referendum campaign in New Caledonia in May 2018 (Macron 2018).

More generally, France's Indo-Pacific strategy, its yes/no document and Macron's speech indicate that France is committed to staying in the Pacific regardless of the outcome of the New Caledonian referendum. This suggests some regional leverage in seeking further French support and investment, for example in the aid and trade areas (Fisher 2020; and see section on the PIF below).

Melanesian neighbours

New Caledonia under the various peace accords from 1988 has been an area of stability in an otherwise troubled neighbourhood. New post-Accord uncertainties in New Caledonia emerge in a context of fragility and instability in its immediate archipelagic neighbours.

Papua New Guinea's Autonomous Region of Bougainville itself conducted an independence referendum in 2019 under peace agreements which drew on the Nouméa Accord as a model (Kolova 2020). That vote saw 98 per cent support for independence, and the result is currently under consultation between parties from the national government and the

Autonomous Bougainville Government, subject to future final consideration by the PNG parliament.

Melanesian peoples in West Papua continue to demand an independence referendum from Indonesia, their protests regularly met with heavy-handed and often brutal responses (May 2021). In Solomon Islands, Australia led, for 14 years to 2017, the Regional Assistance Mission to Solomon Islands (RAMSI), in response to a request from that government to help it manage ethnic conflict and political/economic breakdown, with uncertainties remaining (Sloan et al. 2019). Vanuatu has struggled to establish strong governance systems (Forsyth and Batley 2016). Fiji has been for years dealing with bi-polar ethnic tension issues, not dissimilar to those in New Caledonia, that accompany matching the rights of a large Indo-Fijian community with those of the Indigenous people (Fraenkel 2006). The heat has gone out of tensions in Fiji, however, because the population balance has shifted decisively in favour of the Indigenous Fijians as a result of a higher birthrate and the emigration of many Indo-Fijians to New Zealand and Australia.

The MSG (which now includes, as full members, Papua New Guinea, Vanuatu, Solomon Islands, Fiji and New Caledonia's FLNKS) has from its inception supported the Kanak independence movement. Its representatives accompanied FLNKS leaders in the first two referendum campaigns (personal communications 2019 and 2020; LNC 31/10/2018). There are close cultural connections with Kanak leaders and clans, which will again come into play in the lead-up, and follow-up, to the third referendum. All of these countries will maintain an interest in developments in New Caledonia regardless of the outcome. They will strongly support a newly independent New Caledonia, and they will staunchly continue to support ongoing Kanak independence aspirations should the 'no' vote prevail (*Daily Post* 3/10/2020). However, they lack the economic capacity to replace the funding role at present played by France.

Pacific Islands Forum

The PIF has taken a strong interest in the implementation of New Caledonia's peace accords, and is watching the final stages of the Nouméa Accord. It will observe the final referendum.

The forum's relationship with France has changed in recent years. The organisation was established, initially as the South Pacific Forum, because France, a founding member of the then South Pacific Commission (now the Secretariat for the Pacific Community), opposed discussion of political issues — including opposition to French nuclear testing and demands for independence by its Pacific territories (Fry 1981; Bates 1990:42; Cordonnier 1995:95). The forum led a successful international campaign against France's nuclear testing and its handling of its territories' decolonisation demands in the 1970s and 1980s.

The forum's efforts contributed to France's cessation of nuclear testing in French Polynesia in 1996 and to France's negotiation of agreements in New Caledonia. Since France implemented these changes in its policies, the island states have welcomed France's cooperation with Australia and New Zealand, for example in the 1992 FRANZ arrangements, to support regional emergency assistance and fisheries surveillance. Australia, New Zealand, Papua New Guinea, Tonga, Fiji and Vanuatu regularly participate in defence exercises with France. France has been a forum dialogue partner since 1989 and the forum admitted New Caledonia and French Polynesia as full members in 2016. Island leaders participate in France's regular Oceanic Summits.

Still, while France is now basing its Indo-Pacific strategy on its status as a sovereign resident Pacific power, it provides only modest development assistance to the region, averaging just over US\$100 million (AU\$136 m) per annum in the five years to 2019 (although it is not clear whether this also includes its EU disbursements), compared to Australia's US\$805.22 million (AU\$1.09 billion) over the same period (OECD 2021), and Australia's AU\$1.4 billion in the year 2019–20 (DFAT 2021). It also compares with France's expenditure in 2020 of 178 billion CFP francs or AU\$2.4 billion in New Caledonia (Ministère des Outre-mer 2021:73) and 200 billion CFP francs or AU\$2.68 billion in French Polynesia (Haut-Commissariat de la République en Polynésie-française 2021).

France has also led changes in the EU strategy towards Pacific (and African and Caribbean) countries whereby the EU has tightened their access to its markets while requiring individual bilateral economic partnership agreements (EPAs), at the same time fostering special access for Europe's wealthy Pacific overseas territories (that is, France's territories) (Fisher 2012). These trends have deepened with the

negotiation of post-Cotonou arrangements. Papua New Guinea, Fiji, Samoa and Solomon Islands are the only Pacific countries to sign EPAs to date. Under the Pacific Regional Protocol in the April 2021 post-Cotonou arrangements, Pacific countries are now to include the EU overseas territories (that is, French Pacific territories) in their trade opportunities and generally as observers in the Pacific states' dealings with the EU (EU-OACPS 2021:154).

Pacific Island countries have played a role in ensuring continuing UN interest in the French Pacific territories, successfully moving to have New Caledonia considered as a non-self-governing territory in the UN in 1986, and again in 2013 to include French Polynesia, both times strongly opposed by France. These listings mean regular international scrutiny through annual UN Special Committee on Decolonization consideration, and annual UN General Assembly resolutions. The PIF has sent regular missions to New Caledonia, reporting to the UN, and observed both referendums, as have UN missions.

Macron made his speech in Papeete highlighting his Indo-Pacific vision and the merits of French protection just days after leading the (virtual) 2021 French Oceanic Summit with Pacific Island leaders, which focused on climate change and sustainable development rather than strategic security protection (Oceanic Summit 2021). While there has been no public reaction by forum island countries to Macron's Papeete speech, they have taken close interest in issues of compensation for the nuclear testing they so strongly opposed (PIF 2019). Recent history suggests that the reaction of the forum island countries to France's security message may be more mixed than the French might hope for (see Maclellan 2018).

Whereas the PIF relationship with France and its Pacific territories has matured into pragmatic inclusion, the forum island countries will not welcome any heavy-handed management by France in New Caledonia, in the post-Accord period, of the inevitable differences and divisions likely to deepen after a close referendum result, if that management is seen to work against Indigenous Kanak interests.

Challenges for Australia

For the first time in over 30 years, on 12 December New Caledonia will become a focus in its own right on the Australian security agenda.

Australia has consistently supported the Nouméa Accord and its processes, including the full implementation of commitments by all parties in this final stage. Australia has not taken a position on the outcome of the referendums and will respect whatever outcome results from the process (Payne 5/10/2020).

With the final vote on 12 December, the nature of the Australian Government's attention to New Caledonia changes. The uncertainties and resurgence of differences in the post-Accord period, regardless of the result, now put New Caledonia back on the security agenda.

If independence is the outcome, Australia will need to reconsider security issues both in the broad sense, as France may need to rearrange its military presence in the region, and in specific practical ways such as renegotiating the Logistical Support agreement it has with France in New Caledonia. Australia needs to be prepared for requests by a newly independent New Caledonia for assistance or even direct engagement in a potentially wide range of areas, as the new country defines new partnerships either with France or beyond.

Even with a 'no' vote on independence, there will be uncertainty and possibly civil disruption as local parties work with France to redefine local governance and address, anew, the sensitive issues, such as protection of longstanding residents' rights, which led to civil disturbance in the 1970s and 1980s, and that have been provisionally settled for the last three decades.

Australia's relationship with France, a strategic partnership that is centred on the defence relationship in the Pacific, may become more complicated as Australia navigates a new relationship with its neighbour across the Coral Sea. Already the French strategic partnership is under strain after Australia's decision to join with the United States and the United Kingdom in a new arrangement, AUKUS, involving the transfer to Australia of significant military technology, including the construction of eight nuclear submarines.

Participation in AUKUS meant the rupture of the 2016 Australian contract for the construction of 12 diesel-operated submarines by France's Naval Group, at a critical decision point under the contract. The French government owns 62.49 per cent of Naval Group and another 25.68 per cent of the Thales (35 per cent) share of that company. Costs had blown out from AU\$50 billion to AU\$98 billion since the contract was granted in 2016. There had been issues around delays, local industry content and the

desirability of annual audits (Greene 24/2/2021). France reacted strongly to the decision, which French Foreign Minister Le Drian described as a ‘stab in the back’ and a betrayal of trust (Le Drian 16/9/2021). President Macron subsequently referred to France’s broader stake in the Indo-Pacific as an Indo-Pacific power beyond any contract, by virtue of its more than a million residents and 8000 military personnel in the region. He downplayed the effect of Australia’s cancellation of the contract in France, noting that it affected only a few hundred employees in the engineering sector (Macron 2021b). While France and Australia share important strategic interests in the immediate region and in the wider Indo-Pacific, the broad relationship needs diplomatic work at a time when renewed links with a post-Nouméa Accord New Caledonia are required.

Australia will also need to take account of any impact of changes in New Caledonia on New Caledonia’s relationships in its immediate region — both the Melanesian string of archipelagos to Australia’s north-east and, more broadly, within the Pacific Island Forum and beyond — as either a territory under France in its Indo-Pacific concept or as a newly independent country it develops links with regional partners such as China, the United States and Japan.

More diplomatic resources will be necessary both in managing Australia’s important relationship with France in the Pacific context and in building new connections with New Caledonia. In a sense Australia has begun this process, by establishing a new diplomatic mission in Papeete this year, presented as part of the Morrison government’s 2017 Pacific Step-up.

On the positive side, there may now be new opportunities for Australia to encourage either a newly independent New Caledonia, or a French New Caledonia reconstructing its political institutions and economic mechanisms, to grow two-way trade and access, and greater mutually beneficial involvement of New Caledonia in regional trade arrangements, provided longstanding preferential arrangements in New Caledonia favouring French and EU exporters and investors are relaxed or removed.

Author notes

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Endnotes

1. New Caledonia has at least 10 per cent of global nickel reserves, some sources saying up to 25 per cent (see Pitoiset 2016: 5).
2. The French policy is explicitly described by Prime Minister Pierre Messmer in a letter to his Secretary of State for Overseas Territories on 19 July 1972, when he said that Indigenous nationalist claims could only be avoided if residents coming from metropolitan France or elsewhere in Overseas France became the demographic majority. (‘A long terme, la revendication nationaliste autochtone ne sera évitée que si les communautés allogènes représentent une masse démographique majoritaire’) in Sanguinetti 1985:26. See also Tutugoro 2020:13 (text of Messmer’s letter).
3. France’s 13 possessions include five overseas regions/departments: Guadeloupe, French Guiana, Martinique, Réunion, Mayotte; five overseas collectivities: French Polynesia, Saint Pierre and Miquelon, Wallis and Futuna, Saint-Martin, Saint Barthélemy; one sui generis collectivity: New Caledonia; one overseas (and not permanently inhabited) territory: French Southern and Antarctic Lands; and one Special Status uninhabited territory, Clipperton Island.

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