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Contesting the “Common Destiny”: Citizenship in Decolonising New Caledonia

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Declaration

To the best of my knowledge and belief this thesis:

- (i) Contains no material previously submitted by any other person except where due acknowledgment has been made;
- (ii) Contains no material which has been accepted for the award of any degree or diploma in any university.

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I was living peacefully at my place. One day, a stranger comes and asks to drink some coffee. As it is custom in my home, I offer him some. A second comes and also wants some coffee. I give him some. Then arrives a third, a fourth, a fifth. At the tenth, I say that I can no longer offer him some coffee, because I have to keep some for my children. So they get together and say: no problem, we will vote in order to let you know if you must give us some or not. That is democracy. They were ten, and I was alone.

- Yeiwene Yeiwene¹

It is impossible, even by extending the theory of continental movements to the extreme, that a piece of France detach itself in order to implant itself in the Pacific. Nowhere in the books of Georges Duby and Fernand Braudel does one mention the Caledonian terror as contributing to the foundation of French identity.

- Louis-José Barbançon, *Le Pays du Non-Dit*²

¹ Cited in Hamid Mokaddem, *Ce souffle venu des ancêtres* (Noumea: Expressions, 2005), 188.

² Louis-José Barbançon, *Le pays du non-dit: regards sur la Nouvelle-Calédonie* (La Mothe-Achard: Offset Cinq Edition, 1992), 7.

Abstract

For forty years, the political landscape of the French territorial community *sui generis* of New Caledonia has been divided on the question of independence. In 1998, pro and anti-independence leaders signed the Noumea Accord with the French Government agreeing to a referendum on independence in November 2018 and a gradual, irreversible transfer of certain sovereign powers to New Caledonia. One of the most controversial aspects of the agreement concerned the creation of a “citizenship of New Caledonia”, constituting the basis for restrictions to voting rights in local provincial-level elections and the protection of local employment. Moreover, it acts as a social, legal and political mechanism for the construction of the “common destiny” among the New Caledonian population, which, in the event of independence, will transform into a nationality.

New Caledonia thus became the first part of France to possess its own distinct citizenship, breaking with the principle of indivisibility at the foundation of the Republic since the French Revolution. Considerable opposition has emerged in response to the exclusion of many thousands of French citizens from New Caledonian citizenship who do not satisfy the minimum residency requirements. However, proponents of citizenship argue that it is a necessary element of the decolonisation process, acting as a counter-measure to immigration, which risks preventing the indigenous Kanak population from being heard at the ballot box concerning New Caledonia’s future.

This thesis provides an interpretive analysis of how citizenship is claimed and contested in New Caledonia. It examines how the decolonisation process shapes the distribution of rights and obligations associated with citizenship, exploring in depth how people construct legitimacy within the political community. Such a study enriches our understanding of contemporary processes of decolonisation, especially in overseas territories, where scholars often overlook the politics of citizenship. It is argued that the decolonisation process necessitates a re-conceptualisation of the political community, both in relation to the dynamics of inclusion and exclusion derived from the colonial past and contemporary debates over migration between metropole and territory. In the New Caledonian case, the Kanak independence movement has contested the universal basis of French republicanism, while New Caledonian citizenship invites a serious reflection on the moral legitimacy of non-indigenous populations within the political community. This thesis therefore illuminates the problematic nexus between legally defined political communities and the complex questions of identity and

belonging that emerge from colonisation. Regardless of the outcome following the end of the Noumea Accord transitional period, the matter of citizenship is likely to persist well into the future.

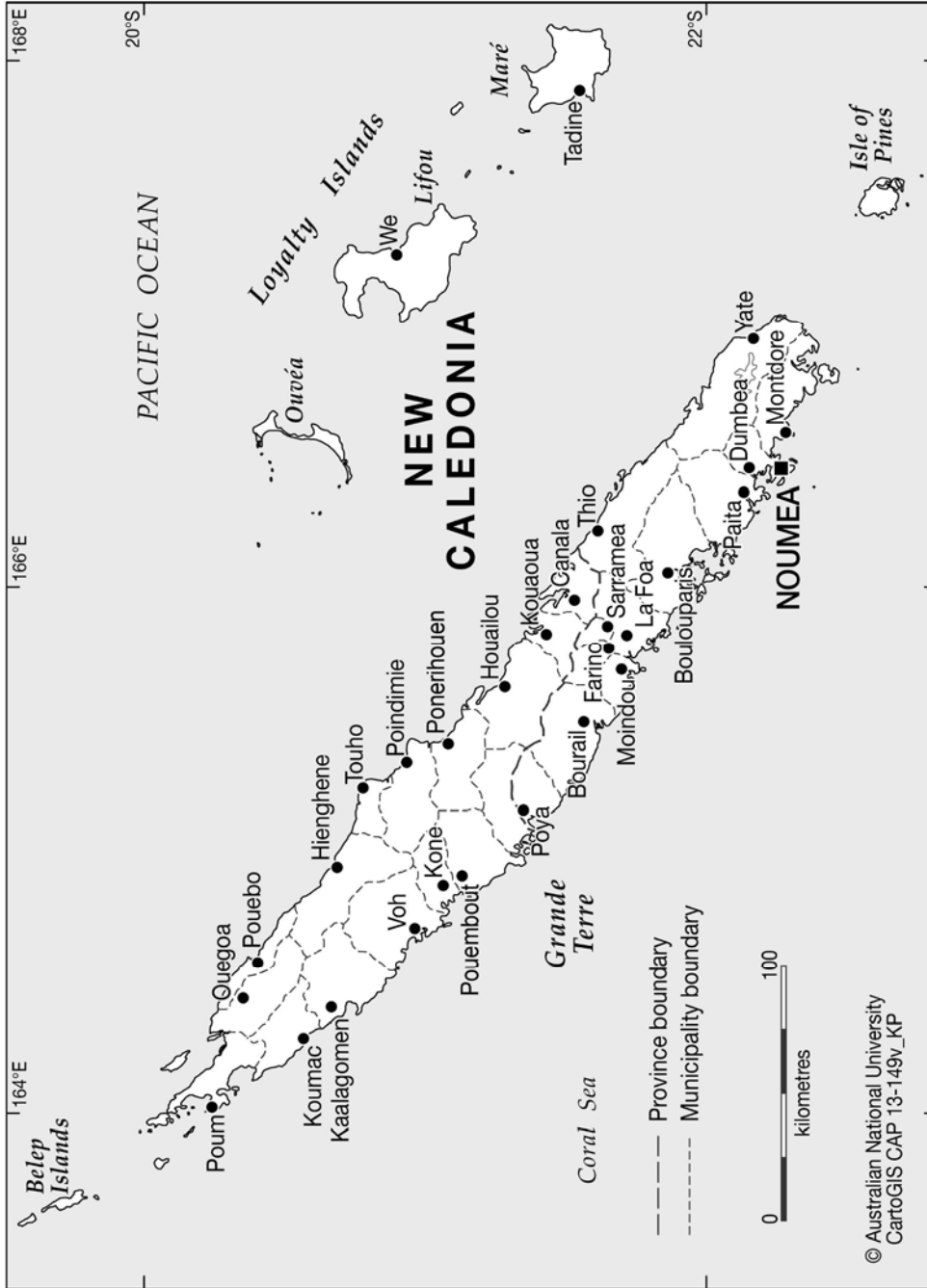
Author Note

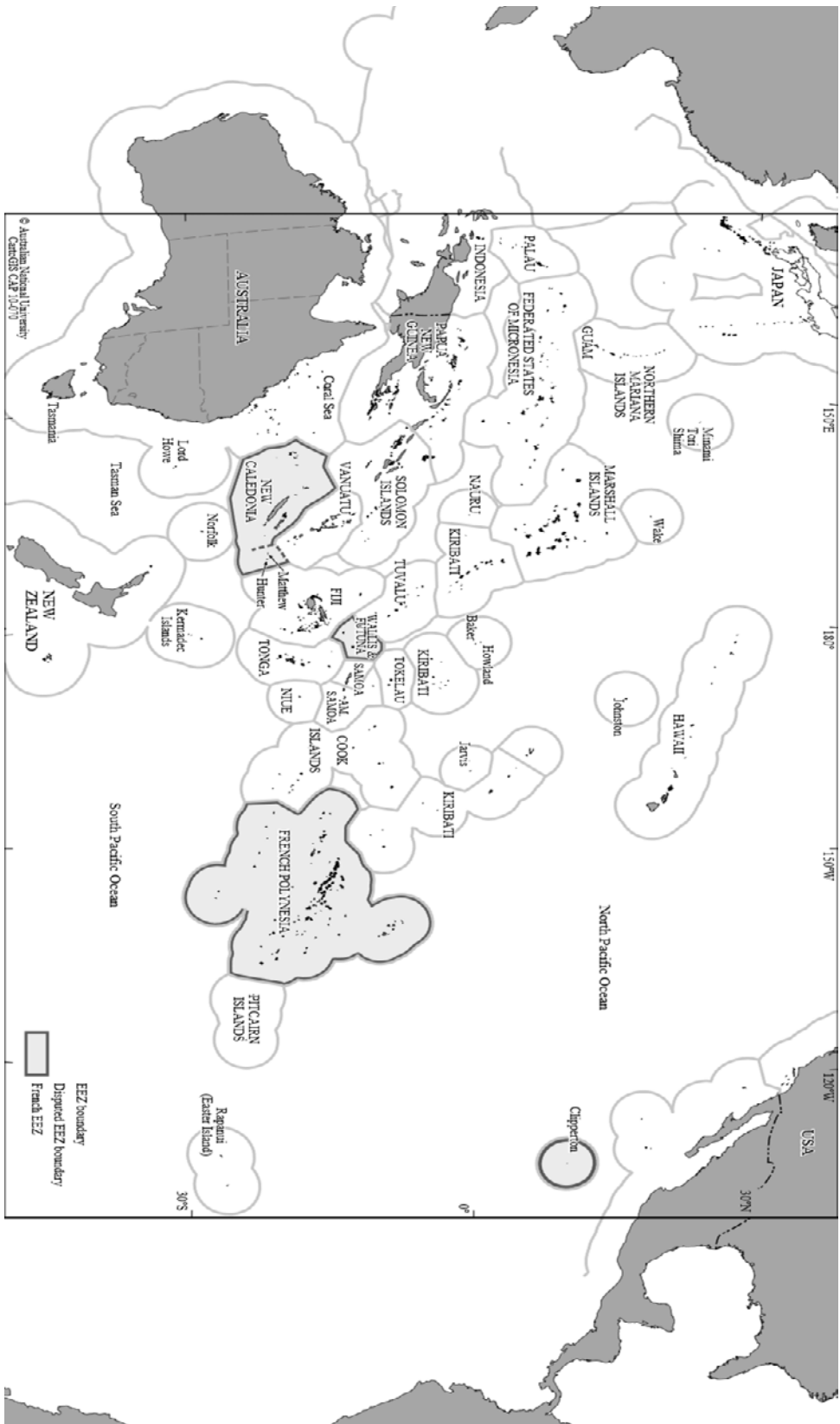
This thesis seeks to contribute to greater knowledge of the francophone Pacific among an English-speaking audience, especially in Australia, New Zealand and the wider Pacific region. For this reason, all quotes, interviews and texts have been translated from the original French into English. All translation errors are my own. Certain French concepts have been retained because of the importance of retaining their original meaning, or a lack of adequate English words.

The difficulty of applying particular words to refer to groups of people in New Caledonia reflects the decolonisation process that has marked New Caledonian history and society. For this reason, certain terms used to refer to particular people groups will inevitably be contested. Throughout the thesis, I use the term *Kanak* to refer to the indigenous inhabitants of New Caledonia, recognising its historical and political association with Kanak independence, and more simply as a means of distinguishing themselves from other Melanesians in the region. However, the word *Melanesian* is used in earlier chapters on the history of New Caledonia prior to the emergence of the Kanak nationalist and independence movement. Similar problems revolve around how to distinguish between non-Kanak who distinguish themselves from French metropolitans.

Another difficulty arises to refer to certain political identities, especially concerning those opposed to independence. In New Caledonia, the words *loyalist* and *non-independantiste* are used, with the latter becoming the word of choice by most to refer to the various parties who subscribe to the anti-independence opposition. In this thesis I use anti-independence and loyalist interchangeable, acknowledging that some may disagree with the use of the term.

Finally, it is important to note that the Noumea officially refers to “citizenship of New Caledonia”, and not “New Caledonian citizenship”. The reasons for this should become clearer throughout the thesis. However, due to the awkwardness of repeating “citizenship of New Caledonia”, I also interchange between the two depending on the context.





Acronyms

ADCK	Agence de développement de la culture kanak
ADDV	Association de défense du droit de vote
AFRNC	Association des résidents français de la Nouvelle-Calédonie
CAFAT	Caisse d'allocations familiales et accidents du travail
CIPENC	Centre d'information et de promotion de l'emploi en Nouvelle-Calédonie
CNDPA	Conseil national du peuple autochtone
CPC	Commission politique et citoyenneté
CPEL	Commission paritaire de l'emploi local
CPSI	Comité de pilotage pour les signes identitaires
CSTNC	Confédération syndicale des travailleurs de Nouvelle-Calédonie
DCCFC	Direction de la culture, la condition féminine et la citoyenneté
DTE	Direction du travail et de l'emploi
ECHR	European Court of Human Rights
EEZ	Exclusive economic zone
EFO	Etablissements français d'Océanie
FEDE	Fédération des fonctionnaires et l'enseignement
FI	Front indépendantiste
FIP	Front indépendantiste et progressiste
FLNKS	Front de Libération Nationale Kanak et Socialiste
FNSC	Fédération pour une nouvelle société calédonienne
FULK	Front uni de libération kanak
GFC	Global Financial Crisis
GTM	Grounded theory methodology
ISEE	Institut des statistiques et des études économiques
JAPD	Journée d'appel pour la défense
JONC	Journal officiel de la Nouvelle-Calédonie
JORF	Journal officiel de la République française
LDH-NC	Ligue des droits de l'Homme de Nouvelle-Calédonie
LESC	Liste électorale spéciale pour la consultation
LKS	Libération Kanak Socialiste
LNC	Les Nouvelles Calédoniennes
NSGT	Non-Self-Governing Territory
OCT	Overseas Countries and Territory
PALIKA	Parti de Libération Kanak

R-UMP	Rassemblement-Union pour un mouvement populaire
RDO	Rassemblement Démocratique Océanien
RIN	Rassemblement indépendantist et nationaliste
RPCR	Rassemblement pour la Calédonie dans la République
RPR	Rassemblement pour la République
TAP	Tableau d'activités professionnels
UC	Union Calédonienne
UCCSU	Union des Calédoniens pour le Suffrage Universel
UMNC	Union Multiracial de la Nouvelle-Calédonie
UN	United Nations
UNGA	United Nations General Assembly
UNI	Union nationaliste et indépendantiste
UPM	Union progressiste multiraciale
USOENC	Union des syndicats ouvriers et employés de la Nouvelle-Calédonie
USTKE	Union des syndicats kanaks et des exploités

Introduction: Encountering the Boundaries of the Universal

Bruno Py arrived at La Tontouta International Airport in 1995 to take up a position as professor of law at the University of the French Pacific¹ located in New Caledonia's capital, Noumea.² Despite having travelled some eighteen thousand kilometres across the world, everything apart from the mountainous red-earth landscape could have given him reason to think he had landed in just another part of France. On 9 April 1999, he went to his local town hall to enrol on the special electoral list of persons eligible to participate in New Caledonia's provincial elections. However, his enrolment was refused because he did not satisfy the minimum residency criteria required by the law.

The reasons for his exclusion resulted from changes introduced by the Noumea Accord, a political agreement signed by pro and anti-independence parties, together with the French Government, on 5 May 1998. The agreement endowed New Caledonia with a unique *sui generis* status within the Republic and introduced new residency requirements for voting in local elections. As part of the agreement, only those with "citizenship of New Caledonia" could participate in these local elections.

Responding to decades of migration from metropolitan France and its territories that rendered the indigenous Kanak a minority in their homeland, the pro-independence movement demanded voting restrictions in order to ensure that the self-determination of the territory reflected their aspirations and those firmly attached to the territory. These restrictions, recognised in Article 77 of the French Constitution and enumerated in the Constitutional Bylaw of 19 March 1999³, generated significant opposition among advocates of French sovereignty.

Py pursued his case as far as the European Court of Human Rights, having argued along the way that the restrictions constituted a breach of his political rights as a French and European citizen, as well as his human rights.⁴ The court, while

¹ Today, known as the University of New Caledonia.

² European Court of Human Rights (ECHR), *Affaire Py v. France*, Requête no. 66289, Strasbourg, 11 January 2005, Available: http://larje.univ-nc.nc/images/stories/affaire_py_c_france.pdf.

³ The *loi organique no. 209-99 du 19 mars 1999*. Hereafter occasionally simplified as the Constitutional Bylaw, the official English translation of the French Government.

⁴ In Py's case he referred to the 1958 Constitution of the Republic of France, the Declaration of the Rights of Man and the Citizen, the Preamble to the Constitution of the Fourth Republic, the French Penal Code, the Universal Declaration of Human Rights, the European Convention and the 1966 International Covenant of Civil and Political Rights: ECHR, *Affaire Py v. France*, 3.

acknowledging the democratic rights guaranteed by French and European citizenship, also recognised that such restrictions constituted “local necessities.” The ruling sided with a 2002 judgement by the United Nations (UN) Human Rights Committee on the matter, which stated:

The thresholds do not appear disproportionate in relation to the process of decolonisation implicating the participation of residents who, beyond their ethnic or political affiliation, have contributed and contribute to the edification of New Caledonia, through their sufficient attachment to the territory.⁵

If citizenship connects an individual to a territorially defined sovereign state, decolonisation in some way re-shaped this bond. Even if Py remained within French territory where he enjoyed citizenship, his arrival in New Caledonia signified a change in terms of the rights he was entitled to claim. The universality of his French citizenship collided with the singularity of the New Caledonian context.

This thesis examines how the decolonisation process shapes the politics of citizenship in New Caledonia. It explores the different ways New Caledonians claim and contest New Caledonian citizenship, the meanings ascribed to it, and the identities they mobilise in asserting their legitimacy in the political community. In this way, although citizenship is a legal category defined according to seemingly objective criteria, this thesis is in an interpretive, qualitative analysis exploring how citizenship status reflects socially constructed ideas of belonging and membership. How do different actors, including political leaders and members of society, conceptualise citizenship? Who is included and excluded and on what basis? In what way do the images of peoplehood, of common belonging to the political community, coincide or conflict with one another?

In November 2018, eligible voters in New Caledonia will determine whether the country will become an independent state, or remain within the French Republic. Less than one year from this date, citizenship remains a divisive issue, rendering timely a deeper understanding of the complexities surrounding citizenship. Although a study of this kind, completed less than a year from the referendum, might appear precarious given the possible changes that might occur as a result, citizenship has long been, and will remain, an ongoing issue well beyond the referendum and potentially independence.⁶

⁵ UN Human Rights Committee, 15 July 2002, cited in ECHR, *Affaire Py v. France*, 22.

⁶ Robert Aldrich and John Connell, *The Last Colonies* (Cambridge: Cambridge University Press, 1998), 16–18.

Indeed, independence can create new dilemmas concerning citizenship that did not exist previously.⁷ Furthermore, given the potential for up to three referenda, a process that could endure until 2022, there remains ongoing contention concerning how, if at all, voting rights will change in the intermittent period.

This thesis addresses broader conceptual and theoretical dilemmas beyond New Caledonia. Since the 1980s, scholars have observed how human understandings and practices of citizenship have evolved, especially due to globalisation and the evolution of state sovereignty and its impact on citizenship. However, there has been comparatively little focus on decolonising overseas territories like New Caledonia. These numerous and multifarious polities exist in continued relationship with colonial metropolises, many of which do so willingly because of their relatively small size and geographical isolation. Consequently, many possess metropolitan citizenship, allowing them to reside, work and have political representation in the metropole. Although metropolitan citizenship status might be welcomed, such territories nevertheless often resist their place within the political community. Greater attention to the amorphous nature of citizenship in such contexts, it is argued, can enrich our understanding of decolonisation. After all, a self-determining political community, with widely accepted contours, is necessary for decolonisation to occur and to be enduringly successful.

The New Caledonian case suggests that decolonisation reconstructs the boundaries of the political community in relation to the moral and political questions of legitimacy emerging from the colonial past. In this way, decolonisation is not simply a matter of changes to institutional sovereignty, as is often deduced from the three principal outcomes (full integration, autonomy and independence) in international law.⁸ As the late leader of *Front de Libération Nationale Kanak et Socialiste* (FLNKS), Jean-Marie Tjibaou, argued, a “veritable decolonisation program” implied the “obligation to rethink the statuses of persons and their possessions in New Caledonia, the status and the right of cultures to the promotion to which each group makes reference, and lastly, the status and the kinds of development of the Territory’s patrimonial wealth.”⁹

⁷ A good example was the independence of Algeria following the 1962 Evian Accords providing a transitional arrangement concerning the rights of French and Algerians living in both countries. See Benjamin Stora, *Algeria, 1830-2000: A Short History*, (Ithaca: Cornell University Press, 2001), 128. See also Sarah Ansari, “Subjects or Citizens? India, Pakistan and the 1948 British Nationality Act,” *The Journal of Imperial and Commonwealth History* 41, no. 2 (2013), 285–312.

⁸ UN General Assembly Resolution (UNGA) 1541 (XV), Principle VI: ‘Principles which should guide members in determining whether or not an obligation exists to transmit information under Article 73e of the United Nations Charter’, 13 December 1960

⁹ Jean-Marie Tjibaou, “Nous sommes un peuple en sursis”, in *La Présence Kanak* (Texts assembled by Alban Bensa and Eric Wittersheim), (Paris: Editions Odiles Jacob, 1996), 90.

Contested understandings of citizenship are not solely questions for the decolonising world, however, arising in virtually every political community in the globe. Even if its historical origins are Western, it is generally assumed today that all people are citizens of states. When they are not, it is seen as a denial of a fundamental human right, which the UN Declaration of Human Rights calls a “right to a nationality.”¹⁰ As Hannah Arendt observed, human rights remained contingent on possessing national citizenship or the “right to have rights.”¹¹ Denying citizenship equally opposes an individual’s moral claim to belong to either a place or a people. Because of the association between citizenship and democracy, the politics of citizenship necessarily reflects and reshapes power relations within a society. Thus, for example, the matter of voting rights tends to be accentuated in contexts where the right to self-determination is contested, including the 2014 Scottish referendum on independence, the 2016 Brexit referendum and the failed 2017 Catalan referendum on independence. Much closer to New Caledonia, the issue of citizenship has received scant attention in relation to Bougainville, which is aiming to hold a referendum on independence from Papua New Guinea in 2019. But citizenship is an important question both prior to and after the referendum moment. Who are the citizens of the political community tomorrow?

Of course, citizenship is much more than voting rights even if it is often its most consequential aspect and a key marker of social standing.¹² In different ways, it regulates access to welfare, obligations to pay taxes or undertake compulsory military service. It also embodies a plethora of ideas concerning what makes a citizen, from skin colour, language to socially acceptable forms of behaviour. This thesis therefore targets the intersection between citizenship as an expression of identity and a means of accessing exclusive rights. It does not claim to examine every area shaped by the politics of citizenship in New Caledonia, focusing instead on areas expressly impacted by the Noumea Accord, such as voting rights, local employment, identity symbols and public recognition.

In addition to addressing these theoretical and empirical lacunae, this thesis provides a glimpse into a part of the Pacific that remains little known and poorly understood by the English-speaking countries in the region, despite New Caledonia a mere three-hour flight from Australia’s major east coast cities. During the 1970s and 1980s, the “French presence” in the Pacific became a major issue, with considerable hostility aimed at

¹⁰ Art. 15 of the UN Declaration of Human Rights, 1948.

¹¹ Hannah Arendt, *On the Origins of Totalitarianism* (London: Penguin, 2017), 392.

¹² Judith Shklar, *American Citizenship: The Quest for Inclusion* (University of Utah, USA, 1989).

France's nuclear testing program in French Polynesia, the state-sponsored sabotage of the Greenpeace vessel the *Rainbow Warrior* in 1985, its failure to support the independent government of Vanuatu¹³ and its heavy-handed response to Kanak activism during the 1980s. Relations between France and other states of the region deteriorated as a result. However, since the cessation of nuclear testing in 1996 and the return of peace to New Caledonia, this hostility has given way to an acceptance and even a welcoming of France's role in the Pacific among regional states.¹⁴ The admittance of French Polynesia and New Caledonia as full members of the Pacific Islands Forum in September 2016, despite historical objections to non-independent states, was widely perceived as an endorsement of France in the Pacific.¹⁵ As Terence Wesley-Smith argued, the prevailing narrative that shaped earlier waves of decolonisation, convinced of the moral wrong inherent in colonialism, no longer resonates so clearly.¹⁶ For many small island territories, metropolitan citizenship offers important economic opportunities, but also a means of combatting the immense global challenges facing Pacific peoples, such as climate change and maritime security.

Of course, there remain important voices opposed to continued French sovereignty. On 17 May 2013, a UN General Assembly motion by Nauru, the Solomon Islands and Tuvalu placed French Polynesia alongside New Caledonia on the UN List of Non-Self-Governing Territories (NSGTs).¹⁷ The Melanesian Spearhead Group (MSG) nominally supports Kanak self-determination and independence, with the pro-independence FLNKS a founding member of the regional grouping. However, following the MSG's acceptance of Indonesia as an associate member, widely perceived as a manoeuvre on the part of Indonesia to head off the international lobbying efforts of the West Papua independence movement (also an associate member of the MSG), its credentials as an anti-colonial movement have been heavily criticised.¹⁸

¹³ Marc Tabani, "A Political History of Nagriamel on Santo, Vanuatu", *Oceania* 78, no. 3 (2008), 332–357; Sarah Mohamed-Gaillard, "Du condominium franco-britannique des Nouvelles-Hébrides au Vanuatu: deux métropoles pour une indépendance", *Journal de la Société des Océanistes*, no. 133 (2011), 309–321.

¹⁴ Denise Fisher, *France and the South Pacific* (Canberra: ANU E Press, 2013).

¹⁵ Art. 30, Communiqué: Forty-Seventh Pacific Islands Forum, Pohnpei, Federated States of Micronesia, 8–10, September 2016, Available: http://www.forumsec.org/resources/uploads/embeds/file/2016_Forum_Communique_Full_7Dec16.pdf.

¹⁶ Terence Wesley-Smith, "Self-Determination in Oceania," *Race & Class* 48, no. 3 (January 1, 2007), 29–46, 4.

¹⁷ Lorenz Gonschor, "*Mai te hau Roma ra te huru*: The Illusion of "Autonomy" and the Ongoing Struggle for Decolonization in French Polynesia", *The Contemporary Pacific* 25, no. 2 (2015), 259–296.

¹⁸ Stephanie Lawson, "West Papua, Indonesia and the Melanesian Spearhead Group: Competing Logics in Regional and International Politics," *Australian Journal of International Affairs* 70, no. 5 (2016), 506–524.

New Caledonia: A Historical Introduction to the Dilemma of Citizenship

Citizenship has emerged as a central political issue in New Caledonia due to two important historical foundations, both of which relate to its history as a colony of French settlement. First, French colonial rule initially occurred through the exclusion of the indigenous population from the institution of French citizenship. Second, the gradual arrival of settlers over time from both the French metropole and other territories saw the indigenous population diminish in size to less than half of the territorial whole. Consequently, the politics of citizenship stems from not only the independence movement's struggle, but also the particular forms of historical and lived injustice, together with power relations derived from the territory's demographic balance. This brief introduction traces the historical evolution of migration, settlement and citizenship since French colonisation, aspects of which will be focused on more heavily in the chapters to follow.

New Caledonia is an archipelago situated at the southern extremity of the Melanesian arc in the South-West Pacific. The main island, known as the *Grande Terre*, is one of the largest in the Pacific, being only four hundred kilometres long and only some sixty-five kilometres wide. A mountainous spine commonly referred to as *La Chaîne* runs down the middle of *Grande Terre*. Approximately two-thirds of New Caledonia's population of 268 767 people lives in the Noumea agglomeration located in the southwest coast corner of the mainland.¹⁹ To the east are the three Loyalty Islands, Ouvéa (*Iaai*), Lifou (*Dréhu*) and Maré (*Nengoné*). Southward lies the Isle of Pines (*Kunié*) and to the north the island of Belep. New Caledonia's borders also include the uninhabited Chesterfield Islands, as well as Matthew and Hunter Islands, the sovereignty over which is disputed between France and Vanuatu.²⁰

Austronesian-speaking peoples first settled the archipelago approximately three thousand years ago.²¹ These first settlers had important links with neighbouring islands in other parts of the Pacific, especially with the southern islands of what is today Vanuatu. Oral histories and linguistic similarities speak of visitors from distant parts of the Pacific, especially Polynesians from Wallis and Futuna during the eighteenth

¹⁹ Institut de la statistique et des études économiques (ISEE), "Population", 2017.

²⁰ Johnny Blades, "Signs of Movement in Vanuatu Boundary Dispute with France", *Radio NZ*, 27 March 2017

²¹ Christophe Sand, *Le temps d'avant* (Paris: L'Harmattan 1995), 17.

century, many of whom settled and mixed with local populations.²² There are presently some twenty-eight indigenous languages spoken throughout the territory.²³ The British explorer James Cook espied the mainland in 1774 and landed briefly at Balade, which reminded him of Scotland (Latin: *Caledonia*) and resulted in the land being named *New Caledonia*.

Citizen, Subject and the Colonial Boundaries of the Political Community

After an initial, aborted declaration of sovereignty in 1843, France annexed the *Grande Terre* on 24 September 1853, before extending its control over neighbouring islands, aiming to counter British influence in the region.²⁴ The architects of New Caledonian colonial society envisioned two competing ideas for the new colony. First, the territory served as a penal colony, receiving some twenty-two thousand convicts between 1864 and 1897.²⁵ Second, as historian Isabelle Merle argues, New Caledonia was imagined a *France Australe*, a new society of “honest” emigrants, incorporating free settlers and redeemed convicts.²⁶ Much of the early economic promise of the colony depended on cattle grazing and cash crops such as coffee. However, in 1864, engineer Jules Garnier discovered nickel deposits, leading to a surge in prospecting and the establishment of new mines, including the creation of the *Société le nickel* (SLN), mining company in 1880, which continues to be the largest miner of nickel ore in New Caledonia today.²⁷ New Caledonia today is believed to have roughly one quarter of the world’s total nickel deposits, with the industry forming the backbone of the territorial economy. However, attempts to render the territory economically self-sufficient struggled in these early stages. Very few convicts remained after their exile despite incentives in the form of land grants and subsidies. Nevertheless, the number of free settlers grew steadily, reaching some fourteen thousand by 1921 for less than one thousand convicts.²⁸

²² Frédéric Angléviél, “Le métissage en Nouvelle-Calédonie: Réalité biologique et question culturelle” in *La Nouvelle-Calédonie: Terre de métissages* (Paris: Les Indes Savantes 2004), 14–15.

²³ Académie des langues kanak, “Les langues kanak”, Available: <http://www.alk.gouv.nc/portal/page/portal/alk/langues/presentation>

²⁴ Joël Dauphiné, *Pouébo: Histoire d'une tribue canaque sous le Second Empire*, (Paris: L'Harmattan, 1992), 9–10; John Dunmore, *Visions and Realities: France in the Pacific 1695-1995* (Wakainae: Heritage Press Ltd, 1994), 187.

²⁵ Isabelle Merle, *Expériences Coloniales: La Nouvelle-Calédonie (1853-1920)* (Paris, France: Belin, 1995), 45–69.

²⁶ Merle, *Expériences coloniales: La Nouvelle-Calédonie (1853-1920)*, 45.

²⁷ Yves Bencivengo, *Nickel: la naissance de l'industrie calédonienne*, (Tours: Presses Universitaires François-Rabelais, 2014), 31.

²⁸ Merle, “Expériences coloniales”, 334.

The Melanesian population resisted European settlement from the beginning as land acquisition increased, especially due to cattle grazing. In 1878, the Chief Ataï led a large rebellion that saw much of the West Coast engulfed in a conflict that resulted in many hundreds of mostly Melanesian deaths.²⁹ Initial dealings with the Melanesian populations occurred largely on an *ad hoc* basis with individual clans without any systematic legal grounding.³⁰ However, in 1887 the administration enacted a special legal regime known as the *indigénat*.³¹ Originally conceived in Algeria and practiced in different parts of the Empire, the *indigénat* restricted Melanesian clans to reserves known as *tribus* (tribes), effectively segregating the populations and preventing free movement. The *indigénat* empowered the colonial administration to appoint their own chiefs, subject the Melanesian population to a head tax and compulsory labour quotas, enforced with special punishments by colonial police. The measures, coupled with increased European settlement, saw the total landmass inhabited by their population decline, from 320 000 in 1895 to 123 000 hectares in 1901 (an overall decline of sixty percent), accounting for approximately one-tenth of the Grande Terre.³² Land deprivation, combined with sickness and disease spread through sporadic contact with Europeans, prompted a marked decline of the Melanesian population. Though estimates vary, one scholar estimated that a population of 43 000 Melanesians in 1862 had declined to 27 500 in 1918, a drop of some thirty-six percent.³³

A need for cheap labour prompted the requisitioning of indentured labourers from the Asia-Pacific region³⁴, including islands of Vanuatu³⁵, Tonkin, Java³⁶ and Japan.³⁷ Excluded from acquiring citizenship status, their contracts often placed them in harsh living conditions with poor wages, severe punishments in the event of breaking the terms of the contracts, which nevertheless provoked occasional strikes and

²⁹ Appollinaire Anova-Ataba (Père Appollinaire), "L'insurrection des néo-calédoniens de 1878 et la personnalité du grand chef Ataï", *Journal de la Société des Océanistes*, no. 25 (1969), 201–219.

³⁰ Dauphiné, *Pouebo*, 18-20.

³¹ The *indigénat* is often referred to as a specific legal code, instituted by a decree on 18 July 1887. However, as Isabelle Merle argues, it did not take the form of a specific, coherent legal code, but a legal regime comprised of a number of distinct texts. See Isabelle Merle, "Retour sur le régime de l'indigénat: genèse et contradictions des principes répressifs dans l'Empire français," *French Politics, Culture & Society* 20, no. 2 (2002), 77–97.

³² Alain Saussol, *L'Héritage: essai sur un problème foncier mélanésien en Nouvelle-Calédonie* (Publications de la Société des Océanistes: Paris, 1979), 291.

³³ Sand, *Le Temps d'Avant*, 308; See also Saussol, *L'Héritage*, 322–323.

³⁴ Merle, "Expériences coloniales", 199.

³⁵ Dorothy Shineberg, *The People Trade: Pacific Island Labourers and New Caledonia, 1865-1930* (Honolulu: University of Hawai'i Press, 2014).

³⁶ Catherine Adi, *Orang kontrak: les engagés originaires de Java venus sous contrat en Nouvelle-Calédonie 1896-1955* (Koné: Editions de la Province Nord, 2014).

³⁷ Tadao Kobayashi, *Les japonais en Nouvelle-Calédonie: Histoire des émigrés sous contrat* (Noumea: Publications de la société d'études historiques de la Nouvelle-Calédonie (no. 48), 1992.

resistance³⁸. By 1920, their numbers were such that they nearly equalled the European population, though they fluctuated considerably. New Caledonian authorities placed the Japanese in internment camps in Australia during the Second World War and subsequently repatriated them to Japan, while many Tonkinois and Indonesians soon departed for their homelands.³⁹

New Caledonia's colonial order depended on social and legal separation between French citizens and Melanesians restricted to the reserves, though this rigid, racially defined social order wrestled with the difficulties of a small number of *métis* (mixed race).⁴⁰ French jurists equally began to question the extent to which courts could facilitate justice in relation to the indigenous people. From 1934, the Melanesian population held a special status called *l'état civil des autochtones*, recognising their customs as a basis for civil law such as for birth, marriages and deaths. This "personal status", different to the ordinary civil status held by all French nationals according to the Civil Code, continued and evolved following the end of colonial rule, existing today in the form of a *statut civil coutumier* or "customary status."⁴¹

Melanesian exclusion from the legal, social and political rights of French citizenship did not prevent them from fulfilling what it entailed. In the First World War, 948 Melanesians fought overseas, accounting for roughly ten percent of their total population, slightly more than the 756 French citizens who mobilised, with 382 Melanesians and 193 French citizens.⁴² European propaganda argued that experiencing the war was framed as a way of experiencing French prestige and civilisation, but it also became a platform from which to advocate for better treatment and certain rights.⁴³ However, it also generated resentment and resistance. Adrian Muckle shows how, in a bid to expand the pool of recruitment, the French authorities granted citizenship to some *métis*.⁴⁴ The possibility of forced enlistment became one reason for hesitation to acquire French citizenship, and indeed added to a list of

³⁸ Merle, "Expériences coloniales", 203.

³⁹ Rowena Ward, "Repatriating the Japanese from New Caledonia, 1941-1946", *The Journal of Pacific History* 51, no. 4 (2016), 392–408; Jean Vanmai, "'Chân Dang': les Tonkinois de Calédonie au temps colonial" (Noumea: Publication de la Société d'études historiques de la Nouvelle-Calédonie, 1980).

⁴⁰ Benoît Coquelet, "Le régime juridique des métis en droit colonial" in *La Nouvelle-Calédonie: Terre de métissages*, edited by Frédéric Angléviel, *La Nouvelle-Calédonie: Terre de métissages* (Paris: Les Indes Savantes, 2004), 192–197.

⁴¹ For a timeline of the development of customary civil status see Antoine Leca, *Introduction au droit civil coutumier* (Aix-en-Provence: Presses Universitaires d'Aix-en-Marseille 2014), 49.

⁴² Adrian Muckle, *Spectres of Violence in a Colonial Context: New Caledonia 1917* (Honolulu: University of Hawai'i Press, 2012).

⁴³ Adrian Muckle, "Kanak Experiences of WWI: New Caledonia's *Tirailleurs*, Auxiliaries and "Rebels", *History Compass* 6, no. 5 (2008), 1325–1345.

⁴⁴ Muckle, "Kanak Experiences of WWI", 1337.

Melanesian grievances that led to a rebellion in 1917, which left 120 dead and devastated communities in the north of the *Grande Terre*.⁴⁵

Citizens of the Republic

The 1946 Constitution of the Fourth Republic abolished the French Empire, integrated New Caledonia as a *territoire d'outre-mer* (overseas territory or "TOM") and extended citizenship to all colonial subjects in New Caledonia, coinciding with the gradual abolition of the discriminatory laws of the indigénat. However, many settlers resisted the idea of substantive equality, at least in the short-term, particularly in relation to voting rights and social welfare. The Melanesian population thus "entered the *cit *" only gradually, with universal suffrage becoming law in New Caledonia in 1957.⁴⁶

Prior to the Second World War, local government policies largely ignored the indigenous populations, outsourcing education and health services to the churches.⁴⁷ Melanesian political representatives began to use their democratic weight to call for policies to enhance their standard of living and develop the reserves. However, some European representatives argued that such integration should be contingent on the end of inalienable land tenure and customary authority in relation to development. Most Melanesians adhered to the *Union Cal donienne* (UC), the territory's first political party, born largely out of pre-existing church organisations formed in the aftermath of the war.⁴⁸ The party's motto "two colours, one people" appealed to a common commitment to enhanced local autonomy within the Republic, and the reconciliation of Melanesian and European interests in opposition to the metropolitan family-owned businesses that dominated the local economy.

Thanks to the Melanesian vote, the UC remained the largest political party in the Territorial Assembly for nearly three decades following the war. However, as New Caledonia entered into a period of significant prosperity due to a combination of state investment and the booming nickel industry, Melanesian marginalisation became further entrenched.⁴⁹ The UC came under pressure both from within and outside its

⁴⁵ Muckle, *Spectres of Violence in a Colonial Context: New Caledonia 1917*, 2.

⁴⁶ Jean Guiart, "L'entr e des m lan siens dans la cit ", (Paris: Centre de documentation pour l'Oc anie, 1966).

⁴⁷ Ismet Kurtovitch, *La vie politique en Nouvelle-Cal donie (1940-1953)* (Villeneuve d'Ascq: Presses universitaires du Septentrion, 2000), 89–90.

⁴⁸ Beno t Tr pied, "'Two Colours, One People'?: The Paradoxes of the Multiracial Union Cal donienne in the Commune of Kon  (New Caledonia, 1951–1977)," *The Journal of Pacific History* 45, no. 2 (2010), 247–64.

⁴⁹ Barban on, *Le Pays du Non-Dit*, 37.

party. The lack of Melanesian leadership in the party hierarchy and its perceived failure to advocate for their interests, led to increasing disenchantment among the Melanesian population with the party. Furthermore, despite 98 per cent of New Caledonians approving the 1958 Constitution and ongoing autonomy in the Republic, the pro-autonomist agenda of the UC antagonised the French Government, which began to wind back the territory's political autonomy and control over nickel sector in the 1960s.⁵⁰

Meanwhile, the Pacific region began to decolonise, further drawing attention to French sovereignty in the Pacific, especially following the construction of the *Centre d'Expérimentation du Pacifique* (CEP) in 1962 and the commencement of nuclear testing in Moruroa. Young Melanesian students, educated mostly in France, inspired invariably by the spirit and ideas informing the student protests of May 1968, returned to New Caledonia and formed groups who protested against ongoing forms of discrimination and inequality.⁵¹ Within these student groups emerged the earliest calls for independence, including the *Union Multiraciale de la Nouvelle-Calédonie* (UMNC) in 1969 and the *Parti de Libération Kanak* (PALIKA) in 1976. These anti-colonial critiques also took aim at the persistence of assimilationist ideology and the negation of Melanesian cultural identity. Certain groups began to use the word "Kanak" to refer to indigenous Melanesians, a word derived from the Hawai'ian word meaning "man", spelt as *canaque* in French and imbued with derogatory and colonial connotations. In 1975, former priest Jean-Marie Tjibaou organised the Melanesia 2000 festival on the outskirts of Noumea, affirming a united Melanesian identity in a provocative cultural display of dance, music and theatre, in a bid to allow their culture to penetrate a city that remained a bastion of French cultural identity.

Concerned about emerging Melanesian nationalism, the French Government set about encouraging metropolitan migration to the territory to marginalise, demographically and democratically, the UC and other groups opposed to its interests. Between 1963 and 1976, the Melanesian population declined as a total of the overall population from 48 per cent to 42 per cent.⁵² Demonstrating the impact of metropolitan migration, the European population increased by 52.1 per cent during the same period, compared with only 31.2 per cent for the Kanak. Furthermore, the number of people from other territories of France, especially Wallis and Futuna and to a lesser extent from French

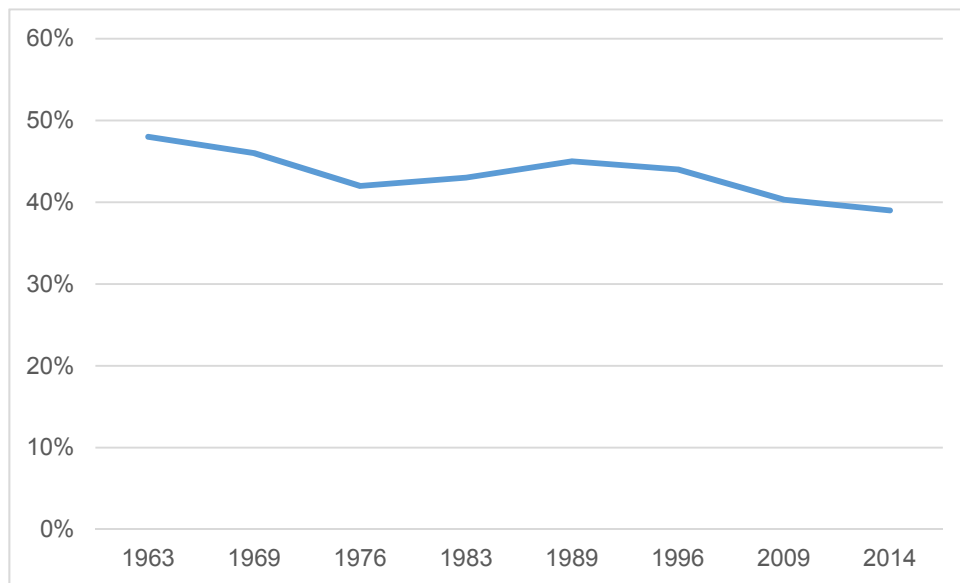
⁵⁰ Jean Le Borgne, *Nouvelle-Calédonie 1945-1968: La Confiance Trahie* (Paris, France: L'Harmattan, 2005).

⁵¹ David Chappell, *The Kanak Awakening: The Rise of Nationalism in New Caledonia* (Honolulu: University of Hawai'i Press, 2014).

⁵² ISEE, 2014.

Polynesians, affirmed their presence. In 1963, only 13.8 per cent of the population identified as neither Kanak nor European. In 1976, the figure increased to 20.2 per cent of the population. The percentage of Wallisians rose to 7 per cent, becoming the third largest ethnic group in the territory. The demographic evolution of New Caledonia had important consequences for the territory as incipient Melanesian nationalism spread and a movement advocating Kanak independence formed.

Figure 1: Kanak Proportion of Total Population (1963-2014)



Kanak Independence and the Contours of a New Political Community

By the late 1970s, the independence question had effectively created a bipolar political landscape. The UC declared support for independence in 1977, losing many of its European adherents in the process. The same year, local businessperson Jacques Lafleur successfully brought together conservative political parties opposed to independence under his leadership of the *Rassemblement pour la Calédonie dans la République* (RPCR).

Political bipolarisation largely embodied ethnic divisions, though a small but significant minority of the Kanak population supported the RPCR, and an even smaller proportion of non-Kanak remained within the UC. Nevertheless, the RPCR and its sympathisers in the metropole consistently maintained that Kanak independence was inherently racist and exclusive of the other communities, contrasted with the universalism of French citizenship. As Tjibaou wrote, the “sole proposition made to Caledonia is that of a schema of Western civilisation and culture. The Kanak are therefore condemned to

increasingly become strangers in their own society.”⁵³ The challenge for the independence movement therefore consisted of overcoming the colonial logic that emphasised Frenchness as the sole means of transcending the territory’s ethnic diversity, while equally affirming Kanak independence as a political and social reality for all.

The French Government reiterated the importance of respecting the equality of all citizens embedded within the Constitution and the fact that most of the population continued to support French sovereignty. Reflecting the famous principle of a “one and indivisible Republic”, France did not recognise the Kanak as a distinct “people”, the term “people” being constitutionally reserved for the French nation. The *Front indépendantiste* (FI), formed in 1981, argued that the Kanak, as a colonised “people”, had an exclusive right to independence. In 1983, the French Government, then led by the Socialist Party of President François Mitterrand, recognised the “innate and active right to independence” of the Kanak people, as well as the *fait colonial* in the territory. However, this recognition did not translate into an acceptance of the FI’s conditions for a referendum on self-determination. By demanding a restriction on the right to vote in a referendum, the FI sought to counterbalance migration experienced from other parts of France in recent decades. The FI demanded the restriction of self-determination to those with at least one parent born in the territory, the “victims of history”, a restriction deemed excessive by the French Government and outright rejected by the RPCR. In opening up the possibility to certain non-Kanak to share in the right to self-determination, pro-independence leaders reasoned that they were offering a major concession.

Frustrated with the constitutional constraints imposed by the French Government on self-determination, the FI announced a boycott of the 1984 territorial elections, leading to the proclamation of the FLNKS on 24 September and the declaration of the Provisional Republic of Kanaky. The FLNKS invoked international law in the form of the 1960 UN *Declaration on the Granting of Independence to Colonised Countries and Peoples* recognising the right to self-determination for all peoples.⁵⁴ In 1986, following pressure from the South Pacific Forum, New Caledonia was re-inscribed on the UN List of NSGTs in line with the 1960 Declaration, placing the territory under the scrutiny of the UN Special Committee of Decolonisation, despite RPCR and French Government

⁵³ Tjibaou, “Nous sommes un peuple en sursis” in *La présence Kanak*, 90.

⁵⁴ UNGA Resolution 1514 (XV) “Declaration on the Granting of Independence to Colonial Countries and Peoples” (A/L.323). 14 December 1960.

protestations that the majority of New Caledonians supported French sovereignty.⁵⁵ Between 1981 and 1988, France enacted a litany of different statuses determining the extent of territorial autonomy. In 1987, the French Government, this time under conservative Prime Minister Jacques Chirac, proceeded to hold its own referendum with a three-year residency requirement. The vote, boycotted by the FLNKS, saw 98.3 per cent of voters maintain New Caledonia within the Republic.⁵⁶

The violence and breakdown of public order during the 1980s, known today simply as *les événements* (The Events), reached its zenith in April 1988 when New Caledonia entered, perhaps for the first and only time, the metropolitan and regional media spotlight. On 22 April, an attempt by a group of FLNKS militants to occupy the local gendarmerie on the island of Ouvéa failed, leading to the deaths of four gendarmes and the remainder taken hostage in a cave in Gossanah. Occurring in the middle of a presidential election campaign, the military invaded the island and were eventually given the order to storm the cave. In the process of the operation, which terrorised the local population, the incident left nineteen of the militants and two more gendarmes' dead.⁵⁷

The Beginnings of a Compromise: The Matignon-Oudinot Accords

Just a month after the deaths at Ouvéa, Jacques Lafleur and Jean-Marie Tjibaou agreed to a new political settlement on 26 June 1988, signed as the Matignon-Oudinot Accords on 20 August the same year. Recognising the imperative of peace, the French Government temporarily assumed full responsibility for the administration of the territory, prior to new elections after one year.⁵⁸ These elections determined three

⁵⁵ UNGA Res. A/51/L.33

⁵⁶ Digithèque MJP, "Consultation de la population de la Nouvelle-Calédonie", 13 September 1987, Available: <http://mjp.univ-perp.fr/france/reft1987nc.htm>.

⁵⁷ For a detailed account see Edwy Plenel and Alain Rollat, *Mourir à Ouvéa, Le tournant calédonien* (Paris: La Découverte, 1988). A series of exchanges took place between two anthropologists Jean Guiart and Alban Bensa in the *Journal of Pacific History* on the causes and the interpretation of the events that occurred before and during the event. See Jean Guiart, "A Drama of Ambiguity", *Journal of Pacific History* 32, no. 1 (1997), 85–102, and Alban Bensa's reply, "Jean Guiart and New Caledonia: A Drama of Misrepresentation", *Journal of Pacific History* 33, no. 2 (1998), 221–224. The events that occurred at Ouvéa remain highly sensitive, as was made clear in the disputes in response to whether or not to publicly show Matthieu Kassovitz's 2011 film depicting the events, *L'Ordre et la Morale*. The filming had to be undertaken in French Polynesia because of local opposition to its making. For an exploration of the difficulties involved in its production and its diffusion among the public see Mathias Faurie and Melissa Nayral, "L'Ordre et la morale: quand l'industrie du cinéma bouscule la coutume kanak", *Journal de la Société des Océanistes* 12 (2012), 121–136.

⁵⁸ Accords de Matignon, Texte no. 1, "La condition d'une paix durable: l'état impartial et au service de tous", 26 June 1988. A copy of the various texts can be found at http://www.mncparis.fr/uploads/accords-de-matignon_1.pdf (Accessed on 25 June 2015).

newly created provincial assemblies (South, North and Islands), in turn determining the balance of power in the New Caledonian Congress (see Annexe V).⁵⁹ The provincial boundaries ensured that pro-independence parties controlled the two, Kanak-dominated provinces in the North and Islands (see Map), while anti-independence parties held an overall majority in the territory's Congress. These provinces, which assumed a sizeable role in the administration of the territory, served the rebalancing of its economic, social and cultural development in favour of the North and Islands. Other measures such as the *400 cadres* (400 managers) program aimed to facilitate greater Kanak representation within more senior levels of management in the public and private sector.⁶⁰ The agreement provided a ten-year window prior to another referendum of self-determination. A compromise between the two sides restricted the referendum to the *populations intéressées* (the concerned population): "the persons who today have been called to decide on the administrative, economic and social organisation for the next ten years, will tomorrow be the population concerned choosing the destiny of the Territory."⁶¹

The compromise was difficult for both sides, which reflected in the results in the nationwide referendum held on 6 November 1988. Although 80 per cent of the national population approved the accords, less than one-third of the population cast their vote. In New Caledonia, where only 62 per cent voted, only 57 per cent approved the accords.⁶² Although much of the opposition came from anti-independence areas in the South Province, some within the FLNKS considered the settlement too great a compromise, especially in the wake of the blood spilt at Ouvéa. The island once again became the site of tragedy when on 4 May 1989, at a commemoration of the deaths at Ouvéa, a disillusioned member of the FLNKS, Djubelly Wéa, whose father had been tortured by the French military during the event, fatally shot Tjibaou and his deputy Yeiwene Yeiwene. Tjibaou's bodyguard in turn fatally shot Wéa.

As the end of the ten-year period previewed by the Matignon-Oudinot Accords approached, both sides expressed fears that the referendum would bring about a return to violence. As early as 1991, Lafleur described such a vote as a "guillotine referendum" where a majority view would impose on the minority, unleashing violence

⁵⁹ Accords de Matignon, Texte no. 2, "Dispositions institutionnelles et structurelles préparatoires au scrutin d'auto-détermination", 26 June 1988.

⁶⁰ Previewed in Art. 5 of Texte No. 1, Accords de Matignon, 26 June 1988.

⁶¹ Accords du 20 août 1988, "Exposé des motifs du projet de loi portant dispositions statutaires et préparatoires au scrutin d'auto-détermination en Nouvelle-Calédonie."

⁶² "Proclamation des résultats du referendum du 6 novembre 1988", *Journal officiel de la République française* (JORF) (10 November 1988), 14123–14128.

once more.⁶³ Despite the measures aimed at redressing economic inequalities, the Kanak remained heavily marginalised, having higher rates of failure in education and occupying inferior positions in both the private and public sectors of the economy.

The importance of controlling the economic levers in order to move towards independence saw the FLNKS seek greater control over New Caledonia's economic development, especially in relation to the nickel industry.⁶⁴ The SLN, bought by the French giant Eramet in 1975, had retained a virtual monopoly over nickel exploitation.⁶⁵ The FLNKS demanded control over the large unexploited mining deposits located in the Koniambo massif in the North Province, owned by SLN, as a condition for a broader political settlement ("*la préalable minière*"). After much negotiation, in February 1998, the French Government brokered a deal known as the Bercy Accord that saw the SLN sell rights to the Koniambo massif to the North Province-owned *Société Minière du Sud Pacifique* (SMSP)⁶⁶ in return for its holdings in Poum.

The Noumea Accord and the Creation of New Caledonian Citizenship

The Bercy Accord was the necessary pre-condition for negotiating a political settlement. On 5 May 1998, representatives of the FLNKS, the RPCR, with Prime Minister Lionel Jospin and Minister of the *Outre-mer* Jean-Jacques Queyranne signed the Noumea Accord.⁶⁷ The Accord had several key elements:

- (Sec. 3 of the Orientation Document) The irreversible transfer of sovereign powers to New Caledonia, except the major sovereign powers (*les compétences régaliennes*) – justice, public order, defence, currency and foreign affairs – transferable only after the referendum.

⁶³ UN Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, "New Caledonia: Working paper submitted by the Secretariat", 18 June 1995, A/C.109/2029, 11.

⁶⁴ See for example Raphael Pidjot, "Une société en devenir" in Hamid Mokaddem, *Le discours politique kanak*, (Koné: Les Editions de la Province Nord, 2011), 159–165; For a systematic, detailed analysis on Kanak participation in the economic life of the territory from the 1980s to the early 1990s see Isabelle Léblic, *Les Kanak face au développement: la voie étroite* (Nouméa: Académie de développement de la culture kanak (ADCK), 1993), 157-248.

⁶⁵ Bencivengo, *Nickel: la naissance de l'industrie calédonienne*, 18.

⁶⁶ The SMSP was originally owned by Jacques Lafleur, who sold it to the North Province investment entity SOFINOR in 1991.

⁶⁷ The FLNKS representatives included: Roch Wamytan (UC), Paul Néaoutyine (PALIKA), Charles Pidjot (UC) and Victor Tutogoro (UPM). The RPCR representatives included: Jacques Lafleur, Pierre Frogier, Harold Martin, Simon Loueckhote, Jean Lèques and Bernard Deladrière.

- (Sec. 5) A delay of the referendum on independence (*la consultation*)⁶⁸ until the 2014-2018 Congress mandate, the question of which will be “on the transfer to New Caledonia of the remaining sovereign powers, the access to a full international status of responsibility and the organisation of citizenship into nationality.”⁶⁹ The right to vote in the referendum is restricted to the “concerned population”, defined in Article 218 of the Constitutional Bylaw of 19 March 1999. The Accord permits, on the condition of three-fifths of Congress support, up to three referenda in the event that the first two do not succeed.
- (Sec. 2.1.3) Powers granted to the New Caledonian Congress to pass their own laws (*lois du pays*) in domains under their control. While remaining subject to France’s *Conseil constitutionnel* (“Constitutional Council”) and *Conseil d’Etat* (“State Council”), these powers nevertheless underpin a kind of federal relationship between the country and the metropole.⁷⁰ Furthermore, the Congress elects a multi-party, collegial government consisting of four to eleven members (see Annexe V). The Accord maintained the institutional structure of the Matignon-Oudinot Accords between the provinces and the Congress thus ensuring a continuation of the balance of power. The North Province and the Islands remained under the control of pro-independence parties, while the RPCR maintained its dominance of the Congress.
- The recognition of Kanak identity, namely through the creation of a Customary Senate, replacing the Customary Council created ten years before, with an expanded role as a major consultative body on matters pertaining to Kanak identity (Sec. 1.2.5). The Senate is composed of sixteen members, two from each “customary region” (*aire coutumier*)⁷¹, each of who is appointed according to customary practices specific to the area.
- (Sec 2) The creation of citizenship of New Caledonia defining who can vote in the territories provincial elections and a basis for protecting local employment (detailed in Article 188 of the Constitutional Bylaw of 19 March 1999).

⁶⁸ The referendum scheduled to occur in November 2018, is in fact referred to as a consultation, as defined in Article 72.1 of the Constitution, because it is limited to enrolled voters of the territory. In this way, it follows in the path of the consultation to approve the Noumea Accord, but is different to the referendum approving the Matignon-Oudinot Accords, which was voted upon by the entire French population. Despite this distinction, it is common in New Caledonia to speak of a ‘referendum’ and ‘consultation’ interchangeably.

⁶⁹ Section 5 of the Noumea Accord, “L’évolution de l’organisation politique de la Nouvelle-Calédonie”

⁷⁰ Carine Gindre-David, *Essai sur la loi du pays calédonienne: La dualité de la source législative dans l’état unitaire français* (Paris, L’Harmattan: 2008), 19.

⁷¹ Les customary regions include *Hoot Ma Whaap*, *Iaai*, *Dréhu*, *Nengone*, *Drubéa-Kaponé*, *Xârâcùù*, *Ajië Aro* and *Paicî-Cêmuhi*.

Under the Accord, New Caledonia became a *sui generis* overseas territory within the Republic, necessitating a change of the French Constitution, which occurred with little opposition on 20 July 1998. On 8 November 1998, the concerned population voted 72 per cent in favour of the new agreement. Though less opposition emerged in response to the agreement than ten years before, there remained important sections that voted against, particularly among anti-independence voters in Noumea. The democratic approval paved the way for the accord's passage into the Constitutional Bylaw of 19 March 1999.

Historically, most of the *Outre-mer* comprised of departments and territories: the former modelled almost exactly on the political and legal institutions of the metropole, while the latter, which included the French Pacific territories, retained a degree of autonomy and the indigenous populations possessed their own special personal/customary status different from ordinary French citizens.⁷² New Caledonia's new status rendered it entirely different from the other parts of the French *Outre-mer*. Another constitutional change in 2003, which rendered New Caledonia a *sui generis collectivité d'outre-mer* (*sui generis* territorial community), saw the two-tiered system give way to a more flexible governance framework.⁷³

Despite being outside the territory of the European Union, New Caledonia is one of the EU's overseas countries and territories (OCTs). Through the European Development Fund, the EU provides New Caledonia with targeted assistance in the form of specific development contracts.⁷⁴ Although the potential adoption of the Euro currency, to which the value of the French Pacific's *franc Pacifique* currency is tied, emerges occasionally as a political issue, enthusiasm for the decision has waned since the 2009 Global Financial Crisis. By virtue of their possession of European citizenship, New Caledonia elects one representative to sit in the European Parliament every five years and often participates in France-EU negotiations on matters pertaining to the *Outre-mer*. However, the EU's visibility is minimal, with a consistently low turnout among New Caledonians at European elections. Similarly, for the 1992 and 2005 referendums

⁷² See for an introduction Robert Aldrich and John Connell, *France's Overseas Frontier: départements et territoires d'outre-mer* (Cambridge, Cambridge University Press, 1992), 1-14.

⁷³ Jean-Yves Faberon, "La République française bouleversée par ses collectivités d'Outre-mer", *The New Pacific Review* 2, no. 1 (2003), 125–136.

⁷⁴ For example, the EU and the New Caledonian government recently signed a contract for 29.8 million euros of assistance for labour market adaptation and governance between 2017 and 2023. See European Commission, "New Caledonia – Sector Reform Performance Contract for Employment and Transition to Work", 17 December 2017. Available: <https://ec.europa.eu/europeaid/sites/devco/files/factsheet-new-caledonia-11th-edf-en.pdf>.

approving the Treaty of Maastricht and the Treaty of Europe respectively, only 22.8 per cent and 34.5 per cent of New Caledonians turned out to vote.⁷⁵

Citizenship of New Caledonia forms a key pillar of the political settlement agreed to in the 1998 Accord. According to its Preamble, citizenship “permits the original people to constitute a human community with the men and women who live there affirming their common destiny.” Similarly, the text describes decolonisation as “the means of remaking a durable social bond between the communities who live in New Caledonia today, permitting the Kanak people to establish new relations with France corresponding to the realities of our times.” Therefore, there is a conceptual relationship between the decolonisation process and citizenship, both of which serve to reconstruct the nature of the social contract between individuals and groups living there.⁷⁶

Of particular importance, New Caledonian citizenship speaks to the questions of legitimacy that have emerged from the colonial period and the struggle for independence. The Preamble states:

The communities who live on the territory have acquired through their participation in the edification of New Caledonia a legitimacy to live there and continue to contribute to its development. They are indispensable to its social equilibrium and the functioning of the economy and its social institutions. If the accession of Kanak to responsibilities remains insufficient and must improve by specific measures, the fact remains that the participation of the other communities to the life of the territory is essential.

The concept of New Caledonian citizenship acts as a mechanism by which this new social contract takes form. First, the Accord speaks to the relationship between the Kanak as a colonised people and the other “communities” in the territory. Though the Accord describes Kanak sovereignty through the “restitution of their identity”, this exists only as a precursor to the foundation of a new sovereignty, “shared in a common destiny.” Second, New Caledonian citizenship embodies its singularity within the Republic, constituting the reference point for the restriction of voting rights and the

⁷⁵ “Les résultats des referendums relatifs à l’Union européen en Nouvelle-Calédonie (1992 & 2005)”, *Révue juridique, politique et économique de la Nouvelle-Calédonie*, no. 2 (2005), 83–84.

⁷⁶ Jean-Yves Faberon, “Contrat social et Nouvelle-Calédonie”, *Révue juridique, politique et économique de la Nouvelle-Calédonie*, no. 1 (2006), 2–5.

protection of local employment, acting as a counter-weight to historical migration from France without creating an impervious barrier.

Chapter Summary

This thesis is organised into four main sections. Chapter Two begins by fleshing out the central dilemma motivating this research, examining the conceptual relationship between the historical process of decolonisation and citizenship. Drawing on a combination of histories of colonisation, decolonisation and post-colonial theories, I highlight the interrelationship between metropolitan understandings of nationhood and the decolonisation process. Furthermore, I utilise more recent currents in citizenship theory that emphasise the multiple subject positions that people mobilise as part of their claiming and contesting of citizenship. This serves as an analytical lens within which to understand how the decolonisation process reshapes the political community. Chapter Three then outlines the interpretivist and grounded epistemological and methodological approach informing the collection and analysis of data.

The second section (Chapters Four and Five) explores in detail two important historical periods in the conceptualisation of citizenship. Chapter Four examines the period immediately following the Second World War and the formal end of the French Empire and the extension of French citizenship to former imperial subjects and the difficulties arising from equal membership, especially in relation to the right to vote. Chapter Five moves to the period soon after the emergence of the Kanak independence movement, examining how independence provoked a re-thinking of the contours of the political community. In particular, it focuses on how Kanak and non-Kanak leaders reconciled Kanak self-determination with the rights of other populations living in the territory.

The third section examines how actors have contested the rights of New Caledonian citizenship. In particular, it explores a tension between the specific rights of citizenship of New Caledonia identified in the Accord and its more ambiguous role in helping to realise a “common destiny.” Chapter Six examines how New Caledonian and metropolitan political leaders responded to New Caledonian citizenship’s introduction in the Accord and their views on what it meant for New Caledonia’s place within the Republic. The evolution of New Caledonia’s political landscape engendered further discursive shifts in relation to citizenship, particularly between those who sought to affirm a strong New Caledonian identity as a basis for a redistribution of rights. Congress remained divided between strict adherents of the accord’s text and those who saw citizenship as a mechanism for lending greater importance to belonging to the

moral community through additional rights for New Caledonian citizens. Voting rights remained the critical issue on which the entire citizenship agenda depended. Chapter Seven analyses the criteria for enrolment on the different electoral lists and the different responses to the “freeze” of New Caledonian citizenship in 2007. Those excluded from the list often invoke their French citizenship or their moral attachment to New Caledonia, however, surprisingly, the lists also exclude many thousands of Kanak, illuminating the contradictory ideas of legitimacy and belonging characterising the voting rights debate. The chapter highlights the politicisation of electoral enrolment as parties have mobilised to ensure the maximum number of voters on the electoral lists to ensure victory, both for the provincial elections and the referendum. Chapter Eight assesses the recent introduction of laws pertaining to the protection and promotion of local employment in both the public and private sectors. The Accord provided for these laws in response to local perceptions of being out-competed for jobs by metropolitans in the local marketplace. Drawing on the perceptions of the efficacy and moral legitimacy of local employment protection among political leaders, union and employer representatives, this chapter situates citizenship in relation to economic development and a neo-liberal emphasis on openness to global markets. Furthermore, it considers how people understand citizenship in different ways in relation to the private and public employment sectors.

If citizenship circumscribes a contested space in which people claim rights in different ways, it necessarily entails contested ideas of representation and recognition. The final section of the thesis includes two chapters. Chapter Nine offers a detailed examination of the *Direction de la culture, la condition féminine et la citoyenneté* (DCCFC), the New Caledonian Government department responsible for the promotion of citizenship. In particular, it focuses on two different activities driven for the most part by the DCCFC. The first concerns the holding of events marking 24 September, known as “Citizenship Day.” I examine how the DCCFC collaborates with other groups to co-produce Citizenship Day and the competing discourses present in its promotion. Second, I follow the efforts of the DCCFC to pilot a steering committee tasked with identifying the method for the recognition of New Caledonia’s identity symbols (banknotes, the anthem, the motto, the flag and the name of the country). Both Citizenship Day and the identity symbols highlight the different meanings actors ascribe to representations of citizenship and the difficulty with which the processes became detached from mainstream politics. The failure to obtain consensus on the identity symbols in part derived from competing interpretations of the relationship between Kanak identity and New Caledonian citizenship. Chapter Ten takes up this theme in greater detail by examining how Kanak recognition and sovereignty is constructed in relation to New

Caledonian citizenship as embodied in two different ideas that repeatedly emerged from the data: the right to welcome and the determination of values common to New Caledonia.

Chapter 2: Reconstructing the Contours Of Citizenship In Decolonising, Overseas Territories

Former President of the French Republic, Nicolas Sarkozy, declared in a speech to a large gathering at Païta on 28 August 2011:

We have grown up, we have matured together, Caledonia and France. We have learned to accept our differences, to understand what brings us together. The French Republic renounced imposing a single model on the territories of the Overseas (*Outre-mer*). This is something that I have carried deeply within me for a long time now. The Republic must understand the diversity of the Overseas (*des Outre-mer*), which does not question their attachment to the Nation. The diversity of the Overseas (*des Outre-mer*), the respect of the identity of each person, the need for equality, it is essential to France's standing. I have never participated in this debate, where the ideas are often contemptuous, on the financial cost of the Overseas. France needs the Overseas, as much as the Overseas needs France. Our country would not have a universal calling without the Overseas.¹

The image of the French Nation as a universal Republic has resonated in the psyche of French political thought since the days of the Revolution, despite strong reactionary movements that saw monarchic regimes return to power at various times until the instauration of the Third Republic in 1870. The idea of citizenship has played a major role in the production of this image. Through shared citizenship, the sovereign *people* transcend particular identities in commitment to the larger nation. In the name of the nation, France has opposed regional identities and languages within and outside of the Hexagon, endeavoured to assimilate migrants, and, as President Sarkozy's speech highlighted, imagined the *Outre-mer* as an extension of France across the world.

However, as Sarkozy observes, the *Outre-mer* has long challenged how France thinks of itself. The *Outre-mer* is essential to French standing in the world. Sarkozy's successor, former President François Hollande, declared in Papeete, that "French Polynesia is a great archipelago like Europe, which gives France a presence, an influence and as we can see here, a culture, in the Pacific zone."² With France's

¹ French Government, "Déclaration de M. Nicolas Sarkozy, Président de la République, sur le présent et l'avenir de la Nouvelle-Calédonie", Païta, 28 August 2011, Available: <http://discours.vie-publique.fr/notices/117001862.html>.

² French Government, "Déclaration de M. François Hollande, Président de la République, sur la Polynésie française, à l'aéroport de Tahiti Faa'a", 21 February 2016, Available: <http://discours.vie-publique.fr/notices/167000532.html>.

empire mostly gone, the *Outre-mer* gives life to France's self-image of universal nationhood. According to Sarkozy, France has "learned" that there are limits to this universalism. Without questioning the attachment of his New Caledonian audience to France, he admits the failure of the "single model" approach and the need to recognise diversity and respect the identity of each of the Overseas' composites. Thus, instead of speaking of the singular *l'Outre-mer*, he refers to the plural *des Outre-mer*; but they nevertheless remain *Outre-mer*.

The struggle for Kanak independence represented an ideological challenge to the universalism of French nationhood. The creation of the legal status of New Caledonian citizenship represented the first time that a section of France obtained distinct legal recognition within the national whole. New Caledonia is defined according to its own section in the Constitution as a *sui generis* territorial community, different, for example, from the other French Pacific territorial communities, French Polynesia and Wallis and Futuna.

Despite Sarkozy's acknowledgement of the constitutive role played by the *Outre-mer* in shaping French nationhood, it generally occupies a peripheral role in comparison to major political issues such as migration, refugees and Islam in public life. Although New Caledonian citizenship has received considerable attention from French legal scholars³ who have examined how New Caledonia has challenged constitutionally enshrined principles protecting the "one and indivisible Republic", there has been very little metropolitan recognition of how New Caledonia, or other parts of the *Outre-mer*, contest what it means to belong to France. For example, in one recent book on French citizenship and nationhood in France, New Caledonia received only two brief mentions, and the remainder of the *Outre-mer* barely anything at all.⁴ Of course, this might mean that New Caledonia and the *Outre-mer* have little bearing on the imagining of the French nation. But it also reveals, perhaps, an ignorance of how citizenship, belonging and identity is understood and interpreted throughout the *Outre-mer*. The ongoing struggle for independence in New Caledonia and in some other parts of France

³ Mathias Chauchat and Vincent P. Cogliati-Bantz, "Nationality and Citizenship in a Devolution Context: Australian and New Caledonian Experiences," *U. Queensland LJ* 27, no. 2 (2008), 193–220.; Mathias Chauchat, "La Citoyenneté Calédonienne," *Cahiers Du Conseil Constitutionnel* 23 (2008), Available: <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/cahiers-du-conseil/cahier-n-23/la-citoyennete-caledonienne.51809.html>; Alain Christnacht, "The Noumea Accord: Mutual Recognition of Common Citizenship and a Tool for Decolonisation in a Spirit of Consensus," in *New Caledonia Twenty Years On: 1988-2008*, eds. Jean-Marc Regnault and Viviane Fayaud (Paris: Société Française d'Histoire d'Outre-Mer, 2009), 111–20; Jean-Yves Faberon, *L'Accord de Nouméa, la loi organique et autres documents juridiques et politiques de la Nouvelle-Calédonie*. Noumea, New Caledonia: Ile de Lumière, 2004.

⁴ Emile Chabal, *A Divided Republic: Nation, State and Citizenship in Contemporary France* (Cambridge: Cambridge University Press, 2015).

suggests that there are limits to Sarkozy's vision, or possible alternative constructions of a political community.

This literature review proceeds in three parts. First, New Caledonia is situated within the broader decolonisation phenomenon, with an emphasis on what I refer to as "overseas territories", many of which desire ongoing attachment to the distant metropole for economic reasons. Although these islands have received attention from various scholars, especially in relation to the issue of sovereignty and self-determination, these analyses have largely overlooked the important role of citizenship politics. In the second section, I draw on the field of citizenship studies in order to adopt a de-centred view of citizenship that focuses on the different ways that people claim and contest citizenship. I highlight how people articulate belonging to the political community differently and how these shape political life. A special focus falls on the relationship between nationhood and tradition because of its role in the formation of the modern democratic state and global decolonisation. The latter concept has been particularly prominent in New Caledonia and the broader Pacific region as a counter-critique of Western neo-colonialism. The final section brings the first two sections together by briefly exploring the interrelationship between citizenship and nationhood as it relates to overseas territories.

This chapter draws attention to the various ways in which decolonisation in these territories shapes, and is shaped by, the politics of citizenship, providing a rationale for the closer study of different approaches and dynamics in each context. Although this thesis represents but a single case study of this more general phenomenon, it aims to encourage further analysis in other parts of the decolonising world.

Decolonisation, Self-determination and Overseas Territories

The process of decolonisation is widely acknowledged to have been one of the formative phenomena of the twentieth century. Large, mostly European empires that spanned across different continents dissolved, giving birth to new nation-states. But such a geopolitical shift did not take place everywhere. In declaring 2011 to 2020 as the Third International Decade for the Eradication of Colonialism, former UN Secretary-General Ban ki-Moon drew attention to the remaining challenges facing different parts of the world regarding the decolonisation process.⁵ In particular, there remain seventeen territories on the UN List of Non-Self-Governing Territories (NSGTs)⁶

⁵ United Nations, "Secretary-General, in Message to Caribbean Regional Seminar, Galvanizes Efforts for Successful Third International Decade to Eradicate Colonialism", 1 June 2011, Available: <https://www.un.org/press/en/2011/gacol3220.doc.htm>.

⁶ Enshrined in Chapter XI of the UN Charter, as of 2017, the UN List of Non-Self-Governing Territories includes: American Samoa (US), Bermuda (Britain), British Virgin Islands (UK),

considered by the “UN Special Committee of 24”⁷ to have not yet exercised their right to self-determination, and as such remain under colonial rule.

New Caledonia is one of these “overseas territories”.⁸ Many of these island territories remain under the sovereignty of a metropolitan state, either because of local collective will, or because of the interests of the “administrative power”, the UN term used to refer to the colonial powers under whose sovereignty the territory remains. Although any conceptual category might be contested, it is argued that “overseas territories” is an analytically useful frame in spite of the particular histories, geographies, economic positions and sociocultural contexts of the different territories that fall within it.

Post-colonial theories emerged in the 1960s to challenge narratives of colonialism that ended with independence where, in transitioning from the colony to nation, colonised peoples had reached a stage of civilisation where they could rule themselves. As Anne McClintock argues, post-colonial theory sets “itself against this imperial idea of linear time.”⁹ By highlighting the “continuities in international imbalances in imperial power”, it questioned the assumption that colonisation begins and ends with the raising of a flag. “Becoming postcolonial”, writes Dipesh Chakrabarty, “is a process, and not a state of being ever achieved with any degree of finality.”¹⁰ While post-colonial scholars commonly examine the legacy of empire in the formation of new nation-states and the structuring of state-citizen relations, overseas territories remain largely neglected in this literature even though they remain obvious sites for studying these continuing power relations in the global system.¹¹

We might wonder with Todd Shephard, whether decolonisation really captures the agency and struggle of the colonised subject.¹² In his history of the bloody French-

Cayman Islands (UK), Falkland Islands (also known as Malvinas) (UK), French Polynesia (France), Gibraltar (UK), Guam (US), Montserrat (UK), New Caledonia (France), Pitcairn (UK), St Helena (UK), Tokelau (New Zealand), US Virgin Islands (US) and Western Sahara.

⁷ The Special Committee of 24 is a UN mechanism consisting of twenty-four representatives from independent states, created in 1961, in order to deliberate on the implementation of UNGA Resolution 1514 (XV), 14 December 1960.

⁸ I refer to New Caledonia as an *overseas territory* in this chapter because it is a case study of a broader phenomenon, knowing that since 5 May 1998 it has ceased to be an overseas territory in the French legal sense.

⁹ Anne McClintock, “The Angel of Progress: Pitfalls of the Term ‘Post-Colonialism,’” *Social Text* 31/32 (1992), 87.

¹⁰ Dipesh Chakrabarty, *From the Colonial to the Postcolonial: India and Pakistan in Tradition* (New Delhi: Oxford University Press, 2007), 4.

¹¹ There remain nevertheless some important contributions: Aldrich and Connell, *The Last Colonies*; Robert Aldrich, “The French Overseas Empire and Its Contemporary Legacy”, *European History Quarterly* 40, no. 1 (2010), 97–108; Stephen A. Royle, “Postcolonial Culture on Dependent Islands”, *Space and Culture* 13, no. 2 (2010), 203–215; Godfrey Baldacchino, “‘Upside Down Decolonization’ in Subnational Island Jurisdictions: Questioning the ‘Post’ in Postcolonialism,” *Space and Culture* 13, no. 2 (2010), 188–202.

¹² Todd Shephard, *The Invention of Decolonization: The Algerian War and the Remaking of France* (Ithaca: Cornell University Press, 2006), 3–4,

Algerian War (1954-1962) leading to Algerian independence, Shephard argues that decolonisation was a concept “invented” by “French bureaucrats, politicians and journalists” who “rewrote the history of imperialism and anti-imperialism so that decolonisation was the predetermined end point.” It represented the culminating moment of a meta-narrative that framed the end of colonial rule in terms of an ordered process that denied the physical and existential resistance of the colonised.

As Albert Memmi reflected in light of his experiences as a secular Jew having grown up in French Tunisia, the Manichean image of the colonial situation failed to do justice to its complexity.¹³ In overseas territories, such as those of the Pacific, we confront situations where decolonisation appears perpetually “in suspense” because it appears as a process without an agreed outcome.¹⁴ While I refer to overseas territories for conceptual clarity, certain indigenous peoples in these territories claim to be sovereign nations (for example, Australia, Hawai‘i and New Zealand), while others claim to be British, French or Dutch despite the “motherland” being thousands of kilometres away (for example, Guyane and Réunion). The relationship between an individual’s citizenship and their identity is contingent on a number of factors, reflecting the variation of sovereignties throughout the Pacific.¹⁵

Other scholars have acknowledged the similarities of overseas territories, despite referring to them in different ways. In the most comprehensive treatment to date of these territories, Robert Aldrich and John Connell’s 1998 book adopted the title *The Last Colonies*, but the authors noted that such a term is highly problematic and therefore rarely used in the book itself. They argue quite reasonably “since political shifts are crucial to colonialism and decolonisation, a definition of a colony is condemned to flexibility and variable interpretations.”¹⁶ Instead, they tend to use the term “overseas territories”, or simply “territories”, based on three criteria: constitutional difference, geographical distance from the metropole and political dependence resulting in ineligibility for the United Nations.¹⁷

Metropolitan states administering overseas territories, known in UN parlance as “administering powers”, tend to dispute the notion that they are colonial powers, even though significant proportions of the local population contest their incorporation within

¹³ Albert Memmi, *The Coloniser and the Colonised* (Boston: Beacon Press, 1965).

¹⁴ I borrow this term from an article published by Alban Bensa and Eric Wittersheim on New Caledonia in the French newspaper *Le Monde diplomatique*: “En Nouvelle-Calédonie, société en ébullition, décolonisation en suspens”, July 2014, 18–19.

¹⁵ Natacha Gagné and Marie Salaün, *Visages de la souveraineté* (Paris: L’Harmattan, 2010).

¹⁶ Aldrich and Connell, *The Last Colonies*, 3.

¹⁷ Aldrich and Connell, *The Last Colonies*, 5-6.

the metropolitan state, even demanding independence in several cases.¹⁸ However, it is equally true that many in these territories express strong attachment to the metropole, especially for economic reasons, and have preferred integration to independence.¹⁹ Despite the failure of independence referenda in such islands in recent years, independence can emerge as a potential option in response to sudden changes of circumstance. For instance, the vote in favour of Britain's departure from the European Union triggered some among Britain's overseas territories, such as Bermuda, to re-consider independence.²⁰

In one recent analysis, Godfrey Baldacchino refers to more than two hundred "sub-national island jurisdictions", focusing on the role that island geographies play in shaping their position with their encompassing nation-state.²¹ Gerard Prinsen and colleagues refer to "non-self-governing territories", drawing on the UN List of NSGTs as well as other territories under the sovereignty of a metropolitan power.²² They distinguish their list from that of Baldacchino by emphasising the particular circumstances of "far-flung" territories as opposed to those in geographical proximity to their metropolises. For example, while French Polynesia and Pitcairn are many thousands of kilometres from France and the UK respectively, Corsica and Jersey are not.

In referring to overseas territories, I echo Prinsen and colleagues who recognise New Caledonia's position within a global, yet distinct phenomenon.²³ While recognising with them the tendency for these populations to desire continued relations with a metropolitan state, rather than full independence, this attachment does not lead to a finite resolution of decolonisation. Certainly, decolonisation is not limited to overseas territories, even though the UN formal processes of decolonisation only speak of the seventeen territories on the UN List of NSGTs, all except two of which are island/archipelagic territories. For indigenous peoples in settler colonial contexts such as Australia, Canada, New Zealand or the United States, the end of imperial rule

¹⁸ Of the NSGTs, there have been significant independence movements in French Polynesia, Guam, New Caledonia and Western Sahara.

¹⁹ Helen Hinjens, *Alternatives to Independence: Explorations in Post-Colonial Relations* (Aldershot: Dartmouth Publishing Company, 1995).

²⁰ Jonathan Bell, "Independence idea revived amid Brexit", *The Royal Gazette*, 16 September 2016, Available: <http://www.royalgazette.com/politics/article/20160916/independence-idea-revived-amid-brexit>.

²¹ Baldacchino, "'Upside Down Decolonization' in Subnational Island Jurisdictions."

²² Gerard Prinsen, Yves Lafoy, and Julien Migozzi, "Showcasing the Sovereignty of Non-Self-Governing Islands: New Caledonia: Non-Self-Governing Islands' Sovereignty," *Asia Pacific Viewpoint*, June 9, 2017.

²³ Note that there are numerous overseas territories under the sovereignty of metropolitan states that are not populated. For example, Britain has forty overseas territories of which only fourteen have permanent residents. See Prinsen, Lafoy and Migozzi, "Showcasing the Sovereignty of Non-Self-Governing Islands".

resulted in a re-subjugation within a settler national identity, begging the question what decolonisation means in such a context.²⁴

Overseas territories is used here because in many cases these territories have governments that play a major role in the day-to-day lives of their resident populations. “Overseas” describes how the decolonisation process has led to these populations becoming part of the national imaginary, as citizens of the metropole. The term *overseas* came to signify these “co-citizens” across the ocean: the Dutch *landen*, the French *outré-mer* or the Portuguese *ultramar*. Although I refer to these territories collectively as overseas territories, they are governed and popularly referred to in different ways: colonies, protectorates, departments, territories, territorial communities, countries and so on.

Three particular characteristics of these decolonising overseas territories justify their inclusion within a single framework for analysis: their island-ness, geographical separation from the metropole and constitutional distinctiveness. These do not amount to universal variables but play a particularly consequential role in the perception and representation of overseas territories. First, overseas territories are often referred to in relation to their geographical isolation, “smallness”, and economic and political dependence.²⁵ These traits are often associated with representations of social isolation and inwardness.²⁶ Islanders do not necessarily perceive themselves that way, especially in light of their astonishing histories of navigation, trade and settlement across the oceans. Tongan anthropologist Epel’i Hau’ofa’s rejection of Oceania as “islands in a far sea” in favour of our “sea of islands” is perhaps the most famous example. As numerous post-colonial island voices have argued, colonial rule isolated

²⁴ Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (Basingstoke: Palgrave Macmillan, 2010), 94. Veracini argues pointedly: “if decolonisation is generally understood as a transaction whereby a colonial state is transformed into a self-governing territorial successor polity, problems inevitably arise when the settler colonising state is the self-governing territorial successor polity.”

²⁵ Matthew Allen, in his study of conflict in the context of extractive industries in the Solomon Islands, argues that “islandness” can be a powerful variable as ‘containers for internal socio-economic tensions and contradictions that can be exacerbated by extractive enclaves and can contribute to the island scale becoming “ungovernable.” See “Islands, Extraction and Violence: The Politics of Mining in Island Melanesia”, *Political Geography* 57 (2017), 82; See also Chris Becker, “Small Island States in the Pacific: The Tyranny of Distance?,” IMF Working Paper, 2012, Available: <http://www.imf.org/external/pubs/ft/wp/2012/wp12223.pdf>; Geoffrey Bertram, “On the Convergence of Small Island Economies with Their Metropolitan Patrons,” *World Development* 32, no. 2 (2004), 343–64.

²⁶ Eric Hirsch, “Paradoxes of the Cosmopolitan in Melanesia”, in Pnina Werbner (ed.), *Anthropology and the New Cosmopolitanism: Rooted, Feminist and Vernacular Perspectives* (Oxford: Berg, 2008), 187–214; Godfrey Baldacchino, “Objects of Representation”, *Geographiska Annaler*, Vol. 87, no. 4 (2005), 247–251.

peoples within and across islands from each other through the imposition of territorial boundaries.²⁷

Second, overseas territories are separated from the mainland/metropole by substantial distances and are located within regions that are culturally distinct from the metropole.²⁸ It does not necessarily follow that geographical distance always equates to cultural distinctiveness, especially in territories that experienced substantial settlement, which have invariably remade the territory in the image of the metropole. Despite their attachment to the metropole, the geographical location of overseas territories often means the valuing of close links with the neighbouring islands and countries, because of either shared cultural identities or economic opportunities. For example, many overseas territories seek to participate within regional forums, even though the metropolitan power tends to oversee foreign representation and defence, sometimes leading to a compromise arrangement, such as a form of associate membership.²⁹

Third, overseas territories have been colonised and remain embedded to varying degrees within the metropolitan legal and political system. These systems can shape political practice (such as the electoral system), political culture and the intelligibility of the state for everyday citizens. Though they tend to remain within the constitutional parameters of the metropole, their particular arrangements are often constitutionally recognised. In some cases, the territories possess their own constitutions. For example, unlike the other overseas territories of the Netherlands, known as special municipalities, Aruba possesses its own constitution, remaining subject to the Charter of the Kingdom of the Netherlands. What these devolutions of power permit varies across the overseas territories, though it remains the case that the legal relationship to the metropolitan power strongly marks local political life. As Aldrich and Connell observe, “unless independence occurs, status issues in the territories are never fully resolved. Statutes can be revised, negotiations reopened, referenda reversed, governments removed from office.”³⁰

²⁷ Matt K. Matsuda, “‘This Territory was Not Empty’: Pacific Possibilities”, *The Geographical Review* 97, no. 2 (2007), 230–243.

²⁸ Prinsen, Lafoy, and Migozzi, “Showcasing the Sovereignty of Non-Self-Governing Islands.”; Aldrich and Connell (*The Last Colonies*, 5) refer to a “lack of obvious geographical attachment”..

²⁹ In the Caribbean Community (CARICOM), the British overseas territories such as Anguilla, Bermuda, British Virgin Island Territories and the Turks and Caicos Islands are all ‘associate members’, while Montserrat is a full member. Similarly, in 2016, despite vocal opposition from their independence movements, French Polynesia and New Caledonia became full members of the Pacific Islands Forum even though full membership has historically been reserved for fully sovereign states.

³⁰ Aldrich & Connell, *The Last Colonies*, 24.

Both their diversity and shared characteristics can contribute to our understanding of decolonisation. A snapshot of various overseas territories in the Pacific region in 2017 helps us to see the multiple trajectories of decolonisation in the Pacific (see Annexe II). The various overseas territories in the region possess various statuses and legal citizenship categorisations. It is important to reiterate that decolonisation goes beyond these cases. In both the US state of Hawai'i and Rapa Nui, colonised by Chile, indigenous groups continue to struggle for recognition of their sovereignty within settler regimes.³¹

There are clear economic benefits to possessing metropolitan citizenship for populations in overseas territories. Due in large part to metropolitan expenditure and investment, these territories enjoy far higher levels of gross domestic product per capita than their independent neighbours.³² Their populations can access larger labour markets, enabling remittances for family members who remain at home. As a result, it is common in Pacific overseas territories to find far greater numbers living in the metropole than in their home territory. However, the economic model is often criticised for further reinforcing dependence on the metropole and hampering efforts towards economic emancipation. Many of these territories remain rent-seeking economies, overly reliant on metropolitan investment and public sector jobs with indexed salaries.³³

Possessing metropolitan citizenship equally enables access to education and health services. However, ensuring that infrastructure and economic development is of a similar standard to that of the metropole remains a major challenge for many metropolitan governments. For many years, protests and strikes have plagued many French overseas departments and territories in response to the high cost of living and neglect by the government. The inequalities between metropole and territory raise questions about the space between the equality of formal citizenship rights and its quotidian substance; there is often an expectation that overseas populations have a right to similar services as the metropole despite the very different social and economic circumstances.

Although most overseas territories experience a net migration deficit towards the metropole because of limited economic opportunities, this is not always the case. Periodic economic booms can attract migration from the metropole, raising complex

³¹ The exclusion of Hawai'i and Rapa Nui from the above list is because they do not correspond with the above criterion concerning constitutional distinctiveness since they are fully incorporated into the American and Chilean state.

³² Bertram, "On the Convergence of Small Island Economies with Their Metropolitan Patrons."

³³ Mathias Chauchat, *Vers un développement citoyen: perspectives d'émancipation pour la Nouvelle-Calédonie* (Grenoble: Presses universitaires de Grenoble, 2006); Gael Lagadec and Etienne Farvaque, "La recherche de rente en Outre-mer: Faits stylisés et mécanismes cumulatifs", *Revue d'économie politique* 125, no. 1 (2015), 97–118.

questions concerning citizenship, as demonstrated in Guam and New Caledonia. In the former case, it has been primarily due to the economic opportunities that have arisen from US military activity on the island, while the latter case has been due to its large nickel industry.³⁴ Although most migrants come from the metropole, it is equally possible for people from overseas territories who share legal citizenship to settle, such as Micronesian communities in Guam and the Wallisian and Futunian community in New Caledonia. Depending on the context, indigenous populations can perceive these populations in negative terms, for instance, as a threat to local customs and livelihoods or as competitors for employment in various economic sectors. Alternatively, they can be perceived as an economic necessity because of their knowledge or skills. In this way, the dynamics of inclusion and exclusion can reflect structural positions within the global economy. Some migrants may decide to stay for short periods before leaving again, while others may choose to settle. Both Guam and New Caledonia are examples where migration has become an important political issue because of its perceived threat to indigenous self-determination.³⁵

Overseas territories equally possess conceptual unity born out of their historical position within the international system overseeing decolonisation. The League of Nations mandate system, established to “legitimise the perpetuation of imperial rule”, stipulated that “the character of the mandate must differ according to the stage of development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.”³⁶ For instance, South-West Africa and the South Pacific Islands were lumped together because of their shared sparseness of population, small size and remoteness.³⁷

The “sacred trust of civilisation” discourse underlining the League of Nations in relation to decolonisation in turn underpinned the post-Second World War formulation of the UN system. The UN Charter recognised two types of territory: the Non-Self-Governing Territories (Chapter XI of UN Charter) (NSGTs) and the Trust Territories (Chapter XII). The adoption of terminology such as “Mandate”, and later “Trust Territories” and NSGTs, reflected the continued belief in the civilisational benefits of colonial rule but

³⁴ Frank Quimby, “Fortress *Guâhân*: Chamorro Nationalism, Regional Economic Integration and US Defence Interests Shape Guam’s Recent History,” *The Journal of Pacific History* 46, no. 3 (2011), 357–380.

³⁵ Quimby, *Fortress Guâhân*, 366–67; Mathias Chauchat, “Le Troisième Corps Électoral”, Conférence Ngère K, Noumea, New Caledonia, 17 March 2016, Available: http://larje.univ-nc.nc/images/Conf_Cauchat_le_3%C3%A8me_corps_%C3%A9lectoral.pdf.

³⁶ Susan Pedersen, “Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations”, *The Journal of Imperial and Commonwealth History* 40, no. 2 (2012), 253.

³⁷ Art. 22, Covenant of the League of Nations.

also growing pressures against it.³⁸ The underlying narrative, however, remained the same. The UN Charter described Trust Territories as “the political, economic, social and educational advancement of the inhabitants... and their progressive development towards self-government or independence as may be appropriate to the particular wishes of the peoples concerned.” The List of NSGTs included “territories whose peoples have not yet attained a full measure of self-government.” Even though administering powers were expected to report on their implementation to a Special Committee, this did not prevent administering powers from facilitating the decolonisation process in a way that reflected their own interests. Nevertheless, the UN mechanism did undermine colonial powers’ attempts to placate interference in what they framed as internal sovereign matters by providing a means for anti-colonial delegations to question the decolonisation process.³⁹

The growing presence of the former colonies turned nation-states resulted in increased pressure to decolonise, including the 1960 UN General Assembly’s *Declaration on the Granting of Independence to Colonial Countries and Peoples*.⁴⁰ Noting that “all peoples have the right to self-determination in international law; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”, it further declared that:

Immediate steps shall be taken, in Trust and NSGTs or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enjoy complete independence and freedom.

Despite challenging the logic of colonial powers by emphasising the centrality of democratic self-determination, such claims challenged the UN Charter’s founding principles of state sovereignty and non-interference. For example, Indonesia, which rose to the forefront of the international push for decolonisation following its independence in 1945 (formally recognised in 1949) from the Netherlands, subsequently denied the right to self-determination to the people of Timor-Leste in 1975, while also organising a dubious “Act of Free Choice” in West Papua. Although the complementary UN General Assembly Resolution 1541 emphasised the importance of self-determining populations having the choice between independence,

³⁸ Jessica Pearson, “Defending Empire at the United Nations: The Politics of International Colonial Oversight in the Era of Decolonisation”, *The Journal of Imperial and Commonwealth History* 45, no. 3 (2017), 525–549

³⁹ Pearson, “Defending Empire at the United Nations”, 542.

⁴⁰ UN Resolution 1514 (XV), 14 December 1960.

free association and integration, colonial powers did not always grant such choices.⁴¹ While in some cases, colonial powers dug in against local demands for emancipation, in others they sought to accelerate their departure against the local wishes.⁴²

Citizenship proved to be a critical issue in regards to decolonisation. In some cases, especially in relation to more populous colonies, colonial powers denied equal citizenship because of the potential for large migratory influxes from the colonies to the metropole. However, extending legal citizenship also served as a strategy to legitimise metropolitan rule and ward off external interference. In the case of France, by integrating its former island colonies as overseas departments and territories in 1946, it could argue decolonisation had occurred. In this way, both the *Etablissements français d'Océanie* (EFO, from 1956 known as French Polynesia) and New Caledonia became NSGTs in 1945, only to be removed in 1947. Because France's colonised populations received citizenship, France argued that its populations had become full and equal members of the political community and decolonisation a *fait accompli*, despite the fact that most formerly colonised subjects did not get to democratically choose whether to remain in the Republic until 1958.⁴³ Amidst the dissolution of Europe's empires, millions remained non-citizen subjects. Gregory Rawlings highlights the case of the Anglo-French Condominium of New Hebrides in the South-West Pacific, where, until its independence as Vanuatu in 1980, the indigenous population found themselves effectively stateless and denied any form of international recognition since they could obtain neither British nor French citizenship.⁴⁴ Similarly, large numbers of non-indigenous populations who had migrated to various colonies found themselves excluded from three different political communities: the colony turned independent state, the metropolitan state and their ancestral homeland.⁴⁵

Although the Trust Territories category expired in 1994⁴⁶, there remain seventeen territories on the UN List of NSGTs spread across the Atlantic, the Caribbean and

⁴¹ For a full discussion see Edward Wolfers, "Self-Determination, Decolonisation and the United Nations," in *Assessment of Decolonization Process in Today's World*, Pacific regional seminar on the implementation of the Second International Decade on the Eradication of Colonialism, Noumea, 2010, Available: http://www.un.org/en/decolonization/pdf/dp_2010_wolfers.pdf.

⁴² The British, for example, had a strong preference for independence in the case of its Caribbean territories until the 1990s. Helen Hintjens and Dorothea Hodge, "The UK Overseas Territories: Governing Unruliness among the Extra-Territorial EU", *Commonwealth & Comparative Politics* 50, no. 2 (2012), 190–225.

⁴³ Another example is Puerto Rico. In 1953, the Special Committee accepted the end of US reporting following the inception of the Constitution of Puerto Rico, which made the territory a Commonwealth of the United States.

⁴⁴ Gregory Rawlings, "Statelessness, Human Rights and Decolonisation: Citizenship in Vanuatu, 1906–80," *The Journal of Pacific History* 47, no. 1 (2012), 45–68.

⁴⁵ Sarah Ansari, "Subjects or Citizens?"

⁴⁶ The last UN Trust Territory was Palau, administered by the US until 1994. It still retains a close relationship with the US, which maintains a strong defence presence in the region.

Pacific Oceans. The ongoing presence of these territories on the UN list highlights the difficulties of exercising self-determination in a way that satisfies both local and metropolitan populations, as well as external states with sovereignty claims.

In the case of both New Caledonia (1986) and, more recently, French Polynesia (2013), inscription on the UN List of NSGTs occurred partly in response to the demands of the territories' respective independence movements⁴⁷. These independence movements invoked their legitimacy as representatives of indigenous populations, rather than the population as a whole, while anti-independence supporters in both polities have argued that inscription on the UN List of NSGTs runs contrary to the democratic choice of the territorial population who desire ongoing links with the metropole⁴⁸. However, democratic legitimacy tends to derive from the balance of power within local legislatures between "pro" and "anti" independence parties rather than a referendum. Inscription equally depended on gaining support from sympathetic independent states to support their case. In 1986, New Caledonia's inscription received support from the entire Pacific region, including Australia and New Zealand, largely because of hostility towards France in relation to its nuclear testing program. Following the 2013 inscription of French Polynesia, France complained bitterly that miniscule states such as the Solomon Islands, Nauru and Tuvalu could defy local democratic will⁴⁹. The decolonisation process in such cases highlights the particular importance of citizenship, since the self-determination of these territories depends upon a territorially bounded people who can make a democratic choice on their future status, in or outside of the metropolitan state⁵⁰.

In other NSGTs, competing claims between sovereign states have taken precedence over the explicit sentiments of local populations. In both the cases of the Falkland Islands (Malvinas) and Gibraltar, inscription on the List occurred despite several referenda re-affirming their preference for British sovereignty. In the Gibraltar case,

⁴⁷ UN General Assembly Resolution. "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples" (A/41/L.33). 10 November 1986. For French Polynesia, see UN General Assembly Resolution. "Self-determination of French Polynesia" (A/67/265), 17 May 2013. See also Mathias Chauchat, "La ré-inscription de la Polynésie française sur la liste des pays à décoloniser", 19 May 2013, Available: <http://larje.univ-nc.nc/index.php/14-analyses-arrets-decisions/droit-compare/420-la-reinscription-de-la-polynesie-francaise-sur-la-liste-des-pays-a-decoloniser>.

⁴⁸ UNGA, A/42/651, 20 October 1987.

⁴⁹ "Polynésie: la France dénonce une "ingérence flagrante" de l'ONU, *Le Monde*, 17 May 2015: Available: http://www.lemonde.fr/politique/article/2013/05/17/la-france-ne-participera-pas-au-vote-a-l-onu-sur-la-decolonisation-de-la-polynesie_3280743_823448.html#p4ek8Xe3zRiBRgTj.99.

⁵⁰ The emphasis on territoriality is reinforced by the UN Resolution forbidding the portioning of a territory, though this did not prevent this from happening to the French territory of the Comoros in 1975, which split between the independent Islamic Republic of the Comoros Islands and the territory of Mayotte, which became part of the Republic.

the local government organised a referendum in 2002 on shared sovereignty between Britain and Spain against the wishes of the British Government, eager to demonstrate the territory's unanimous opposition to Spanish sovereignty of any kind.⁵¹ In the case of the Falklands, where similar overwhelming majorities have affirmed support for British rule, a number of Latin American states have supported Argentina's claims, demanding an end to British imperialism.

Another factor marking a common status for overseas territories within the decolonisation regime came with the inception of the 1982 UN Law of the Sea and the formal recognition of exclusive economic zones (EEZ).⁵² Possessing overseas territories enabled metropolitan powers to exercise their control over large areas of ocean. As a result, the exploitation of seabed minerals and fishing grounds has become an important area of contention between local populations of territories and metropolitan governments.⁵³ Despite their small size, these territories can become sources of conflict between rival powers. Baldacchino and Milne further observe how sub-national island jurisdictions can become strategically useful for sovereign states for morally dubious purposes, from nuclear testing in the British and French Pacific, criminal detention facilities in the United States' Guantanamo Bay and Australia's Christmas Islands, or the well-known tax havens in the Caribbean and the Pacific⁵⁴. Their legal distinctiveness and separation from the mainland thus permits the metropole to circumvent both metropolitan and international laws.

The diffuse set of cases on the UN List of NSGTs has led some scholars to question whether it remains constructive to continue speaking of decolonisation in the twenty-first century. Godfrey Baldacchino, examining the case of the New Zealand non-self-governing territory of Tokelau, likened it to "flogging a dead horse."⁵⁵ Administered by

⁵¹ Peter Gold, "Identity Formation in Gibraltar: Geopolitical, Historical and Cultural Factors", *Geopolitics* 15, no. 2 (2010), 372.

⁵² In particular Res. III Art. 73(a) states that "In the case of a territory whose people have not attained full independence or other self-governing status recognised by the United Nations, or a territory under colonial domination, provisions concerning rights and interests under the Convention shall be implemented for the benefit of the people of the territory with a view to promoting their well-being and development."

⁵³ See for example the question posed by Senator from Wallis and Futuna to the French Senate, Robert Laufouaulu concerning seabed resources within the EEZ of the territory, asking for the "word of the State that the exploitation to come from seabed resources in the EEZ of Wallis and Futuna will take fully into account respect for the environment, biodiversity and the interests of the territory and its inhabitants, especially financial inflows...and the creation of jobs." Question orale, no. 0720S de M. Robert Laufoaulu (Sénat), JORF, 27 (2014), 501.

⁵⁴ Godfrey Baldacchino and David Milne, "Exploring Sub-National Island Jurisdictions: An Editorial Introduction," *The Round Table* 95, no. 386 (2006), 488.

⁵⁵ Baldacchino, "'Upside Down Decolonization' in Subnational Island Jurisdictions." Other cases such as the Falkland Islands and Gibraltar can appear equally frustrating since the colonial power and the "colony" have agreed that no such colonial relation exists, but both territories remain on the UN List of NSGTs because they do not satisfy the criteria of UNGA Resolution 1541. See Gold, "Identity Formation in Gibraltar", 372.

New Zealand, Tokelau's approximately six hundred eligible voters voted in two referenda in 2006 and 2007 on whether or not to become a self-governing territory in free association with New Zealand. The "yes" decision fell short by a handful of votes on both occasions, resulting in the territory remaining on the UN List, much to the frustration of the New Zealand Government, eager to be rid of its label as a colonial power. The various issues facing overseas territories suggest that decolonisation is partly about having the power to choose from a set of meaningful options, rather than an imposed outcome or constraints on the range of outcomes possible.

The complexity of decolonisation in the twenty-first century invites a re-examination of the concepts we use to explain the political world. Decolonisation and self-determination are not purely about a given outcome in the form of a status, but the making and re-making of the political community. How do people in such contexts, both in the metropole and in the overseas territory, construct citizenship? In order to explore these questions, we need a deeper understanding of citizenship itself.

Constructing the Contours of Citizenship

If citizenship is nominally the connection between the citizen and the state, overseas territories deviate from this norm by virtue of their distinctive place within the metropolitan state, born out of their geography, colonial history, economic position and culture.

Citizenship often appears as a universal concept that is nevertheless hard to define. Catherine Neveu employs Lewis Carroll's fictional character of the "snark" to describe citizenship because it is often assumed we know what it is but struggle to give it physical form.⁵⁶ We know what citizenship is because it manifests in the form of objects like passports and official documentation and practices like voting and receiving welfare benefits. Yet citizenship is often more than just a legal status. The claiming of rights and entitlements derives from our belonging to a political community.⁵⁷ In this regard, people may also think of citizenship as constitutive of their very identity – we do not only possess Australian citizenship; *we are Australian*. For this reason, the denial or revocation of citizenship can be painful since it denies our belonging to a people

⁵⁶ Catherine Neveu, "Anthropologie de la citoyenneté" (PhD diss., Université de Provence-Aix-Marseille I, 2005), 6.

⁵⁷ Will Kymlicka and Wayne Norman, "Return of the Citizen: A Survey of Recent Work on Citizenship Theory", in *Theorizing Citizenship*, ed. Ronald Beiner (Albany: State University of New York Press, 1995), 283. A good definition of political community is given by Michael Walzer in *Spheres of Justice* (New York: Basic Books, 1983), 31: "The idea of distributive justice presupposes a bounded world within which distributions take place: a group of people committed to dividing, exchanging and sharing social goods, first of all among themselves. That world, as I have already argued, is the political community, whose members distribute power to one another and avoid, if they possibly can, sharing it with anyone else".

and/or a place.⁵⁸ It is equally true that citizenship might not mean very much at all. In post-independence Melanesia, for example, states and the idea of government, which are in their infancy even in comparison with other former colonies, can appear as intangible concepts lacking influence in the day-to-day lives of their populations, or in ways that are different to those in most liberal democratic states.⁵⁹

Not only can our citizenship constitute our identity and *vice versa*, it equally serves to distinguish between “ourselves” and other “non-citizens.” In social psychology, scholars have argued citizenship amounts to a form of self-awareness. Citizenship becomes a kind of language assisting in the reproduction of a given social order, enabling individuals to speak in ways that can be understood by those who do not share the same reality.⁶⁰ Although a set of objective criteria (such as filiation, birthplace and naturalisation) establish citizenship’s parameters, it is intertwined with subjective, socially constructed notions of belonging. For this reason, sociologist Rogers Brubaker referred to citizenship as a form of “social closure”, constituted as “internally inclusive” and “externally exclusive”: “Citizenship is not simply a legal formula; it is an increasingly salient social and cultural fact. As a powerful instrument of social closure, citizenship occupies a central place in the administrative structure and political culture of the modern nation-state and state system.”⁶¹ Brubaker elsewhere distinguishes between “formal” and “substantive” citizenship. In some cases, formal citizenship does not necessarily result in equal membership in a political community; conversely, he notes an increasing trend towards scholarship that facilitates substantive membership without necessarily focusing on formal belonging.⁶² Through its laws, the state defines both who a citizen is, but also how the citizen is represented in the eyes of fellow members of the political community. For example, by recognising English as an official language, speaking English becomes an important basis for full membership in the political community.

International law generally assumes that all people are citizens of states, and when they are not, as “stateless” people, their human rights have been infringed.⁶³ Yet

⁵⁸ This has been evident in recent years involving attempts by various Western governments to introduce laws allowing for the deprivation of citizenship to any persons with dual citizenship convicted of terrorism charges.

⁵⁹ Sinclair Dinnen, “Violence and Governance in Melanesia”, *Pacific Economic Bulletin* 14, no.1 (1999), 63.

⁶⁰ John Shotter, *Beyond the State* (SAGE Publications, London, UK, 2005), 124.

⁶¹ Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992), 23.

⁶² Rogers Brubaker, “Migration, Membership, and the Modern Nation-State: Internal and External Dimensions of the Politics of Belonging,” *Journal of Interdisciplinary History* 41, no. 1 (2010), 65.

⁶³ For example, Article 15 of the *Universal Declaration of Human Rights* states that everyone has a “right to a nationality.”

exclusion does not always coincide with state boundaries. Feminist theorists, for example, have long pointed to modern citizenship as an intrinsically masculine institution since the political realm and civil society envisioned no place for women who, while enjoying civil liberties, remained confined to their “natural” place within the private realm of the household, thus making the social contract between citizens also a “sexual contract.”⁶⁴

Although the state remains the predominant structuring force behind citizenship in the world today, various people and ideas within and outside the state challenge the prevailing narratives, discourses, representations and sometimes the very laws that determine citizenship. Recent studies on citizenship have largely focused on how different groups challenge hegemonic understandings of citizenship and in doing so fashion new meanings and practices as the basis for membership and belonging.⁶⁵ This includes examining how the multiple and uneven forces associated with globalisation reconstruct the claiming and distribution of rights and obligations in new ways. People share identities as consumers in a global marketplace in which enormous multinational corporations emphasise the importance of fluidity and de-regulation of state borders. Although states remain the premier authority responsible with upholding human rights, there can be little doubt that transnational/global movements have increasingly adopted the language of “global citizenship” to respond to issues such as climate change or economic justice, emphasising universal rights, freedoms and obligations.⁶⁶ The creation of the EU in 1992 and the Schengen Agreement introduced a supranational legal and political order, which many people saw as a symbol of a post-national or even a post-state future, albeit one that remains under immense pressure from within, especially from resurgent nationalisms.

Amidst this renewed interest in changing understandings of citizenship, epistemological and methodological shifts have encouraged scholars to illuminate the dynamic and contested basis of claiming citizenship, substituting a “top-down” focus on citizenship as a legal status for a “bottom-up” approach. This recognises that even though many receive their citizenship status upon birth, legal citizenship needs to be understood in relation to its social and political context. By adopting this approach and seeing

⁶⁴ Carol Pateman, *The Sexual Contract*, (Cambridge: Polity, 1988); For a theoretical discussion of feminist conceptualisations of citizenship see Nira Yuval-Davis, *Gender & Nation* (London: SAGE Publications, 1997), 79–83.

⁶⁵ Engin F. Isin and Bryan S. Turner, “Citizenship Studies: An Introduction,” in *Handbook of Citizenship Studies*, ed. Engin F. Isin and Bryan S. Turner (London, United Kingdom: SAGE Publications, 2002), 1–10.

⁶⁶ Seyla Benhabib, “The New Sovereignism and Transnational Law: Legal Utopianism, Democratic Scepticism and Statist Realism,” *Global Constitutionalism* 5, no. 1 (2016), 109–144; Seyla Benhabib and Daniele Archibugi, “Vers un projet cosmopolitique: Conversation entre théorie et pratique à propos du cosmopolitisme,” *Cahiers philosophiques* 122, no. 2 (2010), 115.

citizenship as a set of multiple and fragmented practices, discourses and ideologies, we are better able to account for the various ways in which it is locally and globally situated. In adopting this lens, I draw on Engin Isin and Patricia Wood who see citizenship,

Not only as a set of legal obligations and entitlements which individuals possess by virtue of their membership in a state, but also practices through which individuals and groups formulate and claim new rights or struggle to expand or maintain existing rights.⁶⁷

Therefore, it is not a matter of ignoring citizenship status completely, but going beyond it in order to reveal the “multiple perspectives” and “subject positions” people adopt in claiming citizenship.⁶⁸

As detailed further in the Methodology, this interpretive, decentred approach to understanding citizenship necessarily demands considering the underlying values, beliefs and ideologies shaping peoples claims to membership of a political community, and how these may conflict with those espoused by the state. This is particularly useful in relation to overseas territories because local populations may desire legal citizenship status yet simultaneously reject the philosophical framework in which that citizenship status is embedded in the metropole. This tension plays out in decolonisation processes and can constitute a serious challenge to dominant assumptions framing citizenship in the metropole, even if legal citizenship status itself is not open to question. In doing so, I consider that tendencies to conceptualise citizenship in overseas territories in purely economic terms – as a cost-benefit equation – are reductionist and elide the importance that belonging plays.

Equal Citizenship, Diversity and the Nation-State

Citizenship is broadly understood as a legal status accompanied by a set of rights and obligations exclusive to its bearers. Until relatively recently, scholars have focused on the kinds of rights necessary to foster equality and solidarity among the population, with a tendency to compare individual and collective rights, particular and universal. But how precisely do citizenship rights inculcate social solidarity and in what way do they depend on stable understandings of the political community?

Writing soon after the Second World War, sociologist Thomas Marshall examined the contradiction first identified by Karl Marx between the formal equality of citizens and the

⁶⁷ Engin Isin and Patricia Wood, *Citizenship and Identity* (London, United Kingdom: SAGE Publications, 1999), 15.

⁶⁸ Isin and Wood, *Citizenship and Identity*, 26.

inequalities engendered by capitalism.⁶⁹ Writing on the British context, Marshall identified three cumulative forms of citizenship rights: civil rights introduced during the late seventeenth century, such as the Bill of Rights (1689); the demand for political rights beginning in the nineteenth century until the adoption of universal suffrage in 1922; and finally, social rights during the twentieth century. Social rights, Marshall argued, allowed citizenship to offset material inequality, notably in the form of the Keynesian welfare policies in response to the Great Depression and the creation of the National Health Service (1948).

Marshall's theory emphasised the central role of social rights to provide substance to equal citizenship, but his work assumed that all people within the state were formal citizens.⁷⁰ Marshall wrote, "the status differences can receive the stamp of legitimacy in terms of democratic citizenship provided they do not cut too deep, but occur within a population united in a single civilisation, and provided they are not an expression of hereditary privilege."⁷¹ His emphasis on class, indicative of his time, led him to overlook the potential difficulties caused by post-war migration to the institution of citizenship, or issues concerning race and culture more prevalent in American sociology. Moreover, following the economic downturn experienced during the mid-1970s, disillusionment with government in the West magnified, paving the way for the neo-liberal reforms pushed by President Ronald Reagan in the United States and Margaret Thatcher in the United Kingdom. An emphasis on private enterprise and individual liberty, requiring a removal of state regulation, undermined the important role of the welfare state as a means of fostering greater social solidarity, as advocated by Marshall.⁷²

Similarly, the Vietnam War and the Watergate Scandal generated unprecedented levels of distrust in democratic governing institutions, above all in the United States, leading to a questioning of public life as the highest arena of citizenship. Robert Nisbet, for example, wrote that the state constituted a barrier to citizenship because of its "anonymity, its bureaucratic remoteness, (and) its imperviousness to democratic agency."⁷³ Rejecting Jean-Jacques Rousseau's argument that the state was greater than the sum of its parts, he instead argued in favour of Edmund Burke's emphasis on locally situated forms of love as prevailing over, but not extinguishing love for the whole.

⁶⁹ Thomas H. Marshall, *Citizenship and Social Class*, ed. Tom Bottomore (London: Pluto Press, 1992).

⁷⁰ Brubaker, "Migration, Membership, and the Modern Nation-State," 65.

⁷¹ Marshall, *Citizenship and Social Class*, 44.

⁷² Bryan Turner, *Citizenship and Social Theory* (London: SAGE Publications, 1993).

⁷³ Robert Nisbet, "Citizenship: Two Traditions," *Social Research* 41, no. 4 (1974), 624.

The liberal view of citizenship, increasingly prominent during the latter half of the twentieth century, in a very basic sense promoted the safeguarding of individual freedom against state power, elevating the realm of private interests in the form of the family, private property and civil society over the state.⁷⁴ This contrasted with the republican conceptualisation of citizenship born out of the French Revolution, heavily inspired by Jean-Jacques Rousseau's emphasis on individual subjection to the "general will" of the citizen body.⁷⁵ Liberal and republican theories share the aim of reconciling individual freedom and membership of the political community. Liberal ideas, for example, generally defend a minimalist state protective of individual freedom against state power and harm from others. Solidarity arises instead from participation in civil society: an ensemble of groups autonomous from both the state and individuals.⁷⁶ Republicans, or what some refer to as civic republicans, argue that passive citizenship rights are insufficient grounding for shared solidarity. The citizen should actively participate in public life, especially through voting and standing for office in order to transcend his or her own self-interest. As Michael Walzer argues, "to live well is to be politically active, working with our fellow citizens, collectively determining our common destiny – not for the sake of this or that determination but for the work itself, in which our highest capacities as rational and moral agents find expression."⁷⁷

Nevertheless, liberals and republicans tend to share the view that the public realm is both neutral and difference blind, since an individual or group's particular identities cannot serve as a basis for justice. Yet this assumes the citizen is an individual abstracted from their social and cultural context. From the 1960s, especially following the Civil Rights movement in the United States, it became clear that citizenship rights alone did not automatically lead to full inclusion within the political community. Conservatives also argued that migrants did not "assimilate" into the dominant culture. Marginalised social groups, including women, gay and lesbian communities and indigenous groups challenged hegemonic ideas of how citizens behaved or what a citizen looked like. These important social and political transformations gave rise to a questioning of the liberal assumption of the public sphere's neutrality and its fostering of equal citizenship. The "communitarian" argument emerged to emphasise the importance of group identity as the basis for political action and understandings of the

⁷⁴ David Held, *Models of Democracy* (Cambridge: Polity, 2006), 59; Peter Schuck, "Liberal Citizenship", in *Handbook of Citizenship Studies*, ed. Engin Isin and Bryan Turner (London: SAGE Publications, 2002), 131–144.

⁷⁵ Jean-Jacques Rousseau, *Of the Social Contract and Other Political Writings* (London: Penguin, 2012), 21

⁷⁶ Schuck, "Liberal Citizenship", 134

⁷⁷ Michael Walzer, "The Civil Society Argument" in *Theorizing Citizenship*, ed. Ronald Beiner (Albany: State University of New York Press, 1995), 155.

good life. Rather than reduce inequality between citizens, communitarians argued that failure to recognise certain groups could further exacerbate those inequalities.

Communitarian ideas called for greater acknowledgement that individual rights alone could not secure equality within a political community, arguing for a theory of citizenship that recognised the various layers to human identity. Iris Marion Young, in her critique of liberal citizenship, argued in favour of “differentiated citizenship” recognising human embeddedness⁷⁸. In her view, it was possible to distinguish between “social groups” on the one hand, and “aggregates” and “associations” on the other. Aggregates are formed according to shared characteristics such as skin colour, while associations tend to be voluntary. People who “share comprehensive identities and ways of life” constitute social groups. According to Young, social groups warrant particular kinds of recognition, including the capacity and support to facilitate self-organisation, the right to speak towards proposals affecting them, and potential veto powers in relation to such proposals.

Responding to communitarian critiques of liberal theory, Will Kymlicka acknowledges the importance of collective recognition on groups with a common “societal culture”, which he describes as a “shared vocabulary of tradition and convention.”⁷⁹ Societal cultures tend to be territorially concentrated, share the same language, in turn underpinning the success of a functioning economy, the unity and shared identity required for a welfare state, and a shared commitment to equal community. However, Kymlicka argues that it is both possible and ideal for individuals to stand apart from their own moral values and ways of life. In his view, the government should be enacting policies, such as a liberal model of education, that facilitate this exercise.⁸⁰

For Kymlicka, the implications of favouring “societal cultures” as the basis for collective rights are that certain social groups do have a moral obligation to adopt the language of the dominant societal culture. Yet, such an obligation would not exist for indigenous groups because of the extent to which their identity is bound up in a particular societal culture. However, liberal theorists express concern about the extension of certain forms of recognition because of the potential undermining of the nation-state’s integrity.⁸¹ In this way, collective claims on state citizenship are construed as a

⁷⁸ Iris Marion Young, “Polity and Group Difference: A Critique of the Ideal of Universal Citizenship,” *Ethics* 99, no. 2 (1989), 250–274.

⁷⁹ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Modern Citizenship* (Oxford: Clarendon Press, 1995), 77.

⁸⁰ For a general philosophical discussion and defence of liberal education see Martha Nussbaum, “Liberal Education and Global Community,” *Liberal Education* 90, no. 1 (2004), 42–47.

⁸¹ Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness* (Oxford: Oxford University Press, 2000), 193.

potentially dangerous precedent because they open up the possibility of contagion, whereby meeting one claim for recognition results in others demanding similar treatment. For example, demands for self-determination or some form of internal recognition in overseas territories can be refused because of fears that it could result in an unravelling of the political and social fabric of the nation-state as a whole.⁸²

Clearly, there are great differences between social groups and the basis of their claims. Inclusion and differentiation are normally two sides of the same coin. The right to difference is rarely articulated in absolute terms, such as a demand for independence, but as a means of facilitating a more inclusive political community. Variations of differentiated citizenship can be justified on the basis that they respond to pre-existing inequalities. This is especially the case, for example, with indigenous people who experienced colonisation, and where the acquisition of citizenship led to assimilationist policies reinforcing social and economic inequalities compared to the rest of the population. In the United States, affirmative action policies for African Americans respond to historic injustice born out of entrenched ideas of racial difference and white superiority.⁸³

One of the recognised difficulties concerning the politics of citizenship concerns, therefore, how to reconcile group recognition and individual freedom, between essentialising collective identities and denying their importance altogether. We have seen, for example, in feminist theory, how women of colour have rejected a feminist politics that fails to engage with race and cultural identity. This presents dilemmas for the state and dealing with a multiplicity of interacting forms of recognition. The long-running debate on the Islamic *hijab* in France is a good example, where feminist scholars have found themselves on different sides of the debate concerning whether the state should permit women to wear the *hijab* in public areas, highlighting different representations of the *hijab* as a symbol of women's oppression, women's choice or religious freedom.

In recognising citizenship as de-centred and fragmented – what Etienne Balibar describes as “an effective presence in the public (the capacity to be ‘listened to’ there)”, and therefore a “temporary equilibrium, a relation of forces and interests” – where different groups mobilise competing understandings of who the citizen is and how they

⁸² French Interior Minister during the mid to late 1980s Charles Pasqua argued in relation to New Caledonia that opposing independence there was the beginning of the defence of Corsica, where there had also been a very active independence movement.

⁸³ Eric Mitnick, drawing on the work of Clifford Geertz, though writing from the perspective of the sociolegal tradition, points to the constitutive role of the law positioned within social contexts. Citizenship laws are therefore constituted by and constitutive of the societies that produce them. See Eric J. Mitnick, “Differentiated Citizenship and Contextualized Morality,” *Ethical Theory and Moral Practice* 7, no. 2 (2004), 163–177.

are represented, we are better able to grasp the complex dynamics of decolonising overseas territories.⁸⁴ In particular, we can understand how people understand equal citizenship and how decolonisation challenges such conceptualisations. In the process, the study of citizenship has moved from a mostly top-down view favouring rights and recognition to a bottom-up view that favours understanding how people claim and contest citizenship in a given context. The legal status of citizenship remains an important marker of belonging, however, it does not entirely explain how and why people see themselves as part of a larger political community.

Citizenship and Nationhood

In the second half of the twentieth century, belonging to a nation emerged as the hegemonic basis for claiming citizenship in much of the world. Being a citizen and being a national are commonly viewed as one and the same thing, especially since the legal categories of citizenship and nationality tend to be synonymous with one another, despite there being some states where a distinction is made between the two.⁸⁵ Nevertheless, in the popular imaginary, national identity assumes a hegemonic basis for claiming citizenship. Problematizing the relationship between the concepts of citizenship and national identity is important in producing a better understanding of overseas territories.

The term *nation* derives from the latin word *natio*, meaning “birth” or “being born.” However, as Liah Greenfeld’s etymological tracing of the concept shows, its social meanings have evolved considerably over time.⁸⁶ Beginning in seventeenth century England, the nation became detached from its derogatory moorings as a reference to an inferior class and came to embody the idea of the *people*.⁸⁷ Rousseau later argued that the nation itself embodied the sovereign people, the idea of which heavily inspired the French Revolution and the eventual overthrow of the French *ancien régime*.⁸⁸ Article 3 of the 1789 *Declaration of the Rights of Man and the Citizen*, which underpinned the 1791 French Constitution, described sovereignty as “one, indivisible, inalienable and imprescriptible. It belongs to the Nation; no section of the people, nor

⁸⁴ Etienne Balibar, “Propositions on Citizenship,” *Ethics* 98, no. 4 (1988), 724.

⁸⁵ See, for example, Lucy Pedroza and Pau Palop-Garcia, “The grey area between nationality and citizenship: an analysis of external citizenship policies in Latin America and the Caribbean”, *Citizenship Studies* 21, no. 5 (2017), 587–605. I explore the US differentiation between citizenship and nationality later in the chapter.

⁸⁶ Liah Greenfield, *Nationalism: Five Roads to Modernity* (Cambridge: Harvard University Press, 1992), 4–9.

⁸⁷ Greenfeld, *Nationalism*, 4–9.

⁸⁸ Rousseau, *Of the Social Contract*, 20–21.

any individual can exercise it.”⁸⁹ While France is widely accepted as the first modern nation-state, it is important to note that it would be some time before universal democratic equality became synonymous with national citizenship. For example, in the years following the Revolution, property and then tax contributions became the primary prerequisite for voting and representation.⁹⁰ Yet the idea of a sovereign nation embodied the democratic aspirations of those eager to displace the rank and privileges of earlier dynastic regimes.

Early forms of nationhood encompassed tensions between ideas of popular consent and those based on common descent and shared cultural identity. This tension famously framed French scholar Ernest Renan’s 1882 lecture on *What is a Nation?* Renan took aim at the claims of German scholars casting the German nation as one constituted by shared blood and language.⁹¹ Such views, argued Renan, were built upon a false narrative ignorant of Germany’s ethno-cultural pluralism.⁹² Instead, Renan argued, French nationhood arose as a result of a “daily plebiscite”, a common desire to live together, born out of a shared history, but also having been able to “forget many things.”

Following Renan, scholars pointed to the interrelationship between state-building and the nation, especially following the Second World War as interest grew in how it was possible for nationalist ideological movements to become so powerful as they had done in Hitler’s Germany or Mussolini’s Italy. Hannah Arendt spoke of the state having been “conquered” by the nation, pointing to how Western European states enacted assimilationist citizenship policies in response to mass migrations from Eastern Europe in the wake of the First World War.⁹³ The state came to mediate citizen relations according to notions of national identity. A particular focus fell on how state institutions engaged in “socialisation” and “assimilation” in order to reinforce national consciousness. For example, Eugene Weber argued in *Peasants into Frenchmen* that the present idea of France as a single, territorial nation emerged only during the Third

⁸⁹ Isin and Turner (2002) have argued that the notion of *fraternity* espoused by French revolutionaries framed the nation as an expression of brotherhood primarily as a result of birthright.

⁹⁰ David Andress, *French Society in Revolution, 1789-1799* (Manchester: Manchester University Press, 1999), 151.

⁹¹ Ernest Renan, “What Is a Nation?” in *Nation and Narration*, ed. Homi Bhaba (London, United Kingdom: Routledge, 1990), 8–23.

⁹² For an example of the ethno-cultural framing of German nationalism in the early Romantic period see Johann H. Fichte, “Address to the German Nation (1807),” trans. G.H. Turnbull and R.F. Jones, 1922, Available:

http://www.archive.org/stream/addressestothege00fichuoft/addressestothege00fichuoft_djvu.txt.

⁹³ Arendt, *On the Origins of Totalitarianism*, 365–367.

Republic (1870-1940).⁹⁴ The provincialism of the largely rural and agrarian French population transformed under the pressures of modern industrialisation. As people moved to cities, they increasingly entered into the institutions of the French state, such as the public school, which became free and secular from the late nineteenth century, and militarised following the Franco-Prussian war and introduction of military conscription.

In one of the most influential theories seeking to explain the power of nationhood as a basis for political community, Benedict Anderson described the nation as an “imagined political community”; imagined as both “limited” and “sovereign.”⁹⁵ Nations were limited insofar as they understood themselves in relation to other nations; sovereign because they reflected the collective will of an autonomous people and had replaced the divinely-inspired regimes preceding them; and communities because people understood each in terms of a form of “horizontal comradeship.” The nation embodied a historically constituted community that emerged out of the religious and dynastic “cultural systems” that preceded them. Anderson’s work is undoubtedly pivotal because it drove scholars to consider in more detail the modalities in which the nation was constructed. Both he and Ernest Gellner argued that national consciousness derived from the central role of high centres of culture, with Anderson singling out the important development of script languages as vectors of the “ontological truth” of national identity.⁹⁶ It also had the effect of bringing the modern study of citizenship under the microscope of disciplines such as anthropology and history with a view to elucidating various images and narratives that underpinned constructions of national belonging.

From the late 1980s, following numerous conflicts widely attributed to ethnic rivalries, there emerged an increasing interest in how ethnic identities formed and how they became mobilised for the purposes of obtaining power.⁹⁷ In studies of nationalism that proliferated in the 1990s, scholars invariably drew distinctions between ethnic and civic forms of nationalism. For example, Rogers Brubaker’s study comparing citizenship

⁹⁴ Eugen Weber, *Peasants into Frenchmen: The Modernization of Rural France, 1870-1914* (Stanford: Stanford University Press, 1976).

⁹⁵ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 2016), 16.

⁹⁶ Anderson, *Imagined Communities*, 40; Ernest Gellner, *Nations and Nationalism* (Oxford: Blackwell Publishers, 1983).

⁹⁷ Andreas Wimmer, for example, argued that ethnic identity is an inevitable aspect of modern state-building and its definition of a *people*, which in turn leads to conflict. Anthony D. Smith instead argues that nations embodied deep-seated, “ethnic” fragments, rather than simply a modern invention of political elites. See Andreas Wimmer, “Who Owns the State? Understanding Ethnic Conflict in Post-Colonial Societies”, *Nations and Nationalism* 3, no. 4 (1997), 631–666; Anthony D. Smith, *The Ethnic Origins of Nations* (Oxford: Basil Blackwell, 1986).

and nationhood in France and Germany reflected their different histories of state-building, which in turn shaped how they constructed citizenship laws.⁹⁸ In the case of France, the proclamation of the First Republic (1792) occurred in the wake of several centuries of state centralisation. The result was that citizenship became defined primarily in territorial terms, as opposed to a primordial sense of French identity, and therefore enabled an assimilationist basis for citizenship. In comparison, what became Germany in 1870 consisted of numerous fiefdoms and kingdoms, historically under the rule of the Holy Roman Empire, prior to Prussian-led unification. Brubaker highlights the historical appeals to German cultural and linguistic similarities that existed prior to the creation of the German state, which resonated in the resilience of an ethnic construction of citizenship.

However, many scholars have questioned Brubaker's distinction, though he acknowledges himself that the relationship between citizenship and national identity is by no means "fixed and immutable." Patrick Weil's study of the history of French citizenship law recalls that the Napoleonic Code (1803), or the *Code Civil*, emphasised filiation as the basis for acquiring French nationality, substituting the Jacobin nation based on political membership.⁹⁹ Renan's "daily plebiscite" occurred only two years prior to the infamous "Dreyfus Affair."¹⁰⁰ Weil points to the importance of economic and security factors behind various citizenship laws. For example, the Napoleonic Code's stipulation of citizenship by birthright reflected the dilemmas that arose from large numbers of people who had fallen under French rule during Napoleon's reign. The 1889 adoption of *jus soli* occurred in response to a perceived need for larger numbers of recruits in the French military following its defeat at the hands of Prussia and the formation of the German state. Nor can one forget the stripping of nationality from Jewish persons and the implementation of *jus sanguinis* under the Vichy regime during the Second World War.

"Civic" and "ethnic" nations also came to embody two different types of subjectivities connecting individuals to states.¹⁰¹ This distinction echoed analytical distinctions

⁹⁸ Brubaker, *Citizenship and Nationhood in France and Germany*.

⁹⁹ Patrick Weil, *Qu'est-ce qu'un français? Histoire de la nationalité depuis la Révolution* (Paris: Bernard Grasset, 2002).

¹⁰⁰ The Dreyfus Affair refers to Alfred Dreyfus, a Jewish officer from Alsace in the French army who, in the years following defeat to Prussia in the 1870-71 Franco-Prussian War, was accused of espionage and sentenced to exile on Devil's Island. His conservative detractors often referred to his Jewish and Alsatian identity. A public campaign was mounted on his behalf by a number of prominent progressive intellectuals and political leaders, leading to his eventual release.

¹⁰¹ Katherine Verdery contrasted between citizenship in Western Europe and the United States, and ethnicity in Eastern Europe, as the basis for the subject relationship with the state. The latter had emerged as the socialist systems governing Eastern Europe collapsed. But to these two categories she adds a third, referred to as 'socialist paternalism', in which the people

between Western and non-Western societies. Max Weber argued that modern citizenship could be traced back to the Bible, where Paul insisted to Peter that the ritual divisions separating Jews and Gentiles be transcended within a shared Christian identity.¹⁰² For this reason, Weber argued, citizenship was a thoroughly Western ideal that contrasted with the caste and kinship based societies of the Orient.

Whereas nationally conceived citizenship embodied the modern world, primordial/blood ties embodied “traditional” society. Industrial capitalism, particularly through economic theories of modernisation, framed individual rights and private property as key ingredients for economic development, none of which existed in traditional societies. Thus leaders of newly independent states in the post-colonial world emphasised the importance of economic development, finding themselves “behind” on the same linear timeline of “Progress.”¹⁰³

The concept of “nation-building”, therefore, came to be defined in terms of the intertwined objectives of economic progress and the transcendence of localisms towards a common national identity. Scholars frequently attributed the realisation of “failed states” and ongoing conflicts on the failure of states to “produce an overriding popular commitment to the civic, territorial ‘nation’ based on the post-colonial state and its boundaries.”¹⁰⁴ Ethnicity, therefore, came to be seen as inherently problematic because it undermined trans-ethnic forms of nationhood.¹⁰⁵

Echoing the Weberian dichotomy, popular consent, rational government and democratic citizenship came to be contrasted with the traditional world of irrationality, religious devotion and illiteracy.¹⁰⁶ In particular, as the Cold War drew to a rather sudden end, it was widely believed that liberal democratic states had arrived at an “end of history” moment, underlined by the expectation that authoritarian and socialist states

viewed themselves as sharing in a common ‘redistributive product’, which typified the older regimes during the Communist era. See “Comment: Hobsbawm in the East”, *Anthropology Today* 8, no. 1 (1992), 8–10.

¹⁰² Max Weber. *From Max Weber: Essays in Sociology*, eds. Hans Heinrich Gerth and Charles Wright Mills (Abingdon: Routledge, 2009), 403; For a discussion of Weber’s account of citizenship by virtue of “fraternisation” between oath-bound groups see Engin Isin, “Citizens without Nations”, *Environment and Planning D: Society and Space* 30, no. 3 (2012), 450–467.

¹⁰³ Dipesh Chakrabarty, “Legacies of Bandung: Decolonisation of Culture”, *Economic and Political Weekly* 40, no. 46 (2005), 4813.

¹⁰⁴ Anthony D. Smith, “Culture, Community and Territory: The Politics of Ethnicity and Nationalism,” *International Affairs* 72, no. 3 (1996), 448.

¹⁰⁵ Walker Connor argued as early as 1973 that ethnic self-determination would have a significant de-stabilising effect on the international order. “The Politics of Ethno-nationalism”, *The Journal of International Affairs* 27, no. 1 (1973), 1–21.

¹⁰⁶ Edward Shils, *Tradition* (Chicago: University of Chicago Press, 1981), 18. See also Engin Isin, “Citizenship after Orientalism”, *Handbook of Citizenship Studies*, 117–128.

of the post-colonial world would transition into democratic states founded on liberal ideals.¹⁰⁷

Tradition became a major theme in the writings of numerous post-colonial leaders and scholars. Leaders of post-independence states in Melanesia, including Sir Kamisese Ratu Mara of Fiji, Bernard Narokobi of Papua New Guinea and Walter Lini of Vanuatu, promoted tradition in order to elevate Melanesian values on a level footing to those in the West.¹⁰⁸ These writings bore similarities with the *négritude* literary movement of Aimé Césaire and Leopold Senghor, and Kwamé Nkrumah's advocacy in favour of pan-African values, which questioned the universality imposed by colonial thinking.¹⁰⁹ What has been invariably described as the "Pacific Way" and the "Melanesian Way", elevated qualities considered to have stemmed from ancient cultural practices, such as consensus-making (as opposed confrontational forms of democracy), Christianity and respect for customary elders and chiefs. But it equally referred to the perceived power imbalances between Pacific Island countries in relation to colonial powers of the region.¹¹⁰

Although the role of tradition as a basis for imagining the nation had been present for some time in the discipline of anthropology, it was Eric Hobsbawm and Terence Ranger's *Invented Traditions* that raised interest in its symbolic power as a vector of nationhood.¹¹¹ They defined traditions as a "set of practices, normally governed by overtly or tacitly accepted rules and of a ritual or symbolic nature, which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past." In particular, they identified the symbolic role, or the "ideological function", played by tradition with a view to legitimising various forms of political authority. Whereas traditions applied to the modern world, custom referred to smaller, "traditional societies." However, this dichotomy elides that traditions at both levels are "inseparable from their interpretations and their ideological nature."¹¹² Despite opposing the romanticised notion of traditions employed by Pacific political

¹⁰⁷ Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992).

¹⁰⁸ Bernard Narokobi, *The Melanesian Way: Total Cosmic Vision of Life/ Bernard Narokobi and His Critics and Supporters* (Boroko: Institute of Papua New Guinea Studies, 1980); Walter Lini, *Beyond Pandemonium: From the New Hebrides to Vanuatu* (Wellington: Asia Pacific Books, 1980).

¹⁰⁹ Gary Wilder, *Freedom Time: Negritude, Decolonization, and the Future of the World* (Durham: Duke University Press, 2015)

¹¹⁰ Jack Corbett and John Connell, "The 'Promise' of the 1970s: Ratu Mara on the World Stage", *The Round Table* 103, no. 3 (2014), 304.

¹¹¹ Eric Hobsbawm and Terence Ranger (eds.) *The Invention of Tradition* (Cambridge: Cambridge University Press, 1992).

¹¹² Toon van Meijl and Paul van der Grijp, "Introduction: Politics, Tradition and Social Change in the Pacific", *Bijdragen Tot de Taal-, Land- en Volkenkunde* 4, no. 1 (1993), 638. See also Richard Handler and Jocelyn Linnekin, "Tradition, Genuine or Spurious," *The Journal of American Folklore* 97, no. 385 (1984), 273.

leaders and highlighting their role as legitimation strategies, Stephanie Lawson suggests that ultra-relativist arguments fail to acknowledge the important symbolic role it plays in contemporary politics.¹¹³

Tradition as a means of affirming a present social and cultural reality in continuity with an understanding of the past emerged as a result of colonisation and culture becoming a bounded and reified object.¹¹⁴ The importance of authenticity, and therefore authority, depended on its accessibility to external observers. Roger Keesing, for example, asked why the people on the island of Malaita in the Solomon Islands felt the need to talk about *kastom* all the time when they tended to live according to ancestral practices?¹¹⁵ The Kwaio people's efforts to write down custom, Keesing argued, was an attempt to "meet the enemy on their own turf", referring to the Solomon Islands' government that targeted the Kwaio for adhering to their ancestral beliefs and practices. Tradition therefore became a means of both asserting and resisting the legitimacy of the nation-state. For post-colonial states, presenting a coherent tradition became an imperative aimed at subverting the universalism of Western modernity.

Seeking to do away with the meta-narrative of Progress, Robert Foster's edited volume on post-colonial nationhood in Melanesia instead adopts the term "nation-making."¹¹⁶ He contests the assumption that nation-building is solely the domain of newly independent nations. Nation-making refers to: "both the production of a collective definition of 'peoplehood' and the construction of individual 'personhood' in terms of such a definition." Rather than search for the essence of nationhood, it calls for an examination of how images of the nation are produced, as an "imagined construct that constitutes persons as legitimate subjects of and in a territorial state."¹¹⁷

In Melanesia, the nation has arrived relatively recently as an alien concept and is largely promoted by Western educated elites. Foster's anthropological approach questions a sole focus on state or state-based institutions as the focus for nations, encouraging attention to the plurality of subject positions. While state institutions play a pivotal role, nation-making is an inevitably contested process. For this reason, as well as capturing why ordinary people assume and express certain national identities, some

¹¹³ Lawson also corrects the imbalance in the broader literature that frames tradition as a non-Western discourse, pointing to the important role that tradition continues to play in Western political life. See Stephanie Lawson, *Tradition versus Democracy in the South Pacific: Fiji, Tonga and Western Samoa* (Cambridge: Cambridge University Press, 1996), 3.

¹¹⁴ Roger Keesing, "Kastom in Melanesia: An Overview", *Mankind* 13, no. 4 (1982), 300.

¹¹⁵ Roger Keesing, "Colonial and Counter-Colonial Discourse in Melanesia", *Critique of Anthropology* 19, no. 1 (1994), 41–68.

¹¹⁶ Robert Foster, ed., *Nation-Making: Emergent Identities in Postcolonial Melanesia* (Ann Arbor: University of Michigan Press, 1995).

¹¹⁷ Foster, *Nation-Making*, 5.

scholars have called for greater attention to “everyday” expressions of national belonging.¹¹⁸ Moreover, his appeal to study how nations are made is important to bear in mind in the context of communitarian theories of citizenship outlined above. The communitarian identities are themselves made in much the same way as nations and are not pre-existing essentialised identities.

Foster’s work provides a useful conceptual framework within which to understand more fully how overseas territories claim and contest citizenship, inviting us to consider the interface of belonging to both metropolitan and localised political communities. In what way does metropolitan citizenship correspond with a sense of belonging to the larger “nation”? Does decolonisation lead to the imagining or making of a new nationhood for former colonial subjects? In what way is tradition, or recourse to a particular vision of the past, employed in order to differentiate one political community from another? How does the interrelationship between citizenship and ideas of the nation redraw the socially constructed boundaries between insiders and outsiders?

The Politics of Citizenship in Overseas Territories

Nation-making in Europe, which largely began during the nineteenth century, coincided with the acceleration of colonial expansion. As the working class, women and other movements fought to overturn citizenship as the domain of mostly property-owning men, often appealing to their national belonging, the colonised Other remained beyond the national horizon. It is worth briefly considering the relationship between the emergence of nationhood and colonial expansion because it plays an important role in how we understand decolonisation in overseas territories.

In addition to the formation of modern nations in France, Germany, Italy, among others, during the nineteenth century, the period corresponded with large population growth, increased mobility through technological advancement and colonial expansion driven by private enterprise. The nascent, liberal ideas of citizenship therefore had to accommodate the shifting frontiers of the nation as it arose in conjunction with these local and global changes.

In one recent work, Partha Chatterjee described colonisation not as the conquest of land and people, but as the “right to exception.” European nations invariably founded on universal ideals, namely Britain, France and the United States, denied equal rights to their colonial subjects. As Frederick Cooper and Ann Laura Stoler have argued:

¹¹⁸ Michael Billig, *Banal Nationalism* (London: SAGE, 1995); see also Michael Skey, “The National in Everyday Life: A Critical Engagement with Michael Billig’s Thesis of Banal Nationalism”, *The Sociological Review* 57, 2 (2009), 331–346.

The pioneer of free labour, Great Britain, the victor of a war of independence, the United States, and the country of the Rights of Man, France, did not hail the emergent nation of Haiti with its newly freed peasantry, as the vanguard of liberation. Instead, their architects turned it into a symbol of backwardness and danger – not unlike what it remains today.¹¹⁹

This “right to exception” was mobilised despite resistance from the colonised appealing to the universal language espoused by the colonial nations. In this way, the slaves of Saint-Domingue rebelled against their slave owners in the name of the Declaration of the Rights of Man and the Citizen, only to find that the universal was indeed particular.¹²⁰

The *leitmotif* for colonial rule emphasised the natural and divine right to civilise the world, although this was intermingled with economic interests such as securing raw materials, access to cheap labour and manpower for industrialised warfare. Proponents of French colonial expansion invoked the *mission civilisatrice* towards the “inferior races” through a combination of education, Christianity and capitalism. As one group of post-colonial scholars has argued, the idea of a *plus grande France* or a “Colonial Republic” “existed, fed generations of colonial administrators, seduced some of the colonised and made five generations of Frenchmen dream.”¹²¹ The empire equally became a way for France to “help imagine, understand and love itself and the world through imperial eyes.”¹²² It was not simply that France had a duty to civilise, but that it deemed itself better than other nations at doing so. For example, in his speech to the French National Assembly, the deputy Jules Ferry contrasted enlightened French colonial rule with that of Spain, which depended on slavery.¹²³ Others expressed opposition to colonisation for various reasons: it contravened the very humanistic principles purportedly guiding the colonial endeavour¹²⁴; it would unleash European vice and licentiousness; the climate could prove detrimental to European

¹¹⁹ Frederick Cooper and Ann Laura Stoler, *Tensions of Empire* (Berkeley: University of California Press, 1997), 2.

¹²⁰ Cooper and Stoler, *Tensions of Empire*, 2.

¹²¹ Nicolas Bancel, Pascal Blanchard, and Françoise Vergès, *La République coloniale: Essai sur une utopie* (Paris: A. Michel, 2003), 11.

¹²² Edwin Hill, “Imagining Métissage: The Politics and Practices of Métissage in the French Colonial Exposition and Ousamane Socé’s *Mirages de Paris*”, *Social Identities* 8, no. 4 (2002), 620.

¹²³ Jules Ferry, “Les Fondements de La Politique Coloniale” (Assemblée Nationale de la République française, July 28, 1885), Available: <http://www2.assemblee-nationale.fr/decouvrir-l-assemblee/histoire/grands-moments-d-eloquence/jules-ferry-28-juillet-1885>.

¹²⁴ Georges Clemenceau, “La colonisation: est-elle un devoir de civilisation?” (Assemblée Nationale de la République française, July 31, 1885), Available: <http://www.assemblee-nationale.fr/histoire/7ec.asp>

values¹²⁵; or that efforts to civilise the natives were futile since they were deemed caught in a state of nature.

The colonial enterprise became a frame within which to view the nation, which persisted well into the twentieth century. In 1951, the Portuguese Government employed sociologist Gilberto Freyre to survey its overseas territories, who determined that Portugal demonstrated a special capacity to integrate non-European tropical populations. This *lusotropicalisme* cast Portugal as a “plurinational and miscegenetic” country, defending it from criticism for its ongoing rule in Angola, the Azores, Mozambique, Macau and Timor-Leste.¹²⁶ Following the war, the government extended the legal status of citizen to its colonised populations on the condition that they met certain standards of manners, language and education. Similar assimilationist conditions for acquiring citizenship were put into place by other colonial powers, especially France.

It is important not to underestimate the extent to which these universalisms “seduced” colonised populations and how these became expressed in debates on decolonisation. Many deputies of the former French colonies organised into the French Union (1946-1958) sincerely believed that it was possible to create a universal French Republic based on equal citizenship, despite the clear objections from their metropolitan colleagues that equal citizenship still required the guiding, paternal hand of the metropole.¹²⁷ Even among newly independent states at the Bandung Conference in 1955, each participant reaffirmed universal human rights and the sovereign equality of all nations, which stood in contradistinction to the ongoing justifications of colonial rule put forward by the various imperial powers against national self-determination.¹²⁸

In the same way that the metropolitan nation and colony mutually constitute one another, overseas territories reveal the dialogical character of decolonisation and nationalism. We can ask what French-ness means for someone from New Caledonia, or what British-ness means to a Bermudian. Moreover, how does identification with the

¹²⁵ Richard Eves, “Unsettling Settler Colonialism: Debates Over Climate and Colonization in New Guinea”, *Ethnic and Racial Studies* 28, no. 2. (2005), 304–330.

¹²⁶ The original title of Freyre’s work (in Portuguese) was *O Mundo que o Português Criou* (‘The World the Portuguese Created’). According to Bernd Reiter, this vision of Portugal continues to resonate in official discourse, reflecting the country’s position as a relatively poor state in the European Union, the prestige of which dwindled far earlier than Europe’s larger states. However, Reiter notes, since 1981, Portugal defined citizenship increasingly in terms of *jus sanguinus*, which placed many individuals considered previously to be of Portuguese nationality in a legal limbo. In this way, the Portuguese case highlights shifting boundaries of citizenship that reflect changing social constructions of national identity in which the imperial imaginary continues to play a role. See Bernd Reiter: “Portugal: National Pride and Imperial Neurosis”, *Race and Class* 47, no. 1 (2005), 82–83.

¹²⁷ Wilder, *Freedom Time*, 2.

¹²⁸ Partha Chatterjee, “Empires, Nations, Peoples”, *Thesis eleven* 139, no. 1 (2017), 84–96.

metropolitan nation structure relations between groups within the overseas territory? For example, one recent historical analysis showed how, contrary to conservative political discourse in France emphasising the assimilation of racial and ethnic minorities, Gaullist Prime Minister Michel Debré instead argued that French identity enabled the diverse, creolised populations of Réunion to live together.¹²⁹ Similarly, in New Caledonia, French identity is not exogenous but is claimed and reproduced by different parts of the population in different ways. The construction of citizenship across the metropolitan/territorial divide reflects local social relations and shifting political identities as much as metropolitan nationalist ideologies.

The decolonisation process in overseas territories can only be understood in light of broader debates about nationhood and belonging. Thus, for example, British conceptualisations of citizenship for its overseas territories need to be considered alongside the historical formation of the United Kingdom (UK) and the emergence of sizeable white dominions. Unlike France, where the *mission civilisatrice* animated colonial policy, few British colonial advocates envisaged their colonial subjects becoming members of the British nation.¹³⁰ It was unproblematic, therefore, that decolonisation led to a multi-tiered citizenship system, reflecting concerns among metropolitan political leaders of large-scale migration from former colonies and integrated territories. The 1981 *British Nationality Act* instituted three categories of citizenship: British citizenship, British Dependent Territories' citizenship, and British Overseas citizenship, which denied the populations of overseas territories the right to live in the UK. However, following the Falklands War in 1981 and threats to British sovereignty over Gibraltar by Spain, the British government granted these territorial populations equal British citizenship.

Following a volcano eruption on the island of Montserrat in 1997 that all but wiped out the territory, British indifference and indeed a preference towards eventual independence in the overseas territories made an about face towards an emphasis on shared responsibilities and even greater intervention.¹³¹ A 1998 review of the overseas territories' system recommended the Dependent Territories be renamed Overseas Territories and their resident populations granted full and equal British citizenship.¹³² However, shared citizenship faced resistance from certain overseas territorial leaders.

¹²⁹ Hélène Fincher-Boyer, "The Idea of the Nation was Superior to Race": Transforming Racial Contours and Social Attitudes and Decolonizing the French Empire from La Réunion, 1946-1973", *French Historical Studies* 36, no. 1 (2013), 109–140.

¹³⁰ David Boyce, *Decolonisation and the British Empire, 1745-1997* (London: Macmillan Press, 1999), 269.

¹³¹ Helen Hintjens and Dorothea Hodge, "The UK Overseas Territories", 190–225.

¹³² Secretary of State for Commonwealth and Foreign Affairs, "Partnership for Progress and Prosperity: Britain and the Overseas Territories", March 1999, Available: <http://www.uniset.ca/microstates/pfpp.pdf>.

In particular, leaders of Bermuda, the Cayman Islands and the Turks and Caicos Islands, ranked among the wealthiest territories in the world, expressed concern about the possible impact of British migration on their islands' social and cultural integrity. As a result, many of the UK's overseas territories maintain the right to regulate migration and employment. Furthermore, in some Caribbean territories, localised citizenship underlines restrictions on political participation. In the Turks and Caicos Islands, the right to vote is reserved to certain locals with the status of "Belonger", which in 2011 granted only seven thousand of thirty-six thousand people the right to vote in local elections.¹³³ Conversely, people from particular British overseas territories cannot legally reside in the UK without a visa. Other issues pertaining to the extension of rights and the enforcement of laws in the overseas territories, such as same-sex marriage and tax laws, highlight the difficulties, but also the convenience of metropolitan/territorial relationships.¹³⁴

The British territories tend to occupy a lower profile in the national imaginary than those of France, especially with the end of British sovereignty over Hong Kong.¹³⁵ Recently, numerous Overseas Territories complained they could not participate in the Brexit referendum despite being directly impacted by the decision since, as Overseas Countries and Territories (OCTs) of the European Union, they benefit significantly from economic development assistance.¹³⁶ However, as Keith Dodds' analysis of the Falklands conflict shows, their attachment to Britain can become accentuated when British sovereignty is threatened, noting how the British Prime Minister Margaret Thatcher emphasised the "Britishness" of the island people and their shared belonging to an "island race" in her legitimisation of British claims to the territories.¹³⁷

Not all local populations may consider equal citizenship desirable. The case of American Samoa illustrates this well. Despite having the status of an unincorporated territory of the US like Guam, the Northern Mariana Islands, Puerto Rico and the US Virgin Islands, it remains the sole US territory where people born there receive US nationality but not US citizenship.¹³⁸ In 2015, a group of American Samoans living in the US unsuccessfully attempted to file a lawsuit against the US Government for what

¹³³ Peter Clegg and Peter Gold, "The UK Overseas Territories: A Decade of Progress and Prosperity?," *Commonwealth & Comparative Politics* 49, no. 1 (2011), 124.

¹³⁴ In early 2018, Bermuda became the first territory in the world to revoke existing laws allowing same-sex marriage.

¹³⁵ Thomas Russell, "United Kingdom Overseas Territories: Qualified Nationhood - Systemic Problems," *Round Table* 89, no. 355 (2000), 345–51.

¹³⁶ Paul Hare, "Brexit will hit Britain's Overseas Territories hard: why is no one talking about it?" *The Independent*, 3 October 2017.

¹³⁷ Klaus Dodds, "Consolidate! Britain, the Falkland Islands and Wider the South Atlantic/Antarctic," *Global Discourse* 3, no. 1 (2013), 166–172.

¹³⁸ Except those with a parent with US citizenship.

they argued was unconstitutional discrimination.¹³⁹ Despite possessing US nationality, lacking citizenship prevented them from entering into certain employment, especially in the public sector. However, American Samoan political and customary leaders submitted an affidavit opposing the plaintiffs because the distinction between citizenship and nationality permitted the continuation of certain cultural and social practices, which could be potentially discriminatory towards US citizens, such as customary land ownership.

The French overseas population of approximately two million people is substantially larger than that of other metropolitan nation-states. As the speech by former President Sarkozy introducing the chapter made clear, the “single French model” of the “one and indivisible Republic” sits at odds with the cultural diversity of the *Outre-mer*. Following the Second World War, France organised its remaining colonies into overseas departments and territories, which remained in this form following the 1958 Constitution of the Fifth Republic. Departments including Guyane, Guadeloupe, Martinique, Mayotte and Réunion, bear identical political institutions to those of mainland France. The territories possessed greater political-institutional autonomy and structures that permitted “traditional” influences to play a greater social role, such as the three monarchs and the Catholic Church in Wallis and Futuna, or Islamic courts in Mayotte (until its departmentalisation in 2011). Systematic reform of the Constitution in 2003 resulted in the adoption of a more flexible legal structure, with overseas departments becoming “overseas regions” (*régions d’outre-mer*), and territories becoming “territorial communities” (*collectivités d’outre-mer*). As legal scholar Jean-Yves Faberon observes, the *Outre-mer* falls under the law of the Republic, but is equally marked by a “differentiated” legal regime, or a “legal pluralism”, that aims to take into account the specificities of the various collectivities.¹⁴⁰

Though citizenship has retained its universal character throughout the Republic, there are now two forms of “accompanying citizenship”: European citizenship since the 1992 Treaty of Maastricht and the introduction of citizenship of New Caledonia following the 1998 Noumea Accord. While the former expands rights to non-French, European citizens living in France, citizenship of New Caledonia “deprives” citizens of the right to vote in local provincial-level elections.¹⁴¹ From colonial times, to the creation of the 1946 Constitution and French Union and through to more recent questions over

¹³⁹ Vladeck, S. “The D.C Circuit, Samoan Citizenship and the *Insular Cases*”, *Just Security*, 5 June 2015, Available: <http://justsecurity.org/19658/samoan-citizenship>.

¹⁴⁰ Jean-Yves Fabéron, “La France et son Outre-mer: un même droit ou un droit différent?” *Pouvoirs, revue française d’études constitutionnelles et politiques*, no. 113 (2005), 5–21, Available: <http://www.revue-pouvoirs.fr/La-France-et-son-Outre-Mer-un-meme.html>.

¹⁴¹ Olivier Gohin, “Citizenship in Overseas France”, *Revue française d’administration publique* 4, no. 1 (2002), 69–82.

migration and governance of the *Outre-mer*, the construction of French citizenship and the nation have reflected compromises between proponents of republican assimilation and the recognition of their diversity.¹⁴² Indeed, such questions reveal the contested and mutually constitutive boundaries between the metropole and *Outre-mer*.

This chapter has drawn attention to how the decolonisation process in overseas territories leads to a reconstruction of what it means to belong to the political community. It calls for greater attention to how the politics of identity and belonging shapes the distribution of rights and obligations within such territories as a critical aspect of the decolonisation process. Drawing on more recent de-centred theoretical accounts of citizenship that highlight its dynamic character, we are better able to account for how the politics of citizenship influences the decolonisation process, adopting a bottom-up approach that illuminates the multiple ways in which citizenship is claimed and how some come to dominate others. Conversely, we can examine how decolonisation shapes the politics of citizenship and, in particular, how it redraws the contours of the political community. While scholars have noted how self-determination of overseas territories can occur by integration and the acquisition of full citizenship rights, the internal dynamics of inclusion and exclusion in these territories are often overlooked.

Citizenship of New Caledonia provides an intriguing case study within which to consider these questions. Certainly, it is equally important to show caution in terms of what broader conclusions can be drawn about both citizenship and decolonisation in overseas territories from the New Caledonian case alone given the remarkable diversity of overseas territories. Nevertheless, this thesis highlights that even if metropolitan legal citizenship status remains desirable for a range of reasons, especially economic ones, some groups in overseas territories may contest the basis of belonging and legitimacy that accompanies ideas of citizenship. In particular, I argue that Kanak independence movement in New Caledonia has sought to subvert French universalism and to claim the universal for its own. In the process of constructing citizenship of New Caledonia, it has sought to re-define the status and relations of its composite populations in new ways.

¹⁴² Véronique Dimier, "De la France coloniale à l'outre-mer", *Pouvoirs* 2, no. 113 (2005), 37–57.

Chapter 3: Methodological Approach

I first visited New Caledonia as an undergraduate student for a short French language program in the Summer of 2008. My earliest impressions of New Caledonian society seduced me: the politics, the tensions and the strange feeling an Australian often has when seeing the French flag fly only a three-hour flight from home. New Caledonia was the first “part of France” I visited. It soon made me aware of the similarities between the country and my own, above all the relations between indigenous and non-indigenous people and the politics of reconciliation and indigenous sovereignty. For my honours year in 2010, I decided to research the implementation of decolonisation and the citizenship debate in New Caledonia. Driven by my ongoing interest in New Caledonian political life, coupled with encouragement from professors urging me to take advantage of my French language, in 2011 I took up a position as an English teacher at the University of New Caledonia, where I remained for two years. When I left for Canberra to commence the doctorate in 2013, New Caledonia had become a second home, one to which I gladly returned to conduct fieldwork. The choice of the study of citizenship seemed obvious. During my initial stays, it had become a major political issue, especially concerning the electoral lists and the flags. Furthermore, having studied French and lived in the *métropole* for a time, I understood the importance of citizenship in French history, politics and society. By examining the debate on citizenship in New Caledonia, I could better explore aspects of identity politics that had long interested me.

The social sciences in, or on, New Caledonia have tended to be dominated by three distinct disciplines.¹ Since the colonial period and the pioneering work of the missionary-ethnologist Maurice Leenhardt, New Caledonia has become a major field for French anthropology. The *cantonnement* policies of the indigénat period restricting the Melanesian population in *tribus* and customary land ownership following the Second World War has proven attractive to French anthropologists desirous to study Melanesian society ethnographically. Their studies have largely occurred in rural settings, generally by long periods spent in the *tribu* and at the expense of urban Kanak communities. Historians have in turn tended to focus on the colonial history of the territory, relying for the most part on archival sources, which have almost been exclusively written by Europeans. Since the Matignon-Oudinot Accords and its

¹ For a comprehensive analysis of how different academic disciplines have approached and been transformed by New Caledonia see Benoit Trépied, “Recherche et décolonisation en Nouvelle-Calédonie contemporaine: lectures croisées”, *Revue d’Histoire des Sciences Humaines* 24 (2011), 159–187.

emphasis on mutual recognition and identity, a considerable number of historical studies have emerged tending to focus on particular “communities.”² In this way, New Caledonia’s history and present political questions concerning legitimacy, belonging and citizenship are inextricably connected. Finally and more recently, New Caledonia has become the focus of legal scholars, especially because of the complex interaction between New Caledonian, French, European and international law following the Noumea Accord. They have been the most prolific discipline in their focus on citizenship, but have generally applied a jurisprudential analysis.³ My own research echoed the view of Trépiéd that decolonisation in New Caledonia presents significant challenges to disciplinary approaches to various social and political phenomena.

My own inter-disciplinary approach draws on these disciplines in different ways, heavily influenced by political and sociological approaches to the study of citizenship. By explicitly focusing on the politics of citizenship, I aim to contribute to the relative lack of political analysis in the New Caledonian field. This relative lack is perhaps surprising given the impending referendum. However, it also speaks to the difficulties of conducting scholarly enquiry in an island context where political divisions run deep.

The best sites for illuminating the dynamic basis of inclusion and exclusion inherent to citizenship are, arguably, at its margins.⁴ In the case of France, the *Outre-mer* constitutes those margins as much as the suburbs of Paris. For this reason, New Caledonia makes an important contribution to understanding the contradictions and tensions at work in twenty-first century French citizenship, nationhood and belonging.

² The collective work *Etre caldoche aujourd'hui* is a good example of how the Kanak *revendication* during the 1980s catalysed other groups and authors to begin to shed greater light on the histories of different communities, even if it is not a scholarly production, but rather a shared reflection on their identity (Noumea: Ile de Lumière, 1994). See also Jean Vanmai, *Centénaire de la présence vietnamienne en Nouvelle-Calédonie* (Nouméa: Centre territorial de recherche et de développement pédagogique, 1991); Following the Noumea Accord we see the likes of Melito Finau *et al. Tāvaka lanu 'imoana : mémoires de voyages* (Nouméa: ADCK, Comité de recherche historique *Tāvaka*, 2009).

³ A non-exhaustive list includes: Mathias Chauchat, “La citoyenneté calédonienne”, *Cahiers du Conseil constitutionnel* 23, 2008, Available: <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/cahiers-du-conseil/cahier-n-23/la-citoyennete-caledonienne.51809.html>; Mathias Chauchat and Vincent Cogliati-Bantz, “Nationality and Citizenship in a Devolution Context: Australian and New Caledonian Experiences”, 193–220; Patrice Jean, “Citoyenneté et nationalité dans la perspective de la “sortie” de l’Accord de Nouméa” in *Destins des collectivités politiques d’Océanie: Peuples, populations, nations, Etats, territoires, pays, patries, communautés, frontières*, eds Jean-Yves Faberon, Viviane Fayaud and Jean-Marc Regnault (Aix-en-Marseille: Presses Universitaires d’Aix-Marseille, 2011), 573–581; François Garde, “Naissance et avatars de la citoyenneté calédonienne” (Same as previous volume), 583–587; Jean-Yves Faberon, “Qu’est-ce que c’est la citoyenneté de la Nouvelle-Calédonie?” in *Citoyenneté et destin commun en Nouvelle-Calédonie* (Aix-en-Marseille: Presses Universitaires d’Aix-Marseille, 2014), 33–39.

⁴ Bernd Reiter, *The Dialectics of Citizenship: Exploring Privilege, Exclusion, and Racialization* (Michigan State University Press, 2013), 90.

As Marie Salaün and Jacques Vernaudon have observed in their study on schools in New Caledonia, “citizenship is not simply the link between the individual and the state: it is the social bond *par excellence* in virtue of the principle of a new ‘human community.’”⁵

Fieldwork took place in stages in 2015 and 2016, totalling approximately six months. Most fieldwork took place in the capital Noumea, where approximately two-thirds of the territorial population resides and most political leaders, public servants and civil society actors live and work. However, it equally included a week spent visiting towns throughout the North Province in an effort to gain some degree of geographical balance. The fieldwork consisted of a combination of semi-structured interviews with key participants in the citizenship debate, archival research at the *Archives Territoriales de Nouvelle-Calédonie*, the Tjibaou Cultural Centre, the *Archives Nationales d’Outre-mer* in Aix-en-Provence and the *Bibliothèque Mitterand* in Paris, as well as observing events such as Citizenship Day. Although much of this fieldwork was planned in advance during the preliminary literature review, the realities of the field required the revision of original plans.

Responding to calls for greater transparency of epistemological and methodological approaches within human science research⁶, this chapter begins by providing a general summation of interpretivist research and its relationship to the research question itself. The process of collecting, breaking down and analysing data has been heavily inspired by “grounded theory methodology” (GTM). Originating in the discipline of sociology, GTM today incorporates various epistemological and methodological approaches, while retaining an emphasis on generating theory from the data as opposed to prior research or hypotheses. Following Kathy Charmaz, I draw on the interpretivist/constructivist tradition to inform my understanding of GTM that views human actions as socially embedded.⁷ This chapter will explore some of the nuances within grounded theory prior to considering their relevance for this particular research and its application in light of the realities of conducting fieldwork in the New Caledonian context.

⁵ Marie Salaün and Jacques Vernaudon, “La citoyenneté comme horizon: destin commun, demande sociale et décolonisation de l’école en Nouvelle-Calédonie aujourd’hui”, *Anthropologie et Sociétés* 33, no. 2 (2009), 63.

⁶ Peregrin Schwartz-Shea and Dvora Yanow, *Interpretive Research Design: Concepts and Processes* (New York: Routledge, 2012), 18–19.

⁷ Kathy Charmaz, *Constructing Grounded Theory* (London: SAGE, 2014).

Interpretivism

It is becoming increasingly difficult for scholars working across different epistemic communities to collaborate in similar fields since the intended audience tends to be situated within the same epistemic community. Furthering research requires working across epistemological boundaries, which makes it important to communicate the assumptions behind the production of knowledge, permitting greater collaboration across epistemic and methodological communities.⁸

Until the 1960s, the human sciences largely adopted the basic beliefs and values of their natural science colleagues on the pursuit of knowledge. The testing of hypotheses through controlled and repeatable experiments, deductive reasoning based on relationships between independent and dependent variables, and a tendency to quantify either the data or the conclusions, all reflected the prevalence of positivism. Scientific knowledge had to be positively verified through logical sequences derived from universal laws. Thus, the human sciences oriented towards the importance of grand theory, especially through behaviouralism, structuralism and rational choice theory.⁹ Perhaps most importantly, positivism emphasises the objectivity of the researcher in relation to the object of study. The researcher accomplishes this by designing the research in a way that ensures the researcher does not carry their bias and values into the research.

Interpretive approaches originated partly in biblical and literary hermeneutics, as well as phenomenological studies, all of which highlighted the preconceptions of the subject in relation to a given object, and the importance of meaning to all aspects of social life.¹⁰ Despite emerging out of a broader rejection of positivist epistemology in the human sciences, interpretivism did not necessarily entail a rejection of “reality” altogether.¹¹ Indeed, interpretivists have varying ontological views. Much of the criticism of positivism has centred on the questioning of the researcher’s objectivity. A wide range of theoretical schools, from feminist to post-colonial theories, have argued that researchers are inherently and inescapably theory-laden, which shapes the kinds of questions we ask and the form of analysis undertaken.

⁸ Peregrin Schwartz-Shea and Dvora Yanow, *Interpretation and Method* (Armonk: M.E. Sharp, 2006), xiii.

⁹ Naomi Choi, “Interpretive Theory”, in *Encyclopaedia of Political Theory*, ed. Mark Bevir (Thousand Oaks: Sage, 2010), 708.

¹⁰ Choi, “Interpretive Theory”, 707–708.

¹¹ Reiter, *Dialectics of Citizenship*, 7.

Interpretivists maintain that “the meaning-making activity of human actors is central to understanding causal relationships.”¹² Research is primarily concerned with texts as conveyors of meaning, or what Charles Taylor referred to as “text analogues”, though it does not totally exclude non-textual forms.¹³ What we know of something results from our interpretations, in turn informed by the social worlds we inhabit. Clifford Geertz, writing from within the anthropological discipline, states that:

We begin with our own interpretations of what our informants are up to, or think they are up to, and then systematise those.... In short, anthropological writings are themselves interpretations, and second and third order ones to boot...They are, thus, fictions; fictions, in the sense they are ‘something made’, ‘something fashioned’ – the original meaning of *fictio* – not that they are false, unfactual, or merely ‘as if’ thought experiments.¹⁴

A “thick description” of culture, for Geertz, can be contrasted with thin description by virtue of taking into account these larger “webs of significance [man] himself has spun.”¹⁵

Interpretivism remains a more marginal view in political science compared to anthropology and sociology where it tends to be far more dominant. Two of its better-known proponents within political science, Mark Bevir and Roderick Rhodes, describe interpretivism as “the interpretation of interpretations.”¹⁶ Political actions and practices are situated within webs of meaning, which are in turn located within particular “traditions.” The study of political life therefore involves explaining the relationship between actions, beliefs and the encompassing traditions. Importantly, Bevir and Rhodes argue that this does not infer the determination of actions by these webs. Instead, individuals can exercise “situated agency”, which enables them to engage and transform their beliefs, and therefore the traditions as well.¹⁷ For Bevir and Rhodes,

¹² Yanow and Schwartz-Shea, *Interpretation and Method*, xii.

¹³ Charles Taylor, “Interpretation and the Sciences of Man”, *The Review of Metaphysics* 25, no. 1 (1971), 4.

¹⁴ Clifford Geertz, *The Interpretation of Cultures: Selected Essays*, (New York: Basic Books, 1973), 15.

¹⁵ Geertz, *The Interpretation of Cultures*, 5.

¹⁶ Mark Bevir and Roderick A.W. Rhodes, “Interpretation and its others”, *Australian Journal of Political Science* 40, no. 2 (2006), 169; For a debate between Bevir, Rhodes and other scholars in their field on interpretivism see Alan Finlayson, Mark Bevir and R.A.W. Rhodes, “The Interpretive Approach in Political Science: a Symposium”, *British Journal of Politics and International Relations* 6 (2004), 129–164.

¹⁷ Mark Bevir and R.A.W. Rhodes, *Routledge Handbook of Interpretive Political Science* (London: Routledge, 2015), 14–15.

the concept of tradition accomplishes the same task as “power”, through unmasking how particular meanings become more dominant than others over time, while not denying agency and the potential to challenge underlying traditions.¹⁸

Whereas positivist research begins with theories developed in prior studies, which are subsequently tested by the researcher as true or false, such as with Karl Popper’s “falsification theory”, interpretivism distances itself from grand theory by pointing to the embeddedness of social life in webs of meaning. Instead, a researcher generally begins with “hunches” informing a basic starting point, but the research design aims to allow for the fullest array of meanings to be extracted concerning a particular phenomenon.¹⁹

In contrast, as Reiter observes, positivist “confirmatory research” has found comfort in its “clear and well-structured research process” that can be empirically tested against reality.²⁰ By emphasising researcher detachment, repeatability and modes of measurement, the social sciences inherited the basic values that guided the natural sciences. The capacity to identify objective causal mechanisms and the predictive qualities of this type of research has therefore rendered it more appealing to policy-makers in government and non-government institutions.

Confronting the study of citizenship, interpretivist research tends to ask questions such as “what does citizenship mean?”, “why does citizenship matter?” and “how do people act out their citizenship?” Indeed, they are led to question the very assumption that particular sets of actions or patterns of behaviour constitute citizenship.²¹ Within the array of actions and behaviours generally ascribed to citizenship from voting, paying taxes, going to school, adhering to particular curricula, or carrying passports, each assumes a particular meaning and significance within a particular social context. Given the relative obscurity of the state in peoples’ lives in many parts of the world, citizenship could not mean much at all. As previously argued, this emphasis on meaning leads us to thinking less of citizenship as a monolithic institution that “one enters” or “departs from” based on their acquisition or loss/deprivation of citizenship. Rather, it is a diverse set of socially embedded practices that evolve in light of the different values, beliefs or traditions of groups and individuals.

¹⁸ This resonates with anthropological understandings of “culture” and “tradition” as continuously reformulated. See Craig Calhoun, “Imagining Solidarity: Cosmopolitanism, Constitutional Patriotism, and the Public Sphere”, *Public Culture* 14, 1 (2002), 156.

¹⁹ Schwartz-Shea and Yanow, *Interpretive Research Design*, 23.

²⁰ Reiter, *Dialectics of Citizenship*, 3.

²¹ Schwartz-Shea and Yanow, *Interpretive Research Design*, 22–23.

Sensitivity towards the relationship between researcher and the researched encouraged by interpretivist research is particularly important in the Pacific region and other parts of the world where the effects of European colonialism continue to structure daily lives. In the “post-colonial” Pacific, researchers have been criticised for assuming they can know all that there is about indigenous peoples by taking the perspective of a detached observer and failing to consider their reflexivity, precluding in turn a richer, more nuanced account of social and political life.²² The adoption of Western concepts and ways of thinking can serve to reinforce colonial constructions of indigenous lives and their global positions. Interpretivism is not necessarily an anecdote to this dilemma, but it does help by making the scholar more aware of the power dynamics and social contexts of both the research subject and themselves.

Interpretivist methods tend to favour qualitative techniques and smaller sample sizes for these reasons since quantitative techniques generally struggle to identify the range of meanings attributed to a particular phenomenon and the social conditions in which they are mobilised. However, as Yanow observes, interpretivism and qualitative methods should not be viewed as one and the same since positivist researchers may also adopt qualitative methods.²³ Furthermore, the favouring of statistical analyses leads to the general disregard of minority meanings as anomalies. Instead, interpretive analysis tends to argue that such meanings are important because they unmask existing power relations and lead us to question why it is that certain discourses, narratives or beliefs dominate others.

In the pursuit of validity, quantitative researchers must ensure a sample that is representative of the people group to be studied, which requires a value judgement on what criteria are important. Interpretivists argue that such an endeavour is impossible and that all research is bound to be limited and partial. This is not to suggest that interpretivist research is merely a set of impressions. Validity is measured not in terms of its universal application but to the extent that it adequately depicts particular causal relationships, or their “fit”.²⁴ Nor does this suggest that there is no role for quantitative techniques whatsoever. One could envisage research on citizenship that combines

²² Terence Wesley-Smith, “Rethinking Pacific Studies Twenty Years On”, *The Contemporary Pacific* 28, no. 1 (2016), 153–169; By reflexivity I draw on Mats Alvesson’s definition, as “conscious and consistent efforts to view the subject matter from different angles, strongly avoiding the à priori privileging of a favoured one, including a focus on the details of texts.” See Mats Alvesson, *Interpreting Interviews* (London: SAGE, 2011), 106.

²³ Dvora Yanow, “Interpretive Empirical Political Science: What Makes This Not a Subfield of Qualitative Methods”, *Qualitative Methods* (2003), 9–13.

²⁴ Schwartz-Shea and Yanow, *Interpretive Research Design*, 18.

both qualitative and quantitative techniques. For example, a qualitative study on attitudes towards voting enrolment could identify a range of reasons why certain people might or might not enrol. This could be in turn be supplemented by a large-*n* study that surveys a large section of the population in which people are asked a set of pre-determined questions that correspond with elements found in the earlier study. However, these different epistemological foundations tend to lead to different lines of inquiry.

Data Gathering

Since the publication of *The Discovery of Grounded Theory* by sociologists Barney Glaser and Anselm Strauss in 1967, GTM has become a major and increasingly diverse methodology encompassing diverse ontological, epistemological and theoretical approaches. At a very basic level, GTM emphasises the building of theory from the data to prevent the selective use of grand theories. It does not prescribe particular methods for gathering data. By working from the data, the researcher can be confident that the theory can “fit and work”.²⁵ Over time, scholars influenced by various anti-positivist epistemological views have revised Glaser and Strauss’ methodology. In particular, Anthony Bryant and Kathy Charmaz are among scholars who have built on their approach from a constructivist viewpoint.²⁶ This includes greater recognition of the role that different theoretical traditions, prior familiarity with the literature and the very agency of the researcher play in determining the kinds of research that take place. In favouring an abductive approach, data gathering entails “studying individual cases inductively and discerning a surprising finding and then asking how theory could account for it”.²⁷

The fieldwork for this thesis incorporated various qualitative methods, including semi-structured interviews, archival analysis and observation of local events as they unfolded. My research has not applied strict limits or objectives to the quantity of data pursued. Indeed, this is a reflection of the research object itself. GTM permits an evolving understanding of the topic of interest. When the research began in 2013, I had a more limited grasp of how different political leaders and community organisations understood citizenship. As my fieldwork progressed so did the scope of my thesis.

²⁵ Barney Glaser and Anselm Strauss, *The Discovery of Grounded Theory: Strategies for Qualitative Research* (Chicago: Aldine, 1967), 3.

²⁶ Anthony Bryant and Kathy Charmaz, “The SAGE Handbook of Grounded Theory” (London: SAGE, 2007).

²⁷ Bryant and Charmaz, “The SAGE Handbook of Grounded Theory”, 46; Ian Dey, “Grounded Theory” in *Qualitative Research Practice*, eds. Clive Seale, Giampietro Gobo, Jaber F. Gubrium and David Silverman, (London: SAGE, 2011), 91.

Controlling this expansion was a difficult process and depended on identifying common threads that emerged within the data. Furthermore, undertaking research in a foreign context such as New Caledonia inevitably runs into complications arising from failures to gain access to certain individuals, last minute cancellations or difficulty in contacting them in advance. It was also rarely known in advance how much time was available for the interview. The rule of thumb for the data-gathering phase was an expanding spider-web approach that allowed for this evolving understanding of the nature of citizenship. I began with the most prescient issue – voting rights – and gradually expanded my scope as more and more meanings became apparent.

A focus on the “politics” of citizenship meant that most of the research subjects were political leaders across a range of parties, especially those who had played prominent roles in debating the issue. However, important insights on the political process inevitably came from “non-political” actors, whether in non-government organisations, cultural associations, public servants or political movements. I conducted forty-eight semi-structured, one-on-one interviews in total, with several including more than one person. These were supplemented by documents, speeches, blogs and newspaper interviews to gain a deep and rich array of perspectives on the content and boundaries of citizenship politics.

Similar principles have shaped my approach to archival research, mostly for the purposes of Chapters Four and Five, which explore the historical evolution of citizenship in New Caledonia. They provide an historical foundation to the rest of the thesis by highlighting major changes in the way that citizenship was understood over time. Furthermore, these histories are important because they point to historical forms of inclusion and exclusion that are intertwined in contemporary citizenship narratives. The archival research centred largely on parliamentary debates, reports, memoirs and writings of political leaders and jurisprudence. These are collated with a view to ascertaining the contested boundaries of citizenship and why particular aspects of citizenship, such as voting rights, became more important than others.

The Interview

Semi-structured interviews are an ideal technique to elicit various meanings from individuals and identify new causal relationships.²⁸ By enabling the interviewees to express themselves more freely, we are better able to situate particular ideas and

²⁸ Anne Galletta, *Mastering the Semi-Structured Interview and Beyond: From Research Design to Analysis and Publication* (New York: NYU Press, 2013), 24.

concepts within a specific historical and social context. We are equally able to transcend the limits of our initial line of questioning in order to consider other avenues of reflection previously not considered, thus enriching our understanding of the phenomenon of interest.

This exploratory form of research has not involved any particular set targets on the number of interviews. The number of interviews “required” depends on the kinds of analysis being undertaken. One cannot know in advance the quantity of evidence that will be sufficient.²⁹ Rather, as GTM scholars recognise, the data gathering process ceases when categories reach theoretical saturation. In my research on citizenship in New Caledonia, I began by interviewing people with a close proximity to the citizenship debate while leaving open the possibility, depending on the time and resources at hand, to pursue or tease out previously unconsidered avenues. Contrary to other parts of the Pacific, New Caledonian media, the Congress and national parliament *procès-verbal*, not to mention blogs and social media are readily available online, permitting a rich and diverse assemblage of texts.

The research design, nevertheless, endeavoured to obtain perspectives according to a range of variables. Given that New Caledonian politics is saturated by the question of independence as a basis for its political identities, it was important to speak with as many different political parties as possible from both the pro and anti-independence sides, including more minor parties or those not affiliated with the larger political formations. Although most of the interviews took place in Noumea, I ensured that the perspectives incorporated those of the North and Islands. This included one week spent speaking with mayors and political leaders in towns along the West Coast (La Foa, Bourail, Koné and Poum), and representatives of the Islands Province. In doing so it was possible to determine whether or not, and how citizenship was contingent on locality. However, as previously observed, this research has not pretended to be able to measure with any precision *to what extent* New Caledonians possess particular views on the citizenship question, even though the data highlights certain themes that are more prevalent than others.

The semi-structured interview is underlined by dynamic positionalities between myself (the researcher) and the interviewees. These positionalities depend on the role or position of the interviewee, whether it is a political leader, a public servant or someone

²⁹ Howard Becker in *How Many Qualitative Interviews is Enough?* eds. Sarah E. Baker and Rosalind Edwards, Discussion Paper: National Centre for Research Methods (Unpublished), 15, Available: http://eprints.ncrm.ac.uk/2273/4/how_many_interviews.pdf.

engaged in civil society. My interviewees included a combination of what could be referred to as “elites” and “non-elites.” Robert Mikecz defines elites as persons who are “in the know” and present “different methodological and ethical challenges” from researching non-elite groups.³⁰ In this view, elites are difficult to access, to establish rapport with, and are unlikely to have sufficient time for both lengthy and repeatable interviews, but they remain indispensable for a good understanding of the citizenship debate in New Caledonia.³¹ Given the relatively small size of New Caledonia’s population, some 280 000 people, there is generally less of a social gap between elites and the rest of the population. Nevertheless, interviews, at least with political leaders, had to be organised through secretaries, political party officials or personal contacts who acted as intermediaries, and usually by telephone, as very few responded to email requests.

For the most part, the interviews took place in offices of various kinds, either in the Government of New Caledonia building or the South Province. A sizeable number of interviews also took place in cafés or bars in Noumea. On several occasions, I was invited into people’s homes. These locations shaped the rapport between the interviewee and myself. While an office was a constant reminder of the interviewee’s position of power and the constraints of their personal schedule, the café and home interviews generally permitted a more relaxed atmosphere and longer interviews.

Because of my desire to extract the broader meanings behind individual perspectives of citizenship, I often pretended to not know particular aspects of the citizenship debate, or ask for further explanations. While some interviewees appeared struck that an “Anglo-Saxon” researcher was taking an interest in New Caledonia, let alone the question of citizenship, my enquiry was generally well received. Several interviewees indicated that Australians generally had a negative view of France in the Pacific that stemmed from the history of French nuclear testing and a supposedly distorted perception of French rule in New Caledonia. Some expressed their personal links to or admiration of Australia and New Zealand, which remain popular tourist destinations for many New Caledonians. Nevertheless, it was frequently assumed that my identity as an Australian, or “Anglo-Saxon”, would mean that I had a different philosophical understanding of citizenship. In some ways, being an Australian researcher in New Caledonia allowed me to adopt the position of a “neutral” outsider, reinforced by stating

³⁰ Robert Mikecz, “Interviewing Elites: Addressing Methodological Issues”, *Qualitative Inquiry* 18, no. 6 (2012), 483.

³¹ Emanuèle C. Sabot, “Dr Jekyll, Mr Hide: The Contrasting Face of Elites at Interview”, *Geoforum* 30, no. 4 (1999), 329.

at the opening that I am not aiming to pronounce a verdict on the independence question. While it is difficult to measure the extent to which this position assisted in the interviewing process, not having any “skin in the game” appeared to give me greater credibility.

I conducted all the interviews in French, with the exception of one that took place in Canberra. Some interviewees stated that they could speak English if I wished, but I insisted that the conversation occur in French in order to ensure their comfort. Moreover, given the centrality of language and meaning in interpretivist approaches to social sciences, it was important to understand citizenship as conceived and described in French. Indeed, the centrality of the word “citizen” to French identity tends to be much more salient than in the English-speaking world. In asking the interviewee their permission to be recorded, I stated that one of the reasons for doing so was to ensure the accuracy of my translations at a later date, whereas relying on notes alone would run the risk of poor translation.

In order to facilitate the building of rapport between the interviewee and myself, I framed the exchange as a conversation (*entretien*), rather than a formal interview. If time permitted, I explained in advance my ethical obligations as a researcher to be transparent about my purpose, my institutional affiliation, what I would do with the research, and provide the option of a written transcript at a later date. I provided each interviewee with a written document in French explaining how my research enquiry had been validated by the Australian National University Human Research Ethics Committee and included my contact details and those of the university complaints body should they wish to raise any concerns. All interviewees were comfortable with a recording of the interview being made. When time permitted the interview always began by asking the interviewee to talk about their own trajectory, including where they were from, if/when/why they arrived in New Caledonia and their professional life before entering into discussions of citizenship itself. This was useful for two main reasons: first, by personalising the discussion, it generally fostered a more relaxed atmosphere that made both the interviewee and myself more comfortable; second, it permitted the situating of their perspectives on citizenship within the context of their own stories and identities. However, there was a limit in the extent to which interviewees, especially senior politicians, would engage in these more personal discussions.

The interviews did not involve a precise list of questions that had to be asked at any cost. Rather, the questions stemmed largely from a “checklist of issues” established beforehand, based on both prior knowledge of the interviewee and their role, as well as

things noted in other interviews, or documents that I wanted verified, clarified or elaborated upon.³² Priority was given to particular questions, such as asking simply what citizenship means for them, or asking about a person's own experience concerning a particular aspect of the citizenship debate if they played an important role. This approach permitted greater flexibility to pursue previously unconsidered dimensions of the question at hand.

Coding and Analysis

Coding aims to make sense of the data by breaking down the language and organising it into various categories that can subsequently be compared with one another in order to develop theoretical frameworks. In this way, it is possible to move from the "raw" data to more abstract concepts and ideas, which may not have been apparent through pure deductive reasoning from pre-existing theories.³³ Coding plays a major role in grounded theory, although the precise techniques employed have developed over time and reflect epistemological and disciplinary tendencies.

This research design has drawn on a range of different authors to establish a set of coding guidelines rather than rules. In many ways, the coding strategies advocated by these major authors in GTM reflect their fields of enquiry, which have largely fallen within the health, nursing and behavioural studies fields. In particular, they have focused on highly intimate experiences and sentiments to a very bounded phenomenon in a specific location. In the case of Glaser and Strauss, it concerned awareness of dying in a hospital setting.³⁴ Such areas of study are quite different in terms of scale and the kind of complexity to a phenomenon such as citizenship. The classic American sociology in which grounded theory emerged was largely ahistorical in its approach, which has begun to change in light of influences from the likes of feminist, Marxist and critical theory.³⁵

The development of computer software has assisted in the task of making sense of more voluminous amounts of data.³⁶ Software programs are increasingly able to identify common links and themes that emerge within the research. However, this can come with the risk of relying on algorithms and quantitative methods that focus on

³² Sabot, "Dr Jekyll, Mr Hide", 329.

³³ Charmaz, *Constructing Grounded Theory*, 113.

³⁴ Barney Glaser and Anselm Strauss, *Awareness of Dying* (Chicago: Aldine Publishing, 1965).

³⁵ Adele Clarke, *Situational Analysis: Grounded Theory After the Postmodern Turn*, (London: SAGE, 2005), 18.

³⁶ Dey, "Grounded Theory", 82, 84.

words without regard to the context in which they are used. For these reasons, Glaser and some other GTM scholars have been opposed to its use.³⁷ This research has made use of NVIVO computer software to facilitate the coding process, a powerful program that enables the researcher to code texts as “nodes”, representing themes that emerge from texts. Moreover, the software enables the researcher to code text to multiple nodes when required. Rather than rely on the software’s auto-coding faculties, I undertook the coding manually.

The coding process begins with an intensive, manual coding process.³⁸ The text was scanned, line-by-line, and coded in a way that tries to be as specific as possible. In this early stage the number of codes was large, reinforcing the benefit of the software tool that permits better management of voluminous data. Charmaz prefers the use of gerunds for the initial stages of the coding process, which preserve “the fluidity of their experiences and gives you new ways of looking at it.”³⁹ Gerunds better equip the researcher to remain in proximity with the actions and language of the research subjects, whereas nouns/topics easily lead to a hasty imposition of pre-conceived concepts and ideas. Using gerunds served as a useful starting point in my coding process in order to identify repeating concepts between actors.⁴⁰ However, since gerunds’ usefulness derives from their role in accounting for a particular experience, this did not always prove useful for my purposes, especially since texts sometimes spoke rather in relation to ideas, policies or values distinct from their own personal embodied experience.

The second stage of coding involves organising these initial codes conceptually in order to identify patterns across and between the initial codes, creating “focused codes.”⁴¹ This stage sets the research on the path of theory-making by identifying emerging themes and gaps that require further thought and data gathering. In my case, having transcribed interviews and gathered initial data, each return to the field came with new questions to explore. Coding, therefore, did not form a linear process.⁴² The coding process inevitably leads to as many questions as there are answers, which

³⁷ Bryant and Charmaz (eds.), *The SAGE Handbook of Grounded Theory*, 24.

³⁸ NVIVO software does permit the automatic coding of texts to identify key variables and repetitive language. However, it is important that this early stage of coding is conducted manually in order to develop appropriate categories.

³⁹ Charmaz, *Constructing Grounded Theory*, 120–121.

⁴⁰ For example, the emphasis on ‘playing the game’ in relation to local employment in Chapter 9, and the practices and ideas surrounding ‘welcoming’ people in Chapter 10.

⁴¹ Kathy Charmaz and Robert Thornberg, *Grounded Theory and Theoretical Coding* (London: SAGE, 2014), 158-159; Barney Glaser, *Theoretical Sensitivity* (Mill Valley: Sociology Press, 1978), 72.

⁴² Charmaz and Thornberg, *Grounded Theory and Theoretical Coding*, 156.

brings the researcher back to the data, referred to by GTM scholars as “theoretical sampling.”⁴³ Charmaz describes this as the process in which our categories become increasingly abstract and amenable to theory formulation.⁴⁴ Theoretical sampling ensured that I did not become prisoner to the original research framework developed in the first year of the doctoral program, and enabled the development of new questions or directions of the research itself. Had a strictly linear process - beginning with a hypothesis and followed by a literature review, fieldwork, analysis and writing occurred – been pursued, it would not have been possible to consider these new insights so easily. This more haphazard pathway is facilitated by the practice of “memo-writing” advocated by Glaser and Strauss and subsequent practitioners of grounded theory. This reflective activity involves the constant writing down of the links between codes, categories and concepts, and the formulation of theory, so as to ensure the latter is embedded firmly in the data.

This chapter outlined an approach that favours grounded perspectives in which human actions and language are situated within webs of meaning. This corresponds with more recent research undertaken that aims to illuminate the multiplicity of voices that conceptualise and claim citizenship in different ways. As I have argued in the previous chapter, this does not render formal definitions of citizenship irrelevant. However, it calls for greater consideration to how and why such a definition has come to be accepted and which others have been sidelined or ignored in popular discourse. While there is a formal definition of New Caledonian citizenship, and a set of stipulated criteria pertaining to its acquisition, the “data” reveals different ways of understanding what New Caledonian citizenship is, its purpose, who can become a citizen, how citizenship is practiced and so on.

Certainly, the methodological approach adopted here recognises an inherent partiality of this research project’s findings. This corresponds with the fragmented and contested nature of citizenship, as well as the particular relations of power at given point in time. In some areas it has depended on making choices in terms of what to examine. For example, instead of looking at how the government department responsible for promoting citizenship in New Caledonia undertakes its work (see Chapter 9), one could have looked at how citizenship is taught and learned in schools.

⁴³ Glaser and Strauss, *The Discovery of Grounded Theory*, 45; Charmaz and Thornberg, *Grounded Theory and Theoretical Coding*, 155.

⁴⁴ Charmaz, *Constructing Grounded Theory*, 205.

It is equally true that a broader investigation, speaking to more people, including surveys with “everyday” people might reveal new paths of possible enquiry. However, the risk of such an approach based on the idea that more cases results in better validity is that it risks sacrificing representativeness for understanding. In this way, the methods employed here have privileged nuanced readings, preferring texts that offer up a rich panorama of meanings with which we can view New Caledonian citizenship.

Chapter 4: The Voting Rights Debate in Post-War New Caledonia (1945-1958)

In 2013, Noumea welcomed a new museum dedicated to the Second World War. The first exhibit encountered when one enters the museum features several fictional characters, presented as mannequins, symbolically depicting various segments of New Caledonia's population at the beginning of the Second World War. The first, a young Kanak man named Auguste, is described as a "French subject [to the *indigénat*], does not vote, cannot move around freely, is assigned to labour and subject to a head tax."¹ To his right stands a young European couple, with a description informing us that only the male could vote. Three other figures, men from Japan, Indochina and Java, are described as being controlled by the conditions of their respective work contracts, equally excluding them from political participation and restricting their movements.

This exhibit highlights the importance of the Second World War and the immediate post-war years as a key period of social and political transformation of New Caledonia. It supplements the ubiquitous public recognition of the conflict, from monuments to the fallen, the Gaullist symbol of the Lorraine Cross overlooking the *Baie de l'Orphelinat*, and the various streets named after distant battlefields, symbolising not only the sacrifice but also the French identity of the territory. In a relatively short amount of time, New Caledonian political life went from being the exclusive domain of the white, male settlers to one that included women, and the indigenous Melanesian population.

The extension of the vote to French women came in April 1944, when the Free French Government passed an ordinance enacting full suffrage to female French citizens in France and throughout the Empire.² Previously, no French woman had the right to vote. However, public attitudes to female participation in electoral politics remained conservative: only five per cent of members in the First Constituent Assembly elected in France in 1945 were women. In New Caledonia, political office remained solely in the hands of men until the first women achieved office, mostly at the municipal level, and not until the 1950s. A small number achieved significance in the war years and immediately after the war, despite not achieving office, above all the Communist Party candidate for the New Caledonian General Council and activist Jeanne Tunica y Casas, who rejected what she considered the "stupid argument" that the "female

¹ Museum exhibit description at the Second World War Museum, Noumea, September 2015.

² Gouvernement provisoire de la République française, "Ordonnance portant organisation des pouvoirs publics en France", 21 April 1944.

guardian of the home' must be confined to domestic roles, without being allowed to take an interest in public affairs."³ Yet, Tunica y Casas' argument in favour of greater political engagement nevertheless reflected prevailing gendered constructions of women as mothers and carers who had "their word to say on the many problems in which women are competent: childhood, care to the old and all the questions of female life."⁴

Meanwhile, most of the Asian indentured workers, many of whom had endured conditions verging on enslavement, departed New Caledonia. Following Japan's entry into the war in December 1941, the Japanese were deported to Australia, and were later returned to Japan. Following pressure from settler populations demanding the repatriation of indentured labourers, most of the Vietnamese and Javanese returned to their home countries following the war, although some remained, and became closely assimilated with the New Caledonian European community.⁵

This chapter examines the question of electoral reform in light of changes to citizenship during this post-war period. Instead of viewing the year 1946 as one of rupture with the past, it illuminates the continuing forms of resistance to change and the various positions of inclusion and exclusion. Unsurprisingly, given this period's importance, it has already received significant attention from historians and anthropologists.⁶ This chapter situates the question of equal citizenship in New Caledonia within the broader transformations underway throughout the French Union (1946-1958) to identify similarities and differences between New Caledonia and other decolonising territories. Particular focus on the issue of electoral reform reveals the contested boundaries of

³ "Jeanne Tunica y Casas, Vice-président du groupement féminin de Nouvelle-Calédonie", 22 September 1945, (*Bulletin du commerce de Nouvelle-Calédonie et des Nouvelles-Hébrides*, 30 October 1945), cited in Musée de la ville de Nouméa, *Régards de femmes* (Nouméa: Mairie de la Nouvelle-Calédonie, 1998), 101.

⁴ "Jeanne Tunica y Casas, Vice-président du groupement féminin de Nouvelle-Calédonie", 101.

⁵ Sylette Boyer and Véronique Armand-Devambe, *Le main d'oeuvre immigrée asiatique sous contrat en Nouvelle-Calédonie*, (Noumea: Archives territoriales de Nouvelle-Calédonie, 1996); Christine Salomon, "Egalité totale ou évolution encadrée et séparée: retour sur les années 1946-1956," in *La coutume kanak dans l'Etat: Perspectives coloniales et postcoloniales sur la Nouvelle-Calédonie*, eds. Christine Demmer and Benoît Trépied (Paris: L'Harmattan, 2017): 59-60.

⁶ See Ismet Kurtovitch, *La vie politique en Nouvelle-Calédonie: 1940-1953*; Ismet Kurtovitch, "A Communist Party in New Caledonia (1941-1948)," *Journal of Pacific History* 35, no. 2 (2000), 163-79. Eric Soriano has examined the emergence of Melanesian political participation in the three decades leading to the formation of Kanak independence movements (*La fin des Indigènes en Nouvelle-Calédonie: le colonial à l'épreuve du politique, 1946-1976* (Paris: Editions Kathala, 2014)). Benoit Trépied has provided a nuanced account of the emergence of the *Union Calédonienne* in the northern part of the *Grande Terre* in the 1950s (Benoît Trépied, "Two Colours, One People"?), while Christine Salomon has analysed the contested conceptions of equality between 1946 and 1956 (Salomon, "Egalité Totale Ou Évolution Encadrée et Séparée", 49-96.).

the political community, reflecting changing conceptions of French national identity and attitudes towards the colonial world.

The extension of suffrage to French women and the release of the indentured Asian workers from the restrictions they had endured were part of a broad process of emancipation affecting New Caledonia during and immediately after the war. A further key part of that transformation was the end of the *indigénat* in New Caledonia. This chapter focuses on debates within New Caledonia and France on the end of the *indigénat* in the territory and the subsequent integration of the Melanesian population into the political community. Such a focus is warranted given the importance of this period in laying the foundations for contested views on the boundaries of the political community in contemporary New Caledonia where the right to citizenship and the vote remains of critical importance, particularly with respect to the 2018 referendum on New Caledonia's political future.

Citizenship and Decolonisation in the French Union

Although the First and Second World Wars are commemorated in New Caledonia in recognition of ongoing identification with France, these conflicts also highlighted the vulnerability of French power. As French imperialism reached its zenith during the inter-war period⁷, with its prestige and glory celebrated at the events such as the 1927 and 1931 International Colonial Exhibitions, it became a source of inspiration and self-confidence that counterbalanced memories of national defeat in the Franco-Prussian war of 1870 and of the massive casualty toll of the First World War. The *mission civilisatrice* encapsulated a vision that France had practiced a form of benevolent imperialism through a combination of education, Christian religion and economic development. As Conklin argues, even though all imperial powers claimed to undertake such a mission, “only in republican France was this claim elevated to the realm of official imperial doctrine” in a secular form.⁸ However, racial constructions of national identity and citizenship continued to emphasise the paternalistic role of France to the colonies, which excluded indigenous populations from the political community.

As early as the First World War, indigenous elites leveraged the metropole's need for manpower to demand colonial reform and the expansion of civil and political rights.

⁷ France acquired the Mandate of Lebanon and Syria from the Ottoman Empire under the auspices of the League of Nations following the First World War.

⁸ Alice Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895-1930* (Stanford: Stanford University Press, 1997), 1.

The Senegalese deputy Blaise Diagne, for instance, encouraged *originaires* to refuse enlistment unless participants were granted suffrage.⁹ New Caledonia was no different, as recruitment among Melanesians became an important basis for claiming rights.¹⁰

Despite its massive army and its claims to grandeur, France was rapidly defeated by Nazi Germany in April 1940, with the collaborationist Vichy regime taking power. France's colonies became a vital strategic battleground between Vichy and the Free French Forces under Charles de Gaulle. Though calls for reform to colonial governance were not new, the fact that indigenous soldiers had actively participated in the defence and liberation of France despite having few rights of their own became a powerful reason for emancipatory measures. Indeed, until very late in the war the great majority of Free French service personnel were colonial subjects rather than French citizens. France equally came under significant international pressure, mainly from the United States and the Soviet Union, to decolonise.¹¹ Since the beginning of the conflict, certain colonial notables such as the Guianese governor of Chad, Félix Eboué, discussed the possibilities of changes that would end assimilatory policies, especially in Africa, and provide greater recognition for cultural differences.¹²

In January 1944, the French Government-in-exile's Commissioner of the Colonies René Pleven organised the Brazzaville conference, bringing together administrators from across Africa to discuss the path forward for colonial reform following the war. Pleven made it clear that France alone would undertake the "exhilarating responsibilities that are our own concerning the races who live under our flag", and not "sharing it with any anonymous institution" – a barely-veiled critique of future UN oversight over the decolonisation process.¹³ Although the extension of citizenship constituted a key element of negotiations, indigenous voices were largely absent from

⁹ Margaret Kohn and Keally McBride, *Political Theories of Decolonization: Postcolonialism and the Problem of Foundations* (Oxford: Oxford University Press, 2011).

¹⁰ Adrian Muckle, *Spectres of Violence in a Colonial Context: New Caledonia 1917*. Adrian Muckle observes elsewhere that French authorities framed the call for indigenous volunteers not out of a perceived need or duty, but as an opportunity for them to experience the strength of France: see Adrian Muckle, "Kanak Experiences of WWI: New Caledonia's *Tirailleurs*, Auxiliaries and "Rebels"", 1329.

¹¹ Due to constraints of space, this chapter largely elides the wider international context, though it is important to note the international pressure mounted on France to decolonise. A useful glimpse of French perceptions of other imperialisms and their pressure on France is provided by Minister of the Colonies during the Second World War, Paul Giaccobi, "Le Ministre des Colonies à MM. les gouverneurs généraux, gouverneurs des colonies, commissaires de la République, généraux commandants supérieurs, secrétaires généraux et chefs des services judiciaires exerçant un commandement territorial", 20 October 1946 (ANOM - FM60 - 2517), 2.

¹² Raymond F. Betts, *France and Decolonisation* (New York: St. Martin's Press, 1991), 60.

¹³ Xavier Yacono, *Les Étapes de La Décolonisation Française* (Paris: P.U.F., 1985), 54.

participating in the conference's proceedings.¹⁴ While conference attendees drew attention to the end of the indigénat present in parts of the Empire, forced labour, better employment opportunities for indigenous people in the colonial public service and greater administrative autonomy, they explicitly rejected the expansion of political rights and self-government.¹⁵

Of the 586 seats in the French National Assembly elected in October 1945, only thirty-three represented the colonial territories, of which only fourteen incorporated electoral colleges for French non-citizen colonial subjects.¹⁶ Yet, the strong presence of the *Parti communist français*, which emerged as the largest single political party with more than one quarter of seats in the chamber, provided a progressive voice on the matter of citizenship equality, along with other reformist elements, although this did not always entail support for the expansion of voting rights.

The future of the colonies became a major subject of political debate within the context of deliberations on the Constitution of the Fourth Republic. Different visions of the French Union to replace the Empire underlined the Brazzaville Conference, especially between proponents of a federation bound together by equal citizenship with respect for political autonomy and cultural difference, and those in favour of a Jacobin assimilationist model that advocated a slower expansion of citizenship rights. Paul Viard, a deputy from de Gaulle's *Mouvement Républicain Populaire*, reflected the concerns of many conservative political leaders surrounding the federation proposal, stating:

It is nearly impossible to construct a federation with territories that do not have any character of sovereignty, which have always been French, which have a population that has always been French, which have no state-like attributes, and which, sociologically speaking are only just beginning to flourish.¹⁷

The Senegalese deputy and intellectual Leopold Sédar Senghor chaired the Constitutional Committee on the *Outre-mer*, tasked with deliberating on the makeup of

¹⁴ Yacono, *Les Étapes de la Décolonisation Française*, 54.

¹⁵ René Plevin, "Conférence africaine de Brazzaville, IIIe Partie, Organisation politique et administrative: Recommandations" (ANOM - FM60 - 2995 - No. 4), 2.

¹⁶ Art. 12, Ordinance n° 45-1874, 22 August 1945. While some territories had mixed electoral colleges, others were split into two – one for citizens and another for subject non-citizens with voting rights. In a number of territories non-citizens were not allowed to vote, meaning that colonial subjects first required citizenship in order to participate in political life.

¹⁷ JORF, 11 April 1946, 1716.

the French Union.¹⁸ Senghor had experienced first-hand the contradictions between France's self-proclaimed universalism and the racial limitations of citizenship in the colonies, having only attained citizenship after passing exams to enter into the Sorbonne with support from Blaise Diagne.¹⁹ One colleague of Senghor's drew on his personal story to illustrate the apparent hypocrisy of colonial citizenship:

He was born to parents who were French subjects and if he had not been obliged to pass the *agrégation* exams, and with great success as well, he would not have needed to ask to be naturalised or be granted citizenship. Are you going to say whether Senghor has a metropolitan status or an African status, even though he teaches Greek, Latin and French literature to children from Paris? And yet, France has decided that it is not appropriate to grant Senghor the care of teaching the generations that tomorrow will be administrators and the governors who will lay the foundations and act in the name of France...²⁰

Senghor envisioned the French Union as a return to the "original" principles of the French Republic as proclaimed in 1792 and 1870. He pointed to revolutions that had been "strangled at birth", and criticised those who continued to view the Empire as "regimes of liberation" that "protected indigenous peoples."²¹ These principles needed to filter down to the institutions, laws and "daily realities of national life."²² However, amidst the lively debate on federation, the general assumption remained that colonies would desire continued links with France, with advocates for independence largely absent.

Many of these debates on integration derived from colonial-era divisions among French colonial administrators and political leaders on the possibility of assimilating indigenous populations.²³ The assimilationist approach, favouring a form of direct rule, saw French civilisation, including culture and language, as a necessary precursor for integration.

¹⁸ After the creation of the first Constituent Assembly, the Ministry of Colonies was re-baptised as the *Ministère d'Outre-mer*.

¹⁹ Kohn and McBride, *Political Theories of Decolonization*, 27.

²⁰ JORF, 5 April 1946, 1536.

²¹ JORF, 11 April 1946, 1713.

²² JORF, 11 April 1946, 1713-1719. See also the contribution by the Communist deputy from Guadeloupe Aimé Césaire who argued that the French Union must be born out of "free consent" of a "community of citizens" and not by force and hierarchy (1719).

²³ For a discussion of such strategies see Raymond Betts, *Assimilation and Association in French Colonial Theory, 1890-1914*, (New York: Columbia Press, 1961); Mahmood Mamdani, "Beyond Settler and Native Political Identities: Overcoming the Political Legacy of Colonialism", *Comparative Studies in Society and History* 43, no. 4 (2001), 654, and Bob Moore, Martin Thomas, and L.J. Butler, *Crises of Empire* (London: Hodder Education, 2008), 129.

Opponents of this approach tended to be more sceptical of assimilation, usually because of the size of the colonised populations, the resilience of “traditional” cultures, or the lack of economic development seen as a necessary precursor of “civilisation.”²⁴ Therefore, mirroring the indirect rule strategies, known in French as *association*, a focus fell on utilising a pro-French elite well versed in French language and culture, who would lead their people and remain loyal to metropolitan leadership, an approach that became increasingly dominant after the First World War.²⁵

Amidst the political tumult leading to the approval of the Constitution of the Fourth Republic proclaimed on 27 October 1946, approved in a nation-wide referendum²⁶, the Senegalese deputy Lamine Guèye succeeded in passing a law that formally extended the “rights and liberties” of citizenship to the populations of France’s overseas territories.²⁷ The law contained only a single article: “From 1 June 1946, all people residing in the overseas territories (Algeria included) have the quality of citizen, in the same way as French nationals of the metropole and the overseas territories. Particular laws will establish the conditions in which these rights will be exercised.”

Although this law symbolised a formal end to French colonialism by abolishing colonial subjection throughout the colonies, the extent to which it placed such persons on an equal footing remained ambiguous. The text’s reference to “quality of citizen” still permitted a distinction between French citizens and the citizens of the French Union.²⁸ Although the *Lamine Guèye* law passed without opposition, deputies continued to dispute the meaning and implications of equal citizenship.²⁹ Nevertheless, it became an important rhetorical basis for claiming political rights and correcting the balance of power between the metropole and the territories of the French Union.

The Preamble to the 1946 Constitution described the French Union in paternalistic terms that acknowledged the aim of self-government but did not include any reference to possible future independence:

²⁴ Conklin, *A Mission to Civilize*, 6.

²⁵ Conklin, *A Mission to Civilize*, 7.

²⁶ A first constitutional project submitted to the population for approval in a referendum only received 47% of the vote. Under a second elected Constituent Assembly, dominated by the MRP, an amended constitutional project submitted on 13 October 1946 received 53% of the vote and was finally adopted, although only 67% voted. Much of the political divisions over the approval of the Constitution concerned whether power should be embedded in the legislature or the executive.

²⁷ Loi no. 46-940, 7 May 1946.

²⁸ Jane Burbank and Frederick Cooper, “Empire, Droits et Citoyenneté, de 212 à 1946,” *Annales, Histoire, Sciences Sociales* 63, no. 3 (2008), 517.

²⁹ Lamine Guèye, “Proposition de loi tendant à proclamer citoyens tous les ressortissants de la Métropole et des territoires d’outre-mer”, Undated, (ANOM – Aff Pol – 353).

France forms with the peoples of the overseas a Union founded on the equality of rights and duties, without distinction of race and religion.

The French Union is composed of nations and of peoples who put together or co-ordinate their resources and their efforts to develop their respective civilisations, to improve their well-being and guarantee their security.

Faithful to its traditional mission, France desires to bring the people, of whom it has taken responsibility, to the freedom to administer themselves and democratically manage their own affairs; steering clear of any system of colonisation founded on arbitrariness, it guarantees to all equal access to public office and the individual exercise of rights and freedoms proclaimed and confirmed above.

Article 60 of the Constitution described how “the French Union is formed of the French Republic in one part, incorporating metropolitan France, the overseas departments and territories, and the territories and associated states for the other part” (Table 1). The Republic included the metropole, the older colonies of the French Antilles (Guyane, Guadeloupe and Martinique), Réunion, and the three communes of Algeria. The other colonies, including those of sub-Saharan Africa and the Pacific Ocean became known as overseas territories. French Indochina (Vietnam, Laos and Cambodia) and the kingdoms of Tunisia and Morocco became “associated states.” The territories of Cameroon and Togo, governed by France under UN auspices as mandates, were labelled “associated territories.” The New Hebrides remained a condominium jointly ruled by Britain and France, under which the indigenous Ni-Vanuatu could not qualify for either British or French citizenship.³⁰ While New Caledonia and French Polynesia became overseas territories, Wallis and Futuna remained a protectorate of France until 1961 when its population voted to become an overseas territory.

³⁰ Gregory Rawlings, “Statelessness, Human Rights and Decolonisation: Citizenship in Vanuatu, 1906–80.” See also Sarah Mohamed-Gaillard, *L’archipel de la puissance? la politique de la France dans le Pacifique Sud, 1946 à 1998* (Brussels: Peter Lang, 2010), 41–42.

Table 1: Organisation of the French Union (from 1946)

French Republic	Overseas Territories	Associated States
France	Africa:	Indochina (Cambodia, Laos and Vietnam are separate states)
French Algeria	Chad	Morocco
<i>Departements d'outre-mer</i>	Côte d'Ivoire	Tunisia
(DOMs):	Comoros	
Guyane	Dahomey	
Guadeloupe	Gabon	UN Mandate Territories
La Réunion	Guinea	Cameroon
Martinique	Madagascar	Togo
	Mauritania	Other
	Middle Congo	New Hebrides (Anglo-French Condominium)
	Niger	Wallis and Futuna (protectorate until 1961)
	Oubanghi	
	Senegal	
	Somalia (French Somalia)	
	Sudan (French Sudan)	
	Upper Volta	
	Other:	
	EFO	
	New Caledonia	
	French India	
	St. Pierre-et-Miquélon	

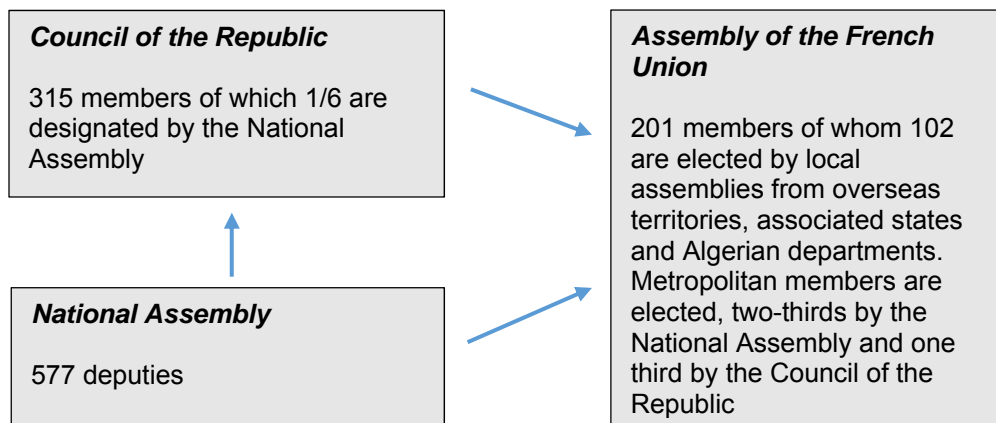
Beyond their own local assemblies, the power of which varied in each territory, the French Union was represented in both the National Assembly by a legislated number of deputies, and a new Assembly of the French Union, voted on by the National Assembly (Figure 2). Only half of the Assembly of the French Union deputies were from outside the metropole, the remainder consisting of metropolitan deputies.³¹ Whereas local elected assemblies voted for the overseas deputies, the metropolitan deputies were elected by the French parliament: two-thirds from the National Assembly and one third by the Council of the Republic.³² The Assembly of the French Union remained a purely consultative chamber, called upon to deliver a recommendation concerning on proposed laws, devoid of any substantive powers. This system effectively served to

³¹ Art. 66 of the 1946 Constitution. The precise composition of the Assembly of the French Union and mode of electing members from each territory was refined over the course of its short existence.

³² Art. 67 of the 1946 Constitution.

de-concentrate administrative power, together with limited self-government, while reinforcing the political power of metropolitan legislators who determined the status of each territory.³³

Figure 2: Political Institutions under the Fourth Republic



While the organisation of the French Union sought to stem the tide of anti-colonial and nationalist sentiment throughout its former colonies, it equally responded to fears of a number of metropolitan leaders surrounding the potential for metropolitan power to become eroded in a unitary and democratic state of "one hundred million citizens." In such a case, "one man, one vote" would result in the metropolitan population becoming "a colony of its former colonies."³⁴

The French Union represented another shift in the conceptual relationship between citizenship and nationality. The Constitution adopted the *Lamine Guèye* law in Article 80, stipulating "All *ressortissants*³⁵ of overseas territories have the quality of citizen, in the same way as French nationals from the metropole or the overseas territories. Particular laws will establish the conditions in which they exercise their rights as citizens."

In his parliamentary report on the citizenship question, a deputy representing Madagascar, Roger Duveau, stated "every citizen is a national, but every national is

³³ Georges Catroux, "L'Union française, son concept, son état, ses perspectives," *Politique étrangère* 18, no. 4 (1953), 233–66.

³⁴ Cited in Frederick Cooper, *Colonialism in Question: Theory, Knowledge and History* (Berkeley: University of California Press, 2005), 100.

³⁵ The French word *ressortissants*, in its legal definition, is difficult to translate directly into English and can possess a number of meanings that include 'citizen', 'national' or 'resident'.

not necessarily a citizen.”³⁶ In this view, citizenship assumed a political meaning as a basis for democratic participation. Conversely, Duveau described the nation as a “human grouping” characterised by “dependence on the Government.” Therefore, it was quite possible to conceive of a situation “where an individual forms part of the human grouping, without having the right to participate in its direction.”³⁷ While all former colonial subjects were now citizens of a French nation, they were not all citizens in the participative sense. For Duveau, there remained considerable ambiguity concerning who the *ressortissants* referred to, though he assumed that it related to persons who were formerly French subjects and previously did not have French nationality. Although the new constitution extended citizenship to almost all former subjects, it maintained a legal distinction between persons of civil status (referring to metropolitan French citizens and settlers) and those with a personal status. The latter category, developed during the colonial period, permitted an individual to continue to adhere to its “traditional”, customary legal arrangements and mores that could enter into conflict with French common law. It remained possible for an individual of personal status to renounce their status in favour of a civil status, however, this generally required abandoning particular cultural and religious practices.

A second and more immediate problem related to the second half of Article 80, which legitimated certain forms of discrimination in relation to political rights. Duveau and his party, the *Mouvement républicain populaire* remained firm advocates for the double electoral college in parts of the Empire, which would maintain separate electoral rolls for persons of civil status and personal status with a view to according seats disproportionately in favour of the settler communities, thus counterbalancing their demographic inferiority within the territory. Though the double college in effect created different categories of legal citizenship, Duveau considered that one was not necessarily inferior to the other because both granted the power to elect local and national assemblies.³⁸ In addition, Duveau pointed out that once a person had adopted a civil status, they also entered into that electoral college.

A number of overseas deputies attempted to push through amendments to the 1946 Constitution because it fell short of granting political equality.³⁹ The debate on political equality became particularly trenchant in the case of French Algeria. Possessing nearly one million people of civil status living in three departments situated along the

³⁶ Roger Duveau, “Rapport sur la citoyenneté et la nationalité dans l’Union française” (Paris: Mouvement Républicain Populaire, May 23 1949) 1 (ATNC 37W – 341).

³⁷ Duveau, “Rapport sur la citoyenneté”, 1.

³⁸ Duveau. “Rapport sur la citoyenneté”, 11.

³⁹ See for example the debate on the 1946 Constitution in JORF, 19 September 1946.

Mediterranean coast, the territory had easily become France's largest settler colony. However, they lived alongside more than eight million Algerians, most of who were Muslim and possessed personal status. Defending the political dominance of the settlers was viewed as tantamount to defending the French identity of Algeria itself since French Algeria was considered an extension of the metropole and within the French nation. The Free French Government, based in Algiers from 1944, introduced a double electoral college that split the Muslim population into two groups⁴⁰: those with citizenship and voting rights in the same electoral college as Europeans, and those who constituted part of the "special electoral college" and who voted for different representatives, but were excluded from voting in the referendum concerning the formation of the First Constituent Assembly in 1945.⁴¹

In the National Assembly after 1946, the double college was defended as a means of preventing the settler population from being "eliminated from political life", allowing the civilising work of France to continue, and "maintaining the fraternity between the different ethnic elements that populate Algeria."⁴² One deputy even criticised a single electoral college on the basis that the "indigenous population, with the exception of an evolved minority who votes with the Europeans, continues to remain fixed in its Koranic personal status, which is truly a privilege of masculinity."⁴³ Notwithstanding the greater social and cultural freedoms of French women, the strength of the deputy's argument was diminished because women had only received the right to vote in metropolitan France two years beforehand. The same deputy proceeded to argue that in the event of the introduction of the single electoral college, the following must occur: Muslim women be allowed to vote; Algeria receive one hundred deputies to reflect its size relative to metropolitan France; and candidates would have to speak in Arabic since most of the population remained illiterate and could not speak French.

Algerian Muslim deputies overwhelmingly supported the single college as an extension of the universal values of French republicanism. Mohamed Bendjeloul called on the metropolitan electoral regime to be applied to Algeria and for an increase in the number of deputies representing the territory in line with its population: "if a European population of approximately one million people has a right to fourteen seats, the indigenous population, which is rising to some eight million people, can expect eight times more representatives, amounting to nearly one hundred and twelve

⁴⁰ Ordinance of 7 March 1944.

⁴¹ JORF, 5 April 1946, 1506.

⁴² JORF, 5 April 1946, 1506.

⁴³ JORF, 5 April 1946, 1505.

representatives.”⁴⁴ He argued that fears of the minority being wiped out were unfounded, and that “even if that did happen...the representatives of eight million Muslims would equally constitute a minority among the representatives of forty million metropolitans.”⁴⁵

The interests and aspirations of settlers and indigenous communities in Algeria proved impossible to reconcile, leading to Algeria’s independence after more than a decade of bitter conflict. The debacle for France followed its failure to counter nationalist and communist forces in Indo-China, again after a tragic conflict. The Cambodian monarchy acceded to independence in 1953, Vietnamese leader Ho Chi Minh led a communist insurgency that defeated the French military in a series of engagements leading to its independence in 1954, with French forces equally withdrawing from Laos. Vietnam was partitioned under the 1954 Geneva Accords into two independent states, the communist North Vietnam and the nominally democratic South Vietnam. Two years later, both the protectorate kingdoms of Morocco and Tunisia followed and declared their independence. Violent resistance to French rule broke out in other parts of the French Union, including Madagascar where French military suppression killed thousands.

These events, together with increasing calls for independence in other crumbling empires, prompted more urgent action concerning reforms to the territories of the French Union, especially in the large federations of *Afrique Occidentale Française* (AOF) and *Afrique Equatoriale Française* (AEF).⁴⁶ Gaston Defferre, Minister for the Overseas, succeeded in passing through a *loi cadre* (“Enabling Act”) on 23 June 1956, which instituted universal suffrage, the abolition of separate electoral colleges, increased the power of local assemblies, and provided each with its own Council of Ministers.⁴⁷ The *loi cadre* also enacted a reform to “Africanise” the public service by creating territorial public managers under the authority of the local legislature.⁴⁸ However, the government appointment of territorial governors as presidents of these councils, with powers over budgets, finances and public order, tempered the progressive aspects of

⁴⁴ JORF, 5 April 1946, 1508.

⁴⁵ JORF, 5 April 1946, 1508.

⁴⁶ Virginia Thompson and Richard Adloff, *The Emerging States of French Equatorial Africa* (Stanford, USA: Stanford University Press, 1960).

⁴⁷ The *loi cadre* was applied in New Caledonia through decrees on 7 July 1956 and two on 3 December 1956.

⁴⁸ Charles-Robert Ageron, *La Décolonisation Française*, (Paris: A. Colin, 1991), 140; Tony Chafer, *The End of Empire in French West Africa: France’s Successful Decolonization?* (Bloomsbury Publish PLC, 2002), 195, Available: <https://ebookcentral.proquest.com/lib/anu/detail.action?docID=243461>.

the law.⁴⁹ A number of African leaders, including Leopold Senghor, criticised the reforms for having “balkanised” Africa into autonomous territories, instead of favouring the greater cohesion of the AOF and the AEF.⁵⁰ In addition, through a re-alignment of credit structures and monetary policy, the French state created a greater “harmonisation” between metropolitan and territorial interests and increased dependence on metropolitan capital.⁵¹ Therefore, while the *loi cadre* facilitated greater political autonomy, it both reduced the costs associated with direct rule in Africa yet increased dependence on the metropole. At the political level, it sought to stymy growing pro-independence sentiment while preserving key powers and responsibilities in the hands of the metropole.

In 1958, Charles de Gaulle returned to political life and pushed for a new constitution in which the French Union would be replaced with the Community. According to Jacques Lacouture’s immense tome on de Gaulle, he saw the Empire as both essential for France’s place in the world, but equally understood the territories’ changing realities, leading him to prefer self-government and ongoing association, convinced that the US and Russia would compete for influence regardless.⁵² However, this view did not extend equally to all territories. Those smaller overseas territories, such as New Caledonia, did not have the same latitude.⁵³ The constitutional overhaul presented all overseas territories the choice of the status quo, *départementalisation*, and self-government within the Community in the event of a “yes” vote, or independence without any French economic and other assistance if a “no” vote carried.⁵⁴ Only Guinea rejected the 1958 referendum to approve the Constitution and subsequently became independent, with French officials acting true to de Gaulle’s promise by sabotaging local infrastructure and equipment prior to their departure.⁵⁵ However, by 1960, all other African territories (except for the Comoros and the French Coast of the Somalis) had become independent states.⁵⁶ The remaining overseas territories continued as such under the new Constitution (see Table 2). France fully integrated the

⁴⁹ Betts, *France and Decolonisation*, 122.

⁵⁰ Betts, *France and Decolonisation*, 122.

⁵¹ Andrew W.M. Smith, “Of Colonial Futures and an Administrative Alamo: Investment, Reform and the *loi cadre* (1956) in French West Africa”, *French History* 48, no. 1 (2014), 99.

⁵² Jean Lacouture, *De Gaulle (Vol. 2): Le Politique, 1944-1959* (Paris: Editions du Seuil, 1985), 154–155.

⁵³ These were evident in the excerpts on his attitudes to the DOM-TOMs, including in relation to New Caledonia in 1963, in Alain Peyrefitte, *C’était de Gaulle* (Paris: Editions Gallimard, 2002), 1024–1027.

⁵⁴ Aldrich and Connell, *France’s Overseas Frontier*, 68-69.

⁵⁵ Elizabeth Schmidt, “Cold War in Guinea: The Rassemblement Démocratique Africain And The Struggle Over Communism, 1950–1958,” *The Journal of African History* 48, no. 01 (2007), 119.

⁵⁶ For an account of the reasons why French West Africa eventually broke up into independent states see Chafer, *The End of Empire in West Africa*, 195–215.

departments with identical legal and governmental institutions as the metropole, while territories were ruled according to a parliamentary statute, permitting a greater degree of specificity in the local territorial assemblies.

Table 2: France Under the Fifth Republic After 1960

Metropole	Continental France (including Corsica) French Algeria (until 1962)
Overseas Departments	Guadeloupe Guyane Martinique Réunion
Overseas Territories	Comoros ⁵⁷ French Antarctic Territories French Coast of the Somalis ⁵⁸ French Polynesia (formerly the EFO) New Caledonia St. Pierre and Miquelon Wallis and Futuna

The Extension of Citizenship and Constructing the Political Community in Post-War New Caledonia

In contemporary New Caledonia, the Second World War is publicly remembered with an emphasis on the *ralliement* to Free France and the feats of the *Batallion du Pacifique*. In a time where independence dominates the political landscape, it equally serves as a rhetorical reinforcement of New Caledonia's Frenchness. But the public memory of the Second World War overshadows how it created an opportunity for this distant territory to begin to assert its autonomy within the Republic. Indeed, only months after New Caledonians exiled the Vichy-appointed governor of the territory in a popular show of patriotism, 1500 settlers petitioned his Gaullist replacement against proposed increases to appropriations for the war effort and demanded greater

⁵⁷ The Comoros split in 1975 into two entities after a referendum on independence, in which the Islamic Republic of the Comoros Islands acceded to independence, while the island of Mayotte remained as an overseas territory of France (Aldrich and Connell, *France's Overseas Frontier*, 70).

⁵⁸ In 1967 French Somaliland was renamed as the French Territory of the Afars and the Issas before becoming independent as Djibouti in 1977 (Aldrich and Connell, *France's Overseas Frontier*, 70).

budgetary autonomy from the metropole.⁵⁹ One report by the Secretary-General of the territory's General Council, spoke of "unjustifiable servitude that failed to take into account either the geography or the legitimate interests of a white population aware of its sacrifice to the imperial economy."⁶⁰ Thus, as Jean-Marc Regnault observes, like in other parts of the Empire, New Caledonia's *ralliement* to de Gaulle was counterbalanced by local resistance to centralised authority, clearly on display with the appointment of de Gaulle confidante Thierry d'Argenlieu as governor of New Caledonia, replacing the locally popular Henri Sautot.⁶¹

The rapid encroachment of the Japanese forces in the Pacific brought the conflict much closer to New Caledonia's shores. Between 1942 and 1945, the *Grande Terre* welcomed hundreds of thousands of Allied (overwhelmingly American) soldiers, transforming the territory into one of America's largest bases. The impact was enormous, transforming the local economy and introducing a range of new products and technologies to the territory for the first time. This activity drove a large increase in the need for labour and improved infrastructure throughout the territory. These transformations brought many Melanesians out of the reserves for the first time in order to undertake paid employment, challenging the segregation of New Caledonia's population shaped by the indigénat. In some cases, American generosity to Melanesians stirred up opposition among French authorities and local settlers, who saw it as disturbing the order imposed under colonial rule.⁶² It created disturbances in other areas too. For example, the value of obtaining American dollars and better pay saw many Tonkinese and Javanese indentured labourers refuse to work, or simply not show up for their contracted employers, seeking instead work offered by Americans.⁶³

These changes were evident in a speech given by the President of New Caledonia's General Council in 1942:

We are living in a tragic epoch. The bloody drama envelops the whole world. It is an old world that is crumbling, there are entire political systems disappearing. Tomorrow, the salvation of victory will reveal the new world

⁵⁹ Jean-Marc Regnault, *La France à l'opposé d'elle-même: Essais d'Histoire politique de l'Océanie* (Tahiti: Editions de Tahiti, 2006), 54.

⁶⁰ Henri Sautot, *Grandeur et décadence du Gaullisme dans le Pacifique*, (Melbourne: F.W. Cheshire 1949), 33.

⁶¹ Regnault, *La France à l'opposé d'elle-même*, 53–54; see also John Lawrey, *The Cross of Lorraine in the South Pacific* (Canberra: ANU Printing Service, 1982), 69–73.

⁶² Kim Mulholland, *Rock of Contention: Free French and Americans at War in New Caledonia, 1940-1945*, (New York: Berghan Books, 2005), 156–158.

⁶³ Mulholland, *Rock of Contention*, 156–158.

where, with peace re-established after some long years, we hope more fraternity and social justice will reign. The transition will involve some challenges to old ways, some measures will perhaps be quite revolutionary. Let us not be afraid of going forward and ready ourselves for the end of everything, which will be the beginning of other things.⁶⁴

In his illuminating study, the historian Ismet Kurtovitch revealed how anxiety about this “new world” manifested in forms of resistance to internal and metropolitan-driven social and political reform.⁶⁵ Over several years from 1945, the various legal measures of the indigénat were gradually wound back, including criminal punishments specific to the Melanesian population and some indentured labourers (December-February 1945-1946), a cessation of forced labour requisitioning powers (11 April 1946) and the abolition of the head tax (1948).⁶⁶ The concerns stemming from the end to the supply of cheap labour and the effect on the budget from eliminating the head tax resonated strongly in post-1945 debates in the General Council. Even after the end of the indigénat, debates continued within the General Council concerning whether or not Europeans should have to contribute to funds for the construction of infrastructure on customary lands.⁶⁷

It is difficult to ascertain with any precision what this emancipation meant to the indigenous population, since most of the written source material comes from the perspective of Europeans, many of whom were condescending. For example, Captain Quensont, a gendarme reporting to the Office of Indigenous Affairs, observed:

Indigenous people were first of all very surprised, then little by little they understood that a lot of things had changed, which was completely altering the scope of the liberal measures enacted for them... Moreover, they interpreted them first of all in a restricted sense and as a particular good that should satisfy them. He understood that they were giving them rights, but only seeing a small part of the duties imposed on them. Not hard-working by nature, carried by ancestral atavism to only produce for his own need, having only restricted needs, indigenous people possessing

⁶⁴ Cited in Kurtovitch, *La Vie Politique en Nouvelle-Calédonie*, 88.

⁶⁵ Kurtovitch, *La Vie Politique en Nouvelle-Calédonie*.

⁶⁶ Kurtovitch, *La Vie Politique en Nouvelle-Calédonie*, 88–117.

⁶⁷ Kurtovitch, *La Vie Politique en Nouvelle-Calédonie*, 104–112. It was often argued in the General Council that the Melanesians needed to contribute “equally” to the war effort, often ignoring the fact that until the Second World War, French colonial policy effectively neglected the Melanesian population.

natural resources in their reserves, immediately understood “suppression of forced labour” to mean “suppression of labour.”⁶⁸

However, work undertaken by Eric Soriano⁶⁹ and Benoit Trépied⁷⁰ highlighted certain Melanesian memories of the post-war period, including the supposed difficulties for sections of the Melanesian population in understanding democratic politics and the importance of customary and external intermediaries who could facilitate meetings in the reserves.

By the end of the decade, administration reports became increasingly concerned about the abuse of new liberties and the perceived social and moral consequences. One argued that the “social evolution” of the indigenous population was best served by keeping them in their reserves and that measures should be adopted to prevent “an influx of populations from the interior to the urban centre.” In another report in 1950, the author described a meeting between notable chiefs to discuss important issues to be raised at the General Council. According to this report, the most important of their preoccupations were “their status and their representation. Then came the social questions: salaries, family allocations, defending the family, the struggle against alcoholism and vagabond activity.”⁷¹

Certain Melanesian customary leaders expressed their fears concerning the implications for citizenship on their traditional authority and the general well being of the tribus. Some years later, the Melanesian Catholic priest Apollinaire Anova-Ataba identified eight arguments put forward by settlers concerning the implications of the acquisition of citizenship on possession of customary lands.⁷²

- It is contrary to egalitarian republican principles to keep them locked up in the reserves;

⁶⁸ “Rapport du Capitaine Quensont sur le Service (des Affaires Indigènes) pendant l’année 1946” (ATNC – 1J16, 12). A similar tone underlined the report submitted by the Capitaine Germain in 1947.

⁶⁹ Eric Soriano, “Tisser des liens politiques. Mobilisations électorales et vote mélanésien (1946-1958)”, in *En Pays Kanak*, eds. Alban Bensa and Isabelle Léblic (Paris: Editions de la Maison des Sciences de l’Homme, 2000), 235–252.

⁷⁰ Benoit Trépied, “Politique et relations coloniales en Nouvelle-Calédonie, Ethnographie historique de la commune de Koné, 1946-1988” (PhD diss., Ecole des Hautes Etudes en Sciences Sociales, 2007).

⁷¹ “Extrait de la synthèse du 15 décembre au 30 janvier 1950” (ANOM – AffPol – 389).

⁷² Anova-Ataba, *Calédonie d’hier, Calédonie de demain*, eds. Bernard Gasser and Hamid Mokaddem (Moindou: Expressions, 2005).

- If they desire access to citizenship rights they need to assume responsibility, including tax on customary land;
- The isolation in reserves could lead to more racial tensions;
- The lack of possibility of social or economic transformation if the population remains embedded in customary structures;
- The individual will is suppressed and submerged within the community;
- The desertion of villages for the urban areas highlights the assumption of responsibilities;
- The reserve favours clandestine activity; and
- The chief no longer has any authority over his subjects, compromising morality.

The fact that Melanesian lands were inalienable thanks to the indigénat undergirded a distorted view of social reality that depicted Melanesians as privileged. Certain European representatives maintained that equal citizenship should result in the end of inalienable land, despite the fact that the remaining Melanesian lands were for the most part poorer than that acquired under colonial rule. In this way, settlers used the language of citizenship to argue in favour of full assimilation and the end of a politics of difference.⁷³ Often, this was couched in terms of equal citizenship rights needing to be accompanied by the equal undertaking of citizen responsibilities.

The push for democratic equality had the potential to undermine the eternal political dominance of mainstream settler society. The last months of the war saw a number of parties bring forward petitions and requests calling for some form of expanded political participation of indigenous people, including European soldiers petitioning on behalf of Melanesians who had served in the First or Second World Wars, as well as the French Government.⁷⁴ Meanwhile, the Catholic Church lobbied for catechists and monitors to also be granted suffrage.⁷⁵ On 22 August 1945 the General Council extended suffrage to certain ministers of religion, veterans and military personnel of the two wars, public servants and administrators, holders of an official diploma and chiefs. At the end of the Second World War, out of a population of approximately 60,000, only 1 025 people with personal status in comparison to 8,804 people of civil status featured on the electoral lists.⁷⁶ Until the end of the indigénat, the electoral lists were examined and revised by

⁷³ Michel Naepels, "Une histoire coloniale des conseils des anciens", 37–38 in *La coutume kanak dans l'Etat: Perspectives coloniales et postcoloniales sur la Nouvelle-Calédonie*.

⁷⁴ Kurtovitch, *La Vie Politique en Nouvelle-Calédonie*, 118–122.

⁷⁵ Georges Delbos, *L'Eglise Catholique en Nouvelle-Calédonie* (Paris: Editions Desclées, 1993), 383.

⁷⁶ "Evolution du corps electoral" and "Evolution du corps électoral des citoyens du status personnel", (ANOM – FM61 – 1AffPol – 261); In February 1951, the territory of New Caledonia

a colonial officer appointed as the *syndic des affaires indigenes*, in conjunction with two indigenous people on the electoral list with the ability to read and write in French.⁷⁷

Kurtovitch's archives-based analysis reveals the precarious position of the French Governor during these years, particularly following the passage of *Lamine Guéye* law on 7 May 1946, standing between progressive ideals promoted by the national government and the complaints of settler communities.⁷⁸ The Governor of New Caledonia in the post-war period, Jacques Tallec, relayed his reticence to push through the expansion of voting rights against the wishes of most settlers. However, the Minister for the Overseas, Marius Moutet, warned Tallec that universal suffrage was inevitable, but that in the interim it might be wisest to pursue a separate electoral college for the Melanesian population, which would consist of "second degree electors" who would in turn elect a small number of representatives. Opponents in the settler communities argued that indigenous populations were "not ready" and that giving them the vote would threaten the progress already achieved. Roger Gervolino, the sitting deputy of the territory, aligned with this view, arguing that the "war had put the different peoples into contact and as a result of this contact had accelerated the rhythm of evolution of the indigenous peoples in the colonies."⁷⁹ Gervolino won the 1946 legislative elections easily, and proceeded to Paris where he successfully lobbied for New Caledonia's exclusion from reforms that expanded suffrage in the former colonies, making it the sole territory to not have an indigenous figure in its local assembly.⁸⁰

Much of the early impetus for change was driven by the activity of the Communist Party of New Caledonia, even though it occupied a far smaller electoral presence than at the national level.⁸¹ It actively campaigned among Melanesian communities in favour of political equality and also found support among Asian communities striking in response to poor working conditions.⁸² Its membership included settlers with strong ties to local union organisations, such as its leader Florendo Paladini, New Caledonia's earliest prominent female political figure Jeanne Tunica y Casas, and the High Chiefs Henri Naisseline, Kowi Bouillant and Vincent Bouquet. During the 1946 local election

officially contained a population of 63 231 people, including 18 797 persons of civil status, 33 790 persons of personal status, and 10 644 persons classified as 'foreigners', most of whom included indentured labourers who were citizens/subjects of either Japan or the Netherlands.

⁷⁷ Jacques Tallec, "Inscription des électeurs indigenes", *France Australe*, 15 September 1946.

⁷⁸ "A chaque proposition du ministre, Tallec produit des trésors d'ingéniosité juridique pour obtenir le nombre mélanésien "qu'il est possible de faire accepter aux blancs" (*italics by the author*): Kurtovitch, *La Vie Politique en Nouvelle-Calédonie*, 132.

⁷⁹ Kurtovitch, *La Vie Politique en Nouvelle-Calédonie*, 127.

⁸⁰ Frédéric Angleviel, "La Nouvelle-Calédonie en 1958, ou la primauté du territorial sur le national," *Outre-mers* 95, no. 358 (2008), 136.

⁸¹ Kurtovitch, "A Communist Party in New Caledonia (1941-1948)."

⁸² Kurtovitch, "A Communist Party in New Caledonia," 169–170.

campaign, the party propaganda effort emphasised Melanesian representation within the General Council, using tracts translated into native languages to boost their support in the *tribus*. It was particularly critical of the arbitrary qualifications required for becoming an elector, such as proficiency in the French language. As one tract pointedly argued: “there are quite a few Bretons, Corsicans etc. who do not know how to read and speak French.”⁸³

The influence of the Communist Party gradually diminished among the Melanesian population, largely due to counter-efforts by other local political forces, especially those associated with the Catholic and Protestant churches, and with covert support from the French administration. These forces were concerned about the dangers of emancipation if guided by communist ideology.⁸⁴ “Foreign” agitators were also excluded. Because Mr Tunica y Casas did not have French nationality, the administration was able to expel him from New Caledonia. His wife Jeanne continued her political struggle, but after a bomb exploded and destroyed her house, and in response to other pressures, she departed the territory on 21 August 1946.⁸⁵

The churches had an engagement with and knowledge of Melanesian society that operated both in tandem and contrary to the objectives of the colonial administration at different times. At a time of significant global upheaval, the state became increasingly reliant on the churches to not only conduct the *mission civilisatrice*, but also to imbue a stronger sense of attachment to France. As Apollinaire Anova-Ataba observed: “At Touaourou⁸⁶, gazing at the display of French pennants, I had the impression that France has more room in its heart for the autochthone than the church itself. (But) this is not the case at all. The indigenous man loves the Church more than France, and loves France because of the Church.”⁸⁷

The Reverend Father Louis Bussy, the first priest to be elected to the General Council, identified the importance of an ecclesiastical guiding hand, using his position to express concerns about the moral decay occurring within Melanesian and European society because of communism. Following the extension of citizenship in April 1946, Bussy observed the right to vote as a “redoubtable weapon.... – precious if one uses it well, and terribly harmful if one uses it badly – this weapon is placed into the hands of numerous indigenous people of New Caledonia before they have received preparation

⁸³ Kurtovitch, “A Communist Party in New Caledonia (1941-1948),” 133.

⁸⁴ Salomon, “Egalité Totale Ou Évolution Encadrée et Séparée,” 49–96.

⁸⁵ Kurtovitch, “Communist Party in New Caledonia”, 176.

⁸⁶ A well-known old church mission in Yaté, situated at the southern end of the *Grande Terre*.

⁸⁷ Ataba, “Le drapeau tricolore à Touaourou” in *Calédonie d’hier, Calédonie de Demain*, 239.

and any discernment at all.”⁸⁸ In the lead up to the elections of June 1946, the head of the Catholic Church in New Caledonia, Monsignor Bresson published a *Lettre sur le communisme*, calling on priests throughout the territory to denounce communism.⁸⁹

The need to combat communist influence prompted churches to become more active in directing the political engagement of the Melanesian population. Throughout 1946 and 1947, the Catholic Church sponsored the creation of the *Union des calédoniens et loyaltiens dans l'Ordre* (UICALO), bringing together notable Catholic, Melanesian men from around the territory to address Melanesian concerns. Roch Pidjot, the High Chief of La Concéption on the outskirts of Noumea was elected as its first president.⁹⁰ The Protestant churches followed suit through the creation of the *Amis indigènes de la Calédonie et Loyaltiens Français* (AICLF), led by the High Chief Henri Doui Wetta.⁹¹ Despite their confessional origins, the two organisations often collaborated together to promote shared aims.⁹² Although greater political inclusion became a common theme of their claims, they focused heavily on defending the inalienability of the reserves, recognising customary structures introduced during the colonial period such as the *conseils des anciens*, and preventing the sale of alcohol through the creation of an indigenous police force in the *tribus*.⁹³

The first Melanesian representatives were elected not in the General Council but in the municipalities throughout the *Grande Terre*. Most of these consisted of High Chiefs or the so-called *petits chefs* (“lesser/small chiefs”) who had gained standing through their work with the colonial administration.⁹⁴ In this way, post-war citizenship reflected the continuity of power relations between the clans and colonial institutions.⁹⁵ In considering the best means to securing Melanesian representation in the territory, the UICALO remained cautious not to do “too much, too quickly.” Support for full suffrage and democratisation of the territorial institutions was complemented by the reinforcement of traditional sources of authority, above all the clan chiefs, who strongly advocated the continuation of a legal distinction between persons of civil status and personal status. On one occasion, the UICALO unsuccessfully proposed a hybridised

⁸⁸ Delbos, *L'Eglise Catholique en Nouvelle-Calédonie*, 382.

⁸⁹ Delbos, *L'Eglise Catholique en Nouvelle-Calédonie*, 383.

⁹⁰ Hamid Mokaddem, *Le discours politique kanak*, 31–43.

⁹¹ Raymond Leenhardt, *Positions autochtones en Nouvelle-Calédonie*, Extraits du “Monde Non Chrétien”, no. 53-54, (1960).

⁹² Kurtovitch, *La Vie Politique en Nouvelle-Calédonie*, 329–331.

⁹³ These claims feature in the *Cahiers de doléance* of the UICALO of 25 May, 1946 (a copy can be found in Delbos, *L'Eglise Catholique en Nouvelle-Calédonie*, 384); Michel Naepels, “Une histoire colonial du “conseil des anciens” en Nouvelle-Calédonie,” 25–27.

⁹⁴ Jean Guiart, “Les mélanésiens entrent dans la cité,”; Trépiéd, “Two colours, one people?”, 252.

⁹⁵ Trépiéd, “Two colours, one people?”, 252.

form of local governance, creating “District Councils” (*Conseil des districts*) each overseen by a High Chief, as well as *Conseils des tribus*, imitating municipal councils.⁹⁶ While largely hostile to greater formal political participation, New Caledonia’s General Council, with the support of the churches, favoured a more informal consultative organ known as the *Conseil des notables*.⁹⁷

The UICALO and the AICLF articulated different perspectives on representation at the territorial level. The UICALO desired the creation of an assembly parallel to the General Council to be consulted on all matters pertaining to the Melanesian population, with one representative for every three hundred Melanesian voters.⁹⁸ But the AICLF favoured the direct participation of Melanesians in the General Council, as well as an Indigenous High Council (*Conseil supérieur indigène*) drawn from district councils, which in turn came from the Tribal Councils.⁹⁹ However, both insisted less on political reform than on other social and economic issues, which sought to defend the clan and family from the supposed moral threats posed by modernisation and aspects of European life, especially alcohol. Although both associations became significant launching pads for the earliest Melanesian political leaders, their political power was channelled by the paternalistic roles of prominent members of the ecclesiastical or political establishment within the movements, such as Monsignor Bresson and Father Luneau, and the Protestant missionaries Raymond Charlemagne and Marc Lacheret.¹⁰⁰ The next generation of Melanesians was not always too kind towards the UICALO and AICLF for this reason.¹⁰¹

A major shift occurred when a metropolitan law, passed on 23 May 1951, equally applicable in New Caledonia, expanded the vote to sixty per cent of Melanesians. Consequently, 5 486 Melanesian men and 3 444 women, totalling forty-five per cent of the total New Caledonian electorate, obtained suffrage.¹⁰² Increased Melanesian

⁹⁶ Kurtovitch, *La Vie Politique en Nouvelle-Calédonie*, 354.

⁹⁷ Salomon, “Egalité Totale Ou Évolution Encadrée et Séparée”, 74–75.

⁹⁸ Maurice Lenormand, “L’évolution politique des autochtones de la Nouvelle-Calédonie”, *Journal de la Société des Océanistes*, no. 9 (1953), 276; Kurtovitch, *La vie politique en Nouvelle-Calédonie*, 355.

⁹⁹ Lenormand, “L’évolution politique des autochtones”, 276

¹⁰⁰ See for example the letter written by Marc Lacheret to the Minister of the Overseas concerning electoral reform on 26 June 1952: ‘Knowing the indigenous people of the *Grande Terre* and the Loyalty Islands well, I can confirm to you that they are only putting forward the following claims: above all, to be aided in their evolution by their older brothers, the French settled in the country; and secondly, to not be treated (with a nuance of mistrust) as inferior brothers incapable of comprehending anything public’ (ANOM – AffPol – 261). R.H. Leenhardt’s assessment of the positive role of the AICLF in *Positions autochtones en Nouvelle-Calédonie*, 1960, 4

¹⁰¹ Attaba, *Calédonie d’hier, Calédonie de demain*, 193.

¹⁰² Kurtovitch, *La vie politique en Nouvelle-Calédonie*, 132.

participation at the ballot box presented new opportunities for marginalised Europeans to make their voices heard by drawing on the added democratic weight of Melanesian voters. As Jean Guiart observed, the Melanesian population became an important support for various sections of the European community who felt excluded from the economic dominance of New Caledonia's large family monopolies.¹⁰³ The UICALO and AICLF-backed candidate for the 1951 elections for deputy to the National Assembly was Maurice Lenormand, a pharmacist, scholar and businessman who arrived in New Caledonia seventeen years before and married a Melanesian woman from Lifou. His intimate knowledge of Melanesian society and proficiency in *dréhu* (the indigenous language of Lifou) rendered him an ideal candidate to symbolise and propose a political program reconciling settler and Melanesian interests. Lenormand positioned himself as the “anti-Ballande” candidate, signifying his opposition to the Ballande company that dominated the local economy through its ownership of nickel mines as well as small businesses. He contrasted his representation of the “producers and farmers” of *la brousse* with the “economic oligarchy formed by the high commerce of importation, with the origin of its financial power found in the supply and provision to the penitentiary administration.”¹⁰⁴ His chief rival was Roger Gervolino, a businessman and war-veteran with strong ties to Ballande, and strongly supported by the territory's sole newspaper (bankrolled by the Ballande family) *La France Australe*.

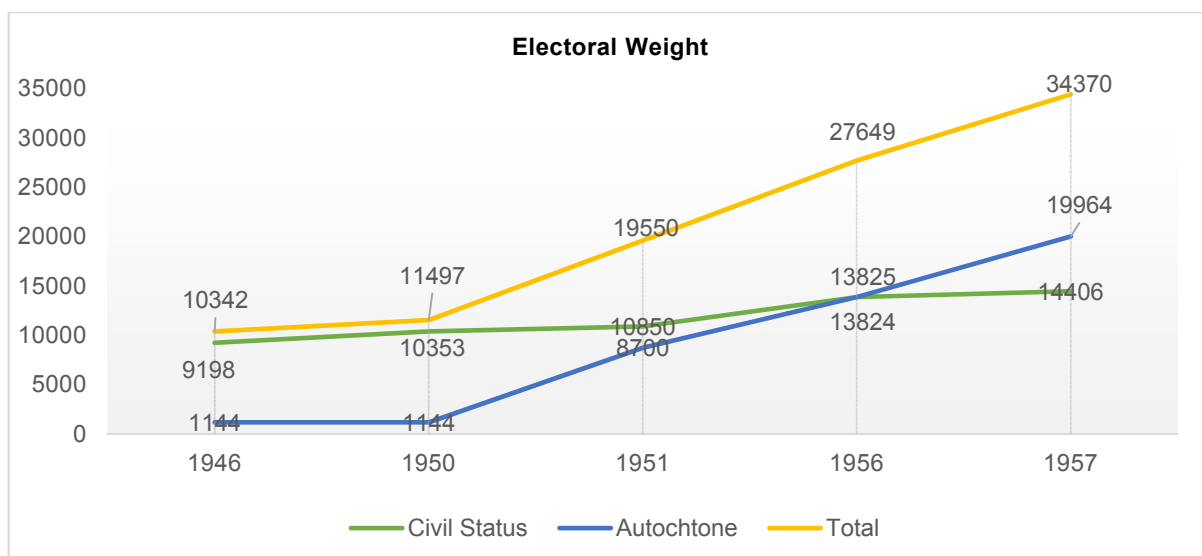
During the campaign for the legislative elections of 1951, Gervolino and the communist candidate Paladini both emphasised their own identities as Caledonians, in comparison to Lenormand who was an outsider born in the metropole. Gervolino argued that, as a Caledonian, he could best represent local interests at the Assembly, while Paladini described himself in humble terms as a “settler from the bush.”¹⁰⁵ The first point of Lenormand's political program was reforming indigenous policy, including the extension of voting rights. He argued that Melanesians and the *petit broussards* shared a common struggle against the large family corporations. Through a class-based critique of the colonial past, Lenormand articulated a sense of common belonging across the “racial” divide. The changes to the electoral landscape (See Figure 3) saw Lenormand defeat Gervolino by a slim margin of just over six hundred votes, even though he obtained less than one third of the territory's nineteen thousand voters. Gervolino had easily defeated Lenormand among voters from the urban and European voters in Noumea, prompting a public outcry that Lenormand's victory meant that they were without a voice since he was the “Melanesian candidate.”

¹⁰³ Guiart, “Les Mélanésien entrent dans la cite”, 6.

¹⁰⁴ Lenormand, “L'évolution politique des autochtones”, 279–281.

¹⁰⁵ *France Australe*, 6 June 1951, 1.

Figure 3: Evolution of the New Caledonian Electorate (1946-1957)



Numerus Clausus: The Single v. Double Electoral College in New Caledonia

Most settlers recognised the inevitability of greater Melanesian participation but saw the need to slow the process through gradual “concessions” to facilitate their political inclusion.¹⁰⁶ New Caledonia contained a single electoral college in which all the voters cast their votes in one of three multi-constituency seats: nine for greater Noumea, five for the East Coast and five for the West Coast.¹⁰⁷ The Governor George Parisot, in a communiqué to the Minister of the Overseas, duly noted the hostility of the New Caledonian General Council to equal representation.¹⁰⁸ Political leaders from among the settler community began to call for the institution of a double electoral college system providing separate seats for persons of civil and personal status. As early as 1947, Réunion legislator Fernand Colardeau, proposed a twenty-eight-member General Council composed of two distinct colleges guaranteeing equal representation to Europeans and indigenous people.¹⁰⁹

In New Caledonia, supporters of the “double college” argued that such a mechanism was not racist, and would in fact “protect” indigenous identity and interests by guaranteeing Melanesians some representation. A petition, allegedly signed by more than two thousand people “including some chiefs”, argued that if the single college was

¹⁰⁶ “Rapport au sujet du Statut de la Nouvelle-Calédonie”, attached to letter from Governor of New Caledonia to the Minister of the Colonies, 5 November 1950 (ANOM – AffPoI – 261).

¹⁰⁷ Noting that the functions of the General Council were suspended from 1940 and restored with the decree of 5 July 1944.

¹⁰⁸ Parisot, Telegram, 17 July 1947 (ANOM – AffPoI – 261).

¹⁰⁹ Colardeau, “Note sur la Nouvelle-Calédonie” (ANOM – AffPoI – 261).

instituted the Melanesians should be expected to shoulder some of the obligations of the European population, such as compulsory military service and taxable land.¹¹⁰ The petition called on the General Council to appeal to national legislators to institute the double college at both the national and local levels, as well as the creation of an indigenous consultative assembly that would deliberate on matters concerning land reform, civil status, and the organisation of the *tribus*. The double college would permit settlers to construct institutions capable of preserving their political dominance despite their demographic inferiority. Debates both in New Caledonia and in the French National Assembly show that political leaders generally assumed that French nationals and Melanesians had different interests underpinning irreconcilable political agendas.

The suffrage question also centred on reified notions of ethnicity and assigned character traits. For example, settlers justified their political dominance according to their hard-working nature and the struggle to bring about civilisation and economic development to different peoples, juxtaposed with the Melanesian stereotyped as lazy or naturally disinclined to work.¹¹¹ Indeed, Melanesians were contrasted with those of other indigenous peoples throughout the empire. For example, it was readily accepted by a number of deputies that Melanesians were “less evolved” than the indigenous peoples of Africa, and were therefore “not ready” to assume the responsibilities of self-government. Arguing in support of the double college, Roger Duveau argued that in the Sudan there were twenty representatives for the European population of seven thousand and forty for more than three million Sudanese, despite the fact that the Sudanese were much more “evolved” than the Melanesians, where “the number with a primary level of instruction is poor and the number of degree holders could be counted on a single hand.”¹¹²

New Caledonia was considered by the deputies in the National Assembly to be unique in terms of its demographic balance, with nearly fifty per cent of the population either French or non-Melanesian contract labourers. Therefore, some deputies deemed protecting the interests of the local settler population, often at the request of the General Council, as a defence of France and its interests in a Pacific region dominated by Anglo-Saxon powers. An editorial in the *France Australe* in 1952 contrasted New Caledonia with the EFO, where the single college of electors had been in existence since the beginning of French sovereignty in 1889. According to the authors, the French population in the EFO was much smaller, and the bulk of French people were

¹¹⁰ *France Australe*, 25 August 1951.

¹¹¹ JORF, 11 April 1951, 2198.

¹¹² JORF, 11 April 1951, 2198.

only transitory residents in their capacities as missionaries, public servants or tourists. In New Caledonia, settlers considered themselves as architects of a new society:

Let us say unequivocally that what is at stake is not the number of elected representatives or a particular category of electors: it is the fact that the New Caledonia of today has been founded by the Europeans; that it is entirely their work, from its economic *mise en valeur*, to its cultural and social development; it is also the fact that, so far from France, she is considered to be their second *patrie* and a *patrie* to which they have given everything.¹¹³

In order for the Melanesians to have a role, they would need to be incorporated into the construction of New Caledonia in a “reasonable” way. A different writer to the newspaper argued, in a less-than-subtle reference to Maurice Lenormand, that advocates of the single college were outsiders (*gens de passage*), who were driven by dangerous foreign and anarchic ideologies.¹¹⁴ Such persons ignorant of the territory’s “realities” and its history were contrasted to the heroic, local pioneers who had “contributed” to the territory’s development and guaranteed its prosperity by safeguarding each community’s interests.¹¹⁵ However, these views stood in contrast with the views of some metropolitan political leaders and officials, who, eager to implement broader progressive reforms across the former Empire, considered that the larger size and loyalty of the indigenous population meant that special voting protections for settlers were not required.

As deputy of New Caledonia, Lenormand opposed proposed laws in favour of the double college during debates on 22 and 30 November 1951. A number of High Chiefs took it upon themselves to address petitions in favour of the single college directly to the President of the National Assembly. The High Chief Bouquet, a prominent communist figure from Bourail wrote:

They say to you that in New Caledonia there are two distinct local populations; if you establish a double college, you will create in a single blow a barrier between them; that is what will happen straight away... I

¹¹³ *France Australe*, 17 September 1952, 1.

¹¹⁴ *France Australe*, 7 July 1952, 1.

¹¹⁵ See for example the opinion piece in *La France Australe* by Louis Forest on 3 July, 1952, which begins with “Belonging to the first French generations of this country, from a family of valiant pioneers who have contributed to this beautiful Caledonia of today, I have the duty as a modest *colon* to give my opinion on the Caledonian statute.”

must confess I no longer understand. What do the *Canaques*, the indigenous people or the citizens of the French Union, want? Nothing in particular, nothing special, nothing revolutionary.¹¹⁶

The New Caledonian reforms were debated as part of more general electoral reforms throughout the French Union. Four changes to the *statut calédonien* were put forward by the Commission of the Overseas: an increase in the number of members in the General Council from nineteen to twenty-five, the establishment of five circumscriptions instead of three, the reduction of the voting system from two rounds to one, and the establishment of the double electoral college.¹¹⁷ The augmentation of the number of members in the General Council was widely accepted in order to accommodate the increase in the number of voters as a result of Melanesian suffrage. However, Lenormand argued that the double electoral college and re-composition of the circumscription boundaries sought to “substitute the territorial electorates with ethnic and racial electorates under the guise of the distinction based on personal status.”¹¹⁸ The push had nothing to do with the promotion of racial harmony, but the defence of particular interests established during the electoral period. The result of politically segregating the indigenous population, Lenormand warned, would lead to the “indigenous population falling back on themselves and preventing their evolution; but this evolution, without an open window on the outside, without a safety valve, will acquire an explosive force.”¹¹⁹

New Caledonia’s representative in the Republican Council, Henri Lafleur, opposed Lenormand by arguing strongly in favour of the double college. In addition, Lenormand’s political opponents succeeded in maintaining their dominance in the General Council following the local elections held in January 1952. The president of the General Council, Henri Bonneaud, travelled to Paris to lobby in support of a proposed law put forward by Roger Duveau in favour of the double college, while other New Caledonian groups and key figures expressed their views directly to Paris.¹²⁰ For

¹¹⁶ Bouquet, 11 June 1952 (ANOM – Affpol – 261); In the archival file the letter is attached to an introductory explanation by Governor Raoul Angamarre, who believes that Bouquet’s opinion is not held by all chiefs, and that is likely ‘inspired’ by Communist propaganda.

¹¹⁷ Maurice Lenormand, “Où on est le statut calédonien” (ANOM – AffPol – 261).

¹¹⁸ JORF, 22 November 1951, 8341.

¹¹⁹ JORF, 22 November 1951, 8341.

¹²⁰ “Discours, prononcé par Monsieur Henri Bonneaud, Président du Conseil Général à la clôture de la session ordinaire de mai 1952” (ANOM – AffPol – 261). See also “Allocution prononcé par M. le Deputé Lenormand au micro de la “Voix de la France dans le Pacifique””, 17 May 1952 (ANOM – AffPol – 261). The archive ANOM – AffPol – 261 contains a number of letters from different groups concerning the 1952 *statut calédonien*. These include, for example, a letter from the Minister of the Overseas Pierre Pflimlin to the Governor of New

example, a meeting of municipal council leaders in mid-1952 addressed a motion in favour of the double college, arguing:

The essential advantage of this conception is to permit an equal representation of voters of each status, which includes protection of all the minorities, indigenous and European, and their spiritual or material interests... To the contrary, the single college will only result in the predominance of one community over another... Our conception, while immediately guaranteeing the representation of citizens of personal status, allows them to acquire civil status according to their merits and their degree of evolution, which is to say, to progressively integrate themselves into the European community.¹²¹

The parliamentary debates revealed signs of fatigue among the deputies, rendered all the more urgent by the mass resignation of the New Caledonian General Council in mid-1952 after its mandate expired.¹²² The resignation prompted the parliamentary Commission for the Overseas to undertake a mission to New Caledonia. After meeting with a range of political and community leaders, a compromise agreement was reached, supported by both Lenormand and Lafleur.¹²³ The single college would be instituted everywhere in the territory, except for the East Coast, where there was a separation between the reserve populations and settler towns.¹²⁴ The reserves or “districts” were also grouped in with the Isle of Pines. The new measures were finally adopted in both the National Assembly and the Republican Council towards the end of November 1952.¹²⁵

Although the single college eventually triumphed, the geographical and demographic organisation of the electorates ensured that the settler population remained dominant, at least for the time being, assuming that voters chose someone of the same “ethnic”

Caledonia informing him of the confirmed support of the *statut calédonien* (15 July 1952), as well as a letter from the Pastor Marc Lacheret to the Minister of the Overseas (26 June, 1952).

¹²¹ “Motion présentée en faveur de l’adoption du double collège comme base du statut Calédonien”, 19 June 1952 (ANOM – AffPol – 261).

¹²² Angemarre, 24 June 1952 (ANOM – AffPol – 261).

¹²³ Angemarre, 5 September 1952, (ANOM – AffPol – 261); See also Giacobbi, P. “Le Conseil Générale de la Nouvelle-Calédonie”, 3 August 1953 (ANOM – FM60 – 2517).

¹²⁴ “Note d’études au sujet de la proposition de loi no. 2532 A.N. de M. Lenormand, député de la Nouvelle-Calédonie et Dépendances”, 1953 (ANOM – AffPol – 389).

¹²⁵ *Loi no. 52-1310 du 10 décembre 1952 relative à la composition et à la formation du conseil general de la Nouvelle-Calédonie et dépendances* (JORF 11 December 1952, 11411). See also Henri Lafleur, “Rapport fait au nom de la Commission de la France d’Outre-mer sur le projet de loi relative à la composition et à la formation du Conseil Général de la Nouvelle-Calédonie”, Conseil de la République, no. 589, 1952”, Annexe au procès-verbal de la séance du 27 novembre 1952.

identity (see Table 3). Lenormand could expect that in the long-term, demographic trends would enhance the power of the Melanesian electorate and therefore his own political fortunes. He could equally claim to have the backing of the reformist agenda pursued by the French Government across the Empire, which stood ideologically opposed to that of conservative settlers. The final law was not without its critics. The Communist Party in both the National Assembly and the Republican Council voted against the law because it maintained the majoritarian voting system and enabled mixing and incomplete lists, all of which they argued preserved the supremacy of settlers.¹²⁶

Table 3: Seat distribution in the General Council (1953-1956)

Electorate	Number of Seats
South	9
West Coast	7
East Coast	2
Eastern districts, Isle of Pines	4
Loyalty Islands	3

For the General Council elections held on 8 February 1953, Lenormand formed a common list with the well-known and widely respected Pierre Bergès, known as *Liste d'Union Calédonienne*. Along with the UICALO and the AICLF, Roch Pidjot and Doui Wetta, they created the *Union Calédonienne*, the first major political party in the territory. The party promoted itself as multiracial, adopting the motto “two colours, one people”, and representative of both the indigenous population and the “*petit broussards*”, the poorer, rural French landowners and workers throughout the territory¹²⁷. Its official political program drew heavily from the major petitions of the UICALO and AICLF, advocating the furthering of indigenous political participation in public organisations such as the Land Commission and the Chamber of Agriculture.¹²⁸ The UC obtained fifteen of the twenty-five seats, with nine of its seats gained by Melanesian candidates.¹²⁹ Having won more than one thousand more votes than his nearest rival in the West Coast circumscription, Lenormand expressed confidence that the UC had the support of not only Melanesians, but also the majority of *broussards*.¹³⁰

¹²⁶ JORF, 19 November 1952, 5381.

¹²⁷ Trépied, “Two colours, one people?”

¹²⁸ Lenormand, “L'évolution politique des autochtones”, 285.

¹²⁹ “Conseil Général de la Nouvelle-Calédonie”, 9 March 1953 (ANOM – FM61 – 261) 287; Angléviel, “La Nouvelle-Calédonie en 1958”, 138.

¹³⁰ Lenormand, “L'évolution politique des autochtones.”

The UC successfully appealed to a sense of shared New Caledonian identity, continuing to oppose the Ballande monopoly.¹³¹

Benoit Trépied's analysis of UC activities in Koné in the 1950s demonstrates how settler Europeans in the party achieved electoral success primarily through their capacities to construct relationships with Melanesian communities in the area.¹³² However, as Trépied observes, this politicisation of a common European and Melanesian vision tended to "obscure" continuing forms of racism among European UC members and divergences between political goals.¹³³ Muckle and Trépied's historical and ethnographic study of the Koné region points to how Melanesian stockmen occupied a special place, especially in the north and west pastoral regions, which facilitated the UC's presence and legitimacy across the indigenous and non-indigenous communities.¹³⁴ Those Melanesians selected to run as candidates tended to be familiar to local settlers and had a good knowledge of the French language.¹³⁵

With the electoral support of the overwhelming majority of Melanesian voters, the UC dominated the New Caledonian political landscape until it began to splinter during the late 1960s. It found itself new political opponents, including within the UC from Melanesians increasingly disenchanted with European dominance of the party and Lenormand's increasing personal power.¹³⁶ Furthermore, the conservative French Government of Charles de Gaulle began to abolish the autonomy given to the territory since 1946 at the heart of the UC political platform. For this reason, former UC figure Jean Le Borgne referred to the period following 1958 as the "trust betrayed", and historian David Chappell as "self-determination interrupted."¹³⁷ The seeds of support for independence had been sown. Unsurprisingly, many look back to the post-war period as a source of inspiration for the Noumea Accord push for a "common destiny", but this obscures the continuity of settler hegemony and the difficulties of Melanesians asserting a politics of difference within French citizenship. As Gabriel Païta recounted:

¹³¹ The apparent success of the class-based critique is evident in an editorial criticising Lenormand: "Monsieur Lenormand et le problème social", *La France Australe*, circa 1956

¹³² Trépied, "Two colours, one people?" 263.

¹³³ Trépied, "Two colours, one people?" 263.

¹³⁴ Adrian Muckle and Benoit Trépied, "In the Long 'Run': Kanak Stockmen, the Cattle Frontier and Colonial Power Relations in New Caledonia, 1870-1988", *Oceania* 80, no. 2 (2010), 207; Benoit Trépied, "Chefferie, bétail et politique: un notable kanak contre la revendication d'indépendance en Nouvelle-Calédonie", *Anthropologica* 55, no. 2 (2013), 335-348.

¹³⁵ Muckle and Trépied, "In the Long Run", 208.

¹³⁶ Aimé Grimald, *Gouverneur dans le Pacifique* (Paris: Berger-Lerault, 1990), 195.

¹³⁷ Le Borgne, *Nouvelle-Calédonie, 1945-1968: la confiance trahie*; See also Guiart, "Les mélanésiens entrent dans la cité", 6; David Chappell, *The Kanak Awakening*, 24-56.

I understood that day, why the *Caldoches* – that is the term used today – were not favourable to the *loi cadre*. They were only partisans of autonomy when they alone held power, not when they had to share it. If the Kanak governed, they became hostile. Perhaps it is not racist on their part, but it denotes a behaviour that comes from a superiority complex or some sort of foolishness. For this reason, Lenormand said ‘the white Caledonians are hopeless’. And I believe, in effect, that they will never accept a Kanak at the table... That is the *Caldoche* spirit!¹³⁸

Against this background, it is possible to see in post-war New Caledonia how the idea of decolonisation seemed to run counter to the very narrative framing French colonialism. The debates on citizenship in New Caledonia reflected the continuity of colonial-era paternalism that framed citizenship as contingent on the civilising process. In order to accede to equality, indigenous people needed to abandon “traditional” ways and most importantly, the inalienability of the reserves. Formal equality, therefore, depended on sociological assimilation. Early Melanesian leaders resisted these arguments in advocating for the recognition of their difference through the maintenance of the reserves and customary authorities as representatives of the people.

The issue of suffrage expansion and the perceived threat to settler interests pervaded the near entirety of the French Union, revealing the paradox of French citizenship as a symbol of French republican universalism as well as a racially and culturally defined human community. In this sense, many of the questions confronted and debated in New Caledonia resonated strongly in other territories. However, what set New Caledonia apart in the eyes of legislators was the delicate demographic balance between indigenous and settler population, necessitating carefully designed electoral laws in order to reconcile settler interests and the emancipatory spirit of post-war France. By 1957 following implementation of the *loi cadre* reforms, Melanesians had achieved full political rights and a single electoral college facilitating, but not fully

¹³⁸ Jérôme Cazaumayou and Thomas de Deckker, “Le Témoignage de Gabriel Païta, Nouvelle-Calédonie: 1929-1999” (Masters diss., Université du Pacifique Français, 1999), 68. A similar but less vociferous recounting was provided by August Parawi Reybas, a former UC member who left the party in the later 1950s and later joined the RPCR, in Salomon, C. “Egalité Totale ou Evolution Encadrée et Séparée”, 73.

achieving, their incorporation into the political community.¹³⁹ Some 13 725 Melanesians were enrolled, compared to 13 824 Europeans.

This chapter highlighted how the issue of political rights became an important point of contestation within New Caledonia's European population. What is today referred to and recounted as decolonisation was rarely imagined as the end of French power or an end to European paternalism.¹⁴⁰ The UC successfully drew on Melanesian votes to advocate not only Melanesian welfare and emancipation, but also an end to economic development that concentrated power in the hands of a number of wealthy family businesses. The vociferous debate in 1951 on whether to adopt a single or double electoral college revealed the multiple and contested views of Melanesians both as New Caledonian and French citizens. The tumult surrounding political rights in the post-war period concretised the formation of the "two legitimacies", one European and one Kanak, which continues to resonate in the politics of independence and self-determination today.

¹³⁹ Universal suffrage is officially proclaimed with the *décret du 22 juillet 1957* and applicable for the first time for the elections of 6 October 1957 (Kurtovitch, "La vie politique en Nouvelle-Calédonie", 133).

¹⁴⁰ Todd Shepard, *The Invention of Decolonization*.

Chapter 5: Independence, Victims of History and Self-Determination

When New Caledonians went to the urns in 1958 to approve the Constitution of the Fifth Republic approximately 98 per cent voted in favour. Writing in the early 1960s, Maurice Lenormand expressed his confidence that a “Caledonian people exists”, embodying the “two colours, one people” ideal of the *Union Calédonienne* (UC).¹ However, only some twenty years later, mostly young, university educated Melanesians challenged French sovereignty and demanded independence. In 1981, most pro-independence parties, spearheaded by the UC, formed the *Front Indépendantiste* (FI), and three years later the FLNKS. In opposition to independence, Jacques Lafleur coalesced conservative forces under his leadership of the RPCR in 1977.

This relatively rapid political transformation of New Caledonia demonstrated that the expansion of legal citizenship to the Melanesian population accompanied a failure to resolve the structural inequalities of colonialism and a language of citizenship that valorised their difference. The disjuncture between their French citizenship on the one hand, and their place in society on the other, accentuated as the territory experienced economic development and, consequently, immigration.

A large number of books and articles have emerged on the tragic “Events” of the 1980s.² This chapter considers how the Kanak independence movement challenged hegemonic understandings of citizenship during this period by examining how they re-conceptualised belonging to the political community both in relation to the present, but also in relation to a future independent state. This chapter highlights the pro-independence movement’s emphasis on historical legitimacy and shared class in a colonial economy as a basis for membership during political talks at Nainville-les-Roches in France in July 1983, breaking with the universal understanding of French nationhood. Although the pro-independence movement invoked the specific right to self-determination, this was accompanied by a serious reflection on the extent to which

¹ “L’Avenir Calédonien”, No. 243, 5 February, 1960 (ATNC-70W-264).

² A non-exhaustive list includes: Marc Coulon, *L’irruption kanak: de calédonie kanak* (Paris: Messidor, 1985); Claude Gabriel and Vincent Kermel, *Nouvelle-Calédonie: la révolte kanake* (Paris: La Breche, 1985); Jean-Paul Besset, *Le dossier calédonien: les enjeux de l’après-référendum*, (Paris: Editions de la découverte, 1988); Martyn Lyons, *The Totem and the Tricolour : A Short History of New Caledonia since 1774* (Kensington: New South Wales University Press, 1986); Isabelle Doisy, *Chroniques des années de cendres* (Paris: Jean Picollec, 1988); Helen Fraser, *Your Flag is Blocking my Sun* (Crows Nest: ABC Enterprises, 1990); Daniel Dommel, *La Crise Calédonienne: Rémission ou guérison* (Paris: L’Harmattan, 1993).

other non-Kanak populations in New Caledonia could become members of the political community. Therefore, the idea of Kanak independence sought to substitute the assumptions surrounding French-ness with its own construction of the political community. The questions of legitimacy associated with the independence struggle crystallised in relation to the enduring debate on who could participate in a referendum of self-determination.

Shifts in New Caledonia's Social, Economic and Political Landscape

Despite the progressive reforms of the immediate post-war period, President de Gaulle began to centralise political power in the metropole, subjugating the interests of New Caledonia's pro-autonomy government, dominated by the UC, under those of the national government. On 21 November 1963, the French parliament passed the *loi Jacquinot*, effectively removing the political autonomy of the Territorial Assembly granted by the 1956 *loi cadre*, turning the territory's executive into a consultative body overseen by the state-appointed governor. During his tour of the Pacific in 1966, de Gaulle addressed a crowd of veterans and local dignitaries in Noumea, declaring: "You have a French role to play in this part of the world. You are a piece of France, you are the *France Australe*. And you should, and you must, in peace as you have done in war, be for the national community an example of effort, fraternity and progress."³ On 3 January 1969, under de Gaulle's successor Georges Pompidou, the *loi Billotte* placed decision-making in relation to nickel mining into the hands of Paris, despite overwhelming opposition from the Territorial Assembly.⁴

Importantly, this decision to assert metropolitan control over the nickel sector came as New Caledonia experienced a "nickel boom" between 1967 and 1972, buoyed by record prices. While this gave New Caledonia the highest GDP per capita in the Pacific, it also exacerbated the unequal living standards between Kanak and European populations.⁵ Nickel industry expansion and the need for labour led to increased business lobbying for migration, despite opposition from the UC. The *Centre d'information et de promotion de l'emploi en Nouvelle-Calédonie* (CIPENC) promoted New Caledonia in France and provided subsidies for metropolitan workers.⁶ While it is

³ Discours du 4 septembre 1966, Available: <http://fresques.ina.fr/de-gaulle/fiche-media/Gaullé00122/voyage-en-nouvelle-caledonie.html>, Accessed 06/07/2017.

⁴ According to Jean Le Borgne, this decision came about in large part due to the UC's desire to break up the monopoly of the state-backed *Société le Nickel* (SLN) by granting mining leases to the Canadian company INCO. See Jean Le Borgne, *Nouvelle-Calédonie: La confiance trahie (1945-1968)*, 395.

⁵ Patrick Pillon, "Ethnic Mobilisation and the Genesis of Development Agencies" in *New Caledonia: Essays in Nationalism on Dependency*, eds. Michael Spencer, Alan Ward and John Connell (St Lucia: University of Queensland Press, 1988), 127.

⁶ The activity of the CIPENC remained a target for criticism well into the 1980s. In one undated memorandum of the *Front Indépendantiste*, it references a letter from the Minister of the

certainly true that a spike in migration occurred during these years, attempts to induce migration to New Caledonia had already begun soon after the Second World War.⁷ As a large portion of the Asian labourers left the country, large-scale infrastructure projects such as the Yaté hydroelectric dam and the building of New Caledonian roads, brought unskilled Wallisian, Futunian and Tahitian migrants. The end of the protectorate status for Wallis and Futuna in 1961 and its accession to an overseas territory, which entailed legal citizenship and the right to circulate throughout French territory, increased levels of migration to New Caledonia, making them the third largest ethnic community by the late-1970s.

Internal fractures within the UC led to the first breakaway political parties advocating Melanesian issues, such as the *Union Multiraciale de la Nouvelle-Calédonie* (UMNC) formed in 1969 by Yann Céléne Uregei, later known as the *Front uni de libération kanak* (FULK).⁸ Another small party, the *Union progressiste multiraciale* (UPM) broke away from UMNC in 1974.⁹ The UMNC expressed the frustration of a number of UC Melanesians concerning perceived ongoing racism within the party hierarchy, especially after Uregei was not chosen for the position of Vice-President of the Territorial Assembly. The UC “had become a colonialist power, serving as a “buffer” between the colonial administration and the Canaque masses.”¹⁰ The UMNC’s monthly publication, *Le Canaque*, emphasised solidarity between Melanesians and Europeans articulated in class-based terms in opposition to the “capitalists” and “imperialists” who were profiting off New Caledonia’s resources and its workers.¹¹ They accused the UC of having sold out the cause of demanding greater autonomy within France, which would enable New Caledonia to chart a more independent economic course. In 1975, the UMNC became the first political party to declare its support for New Caledonian independence.¹² At the 1977 territorial elections, even though the UC remained the largest Melanesian-dominated party, it won less than 20 per cent of the territorial vote, giving conservative parties the majority.¹³

Economy and Finance (no. 255 of 4 January 1983) and notes that the CIPEC continues to subsidise travel by up to 30% (ATNC – 32J – 65).

⁷ Alan Ward, *Land and Politics in New Caledonia* (Canberra: ANU Monograph Series, 1982), 15–18.

⁸ Uregei left the UC after being placed bottom of the UC electoral list for the 1969 territorial elections. Paul Néoutyine, *L’indépendance au présent* (Paris: Syllepse, 2006), 25.

⁹ See Coulon, *L’irruption Kanak*, 144–145; Myriam Dornoy, *Politics in New Caledonia* (Sydney: Sydney University Press, 1982), 185.

¹⁰ *Le Reveil Canaque*, May 1971 (ATNC – 1J42 – 11).

¹¹ See for example a short submission by an anonymous *broussard* titled ‘Calédoniens blancs et autres ethnies face au colonialisme’, *Le Reveil Canaque*, July 1972 (ATNC – 1J42 – 11).

¹² Dornoy, *Politics in New Caledonia*, 178.

¹³ The *Rassemblement populaire républicain* (RPR)/*Rassemblement pour la Calédonie* (RPC) won 32.5% and formed a coalition with centrist parties. The UC won 19.7% of the vote, FULK, 7.8%, PALIKA 6.4% and UPM 3.8%, while the *Parti socialiste calédonien*, consisting mostly of

The increasing disillusionment with the UC's promotion of Melanesian interests reflected broader evolutions in political thought, particularly among Melanesian youth. The 1960s corresponded with great political and social upheaval in metropolitan France in which many of the first generation of young Melanesians to undertake university study found themselves.¹⁴ European students with progressive inclinations such as Jean-Paul Caillard and Max Chivot began to write in a small newspaper for New Caledonian students known as *Trait d'Union* from 1962, promoting not only a shared New Caledonian identity among students in France, but a dissenting voice against metropolitan policies in New Caledonia.¹⁵ Caillard, Chivot and Melanesian students such as Nidoish Naisseline and Déwé Gorodey became implicated in the student protests of May '68 against class privileges and anti-colonialism, deeply marking the political trajectories of a considerable number of these students and their perspectives on French sovereignty in New Caledonia.

Towards the end of the 1960s, resistance towards French colonialism grew, as did crackdowns against protests. In September 1969, Nidoish Naisseline was arrested for distributing a tract protesting against a restaurant that refused to serve him, provoking large protests in the streets of Noumea. Conservative figures such as the Senator Henri Lafleur, mayor of Noumea Roger Laroque and Jean Lèques formed the *Front contre l'autonomie* to oppose the UC and their pro-autonomy agenda. Laroque, for example, advocated the departmentalisation of New Caledonia and the need for making the territory "whiter".¹⁶ Contrary to contemporary New Caledonian politics, autonomist sympathies became framed as highly subversive.

Immigration became even more problematic in mid-1972 when the nickel price dropped, prompting an economic crisis and a surge in unemployment in the territory. French Prime Minister Pierre Messmer, addressing the Territorial Assembly on 20 May 1972, argued that autonomy was not an answer to the economic ills facing the territory and that France would continue to respect Melanesian identity and customs.¹⁷ He assured the Territorial Assembly that migration would remain "selective" and

progressive Europeans, won 8.4%. See Ward, *Land and Politics in New Caledonia*, 22; Dornoy, *Politics in New Caledonia*, 243–245.

¹⁴ Chappell, *The Kanak Awakening*.

¹⁵ Chappell, *The Kanak Awakening*, 58–62.

¹⁶ Isabelle Léblic, *Les Kanak face au développement* (Noumea: ADCK, 1993), 32.

¹⁷ "Discours de M. Le Ministre d'Etat devant l'Assemblée Territoriale de Nouvelle-Calédonie", 20 May, 1972, *Territorial Assembly*, (ATNC – 32J – No. 86); Several days later, the Haut-Commissaire Louis Verger defended metropolitan migration, arguing 'Concerning the (*métros*), clearly the liberty to move within the national territory constitutes an intangible principle... That being said, everyone knows that the distance, the costs of travel, the obligation to transfer a bond are just as much barriers to the arrival of metropolitans as are obstacles to the arrival of specialists whom we need' (Territorial Assembly, 4ème législature, 26 March 1972).

“guarantee priority employment” for New Caledonians. However, in late May, the UC sponsored several motions calling on a cessation of immigration, noting the “arrival and settlement in the territory of new immigrants, even if they have *pro forma* contracts, will jeopardise the livelihood of Caledonians and their families, which risks provoking a growing malaise, with a veritable imbalance at a geographic and economic level.”¹⁸ The UC also explicitly called for an end to the “propaganda” issued in France by the Government and businesses encouraging people to move there.

The persistent and growing social and economic inequalities exacerbated by migration had political consequences, confirmed in a letter¹⁹ written by Messmer to his Secretary of State for the *Outre-mer* Xavier Deniau:

New Caledonia, colony of settlement, although destined to be a multiracial melting pot, is probably the last non-independent tropical territory where a developed country may send its nationals...In the short and medium term, the massive emigration of French citizens must allow the avoidance of the danger of the pro-independence cause through the maintaining and improving of the numerical balance of the communities. In the long-term, the indigenous nationalist cause will only be avoided if the non-indigenous communities represent a democratic majority mass.²⁰

Against the backdrop of these economic transformations, a New Caledonian political identity emerged, supportive of autonomy and opposed to the business interests and conservative Gaullists both in New Caledonia and in the metropole.²¹ However, certain radical students like Caillard even called for an independent New Caledonia. After having spent time in France, including six months in prison, Caillard returned to New Caledonia in 1973 and created the *Association Jeune Calédonien*, which advocated independence and flew a red and green flag with three stars on top: “with the three ethnic groups – we did not speak of Kanak independence, we spoke of Caledonian

¹⁸ “Voeux tendant à demander l’arrêt de l’immigration en raison de la crise économique qui frappe la Nouvelle-Calédonie déposée par le groupe Union Calédonienne”, 28 May 1972 (ATNC – 32J – No. 86).

¹⁹ It is difficult to know how this correspondence was initially revealed. The future socialist Secretary of State responsible for the Overseas, George Lemoine, referred to the letter in an address to the National Assembly on 10 July, 1984: *Compte rendu intégral, 2ème séance*.

²⁰ Cited in Besset, *Le Dossier Calédonien*, 76.

²¹ See, for example, a poem for the 1972 territorial elections in the *Union de la gauche* paper *Le Calédonien*: “*La Calédonie n’est pas une foire d’empoigne, arrière envahisseurs internationaux, seulement intéressés par l’accaparement de nos richesses. Votons: Union de la Gauche. Arrières ceux qui viennent d’une autre galaxie pour nous plumer: les envahisseurs! Votons: Union de la Gauche.*” “*Le Calédonien*”, No. 2, 1972. (ATNC – 32J – No. 86).

independence.”²² Their student magazine adopted the title *Le Canaque: homme libre* as a refutation of “not only the pejorative appellation reserved for a race, but all Caledonians desirous of liberty, irrespective of the race they belong to.”²³

The gradual independence of Pacific peoples, particularly in Melanesia from 1970, and the increasing circulation of ideas concerning the recognition and promotion of Melanesian identities and values took hold among New Caledonia’s Melanesian population. In New Caledonia, the push for “Kanak” nationalism (spelt with a “K”) by the likes of the *Fouards Rouges* and the *Groupe 1878*²⁴ symbolised a political unity among the different Melanesian clans of the territory. Furthermore, it transcended the derogatory and colonial connotations of the French word *canaque*, derived in turn from a Polynesian word meaning “man”.²⁵ In this way, it echoed post-colonial thinking seeking to elevate indigenous knowledge and values, such as the concept of *négritude* promoted by francophone scholars like Leopold Senghor and Aimé Césaire, derived from the derogatory term *négre* or “negro”.²⁶

The importance of reclaiming Melanesian identity became the objective of Jean-Marie Tjibaou, a native of Hienghène and former priest. Tjibaou, who like most Melanesians received his education from church-run schools, studied theology at the Catholic seminary in Lyon. However, it was also during this time where he came across the writings of early twentieth century Protestant missionary and ethnographer Maurice Leenhardt, which remained the most detailed ethnographic study of Melanesian identity, as well as the writings of fellow priest Apollinaire Anova-Ataba. Furthermore, he became engaged in the rich exchange of ideas with students and teachers from other parts of the decolonising world.²⁷ Upon his return to New Caledonia, he felt compelled to work with Melanesian youth who, he observed, lived disconnected from their clan and language due to their insertion into modern society, leading him to abandon the priesthood in 1970.²⁸

²² Interview with Jean-Paul Caillard, 2 November 2015.

²³ *Le Canaque: homme libre*, No. 1. February 1969 (ATNC – 1J42 –5).

²⁴ The *Groupe 1878* was composed of a number of smaller groups from different parts of the territory, including Atsai (Ouvéa), Cicquadri (Lifou) and Wayagi (Maré). See: Isabelle Léblic, *Les Kanak face au développement: la voie étroite* (Noumea: ADCK, 1993), 194.

²⁵ Alban Bensa, *Chroniques kanakes: L’ethnologie en marche* (Paris: Peuples autochtones et développement, 1995), 54–55.

²⁶ Chappell, *The Kanak Awakening*, 61.

²⁷ Mokaddem, *Ce souffle venu des ancêtres*, 95.

²⁸ Eric Waddell, *Jean-Marie Tjibaou, Kanak Witness to the World: An Intellectual Biography* (Honolulu: University of Hawai’i Press, 2009), 78.

In collaboration with a number of Europeans, Tjibaou organised the *Melanesia 2000* festival from 3-5 September 1975 on the outskirts of Noumea.²⁹ The festival's objective was at once cultural and political. Through a combination of storytelling, dance and theatre, Tjibaou and the organisers sought to facilitate a greater sense of shared consciousness among Melanesians and engage with the European population.³⁰ Yet, Tjibaou was also very aware of the need to project a dynamic and future-oriented image informed by the interaction of the past and present. Tjibaou conceptualised his vision of a "Kanak awakening" (*un reveil kanak*) through the concept of *patrimoine*, serving as an "inventory" that drew on the multiple stories of the various clans in order to navigate the future.³¹ The climax of the festival, a play titled *Téà Kanaké*, recounted the creation stories, the arrival of French colonisers, and eventual reconciliation, yet the characters of the production were played by Melanesians, inverting the power relations and reinforcing Melanesian ownership over the narrative.³²

The decision to hold the event in Noumea, *la ville blanche*, was deliberately provocative, reminding the European population of the Kanak presence throughout the entirety of the territory, and not just the *tribu*.³³ The event received financial and technical support from the French Government, with a number of Europeans also heavily involved in its production. However, the event drew few Europeans and largely failed in its bid to change existing attitudes in relation to Melanesian culture.³⁴ A number of young Melanesians also expressed their opposition to *Melanesia 2000* for reinforcing dependence on France. *Groupe 1878* criticised its "folklorisation" of Kanak culture, commoditised and consumed by European audiences, leading to their boycott of the event.³⁵

The imperative laid down by Tjibaou to better understand oneself within an evolving social and spiritual world embodied in the ontological narrative of *Kanaké*³⁶ also

²⁹ The Melanesia 2000 festival took place on what are today the grounds of the Tjibaou Cultural Centre, built in 1997.

³⁰ Philippe Missotte, "Le Festival Mélanésie 2000", *Journal de la Société des Océanistes*, no. 100-101 (1995), 59–100. The 1995 special issue of the *Journal de la Société Océanistes* brings together a range of perspectives on the event.

³¹ Mokaddem, *Ce souffle venu des ancêtres*, 109.

³² Peter Brown, "Récit fondateur et culture politique en Nouvelle-Calédonie: Téa Kanaké, de Mélanésie 2000 au Festival des Arts du Pacifique (1975-2000)," *International Journal of Francophone Studies* 11, no. 4 (2008), 539–557.

³³ James Clifford, "Indigenous Articulations," *Contemporary Pacific* 13, no. 2 (2001), 468–490.

³⁴ Ismet Kurtovitch, "Sur la signification de la Mélanésie 2000 en milieu européen", *Journal de la Société des Océanistes* 100-101, No. 1 (1995), 139–140.

³⁵ Foté Trolue, Joseph Cahie, "Vers l'éveil d'un peuple", *Journal de la Société des Océanistes* 100-101, no. 1 (1995), 153–164.

³⁶ Tjibaou described *Kanaké* as "one of the most powerful archetypes of the Melanesian world. He is the ancestor, the first-born. He is the *flèche-fatière*, the central mat, the sanctuary of the

became a discourse by which the Melanesian population considered its relationship to those who had come to make New Caledonia their home. In particular, the notion of a “right to welcome” (see Chapter 10) as practiced between the clans became a basis for the “right to choose partners.”³⁷ However, for Tjibaou, the need for a cultural renaissance extended beyond ideology, and required greater Kanak involvement in politics and governance. Following the municipal elections in May 1977, Tjibaou became the first Melanesian mayor of Hienghène at the head of the electoral list *Maxa*, meaning “Lift up your head” in the his native *pjé*.³⁸ The same year, future central figure of the independence movement Eloi Machoro, from Canala, entered into the Territorial Assembly, alongside UC members François Burck and Emile Néchoro as representatives of the East Coast circumscription.³⁹

The growing sentiment in favour of independence, previously voiced by very few, began to grow from the mid-1970s. Elie Poigoune, the first ever Kanak mathematics teacher and an active member of *Groupe 1878*, recounted how support for independence emerged within the specific context of authoritarian violence against protests demanding equitable Kanak treatment by the justice system and social and economic marginalisation.⁴⁰ Another current political leader, Sylvain Pabouty, recalls seeing the struggle led by the likes of Poigoune and Nidoish Naisseline had a deep impression on many young, urban Kanak: “I am originally from Touho but was born in Noumea. And there was a lot of contradictions in Noumea. We were confronted with the ‘white city’..., already with mayors like Laroque, who said ‘here, it’s the white city etc. etc.’ So we were really obliged to affirm our cause.”⁴¹ In 1976, young radicals formed the *Parti de libération kanak* (PALIKA), advocating Kanak nationalism and independence according to a Marxist and socialist ideological framework that viewed their struggle as essentially class-based.

grande case. It is the word through which men exist. This same word establishes the system of organisation that governs the relationship between men and their geographical and mythical environment” (Alban Bensa and Eric Wittersheim, *La Présence Kanak* (Paris: Odile Jacob, 1996), 46–47.

³⁷ Rowena Dickins-Morrison, “Sovereignty as Interconnection in Oceania? The Perspective from Kanaky/New Caledonia”, *Journal of Romance Studies* 14, no. 2 (2014), 41–42.

³⁸ Mokaddem, *Ce souffle venu des ancêtres*, 157.

³⁹ François Burck, *Mon Cheminement Politique Avec Eloi Machoro (1972-1985)* (Les Iles Loyauté: Editions de la province des îles Loyauté, 2012), 33–34.

⁴⁰ Interview with Elie Poigoune, 21 September 2015.

⁴¹ Interview with Sylvain Pabouty, 2 June 2016. A similar story was recounted by Paul Néaoutyine who had moved to Noumea as a young student and became embroiled in the protests following the arrest of Nidoish Naisseline (see Néaoutyine, *L’indépendance au présent*, 19–20).

Attempting to counteract the spread of pro-independence sentiment, the French Government enacted reforms to address some of the concerns of Kanak leaders. First, on 28 December 1976, the “Stirn Law” re-established some of the political autonomy of the Territorial Assembly. Then, Secretary of State for the *Outre-mer* Paul Dijoud attempted to push through measures to improve economic development of customary lands and other rural areas, as well as major land reforms long demanded by Kanak leaders, which had remained largely unchanged since the *indigénat*.⁴² These reforms aimed to provide a mechanism for the concession of settler lands claimed by Kanak.⁴³ However, these moves ran into staunch opposition by European landowners, while pro-independence factions in the UC refused a ten-year moratorium on independence as a condition.⁴⁴

The critical turning point occurred when the UC held its annual Congress on 21-22 May 1977 at Bourail. The party membership voted to replace its existing leadership, which consisted mainly of Europeans and some older Kanak, with younger candidates, including Tjibaou, Machoro, Yeïwené Yeïwené and the metropolitan Pierre Declercq. According to both Gabriel Païta and François Burck, tension emerged at the Congress between not only the *broussards* and the Kanak but also an inter-generational conflict. In particular, Païta recalled an exchange between Machoro and the then Secretary-General of the UC, Jean-Pierre Taïeb Aïfa, a well-known figure from Bourail and a descendant of Algerian convicts brought to New Caledonia towards the end nineteenth century.

(Machoro) cruelly asked the question on the redistribution of lands by addressing himself directly to Aïfa: ‘and if tomorrow, when it comes time for the redistribution of land holdings, the Kanak asked you to give back their lands, what would you do? Would you be capable of ceding those that you occupy?’ In his own way, Machoro wanted to ask the European members of the party whose motto was “two colours, one people” if they were ready to give the lands claimed by the Kanak...This was the first time that the youth asked these types of questions...⁴⁵

⁴² For a detailed discussion of the “Dijoud Plan” see Alan Ward, *Land and Politics in New Caledonia*, 32-49

⁴³ Gabriel and Kermel, *Nouvelle-Calédonie: la révolte kanake*, 109–110.

⁴⁴ Dommel, *La Crise calédonienne*, 26.

⁴⁵ Cazamayou and de Deccker, “Témoignage de Gabriel Païta”, 106; See also Burck, *Mon Cheminement Politique Avec Eloi Machoro (1972-1985)*, 37.

Following the Congress, the large majority of the European and some loyalist Kanak left the party, though a small number of liberal Europeans such as Maurice Lenormand, Pierre Leclercq and François Burck remained.⁴⁶ At the 1978 Congress in Maré, the UC membership definitively declared its support for Kanak independence.⁴⁷ Declercq argued that Europeans needed to “define their legitimacy in New Caledonia in relation to Melanesian legitimacy”, emphasising the importance of not repeating the events seen in Rhodesia where European settlers had been completely sidelined.⁴⁸ European fear of dispossession at the hands of the Kanak independence movement, exacerbated by the forced deportation of French New Hebrideans after Vanuatu’s independence in 1980⁴⁹, together with the significant number of *pieds noir* French-Algerians living in the territory⁵⁰, became an important feature of loyalist political discourse. On 19 September 1981, Declercq, UC Secretary-General at the time, was assassinated in his home on the outskirts of Noumea, depriving the party of their most prominent European figure, later declared the “first white martyr for the Kanak and socialist independence.”⁵¹ Like many of the politically motivated crimes and episodes of violence that occurred during this period, police and the justice system never formally identified or apprehended the perpetrators.⁵²

Determining the “Victims of History”

On 19 March 1979 Dijoud dissolved the New Caledonian Governing Council, prompting fresh territorial elections under new rules requiring lists to obtain at least 7.5 per cent of the vote, instead of 5 per cent. This prompted a re-alignment of the political landscape because it required smaller parties to enter into coalitions in order to reach the threshold. The most significant was the formation of the *Front Indépendantist* (FI), bringing together the UC, PALIKA, the *Parti socialist calédonien*, the FULK and the UPM. However, PALIKA withdrew from the FI one year later out of protest against the

⁴⁶ Benoit Trépied, “Chefferie, Bétail et Politique”, 340: Trépied, drawing on the ethnographic work of Bensa and Rivière, considers that the political strategies adopted by some Kanak during the political bipolarisation on independence relied in part historically constructed alliances between clans. However, these accompanied other ‘sociopolitical logics’ specific to the political context, especially concerning land ownership (341).

⁴⁷ Michael Ovington, “The Impact of the Dijoud Plan”, 107.

⁴⁸ Dornoy, *Politics in New Caledonia*, 177.

⁴⁹ John Dunmore, *Visions and Realities*, 270.

⁵⁰ Ward notes that the number of *pieds noirs*, impossible to know with certainty, while significant, tends to be considerably over-exaggerated. *Land and Politics in New Caledonia*, 15.

⁵¹ Comité Pierre Declercq, *Justice: 1981-1991, Comité Pierre Declercq* (Noumea: Edipop, 1991), 5.

⁵² Following his death the *Comité Pierre Declercq* (COPIDEC) was established in order to pursue justice for his death, bringing together the pro-independence parties, and from 1984 became an official structure within the FLNKS.

UC's "cantonment in the institutions."⁵³ Around the same time, a number of smaller parties supportive of autonomy formed the *Fédération pour une nouvelle société calédonienne* (FNSC). They included former UC president Jean-Pierre Aïfa, the Senator Lionel Cherrier and Gaston Morlet. According to one of its founding members, the historian Louis-José Barbançon, the party's motto "*La Nouvelle-Calédonie avec la France*" symbolised the party's position against both independence and departmentalisation, while distancing itself from the notion of a "*Nouvelle-Calédonie Française*" which resembled too closely the "*Algérie française*" discourse.⁵⁴

The elections held on 1 July 1979 gave fifteen seats to the RPCR, fourteen for the FI and seven for the FNSC. The RPCR and the FNSC initially formed a coalition government led by Dick Ukeiwé, a loyalist Kanak from Lifou. However, the relationship between the two parties soon deteriorated over a number of issues, especially land reforms advocated by the French Government under the Dijoud Plan. After the resignation of the two FNSC members of New Caledonia's Government, a censure motion was passed and a new government was formed. On 18 June 1982, the FI and the FNSC formed a partnership.⁵⁵ For the first and only time, the independence movement controlled the Governing Council, with Jean-Marie Tjibaou named Vice President.⁵⁶

From the outset, the Tjibaou government faced a huge public backlash from loyalist partisans who protested and rioted in the streets, and even invaded the Territorial Assembly on 22 July 1982. Once the crowds had been removed from the chamber of the Territorial Assembly, the FNSC spokesperson Christian Boissery addressed the members:

It is natural today that their [the Kanak] descendents demand the original legitimacy of the Canaque people to be recognised. However, for time immemorial, waves from the ocean, and yet more waves, have come not from canoes but sailboats, and their descendants have acquired, through their work, their history and the suffering of the convict settlement, and of their deportation, what a journalist from *Le Monde* called "the historical legitimacy of a colonisation often more miserable,

⁵³ Paul Néaoutyine, *L'Indépendance au présent*, 37.

⁵⁴ Louis-José Barbançon, *Il y a 25 ans: le gouvernement Tjibaou (1982-1984)* (Nouméa: Agence de Développement de la Culture Kanak, 2008), 8.

⁵⁵ Barbançon, *Il y a 25 ans*, 30.

⁵⁶ Recalling that since 1958, the Vice-President was the senior ranking member of the consultative governing council representing the Territorial Assembly.

more defiant.” I am one of those people, and I say this loud and clear, that here I am not an immigrant and that if I had to live elsewhere, in the Hexagon, for example... I would become a migrant.⁵⁷

The emphasis on labour, attachment to land, deportation and suffering by Boissery speak to the historicity of their claims to legitimacy, responding at once to pro-independence discourse ignoring the rightful claims of certain settlers, but also the pro-French political discourses that tied legitimacy and belonging to French citizenship. As “Caledonians”, they view themselves as different to the metropolitan French because they were not migrants but people who saw New Caledonia as their homeland. In *Le pays du non-dit*, Barbançon – who, like Boissery, is descended from French convicts – criticised assimilationist conceptualisations of citizenship that pervaded French thinking on New Caledonia and ignored the singularity of its colonial history.⁵⁸

These narratives emphasising attachment to land resonate in the analysis of historian Isabelle Merle in her interviews with Europeans in the vicinity of Voh in the north of the *Grande Terre*, many of whom were the descendants of convicts. Many of her interviewees emphasised having been “sent” to New Caledonia, either at the behest of the French Government or forced, as one interviewee remarked: “it’s not our fault that we came here. They only had to tell us not to come. It’s not our fault that we are French.”⁵⁹ Merle identifies strong similarities between settler identity in Australia and New Caledonia through the commitment to a new white society, and the resonance of historical legitimacy as “pioneers” in contemporary expressions of belonging.⁶⁰

The political alliance between the FI and the FNSC facilitated discussions on how to reconcile the legitimacies and rights of Kanak and non-Kanak communities. If the UC historically constituted the crucible for the realisation of “two colours, one people”, for the smaller, more radical parties, Marxist ideological leanings influenced understandings of Kanak nationalism and its relationship to others.⁶¹ The question of alterity and the political community could not be disconnected from divergent meanings of Kanak independence. Within PALIKA, for example, a major debate arose concerning whether or not the scientific socialism being promoted within the party challenged customary authority, which remained a core part of Kanak identity. As Déwé Gorodey recalled, the predominant question was “if the Kanak culture (takes

⁵⁷ Cited in Barbançon, *Il y a 25 ans*, 36.

⁵⁸ Louis-José Barbançon, *Le pays du non-dit*, 7.

⁵⁹ Cited in Merle, *Expériences Coloniales*, 356.

⁶⁰ Merle, *Expériences Coloniales*, 400.

⁶¹ Interview with Elie Poigoune, 21 September 2015.

precedence) over socialism or whether socialism adapt itself to Kanak culture?”⁶² PALIKA adhered more closely to the former view in which Marxism acted as “a weapon of struggle, a theory of reflection to know where we are going and above all to understand the mechanisms of the system that is in the process of exploiting us.”⁶³ Nidoish Naisseline supported the latter and formed his own party, the *Libération Kanak Socialist* (LKS) in 1981⁶⁴. According to Naisseline, “scientific socialism did not speak of Kanak society, of the Kanak nation” because it imposed a universal narrative that did not speak to the role of the clan and customary authority that shaped the Kanak world.⁶⁵

Reflection on the ideological trajectory of Kanak independence evolved into a more serious discussion on how socialist principles shaped relations with non-Kanak people.⁶⁶ Paul Néaoutyine recalled that the PALIKA Congress at Temala in 1980 recognised “the struggle for national liberation, the Kanak people, the indigenous people, has common interests with all those who are exploited and oppressed. The rights of some connect with the rights of others.”⁶⁷ The content of Kanak nationalism evolved as the party clarified its ideas concerning Marxism and more firmly connected nationalism to the struggle for classes that led to a greater engagement with the legitimacy of others.⁶⁸

The FI’s hopes for French Government support for independence received a boost following the election of François Mitterrand in 1981 as the first Socialist President since the inception of the Fifth Republic.⁶⁹ In New Caledonia, the power-sharing arrangement between the FI and the FNSC set the scene for a more concerted effort to achieving a consensus on a way forward for self-determination. Indeed Tjibaou, when asked by President Mitterrand during his reception at the Elysée palace in 1982, “what will you do with them?” in relation to the non-Kanak representatives, responded, “Notice Mr. President that they are with me.”⁷⁰ However, a tension existed between the

⁶² Interview with Déwé Gorodey, 13 August 2015.

⁶³ Interview with Déwé Gorodey, 13 August 2015.

⁶⁴ While the LKS remained electorally weak, Edgard Pisani, the French Government’s Special Minister to New Caledonia between late 1984 to 1986 identified the party as having an important position because of its medium positions and strong personalities, above all Nidoish Naisseline. Edgard Pisani, *Persiste et Signe* (Paris: Editions Odile Jacob, 1992), 328.

⁶⁵ Cited in David Chappell, “A ‘Headless’ Native Talks Back: Nidoish Naisseline and the Kanak Awakening in 1970s New Caledonia,” *The Contemporary Pacific* 22, no. 1 (2010), 58.

⁶⁶ Chappell, “A ‘Headless’ Native Talks Back’, 58.

⁶⁷ Néaoutyine, *L’indépendance au présent*, 36.

⁶⁸ Interview with Elie Poigoune, 21 September 2015.

⁶⁹ Alban Bensa, *Chroniques Kanak: L’ethnologie En Marche*, 140.

⁷⁰ Barbançon, *Le pays du non-dit*, 62.

insistence placed on “Kanak” independence on the one hand, and the question of what kind of place non-Kanak would have in an independent state on the other.

A political crisis developed when Jacques Lafleur resigned his position as deputy of New Caledonia on 5 September 1982, prompting a fresh election that he won by more than twenty-two thousand votes, which he used to reinforce his argument that the majority of New Caledonia’s voters remained pro-French.⁷¹ On 6 March 1983, the territory held municipal elections that saw the RPCR led by Roger Laroque win virtually all of the seats in Noumea. In May 1983, the new Secretary of State responsible for the Overseas, Georges Lemoine, visited the territory amidst significant political pressure applied by loyalist parties. Just prior to his visit, the official publication of the RPCR, the *Echos du RPCR*, published an open letter to Lemoine, emphasising the “large majority” who voted in favour of ongoing attachment to France and the fact that this support was “unquestionably pluri-ethnic.” It demanded that French laws apply to the “enemies of the Republic. The Caledonians expect the Government to realise, beyond partisan and ideological engagements, who the real friends of France are.”⁷² Indeed, immediately following the creation of the RPCR, Lafleur actively formed friendships among high-ranking members of the conservative *Rassemblement pour la République* (RPR), which he used to his advantage.⁷³

Attempting to foster greater dialogue between the territory’s different parties, Lemoine organised a roundtable dialogue at Nainville-les-Roches in France from 8 to 12 July 1983, where he hoped the distance from public pressure in Noumea would help achieve a breakthrough. Elements of both sides remained unconvinced of the value of the negotiation for different reasons.⁷⁴ Among the FI, only the UC was invited to participate in the roundtable, since the other parties failed to obtain seats in the Territorial Assembly.⁷⁵ In the lead up, the UPM indicated that while they supported the dialogue objectives, they did not believe the roundtable would achieve anything except a deceptive signal that the FLNKS would compromise.⁷⁶ For Lafleur, it remained important to send an unequivocal signal to the Socialist Government, against whom they stood ideologically opposed, of a united and determined opposition to any form of independence.⁷⁷

⁷¹ Barbançon, *Le pays du non-dit*, 38.

⁷² *Les Echos du RPCR*, 18 June 1983 (ATNC – 32J – No. 65).

⁷³ Jacques Lafleur in Wallès Kotra, *Conversations calédoniennes: recontre avec Jacques Lafleur* (Tahiti: Au vent des îles, 2009), 48.

⁷⁴ Kotra, *Conversations calédoniennes*, 65.

⁷⁵ Interview with Déwé Gorodey, 13 August 2015.

⁷⁶ “Pourquoi l’UPM ne va pas à la table ronde”, *LNC*, 2 July 1983 (ATNC –32J – No. 65).

⁷⁷ Kotra, *Conversations calédoniennes* (Tahiti: Editions au vent des îles, 2009), 59.

The discussions resulted in a three-point declaration including (full-text in Annexe IV):

- 1) The desire to abolish the *fait colonial* (“colonial reality”) by recognising the equality of Melanesian civilisation and yet-to-be-defined representation of customary authorities;
- 2) The recognition of legitimacy of the Kanak people as the “first occupants” and their “innate and active right to independence” within the “framework of self-determination prescribed by the Constitution of the French Republic, self-determination open equally, for historical reasons, to other ethnic groups whose legitimacy is recognised by representatives of the Kanak people”, and;
- 3) The “exercise of self-determination that permits a choice, including independence.”

In one view, the talks ended in failure. The RPCR refused to sign the final declaration, rejecting the right to independence for the Kanak. Some UC leaders expressed concerns that nothing in the text guaranteed independence⁷⁸, while Gabriel Païta later considered it as a “sword in the water”.⁷⁹ The FNSC had a more optimistic view: “The spirit of Nainville...to discover each other, and to discover the specificities of the Territory: on several occasions, we heard participants say: ‘I am satisfied because I am discovering the Melanesians, I am discovering the Canaque personality’...it’s a spirit of opening.”⁸⁰ Despite the uncompromising RPCR’s opposition, the FI, the FNSC and the French Government still signed the final declaration.

Paradoxically, despite the political failure of the talks, Nainville-les-Roches continues to serve as a critical moment in the history of the struggle for independence. The declaration marked the first ever agreement between the independence movement, self-proclaimed representatives of the Kanak as a colonised people and the French Government as the colonial power. Even without the RPCR, the FLNKS still consider Nainville-les-Roches as an *acquis*, an agreement that informs the present-day decolonisation process. However, anti-independence parties continue to dispute the FLNKS’ claim to speak on behalf of the Kanak people as a whole, citing the small but sizeable number of Kanak opposed to independence. The declaration marked the first recognition by the French Government that a *fait colonial* existed in New Caledonia,

⁷⁸ Stéphanie Graff, “Quand combat et revendication kanak ou politique de l’État français manient indépendance, décolonisation, autodétermination et autochtonie en Nouvelle-Calédonie,” *Journal de la Société des Océanistes*, no. 134 (2012), 73.

⁷⁹ Cazaumayou, *Témoignage de Gabriel Païta*, 145.

⁸⁰ “Ce qu’a été Nainville même si c’est indescriptible”, *LNC*, 27 July 1983 (ATNC –32J – No. 65).

rejecting the narrative that colonisation ceased in 1946, having continued in the form of a cultural negation. For this reason, the declaration recognised “Melanesian civilisation” and customary representation as a fundamental expression of their collective identity. Hilarion Vendegou, a representative of the Council of Chiefs, along with Gabriel Païta, set about obtaining an agreement to identify six customary “regions” (*aires coutumiers*) as a basis for an institution representing customary leaders. As Païta recalled, “Nainville dissociated the recognition of the right to independence and that of the existence of custom.”⁸¹

The second and third points of the declaration dealt with the more sensitive issue concerning the modalities of self-determination and independence. Although the text identified independence as a possible end of self-determination, it applied two important conditions. First, the French Constitution needed to inform the self-determination process. Second, it agreed to “open” self-determination to other ethnic groups whose legitimacy the Kanak people recognised. The imposition of the French Constitution as a framework for legitimacy and self-determination ensured that any referendum mechanism had to abide by its democratic principles. Furthermore, it prevented the independence movement from affirming their right to self-determination exclusively in relation to international law. The opening of the right to self-determination remained problematic, both because most loyalist leaders rejected the independence movement as representatives of the Kanak people and the Kanak right to deny legitimacy to other ethnic groups. There also appeared a contradiction between the Kanak right to bestow legitimacy on other segments of the population and the importance of remaining within the confines of the French Constitution.

The declaration, while not clearly circumscribing a political community, approaches the dilemma of moral legitimacy and its political implications. What precisely did *opening* mean? The FI and the FNSC agreed that the right to self-determination extended to the “victims of history.” This concept’s vagueness, deliberate given its implications for legitimacy, remained vehemently contested in the years after the declaration.⁸² During an interview in 1985 with the *Temps Modernes*, Tjibaou was asked:

You spoke of a fraction of the *Caldoche* population, referred to as the “victims of history”...concerning the composition of the electoral

⁸¹ Cazaumayou and de Deckker, “Le Témoignage de Gabriel Païta”, 143.

⁸² Edgard Pisani reflected that contested understandings of *ouverture*, or “opening”, the right to self-determination to other populations continued to cloud negotiations in the following months and into his tenure as Special Minister to New Caledonia from late 1984 to early 1986. Edgard Pisani, *Persiste et Signe*, 324.

college⁸³. You have even made a distinction between those who arrived (in New Caledonia) before 1951 and those who arrived after.

Tjibaou responded by referring to Nainville-les-Roches as a “preliminary declaration” constructing a link between the *fait colonial* and the delimitation of the electoral college: “the people concerned by the *fait colonial*, they are the Kanak and those descendants of the convicts and the settlers.” Tjibaou referred to 1951 because it marked the granting of the right to vote to the Kanak (see Chapter 4), and therefore the first time the Kanak and the settlers voted together. Tjibaou continued:

You came, you dispossessed us, you hunted us, you sent our chiefs to prison, took their lands, dispersed the people. But those who came next were above all the workers, the traders, or entrepreneurs, or people who bought lands, who bought land concessions sold by Europeans; so they have not really dispossessed the Kanak. And for this reason we say: if the government is logical – recognition of the *fait colonial* – who is concerned by the *fait colonial*? Those two populations. But not the Wallisians or the Tahitians. The French Government has never accepted article 1514 of the UN Charter, permitting the Kanak people to consider themselves as an indigenous people with a right to decolonisation.⁸⁴

Tjibaou draws a connection between the *fait colonial* and the present-day political community, but also identifies the persons historically concerned by the *fait colonial*. The reference to 1951 is equally important in relation to who it excluded. In a FI memorandum from the period soon after the Nainville talks, it notes that in 1951 Wallisians were not French citizens and had not migrated to New Caledonia, the Asian population were not French citizens, French nuclear testing had not begun in Mororua. Thus, the document concludes, “the *fait colonial*, the neo-colonialist enterprise from 1953 to 1983” coincided with the commencement of migration driven by the political goal of rendering the Kanak a minority in their own country.⁸⁵

But the FI did recognise the legitimacy of those “victims of history” who arrived during French colonisation. According to Barbançon, who was not present at Nainville but privy to certain insights from colleagues in the FNCS, the concept of “victims of history”

⁸³ Tjibaou, *La Présence Kanak*, 184.

⁸⁴ Tjibaou, *La Présence Kanak*.

⁸⁵ “Memorandum du Front indépendantiste” (Undated), (ATNC –32J – No. 65).

came from members of the FI, speaking to the concerns of the FNSC concerning their own legitimacy, with all three of the primary interlocutors of the party at the roundtable the descendants of convicts.⁸⁶ He quotes an unnamed FNSC figure as saying:

France put us in leg-chains and forbade us from returning, and what do you say to Taïeb Aïfa whose father was transported to New Caledonia by virtue of French colonisation in Algeria, how can they be colonisers? What do you say of the Vietnamese descendants of the Chan Dang, and those indentured and exploited Malabars, Indonesians or Japanese?⁸⁷

Boissery described the victims of history as “not only the white Caledonians”, but also the “2 000 Vietnamese who were also victims of history because they had no other homeland (*patrie*), and the Indonesians who also came as expatriated workers with no homeland and they were welcomed.”⁸⁸

The reiteration of New Caledonia as a homeland underlined a rhetorical distinction between settlers and migrants among the European and other non-Kanak sections of the population, a defining aspect of settler colonial societies.⁸⁹ The settlers had made New Caledonia their homeland even if they retained a degree of identification with France, different to recent migrants because the latter remained attached to a distant homeland. These subjective terms employed to differentiate between metropolitans and locals, those impacted by the *fait colonial* and those were not, were strongly contested. For Barbançon, Nainville-les-Roches was a missed opportunity to work with the Kanak, failing to see that it was in fact an “outstretched hand” rather than a rejection of others.⁹⁰

Lafleur rejected the idea of being a victim outright, sardonically stating in *LNC*: “what a surprise to learn that we will be ‘accepted’, we the Caledonians, because we are victims of history. And how ironic it is to see the relief shown by certain relieved puppets [referring to the FNSC] of being finally ‘recognised’”⁹¹. Lafleur recounted in a more recent interview:

⁸⁶ Barbançon, *Il y a 25 ans*, 44.

⁸⁷ Barbançon, *Il y a 25 ans*, 44.

⁸⁸ “Ce qu’a été Nainville même si c’est indescriptible”, *LNC*, 27 July 1983.

⁸⁹ Lorenzo Veracini, “Isopolitics, Deep Colonizing, Settler Colonialism”, *Interventions* 13, No. 2 (2011), 173.

⁹⁰ Barbançon, *Le pays du non-dit*, 62.

⁹¹ “Jacques Lafleur après Nainville-les-Roches: Maigre bilan pour une date historique”, *LNC*, 29 July 1983, 34.

J.L. What am I? They called me “victim of history.” I said, “not at all.” I refuse to be a victim of history. I am a citizen of New Caledonia. My ancestors arrived here like those who left for Canada, and today they say they are Canadian citizens and not victims of history.

W.K. Is it not a way to identify the Caledonians, those and the others? But that shocked you at the time?

J.L. It still shocks me because they say that to me. I do not want Caledonians cut up like bits of sausage. You, you are there. You, you are there. Who decides that? I think that it’s us who should decide who we are.⁹²

The negative response to the idea of being victims highlighted what many Europeans saw as being made second-class citizens, rejecting the Kanak right to bestow legitimacy on their presence.

Georges Lemoine was more diplomatic in his understanding of the term when he visited the territory again in November 1983, this time to gain support for his institutional project, dubbed the *statut Lemoine*.

This concept (of victims of history) is interesting but it is largely insufficient because there are equally those who chose to live in New Caledonia. So obviously the concept of victims of history can be very large. One might think that they have chosen to live in New Caledonia because they no longer have economic reasons to live where they were before or even – and it’s a question that one could ask in relation to say the *pieds noirs* who departed Algeria in ’62 – because they also could be viewed as victims of history in a certain way...⁹³

Nevertheless, Lemoine thought to use the term during a visit to the Isle of Pines on 23 November 1983, where he paid tribute to the convicts exiled as “victims of history”.⁹⁴ The sensitivity of “victims” lay in its connotations of guilt, passivity and loss of homeland born out of the colonial experience. Such a narrative pervaded the dramatic

⁹² Kotra, *Conversations calédoniennes*, 66–67.

⁹³ “Georges Lemoine répond aux questions des nouvelles et lève un coin du voile”, *LNC*, 18 November, 1983, 5.

⁹⁴ “Lemoine à l’île des Pins: Entre la coutume et l’histoire”, *LNC*, 23 November, 1983, 27.

déroulement of the Algerian War, which assumes a lingering presence in contemporary debates on independence and belonging in New Caledonia.⁹⁵ Indeed, former French Prime Minister Michel Rocard, who later signed the Matignon-Oudinot Accords with Jean-Marie Tjibaou and Jacques Lafleur, used the term in 1990 in reference to the Algerian *harkis* who had fought for France in the Algerian War and subsequently became disowned both by independent Algeria and the intellectual left in France for being agents of colonialism.⁹⁶ Writing in 2013, New Caledonian local Yves Magnon considered French Algerians as a “species on the verge of extinction”, and expressed his sadness at their being no fifty-year commemoration of Algerian independence. Tellingly, he stated his hope that “above all, we do not once again become victims, victims of history.”⁹⁷

The debate on the victims of history within the Territorial Assembly on 19 April 1984, highlighted contested understandings of which groups of people could be considered as “colonisers” and the “colonised.” The legitimacy of the Wallisians, Futunians, Tahitians and other smaller, ethnic minorities proved particularly contentious. According to Daniel Dommel, the RPCR unsuccessfully attempted to include a Wallisian delegate at Nainville whom the FI delegates rejected on the basis that such a dialogue could only occur between the Kanak people and the colonial power.⁹⁸ Eloi Machoro accused the “Oceanian” populations of failing to see the “logic of colonialism” in New Caledonia and respecting Kanak customs.⁹⁹ Melito Finau, a Wallisian member of the FNSC in the Territory Assembly, accused Lemoine and pro-independence leaders of racism, rejecting the notion that the Wallisians, Futunians and Tahitians could be considered as colonisers.¹⁰⁰ Similarly, Nidoish Naisseline argued that the “Wallisians and the Tahitians” could not be “seriously considered as colonisers, for the simple reason that they do not impose their law in New Caledonia...However, we can speak of a French colonisation, because there is a population of French origins here, and France imposed its law and its standards in New Caledonia.”¹⁰¹ For Finau, the fact that New Caledonia “needed” the Wallisians and Futunians as workers due to a chronic labour shortage following the Second World War underpinned their legitimacy. Petelo

⁹⁵ See Jean-Yves Faberon (ed.), *Pieds-noirs en Nouvelle-Calédonie: Témoignages et analyses* (Paris: L’Harmattan, 2013), 27.

⁹⁶ William B. Cohen, “The *Harkis*: History and Memory” in *Algérie and France, 1800-2000: Identity, Memory and Nostalgia*, ed. Patricia Lorcin (Syracuse: Syracuse University Press, 2006), 165.

⁹⁷ Cited in Faberon, *Pieds-Noirs en Nouvelle-Calédonie*, 14.

⁹⁸ Daniel Dommel, *La Crise calédonienne*, 34.

⁹⁹ AT, session extraordinaire d’avril 1984, 2ème séance, 19 April 1984, 49, (ATNC – 32J – No. 65).

¹⁰⁰ AT, “19 April 1984”, 35.

¹⁰¹ AT, “19 April 1984”, 26.

Manuofiuva instead stated his empathy with the Kanak cause and the injustices committed by French colonialism, and the importance for the Wallisian and Futunian community to work closer with the Kanak people.¹⁰²

The Boundaries of the *Demos* and the Self-Determining Political Community

If Nainville attempted to sketch the contours of a new moral community, recognising the Kanak right to independence and the limitations of legitimacy, it also laid the foundations for political negotiations between the French Government, the FI and the RPCR on the electorate for a referendum on self-determination. The RPCR maintained that France had to respect universal suffrage enshrined in the French Constitution – “one man, one vote” – guaranteeing all French citizens in New Caledonia the right to participate in political life. Conversely, the FI held that the Kanak right to self-determination could be opened to the “victims of history”, though some of the more radical elements maintained that only the Kanak should vote. After the 1983 UC Congress held in Ouvéa, electoral reform became a pre-condition for participation in the 1984 territorial elections.¹⁰³

That the Nainville declaration stated that independence and self-determination must occur within the parameters set by the French Constitution presented a difficulty for the FI because it rendered restrictions to the electoral body legally difficult, subjugating the collective rights of the Kanak as a people beneath the individual rights of French citizenship.¹⁰⁴ For this reason, the FI increasingly made reference to international legal frameworks, above all UN General Assembly Resolution 1514 recognising the right to self-determination of colonised peoples. Although the Kanak claim to be the “colonised people”, the discourse of victims of history revealed the boundaries between coloniser and colonised to be more blurred than legal mechanisms constructed them to be. As Naisseline observed in the Territorial Assembly, the UN did not specify at what point “the population of metropolitan origin becomes the equal of the indigenous population” and that “the law says clearly that the right to decolonisation is recognised for the indigenous population, irrespective of whether they are a minority or majority.”¹⁰⁵

¹⁰² AT, “19 April 1984”, 40.

¹⁰³ See for example the conclusions by the ‘*Groupe Yeiwene*’, one of the *groupes de reflexion*, at the 14th Congress of the UC, 29-31 October, 1983, Ouvéa, 10-11 (ATNC – 32J – 13).

¹⁰⁴ Graff, “Quand combat et revendication kanak ou politique de l’État français manient indépendance” 73.

¹⁰⁵ Assemblée Nationale, 19 April 1984, 26.

Having undertaken further negotiations in November 1983, Lemoine prepared to unveil his statute on New Caledonia. However, FI deputy in the French National Assembly Roch Pidjot pre-empted the bill with his own, calling for a referendum on independence where the right to vote would be restricted to those with at least one parent born in New Caledonia, corresponding to their understanding of “victims of history”.¹⁰⁶ Yeiwene Yeiwene repeated this condition in a debate in the Territorial Assembly on 19 April 1984.¹⁰⁷

The Lemoine statute previewed a referendum on independence in 1989 according to section 53 of the Constitution.¹⁰⁸ In the lead up to the referendum, a new “State-Territory Committee” would be created in order to establish the conditions in which the referendum would take place. It also introduced a number of major institutional reforms, a second deliberative chamber, the *Assemblée des pays* (“Assembly of the Regions”), one half represented by the six newly recognised customary regions, and the other half the communes.¹⁰⁹ The territory was divided into four regions (South, West, East and Loyalties), each with their own regional assemblies and a set number of seats in the Territorial Assembly.

When Lemoine arrived in Noumea to deliver a speech at the Territorial Assembly on 24 November 1984, his statute was met with near unanimous opposition. The RPCR boycotted Lemoine’s speech, while the FI departed the chamber *en masse* just prior to its commencement.¹¹⁰ In the metropole, few outside of the Socialist Party supported Lemoine’s initiative. François Massot, the rapporteur of the bill in the Assembly, contended that this was precisely why it should be adopted. He argued that the statute’s objective was to “endow New Caledonia with a status of internal, evolving and specific autonomy. It accords, in effect, a large decentralisation to the territory, and gives for the first time a place to custom in the institutions, recognising in this way the Melanesian cultural identity.”¹¹¹ In some ways, the statute reflected the major Socialist Party policy of decentralisation that increased the autonomy of territorial bodies such as communes and regions throughout the metropole and *Outre-mer*.¹¹²

¹⁰⁶ AT, “Proposition de loi no. 2089”, 3 May 1984.

¹⁰⁷ Assemblée Nationale, 19 April, 1984, 15.

¹⁰⁸ Article 53 of the 1958 Constitution states that “no cession, no exchange, no adjunction of territory is possible without consulting the concerned populations (*populations intéressées*).”

¹⁰⁹ These included the regions (fr. *pays*): *Hoot Ma Waap*, *Paci Camuki*, *Ajié Aro*, *Téi Araju*, *Dumbéa*, and the Loyalty Islands.

¹¹⁰ “Ce que Yeiwene Yeiwene voulait dire au ministre”, *LNC*, 25 November 1983, 33.

¹¹¹ Assemblée Nationale, 28 May 1984, 2710.

¹¹² For example, this policy approach translated into a new status enhancing the political autonomy of French Polynesia in 1984.

The two New Caledonian representatives of the National Assembly, Lafleur and Pidjot, also voiced their opposition for different reasons. Lafleur reinforced his opposition to the notion that any process could lead to independence. Citing Yeiwene Yeiwene's definition of the victims of history, Lafleur argued that if Lemoine was to accept this restriction then his "efforts were totally in vain."¹¹³ His ideological opposition was accompanied by more practical criticisms, such as the local over-representation of the territory through the introduction of a second consultative chamber and the new *conseils des pays* for the customary regions in a territory of only 150 000 people.¹¹⁴ Pidjot, noting that his own propositions had already been rebuffed, argued:

The government of France has given to the Kanak people the opportunity to exercise its innate and active right to self-determination and independence at Nainville, but only when it extends this right to the other populations. This right, it extended it to the victims of history who... are the natives of the territory... of every ethnic group, who have at least one parent born in the territory. The status of the Government is based on an expressly erroneous interpretation of the conclusions of Nainville-les-Roches. Now, one cannot have a democracy in the sense of "one man, one vote" in a colonial situation.¹¹⁵

He also accused the government of trying to satisfy them through the recognition of custom and institution of the customary councils.¹¹⁶

The day after the passing of the statute in the National Assembly on 29 May 1984, the FI released a communiqué to the press declaring its intention "to proceed by itself to the decolonisation that was being refused (by the government) with all the consequences that this unilateral decolonisation will entail."¹¹⁷ Government numbers in the French Parliament eventually ensured that the Lemoine Statute became law on 6 September 1984. Several weeks later, at its annual Congress in Ducos, the FI, re-baptised as the FLNKS, declared the creation of the Provisional Government of Kanaky, flying for the first time the FLNKS flag, proclaiming IKS: *indépendance kanak socialiste*.

¹¹³ Assemblée Nationale, 28 May 1984, 2713.

¹¹⁴ Assemblée Nationale, 28 May 1984, 2713.

¹¹⁵ Assemblée Nationale, 28 May 1984, 2728.

¹¹⁶ Assemblée Nationale, 28 May 1984, 2728.

¹¹⁷ Cited in Gabriel and Kermel, *Nouvelle-Calédonie: la révolte kanak*, 232.

The Charter of the FLNKS (1984) developed over the course of 1984, described the right to self-determination in reference not to the French Constitution, but to the “sacred and inalienable rights of the Kanak people, oppressed and hurt by the colonial reality (in accordance with UN General Assembly resolutions 1514 and 2621¹¹⁸ of the UN).”¹¹⁹

Point 2 of the section “Call to Engagement” in the Charter stated that the FLNKS:

Makes an appeal to the non-Kanak. They must recognise the legitimacy of the Kanak people and support its liberation struggle in order to contribute to its success. Only their united engagement in the liberation struggle will legitimise their citizenship tomorrow in the Kanak and socialist independence.

Less than three years later, the FLNKS Constitutional Project further aimed to reinforce the political basis for constructing a national community: the “Kanak people constitutes a national and pluri-ethnic community, free, united and sovereign, founded on the solidarity of its diverse elements.”¹²⁰

This step resulted in the rejection of the processes endorsed by the French Government and a boycott of the territorial elections on 18 November 1984. In the rural areas of the *Grande Terre* and on some parts of the Loyalty Islands, the FLNKS erected barricades in order to block the access of police, while rural towns degenerated into conflict between different groups.¹²¹ In one such case, Eloi Machoro led a group in the takeover of the East Coast mining town of Thio. The famous photo of Machoro smashing a ballot box with his axe during the boycotted elections in Canala symbolised what the Charter described as the “false colonial democracy.” However, the decision to boycott the elections and disengage entirely was not fully endorsed within the FLNKS.

¹¹⁸ UNGA Resolution 2621 (XXV). “Program of action on the full implementation of the declaration of the granting of independence to colonial countries and peoples”, 12 October 1970. In particular, point 3.4 states that “Member States shall wage a vigorous and sustained campaign against activities and practices of foreign economic, financial and other interests operating in colonial Territories for the benefit and on behalf of colonial Powers and their allies, as these constitute a major obstacle to the achievement of the goals embodied in UNGA Resolution 1514 (XV). Member States shall consider the adoption of necessary steps to have their nationals and companies under their jurisdiction discontinue such activities and practices; these steps should also aim at *preventing the systematic influx of foreign immigrants into Colonial Territories, which disrupts the integrity and social, political and cultural unity of the peoples under colonial domination*” [italics added by the author].

¹¹⁹ FLNKS, *F.L.N.K.S: La Charte du FLNKS, les motions de tous les congrès, les décisions du gouvernement provisoire de Kanaky* (Nouméa: Edipop, 1987).

¹²⁰ FLNKS, Art. 1, *Projet de constitution*, 19 January 1987, Nouméa.

¹²¹ Gabriel and Kermel, *Nouvelle-Calédonie: le révolte kanak*, 11.

The failure of the Lemoine Statute and the escalating tensions led Prime Minister Laurent Fabius to appoint Edgard Pisani special Minister of New Caledonia in 1985, who began working towards a solution. While Lemoine rejected the independence movement's call for a restriction of voting rights, Pisani more readily accepted the need for some sort of compromise in this regard. On 7 January 1985, Pisani put forward his proposal for a new statute instituting a form of "independence-association", according to Article 88 of the French Constitution, allowing France to enter into forms of agreed association with other states in an effort to "develop their civilisations."¹²² Pisani stated that "the best solution, and without doubt the only one, is independence but associated with France."¹²³ It not only tried to reconcile the seemingly irreconcilable demands of the FLNKS and RPCR, but also protected French interests.¹²⁴ His plan envisaged a referendum in July 1985, giving eligible voters the choice between independence-association and the continuation of the *status quo*. This would take place after the dissolution and re-election of the Territorial Assembly. Under this status, New Caledonia would become a sovereign state and possess UN membership, yet consent to France retaining certain functions such as defence, mirroring decolonisation trajectories seen elsewhere in the Pacific such as the Cook Islands' relationship to New Zealand, or the Compacts signed between Micronesian polities and the United States.¹²⁵

Following a visit to the territory in 1984, Pisani asked both the RPCR and the FLNKS questions concerning the acquisition of citizenship and nationality. The responses of the FLNKS were published in *LNC*, clarifying the proposed relationship between the Kanak and non-Kanak populations of New Caledonia.¹²⁶ Retaining the criteria of citizenship of Nainville-les-Roches, Kanak nationality could be attained for non-Kanak through a) a request on the day of independence for those with at least one father or mother born in New Caledonia¹²⁷ and those who had taken part in the liberation struggle; or b) five years of residence in Kanaky from the date of independence.

¹²² This article is found within Chapter XIV of the 1958 Constitution of the French Republic pertaining to relations within the *Francophonie*.

¹²³ *Le Monde* cited in Gabriel and Kermel, *Nouvelle-Calédonie: le révolte kanak*, 26.

¹²⁴ Edgard Pisani, "*Persiste et signe*." Pisani's memoir reveals a deep frustration with, above all, those who he refers to as the *caldoches* and the conservative 'extremists' of the RPCR base. But he also speaks of the difficulties to conducting political negotiations against the backdrop of recurring violence, but especially the deaths of Yves Tual and Eloi Machoro on 11 and 12 January 1985 respectively, and the political opportunism of his metropolitan political colleagues in exploiting the New Caledonia's crisis for their own gains.

¹²⁵ Pisani, *Persiste et signe*, 336.

¹²⁶ *LNC*, 22 December 1984, cited in Gabriel and Kermel, *Nouvelle-Calédonie: le révolte kanak*, 236–238.

¹²⁷ Their response labels these people as *caldoches*, which assumes that most in this category are Europeans who arrived as part of the earlier colonisation.

Furthermore, in order to acquire Kanak nationality it was necessary to “be resident in Kanaky and have a residence there”, “justify a means of existence through economic activity”, “have a good healthy condition”, and “not be engaged in activities hostile...to the realisation of the Kanak state. Those who do not seek nationality will be expected to obtain a visa for the purposes of residing there and maintaining the right to work.”¹²⁸ The specific conditions of an economic activity and a “good healthy condition” stemmed from pro-independence opposition to the perceived large numbers of retirees, or the ill and frail, both from the metropole and other parts of the French Pacific. The FLNKS conditions of citizenship were later codified as part of the *Status of Persons and Goods in Kanaky*:

The exercise of the right to welcome by the Kanak people upon the creation of Kanaky constitutes the foundation of the Kanak Nation, a free, united and sovereign national and multiracial community based on the solidarity of the elements composing it... Kanak nationality is acquired automatically for the Kanak the day of independence. For the non-Kanak, a delay is proposed to permit a choice of nationality. The Kanak State refuses double nationality during this transitional period....For those who are born in this country, with a direct ascendant (father or mother) who is born here (those who are usually called “*caldoches*”), Kanak nationality could be demanded the day of independence. This is the same for all those who took part in the liberation struggle.¹²⁹

In the time between Pisani’s announcement and the deliberation of the text in the French Parliament, the situation in New Caledonia became increasingly volatile. Only four days later, on 11 January 1985, a seventeen-year-old European, Yves Tual, was murdered by a group of pro-independence partisans, allegedly led by Eloi Machoro, who had trespassed on to the family’s property near Boulopari. The next day, French special police gunned down Machoro in disputed circumstances near La Foa. These deaths immediately became powerful political symbols (and remain so), degrading relations severely and jettisoning any chance for amicable political negotiations. RPCR

¹²⁸ *LNC*, 22 December 1984, cited in Gabriel and Kermel, *Nouvelle-Calédonie: le révolte kanak*, 236–238.

¹²⁹ “Statut des personnes et des biens en Kanaky: documents extrait de la campagne électorale du FLNKS pour les élections regionaux de septembre 1985”, *F.L.N.K.S. Annexe* (un-numbered).

militants went as far as demanding the replacement of Pisani following a visit by President François Mitterrand in a bid to calm tensions.¹³⁰

The final status implemented by Prime Minister Laurent Fabius, adopted in April 1985, put the referendum back until 31 December 1987. But the three-year residency requirement remained, limiting the vote to the *populations intéressées* and excluding public servants on short-term deployment. The statute's most innovative aspect was the creation of four administrative regions (South, Centre, North and Islands), removing the monopoly of power from the territorial government. Despite rejecting the three-year residency criteria as insufficiently restrictive, the measures were enough to encourage the FLNKS to come back to the polls, which they did on 26 September 1985, resulting in a territorial participation rate of 80 per cent.¹³¹ The elections saw the FLNKS and other pro-independence parties obtain control in three of the four regions, though the RPCR continued its dominance of the Territorial Assembly, newly baptised as the Congress.¹³² The inception of the regions, along with the creation of a Congress to replace the Territorial Assembly remained the basis of New Caledonia's institutional framework going forward.¹³³

However, a major change occurred when the Socialists lost the 1986 legislative elections, forcing President Mitterrand to appoint Jacques Chirac as his Prime Minister, who was far less willing to compromise with the FLNKS, especially on the question of electoral reform. A new statute introduced by Bernard Pons, the new Minister for the Overseas, effectively reduced the powers granted to the regional governments and brought the date of the referendum forward.¹³⁴ The decision to maintain a three-year residence criterion angered the FLNKS the most, falling far short of the restriction of at least one parent demanded following Nainville. In his address to the National Assembly on 10 April 1987, Pons argued that this restriction could be constitutionally justified, and was based on historical precedents established in previous referenda conducted in the French Coast of the Somalis and the Territory of the Afars and the

¹³⁰ The pages of the *Combat Calédonien*, the official propaganda publication of the ultra-conservative *Front calédonien*, highlight the astonishing personal attacks levelled at Pisani (ATNC – 7J - 139). Unsurprisingly, Pisani later remarked that 'it was in New Caledonia where I first met hate'. *Persiste et signe*, 332.

¹³¹ At the FLNKS Congress of Hienghène on 25 and 26 May 1985, they decided that "the Region, through the commitment of (the FLNKS) partisans on the ground and in a transitional phase, can buttress the construction of IKS and concretise the claim of the Kanak People which will only have those obtained by its mobilisation as a guarantee. In this perspective, the FLNKS is ready to use the election by depending on its own structures" ("Pourquoi le FLNKS va aux élections regionaux"), in Annexes, *F.L.N.K.S.*

¹³² Waddell, *Jean-Marie Tjibaou*, 48; See also Pisani, *Persiste et signe*, 361.

¹³³ Hamid Mokaddem, *Ce souffle venu des ancêtres*, 241.

¹³⁴ Loi no. 88-844 du 17 juillet 1986 relative à la Nouvelle-Calédonie.

Issas.¹³⁵ This reasoning, though a compromise of sorts, failed to address the FLNKS view that not everybody within New Caledonia had an equal claim to self-determination. Yeiwene Yeiwene, incensed by the proposed Pons statute, argued in the National Assembly that the term *populations intéressées* treated the “people of New Caledonia” as a “monobloc” people.¹³⁶ The FLNKS boycotted the government-organised referendum held on 13 September 1987, where only 60 per cent participated, 98 per cent of whom voted in favour of remaining in the Republic.

The inability of the French Government to accept the “innate and active right” of the Kanak people derived from concerns that it could awaken other claims in other parts of the Republic, especially in French Polynesia and Corsica.¹³⁷ The French Government wore the legal and moral straightjacket of the French Constitution, employing it as a basis for refusing FLNKS demands in the name of protecting the democratic equality of citizens. This refusal prompted the FLNKS to seek alternative legal and moral bases for their claims, above all from neighbouring Melanesian countries, the Non-Aligned Movement and the United Nations.¹³⁸ In 1986, the FLNKS, with the support of its neighbours including Australia and New Zealand, disturbed by ongoing French nuclear testing in French Polynesia, succeeded in having New Caledonia inscribed on the UN List of Non-Self-Governing Territories (NSGTs).¹³⁹ In a letter addressed to the UN General Assembly on 20 October 1987, the Permanent Representative of France argued that New Caledonia’s re-inscription as a NSGT flagrantly ignored the democratic choice of New Caledonians, not to mention that as full French citizens, the Kanak population could participate in the democratic process.¹⁴⁰ In a thinly-veiled swipe at Australia and New Zealand, the former often being a subject of ridicule in the French National Assembly for its treatment of its indigenous population¹⁴¹, the French representative drew attention to the fact that New Caledonia was a multi-ethnic and mixed society, stating that “New Caledonia was never subjected to the policy of ‘separate development’ which had been the rule elsewhere.”¹⁴²

¹³⁵ Assemblée Nationale, 10 April 1987, 226.

¹³⁶ Mokaddem, *Ce souffle venu des ancêtres*, 241.

¹³⁷ Karis Muller, “New Caledonia, Another Corsica? French Conceptual Obstacles to Considering Independence as an Option,” *The Journal of Pacific History* 26, no. 2 (1991), 288–302.

¹³⁸ Anti-independence propaganda made frequent mention of FLNKS links to terrorists and extremists in countries such as Libya and the Soviet Union.

¹³⁹ UNGA Resolution A/41/L.33, 10 November 1986.

¹⁴⁰ UNGA. “Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: Letter dated 10 October 1987 from the Permanent Representative of France to the United Nations addressed to the Secretary-General” (A/42/651), 20 October 1987.

¹⁴¹ See Stephen Henningham, “Whitlam and Australia’s Relations with France 1972-1975: Conflict and Cordiality,” *History Australia* (2017), 1-15.

¹⁴² UNGA, A/42/651, 20 October 1987.

It took the dramatic and harrowing events at Ouvéa between 22 April and 5 May 1988 to bring the two sides back to the negotiating table, desirous to restore peace. The Matignon-Oudinot Accords, signed between June and August 1988, delayed the referendum on independence for a period of ten years. Crucially, it achieved a compromise on participation in that referendum. Article 2 of the law enshrining the agreement stipulated that those permitted to vote would need to be enrolled in New Caledonia at the time of the referendum legislating the Accords (5 November, 1988).¹⁴³ This ten-year restriction was more than the three years previously imposed by the French Government, but meant that only future migrants to the territory would be excluded. However, unanimous political agreement on the extent of these restrictions remained elusive.

The idea of Kanak independence challenged the basis of legitimacy underpinning New Caledonia as a political community within France. Since the beginnings of colonial settlement, the different waves of migration legitimised their presence by the fact that they were French citizens on a faraway land of the Republic. Kanak nationalism inverted this logic, with Kanak sovereignty becoming the foundation for a new political community and a re-thinking of social and political relations. For the first time, a section of the non-Kanak population began to reflect on their own existence and their past. This became evident throughout the 1990s, as the non-Kanak communities placed increased attention to their New Caledonian roots. For example, the discussion in *Etre caldoche aujourd'hui*, a set of exchanges and contributions on “Caldoche” identity, explicitly recognises how Kanak independence prompted them to define themselves and their legitimacy.¹⁴⁴ Conversely, for Kanak nationalism, it marked the first serious consideration of how Kanak independence would re-shape their relations with the non-Kanak population. However, Nainville-les-Roches equally revealed the powerful resistance to the Kanak claims for self-determination, often couched in the language of republican universalism.

The idea of “victims of history” conjured during the negotiations at Nainville-les-Roches remains controversial today. The contested understandings of moral legitimacy and its implication for political, social and economic rights continues to dwell in the post-Noumea Accord debates on the meaning of New Caledonian citizenship.

¹⁴³ Loi n° 88-1028 du 9 novembre 1988 portant dispositions statutaires et préparatoires à l'autodétermination de la Nouvelle-Calédonie en 1998.

¹⁴⁴ (Collective authorship), *Etre Caldoche aujourd'hui*.

Chapter 6: Citizenship of New Caledonia and the Contested Scope of the Political Community

The idea of a “citizenship of New Caledonia”, introduced in the Noumea Accord on 5 May 1998, embodied many of the contested notions of belonging and legitimacy that emerged as a result of the Kanak independence movement’s challenging of French republicanism. Its passage required a combination of constitutional innovation and political daring in order to find approval among both New Caledonian voters and metropolitan legislators. Nevertheless, it proved controversial in its inception and during the years that followed.

At first glance, the New Caledonian dilemma is no different to challenges faced by other states with diverse populations. Michael Walzer distinguished between political and historical communities, noting that sometimes the two will not coincide, requiring the “adjustment” of the “distributive decisions to the requirements of those units.”¹ This process, Walzer argues, must be “worked out politically, and its precise character will depend upon understandings shared among citizens about the value of cultural diversity, local autonomy and so on.”² The incongruence of the political (or legal) and the historical (or moral) threatens the political community’s legitimacy. This is certainly the case in New Caledonia, but the decolonising context warrants closer attention because it raises new dimensions about citizenship. New Caledonian citizenship represents the construction of a “legal community” within, yet not entirely separate from, the French Republic. However, the contours of this legal community remain in flux by virtue of the contested decolonisation process. Moreover, the legal community, through the specific rights of citizenship, aims to realise a new moral community embodied in the idea of the “common destiny” found in the Noumea Accord.

This chapter situates the creation of citizenship in New Caledonia within its historical and political context, setting the scene for the chapters that follow. It begins by examining citizenship within the text of the Noumea Accord and the competing conceptions of decolonisation held by political leaders. Secondly, it highlights the evolving construction of citizenship in light of the evolving New Caledonian political context. Finally, it explores the reception to the idea of New Caledonian citizenship among metropolitan political leaders and those from other French territories, especially

¹ Walzer, *Spheres of Justice*, 29.

² Walzer, *Spheres of Justice*, 29.

French Polynesia and Wallis and Futuna. The latter is a particular focus given the large Wallisian and Futunian community living in New Caledonia. While there is widespread commitment to the construction of a “common destiny”, this chapter argues that the scope of the political community remains heavily contested and highlights the difficult interrelationship between citizenship and decolonisation, now and into the future.

Citizenship within the Noumea Accord

The Noumea Accord is often remembered as a tripartite compromise. However, negotiations first began between the FLNKS and the French Government, representing the two parties involved in the *contentieux colonial*, or the “colonial dispute”: the colonised people and the colonial power.³ The Accord marked a new stage of the decolonisation process, though one beset by different interpretations. For Jacques Lafleur “it affirmed that New Caledonia was decolonised from the signature of the Noumea Accord and that no one was really responsible for colonisation.”⁴ Roch Wamytan viewed the Accord upon which the decolonisation process and the construction of the political community could occur simultaneously.⁵

The Accord both encapsulates and seeks to reconcile the competing ideological frameworks governing the decolonisation process: the French Constitution on the one hand, and international law on the other. Despite possessing its own constitutional character and the power to pass its own laws in domains under its control, New Caledonia remains subject to France’s *Conseil constitutionnel*, the *Conseil d’Etat*, not to mention the European Court of Human Rights. Wamytan explicitly refers to UN General Assembly Resolution 1514, outlining the parameters of the right to self-determination for the colonised people, as the superior basis for decolonisation.⁶ Paul Néaoutyine articulated reconciliation between the two, speaking of a “gentle decolonisation” that “is compatible with the ideals of a country that is the inventor of

³ For example, the UC Congress held in Wagap-Poindimié in November 1996 emphasised the importance of *contentieux colonial* as between the FLNKS and the French government. Cf. Interview with Bernard Deladrière, 8 June 2016; Roch Wamytan in the Congress of New Caledonia, 5ème séance du 30 décembre 2009, 50.

⁴ Jacques Lafleur, *L’assiégé: 25 ans de vie politique: une histoire partagée avec la Nouvelle-Calédonie* (Paris: Plon, 2000), 219.

⁵ Interview with Roch Wamytan, 11 January 2016 (Skype).

⁶ Intervention de Roch Wamytan in *Nouvelle-Calédonie: Vingt années de concorde: 1988-2008*, eds. Jean-Marc Regnault and Viviane Fayaud, 108.

human rights that feature in the UN Charter.”⁷ The scope of citizenship and its rights and responsibilities is situated within these competing logics.

The text of the Accord consists of two parts: a Preamble and an Orientation Document. The Preamble (see Annexe V) addresses the colonial past and the questions of moral legitimacy that emerged as a result. It describes decolonisation as:

The means of remaking a durable social bond between the communities who live in New Caledonia today, while permitting the Kanak people to establish new relations with France corresponding to the realities of our time.

The emphasis on a remaking of social bonds is equally present in the wording around citizenship:

It is today necessary to place the foundations of a citizenship of New Caledonia, permitting the original people (*peuple d'origine*) to establish with the men and women who live there a human community affirming its common destiny.

As Alain Christnacht later stated, citizenship was a “tool for consensual decolonisation.” The Matignon-Oudinot Accords “did not go so far as define Caledonians, all together, as a single community within the Republic” – a major achievement of the Noumea Accord. Nor had the terms citizenship or decolonisation appeared until the latter.⁸ However, the Preamble avoids both the terms “nation” and “people” to describe New Caledonia’s distinctiveness.⁹ The “nation” and the “people” refer solely to the French Republic, the indivisibility of which is constitutionally guaranteed. It is perhaps equally important that the text refers to a “citizenship of New Caledonia” and not a “New Caledonian citizenship”, and in so doing, preserves a degree of separation between a New Caledonian identity and citizenship, since there are potentially some excluded from citizenship who may claim to be New Caledonian.

⁷ Paul Néaoutyine, *L'indépendance au présent*, 68.

⁸ Alain Christnacht notes that during the negotiations for the Matignon-Oudinot Accords the restriction for provincial elections were raised as a possibility but discarded in the end due to a belief that it would lead to a rejection of the political settlement. See Alain Christnacht, “L’Accord de Nouméa: comme reconnaissance mutuelle d’une citoyenneté commune et outil de la décolonisation consensuelle”, 102.

⁹ Pierre Brétagnier and Jean-Yves Fabéron, “Identités communautaires plurielles et destin commun”, 609.

The Accord does, however, distinguish between the *Kanak people* who possess an innate sovereignty, and the “other communities” whose legitimacy is equally recognised, together constituting New Caledonia’s “shared sovereignty” with France. New Caledonian nationhood, at least according to a French legal framework, is realised only following the 2018 referendum on the exit from the Accord, where relations with France are re-defined: the “transfer of sovereign powers”, “full international responsibility” and “citizenship into nationality.” Therefore, New Caledonia enters into a transitional period in which its character assumes a quasi-national character, with a partial and incomplete moral, political and legal character, conditional of the choices to be made in 2018 and beyond.

The task of drafting the Accord throughout the negotiations was undertaken primarily by the French State, more particularly in the hands of high-ranking civil servants with significant experience in New Caledonia, such as Alain Christnacht and Thierry Lataste. According to Roch Wamytan, it was only towards the end of negotiations that citizenship was put on the table, likely due to its sensitivity and the importance of obtaining consensus on less difficult issues first.¹⁰ Still, rather than being a neutral term, its content enabled room for multiple interpretations and could be reconciled with each side’s vision for the territory. As Simon Loueckhôte recalled, there was a “need to sign something” and to produce a text that would achieve consensus yet “prove right in time.”¹¹

Wamytan considered that citizenship was “a concession of the Kanak people” that “integrated people at the end of ten years” – a concession because it enabled non-Kanak to acquire a legitimacy within the political community they are not inherently entitled to on the basis of UN provisions for self-determination.¹² Paul Néaoutyine argued that it provided a set of “common interests” that enabled each camp to transcend their positions on the question of independence.¹³ Rather than simply a means to an end, the “common destiny” embodied an end in itself that could be realised despite the different perspectives on independence.

Nevertheless, citizenship cannot be divorced from persisting concerns voiced by the pro-independence parties relating to historical and ongoing migration. According to the demographers Baudchon and Rallu, during the inter-accord period, New Caledonia

¹⁰ Interview with Roch Wamytan, 11 January 2016 (Skype).

¹¹ Interview with Simon Loueckhôte, 9 September 2016.

¹² Interview with Roch Wamytan, 11 January 2016 (Skype).

¹³ Néaoutyine, *L'Indépendance au présent*, 110.

experienced the “most significant migratory wave since the nickel boom (1967-1972).”¹⁴ Eighteen thousand metropolitans arrived between 1989 and 1996, 91 per cent of who settled in the Greater Noumea area, in part contributing to a small decline of the Kanak population as a proportion of the whole, from 44.8 per cent to 44.1 per cent.¹⁵

Frustration and sensitivity surrounding migration revealed itself just prior to the main negotiations of the Noumea Accord when, on 7 and 15 November 1997, two fishing boats carrying one hundred and ten Chinese nationals claiming refugee status arrived on New Caledonia’s shores. Cared for by the administration and local non-government organisations acting in accordance with French laws in favour of refugee protection, the Chinese citizens soon became heavily politicised as a failure of the French Government to prevent ongoing migration to New Caledonia. Pro-independence parties, according to one metropolitan newspaper, demanded their removal to France or China, calling for the “right to welcome, settlement and work still exercised by France to be returned to the people of the country.”¹⁶ Even the RPCR expressed its regret that metropolitan officials had not consulted local representatives.

But the Accord did not go so far as grant the New Caledonian Government full control over migration. Rather, migration becomes a “shared competency”, whereby the “Executive of New Caledonia will be associated with the putting into place of the regulation of the entry and stay of foreigners.”¹⁷ New Caledonia does, however, exercise certain powers in relation to the regulation of the labour market (see Chapter 8).¹⁸ However, there are no legal obstacles preventing French and European citizens from remaining in the territory, with only non-European citizens required to obtain long-stay visas for periods of more than three months spent in the territory.

New Caledonian Citizenship and the Evolution of the Political Landscape

Even though the legal status of New Caledonian citizenship is a creation of the Noumea Accord, a discursive emphasis on a shared moral community took form at the same time as the FLNKS and the RPCR experienced increasing fragmentation. In the

¹⁴ Gerard Baudchon and Jean-Louis Rallu, “Changement démographique et social en Nouvelle-Calédonie après les Accords de Matignon”, *Population* 54, no. 3 (1999), 403.

¹⁵ Baudchon and Rallu, “La Nouvelle-Calédonie après les Accords de Matignon”, 422.

¹⁶ Jean-Maurice Leclerc, “Nouméa refuse les boat people chinois”, *Le Figaro*, 18 November, 1997, 7; In its publication on June 1997, the *Conseil coutumier* (the precursor body to the Customary Senate) envisaged that migration would be transferred in 1998 to the “customary authorities”, since the right to welcome that prevailed in the matter: *Révue du Conseil coutumier*, 23.

¹⁷ Noumea Accord Section 3.2.2, Art. 21 (II) de la loi organique du 19 mars, 1999.

¹⁸ Art. 22.3 de la loi organique du 19 mars 1999.

lead up to the 1995 provincial elections, PALIKA and UC failed to agree on forming common electoral lists, headed by PALIKA President Paul Néaoutyine in the North and UC leader Roch Wamytan in the South.¹⁹ The UC proceeded to form the UC-FLNKS list in the South, prompting Néaoutyine to resign as President of the FLNKS, in turn replaced by Wamytan. Néaoutyine created the platform *Union nationale pour l'indépendance* (UNI), becoming UNI-PALIKA. According to Néaoutyine, UNI manifested the desire to:

Propose around independence a platform for opening up to the churches, associations, individuals, who are organised or not, and are able to walk the same path as us on different issues. We had proposed to [the FLNKS] this strategy of expansion of our social base. We saw in it a lever to construct a power base and win the self-determination referendum scheduled in 1998.²⁰

The division proved particularly disastrous for the UC, which failed to obtain a single seat in the South Province in 1995, and won only five of thirty-two Congress seats in 1999.

The UC experienced another division in 1997 when a number of key figures quit the party and formed the *Comité des co-ordination des indépendantistes* (CCI), including the likes of François Burck, Leopold Jorédie, Coco Hamu and Raphael Mapou, who opposed making the Bercy Accord a pre-condition for negotiating a political settlement.²¹ While remaining in favour of independence, they sided with the RPCR in desiring the avoidance of a “guillotine referendum”, preferring instead a negotiated solution bestowing autonomy within the Republic. After winning four seats in the 1999 provincial elections, they formed a power-sharing government with the RPCR, but their electoral success proved short-lived. Burck, former confidante of Jean-Marie Tjibaou, President of the UC, and arguably the most prominent non-Kanak in the party, criticised the FLNKS for its “narcissism.”²² He argued for the need to explore “how to invent different paths towards independence”, drawing on Tjibaou’s emphasis on mastering the economy, of participating in government, and in doing so convince those

¹⁹ Sarah Mohamed-Gaillard, “Les partis indépendantistes depuis les accords de Matignon” in *Nouvelle-Calédonie: Vingt années de concorde: 1988-2008*, eds. Jean-Marc Regnault and Viviane Fayaud, 80.

²⁰ Néaoutyine, *Indépendance au présent*, 195.

²¹ Comité de Coordination des Indépendantistes, Bulletin no. 3, Mars 1998 (ATNC – “Fond de F. Burck” – 1J36).

²² François Burck, “La fin de la trajectoire à la veille de 1998”, 6 (ATNC – “Fond de F. Burck” – 1J36).

who were not with them: “to convince was not a matter of speech but of the responsibilities undertaken on the ground.”²³

The anti-independence side was not immune from internal problems, mostly due to opposition to Jacques Lafleur’s personal power and shifting alliances with metropolitan political parties. During the 1995 presidential election campaign, Lafleur declared his support for Edouard Balladur against Jacques Chirac. Opposing the move, prominent local businessman Didier Léroux organised support for Chirac. In the 1996 legislative elections, Léroux, leader of *Une Nouvelle-Calédonie pour Tous* (UNCT), unsuccessfully ran against Lafleur for deputy and brought together a number of dissident members of the RPCR.²⁴ Léroux became one of the most prominent opponents of the Noumea Accord, arguing that the transfer of sovereign powers would concentrate too much power into Lafleur’s hands.²⁵

During the mid-1990s, a number of small, mostly Noumea-based associations formed in opposition to the mainstream loyalist movement, appealing to a shared New Caledonian identity. *Génération Calédonienne*, created in 1996, claimed a neutral stance towards independence, favouring large autonomy, and aimed to “lead a reflection defending the interests of local populations.”²⁶ The party, which included well-known local Europeans such as Louis-José Barbançon, Jean-Raymond Postic and Isabelle Ohlen, was critical for the failure of the anti-independence movement to acknowledge the historical circumstances underpinning sentiment for Kanak independence:

How do you make the Caledonian-Europeans understand, for the most part that the Kanak claims are not born by chance, nor are they solely aimed at acquiring the property of whites? How do we make them understand that the territory has a history that many Caledonians don’t know and which explains the majority of “the Events”, and reaction we experience daily?²⁷

²³ François Burck, “La fin de la trajectoire à la veille de 1998”.

²⁴ In the 1999 provincial elections, the UNCT combined with a number of other smaller parties under the list *Alliance pour la Calédonie*, which obtained 3 seats.

²⁵ David Chappell, “The Noumea Accord: Decolonization without Independence in New Caledonia?” *Pacific Affairs* 72, no. 3 (1999): 389. As Léroux states in one of his campaign leaflets: “Possessed by the RPCR, the absolute majority is a weapon that leads to the disregard for minorities and the regression of democratic debate.” See “Scrutin de la dernière chance” (ATNC – 1J124.2).

²⁶ Untitled document, *Génération calédonienne* (ATNC – 1J124.1).

²⁷ *Génération calédonienne* Ohlen (ATNC – 1J124.1).

These questions concerning the nature of legitimacy in New Caledonia echoed much of the debate that arose out of the controversial term “victims of history” to describe those legitimate non-Kanak members of society following the Nainville-les-Roches (see Chapter 4).

As the referendum to approve the Noumea Accord approached, the political party *Renouveau* promoted New Caledonian citizenship as a means of transcending the seemingly irreconcilable “two legitimacies” – pro-independence/loyalist – and recognising shared interests and identification with New Caledonia. In the lead up to the vote, the party held a forum at the South Pacific Community in Noumea on the topic, carrying out their own research (See Figure 4). Surveying eighty-four university students on their views, 88 per cent of students responded that they “believe in New Caledonian citizenship”, while 76 per cent of respondents agreed that citizenship “was a better way of constructing the future.”²⁸ The fact that a party conducted such an endeavour, rather than the results themselves, is significant given the negative press associated with citizenship at the time due to voting restrictions. As *Renouveau* president Thierry Valet stated, “we are not defending citizenship but rather identity. Citizenship scares more than it reassures. We need to come up with arguments that educate people. We must be a force of propositions and not opposition.”



Figure 4: Flyer for a forum on citizenship organised by Renouveau on 22 August 1998 at the South Pacific Community headquarters: “Caledonian citizenship, the youth want some clarifications.” The youth asks, “Sir, sir, will there be Caledonians from the North and the Islands?”

²⁸ Minutes from *Renouveau* meeting, 8 September 1998 (ATNC – 1J124, No. 2).

Citizenship, in this view, emphasised shared identity more than a rights-bound community. Indeed, Valet considered that “we would not be able to define citizenship unless we have a common Caledonian identity.”²⁹

The forum held by *Renouveau* included a number of political party representatives who supported the Accord. Various aspects of New Caledonian citizenship were discussed. Preparatory documents detail that the Kanak population would be *citoyens du fait* (“default citizens”), but that criteria would need to define who New Caledonian citizens are. Along with a list of normal criteria such as birth, filiation and residence, it raises the possibility of creating an independent body able to define and oversee an enrolment registry.³⁰ An idea proposed by *Renouveau* members was the possibility of free circulation between New Caledonia, Australia and New Zealand, education agreements and the recognition of diplomas across the three countries. They equally argued in favour of New Caledonian consular representation in neighbouring countries of the region. Feasibility aside, it is clear that citizenship, in this view, opened up new possibilities concerning engagement in the broader region.

Citizenship as a vehicle for the construction of a common identity was echoed by a *Comité pour la citoyenneté*, consisting mostly of a small group of Noumea-based residents, some of whom were in *Renouveau*. One of its members, Jean-Raymond Postic, wrote in *LNC* on 2 November 1998 that “our generation grew up where each camp, loyalist and independentist, held up their legitimacy against the other. Now, justifiably, by introducing a common legitimacy, this citizenship will give us the possibility to start from a new basis.”³¹ The committee aimed to lend greater content to citizenship. “Caledonian citizenship is the condition *sine qua non* of the success of the Noumea Accord. Nothing will happen without the awareness of Caledonians that they belong to the same country and a single community”... “To be a citizen, it’s to take part in the management of the city. It is necessary that Caledonians mobilise for the future of their country. It is the social cohesion that will guarantee the peace of the territory.”

Whether citizenship proved popular is of course difficult to discern. The idea of a New Caledonian identity does not appear in the Accord. Many of the smaller “third way” parties advocating citizenship tended to be geographically limited to Noumea and almost exclusively driven by non-Kanak figures. As Pierre-Christophe Pantz has

²⁹ “Pour Renouveau, pas de citoyenneté sans identité calédonienne”, *LNC*, 25 August 1998 (page number not identifiable in archive) (ATNC – 1J124, No. 2)

³⁰ Untitled document (ATNC – 1J124, No. 2).

³¹ Jean-Raymond Postic, “La chance de vivre autre chose”, *LNC*, 2 November 1998, 4 (ATNC – 1J124, No. 2).

argued, when these smaller parties allied themselves with the larger, more established parties they tended to be “punished” in the following elections.³² Conversely, opponents to the Noumea Accord, especially on the more conservative end of the anti-independence movement, decried the potential exclusion of voters stemming from the Accord, along with the introduction of shared sovereignty through the transferral of sovereign powers. The *Front National* received more than 10 per cent of the vote and four seats in the South Province in the 1999 provincial elections, which, while not challenging RPCR dominance, reflected divisions among the loyalist vote concerning the Accord.³³

If New Caledonian citizenship embodied a moral community for which there was broad political support, the extent to which it translated into a legal community proved contentious, reflecting different views on citizenship’s meaning and purpose. Was it simply a specific political mechanism strictly limited to voting rights and the protection of local employment? How would citizenship impact on government policy-making and the allocation of resources? As Jean-Pierre Djaïwé argued in the Congress, New Caledonian citizenship has a “social-economic dimension necessitating forms of positive discrimination.”³⁴ But it was clear that, while citizenship created a tear of the national republican fabric, anti-independence leaders remained vehemently opposed to the tear becoming too great.

An examination of Congress debates since the Accord shows how pro-independence parties occasionally raised New Caledonian citizenship in the context of discussions of different policy proposals. However, due to the ongoing ambiguity on the definition of citizenship, it was only following the 2007 clarification where the FLNKS began to push for expanded citizenship rights (see Chapter 7). In February 2007, during a debate on financial support for social housing applicants, the FLNKS sought to attach a five-year residency condition for recipients since local taxpayers funded the scheme.³⁵ However, the author of the government report on the issue, Philippe Gomès, rejected the idea on the basis that access to social funds and health are not included in the Noumea Accord.³⁶ Similar arguments were mobilised in relation to various government

³² Pierre-Christophe Pantz, *Géopolitique des territoires kanak: décolonisation et reconquête plurielle des territoires* (Thesis: Université Paris 1 Panthéon-Sorbonne, 2015), 128–129.

³³ The 1999 provincial elections saw the RPCR given twenty seats, the FLNKS four seats, the Alliance pour la Calédonie three seats, and the FN four seats.

³⁴ Jean-Pierre Djaïwé, Session extraordinaire, séance unique du mardi 25 septembre 2007, 4.

³⁵ Concerning the report no. 3 of 8 February 2007, *projet de loi du pays portant création d’une aide au logement*.

³⁶ Session extraordinaire de mars 2007, 22 March 2007 and 18 April 2007, concerning the *Rapport no. 3 du 8 février 2007, projet de loi du pays portant création d’une aide au logement*,

initiatives such as student scholarships and professional training places, especially immediately after 2007.³⁷ These differences of opinion on the scope of rights re-emerged on the extent and mechanisms of local employment protection from 2010 (see Chapter 8). Given their minority position in Congress and the unlikelihood of any specific legal rights outside those explicitly mentioned in the Accord being accepted by the *Conseil d'Etat* and the *Conseil constitutionnel*, pro-independence parties had little hope of success.

Following the Accord, however, New Caledonian citizenship became an important wedge issue among anti-independence political parties, especially as tensions emerged over the extent of voting restrictions (see Chapter 7). In 2004, a number of dissidents within the RPCR, including Harold Martin, Marie-Noëlle Thémereau, Philippe Gomès and members of UNCT formed *Avenir Ensemble* (AE), criticising the strongman leadership of Jacques Lafleur, which, they argued, ran contrary to the collegial spirit evoked by the Accord.³⁸ Thémereau, who led the AE electoral list for the 2004 provincial elections, referred to the RPCR's "fear" of the symbols of the common destiny³⁹. AE secured sixteen seats in the Congress and managed to defeat the RPCR in the South Province. Thémereau was eventually elected President of the New Caledonian Government, the first woman to occupy the post. In her opening address to Congress, Thémereau raised the possibility of creating a citizenship card and the possibility for New Caledonia to feature as "the name of the country on identity documents as a sign of citizenship." Reflecting its importance, Vice-President of the Government, Déwé Gorodey, became member of a new department directly responsible, among other things, for promoting citizenship and recognising identity symbols (see Chapter 9). The theme of "Caledonian citizenship" equally dominated a speech entitled *Lettre aux calédoniens* at AE's Congress on 31 March 2007:

A Caledonian citizenship that must make a single people from a mosaic of peoples in our country. A Caledonian citizenship that illustrates the extended hand of the indigenous people to the others that history tossed about until they landed on the banks of our island. A Caledonian citizenship as the dream of a

10-17. See also discussion relating to Article 6 of the *loi du pays portant création d'un régime d'aides en faveur des personnes en situation de handicap et des personnes en perte d'autonomie*, Session budgétaire de novembre-décembre 2008 et janvier 2009, 17 December 2008.

³⁷ See for example the debate on the report on the *Création du statut des élèves infirmiers de la Nouvelle-Calédonie*: Session extraordinaire, 11 June 2008.

³⁸ On the matter of collegial government see Mathias Chauchat, *Vers un développement citoyen*.

³⁹ "Déclaration de politique générale de Marie-Noëlle Thémereau, Présidente du gouvernement de la Nouvelle-Calédonie", 17 August 2004.

united country in its diversity, having cast out its old demons, having pardoned so much hurt and incomprehension. It is this citizenship that brings us together, that bears witness to our desire to live together, which lays down the path of our future together. And this Caledonian citizenship is not opposed to a French citizenship. On the contrary, it is an opportunity, that the singularity of our history within the national ensemble be recognised through a particular citizenship.⁴⁰

The bold statement might be dismissed as rhetoric, except for the fact that it took place in the month following the reform of the Constitutional Bylaw of 19 March 1999, freezing the electorate and therefore permanently excluding persons who arrived after 1998 from becoming citizenship. The differences between the AE and the RPCR in relation to the scope of citizenship crystallised following the 2007 reforms of the Noumea Accord and the introduction of stricter criteria for its acquisition. The RPCR condemned the AE for failing to openly condemn the freeze, with Harold Martin, President of the Congress, refusing debate on the matter, preventing the RPCR from passing a motion condemning the reforms.⁴¹ Local groups also mobilised against different AE-supported proposals to restrict the acquisition of particular benefits to local residents. For example, the *Association des français resident en Nouvelle-Calédonie* formed in response to attempts by the AE to introduce restrictions for flight subsidies to the metropole for education and training to persons with a given duration of residency.⁴² Martin pursued the theme of citizenship in his 2011 speech to Congress at the beginning of his new mandate, floating the idea of a “Citizenship Code” that would lend “meaning and substance to citizenship”, including an “ensemble of rules” clarifying “who is citizen, what citizen rights are, the duties of the citizen, and who can become a citizen.”⁴³

In many ways, *Calédonie Ensemble*, formed in 2009 mostly from members of the AE, have strongly promoted New Caledonian identity, manifesting in the party’s opposition to the recognition of FLNKS flag and its support for a “common flag” (see Chapter 9). The party leader, Philippe Gomès, has been criticised by other anti-independence parties for referring to New Caledonia as a “little nation”, a term avoided by most anti-independence parties because of perceptions that it threatens New Caledonia’s

⁴⁰ Philippe Gomès, “Lettre aux calédoniens”, Discours du 31 mars 2007, 14^e Congrès de l’Avenir Ensemble (Noumea: Artypo), 21–22.

⁴¹ Session budgétaire, 6 December 2006, 2-8, 149–151 (ATNC – 926W.22).

⁴² Interview with Jacques Pusset (AFRNC), 22 September 2015.

⁴³ “Déclaration de politique générale de Harold Martn, Président du gouvernement de la Nouvelle-Calédonie”, 28 November 2011.

belonging to France. Gomès sees himself as different from the other major anti-independence parties for this reason:

I am a particular type of loyalist. There are those who have remained what I call the “classic loyalist”, the “traditional loyalist.” Those are the *Républicains* [formerly the RPCR/R-UMP]. They say “France, France, France.” The particular words, “Caledonian people”... “little nation in a large nation”, for them they are swear words. Me, I have taken up that vocabulary. Yes, New Caledonia is a small nation, the Caledonian nation, in a French nation, because our history, our cultural singularity, our political evolution... our immense emancipation within the Republic, give us the characteristics of a small nation. The words “economic sovereignty”, yes I am a partisan of economic sovereignty. The less we depend on the exterior...[the more] we export.⁴⁴

Although AE and CE both promoted the idea of a New Caledonian moral community distinct from France, breaking with the Republican mould of anti-independence politics, this did not necessarily translate into support for the expansion of citizenship rights. During debates in Congress, these parties tended to oppose pro-independence parties’ proposals in favour of additional rights exclusively for New Caledonian citizens or persons with a given duration of residence.

The View from Paris and Papeete

If the Accord, through New Caledonian citizenship, partially recognised New Caledonia as a distinct legal and moral community, then how did this shape relations with the Republic and the other parts of the *Outre-mer* in the Pacific? How did metropolitan and *Outre-mer* political leaders respond to these unprecedented changes? Given the historical emphasis on the indivisibility of the French Republic, one might have expected considerable resistance from metropolitan political leaders. Historically, some metropolitan opponents to independence mobilised fears of the potential for contagion throughout the Republic to oppose independence.⁴⁵

⁴⁴ Interview with Philippe Gomès, 18 November 2015.

⁴⁵ Former Interior Minister Charles Pasqua argued in 1985 that “the defence of Bastia begins at Noumea”, in reference to the Corsican nationalist movement. See Sarah Mohamed-Guillard, *L’archipel de la puissance?* 263. In 1991, French deputies rejected a proposed revised status to Corsica that would recognise a Corsican people, whereas the Noumea Accord recognised a Kanak people, a New Caledonian citizenship and the possibility of independence. See Karis Muller, “New Caledonia: Another Corsica?” 288–302.

Jean-Jacques Queyranne, the Secretary of State responsible for the *Outre-mer* at the time of the Accord, did not deny that the Accord brought with it a significant degree of uncertainty, marking a “new chapter” in the relations between France and New Caledonia. Introducing the constitutional law on 11 June 1998 in preparation for the French Congress⁴⁶, Queyranne declared:

Like never before, major decisions, daily decisions will be made by political leaders, elected by the citizens of New Caledonia. Relations with France will continue to be passionate, contradictory and demanding. The time of the Accords of Noumea corresponds to a generation. Who can say what those of twenty years of age will say in 2018?⁴⁷

Although the territory has attracted interest from French constitutional experts, it has largely been ignored in debates on French nationality and citizenship, which remain perpetually focused on the challenges presented by migrant communities in the metropole. The relative neglect of the *Outre-mer* is compounded by the general decline of strategic importance of the Pacific region since the cessation of nuclear testing in 1996, as well as France’s declining military presence in the region.⁴⁸

In addition to being demographically and electorally insignificant, very few metropolitan elites have any intimate knowledge of New Caledonia and political culture in the Pacific region. As Laurent Cabrera, Secretary-General of the French Government in New Caledonia, observed:

I was born in 1970 and I took great interest in current affairs. So at the time, between 1984 and 1988, New Caledonia featured in the national news. So I have those memories of the people, “the Events”...therefore that’s what interested me the most. After, what is interesting and surprising is that since 1988, New Caledonia completely moved out of the political and citizen field of view of the metropole. It’s not an issue. When I announced to my friends that I am coming here, half were surprised... “is it still French?”... who knew nothing at all. But the people of my generation knew it at the time, so it means something to them, but nobody knows about the Noumea Accord. They know

⁴⁶ The Congress (fr. *un congrès*) refers to a joint-sitting of both the French National Assembly and the Senate in order to pass changes to the French Constitution.

⁴⁷ Discussion d’un projet de loi constitutionnelle relatif à la Nouvelle-Calédonie (no. 937, 972), session ordinaire de 1997-1998, 11 June 1998.

⁴⁸ François Audigier, “Convoiter les voix mais comment séduire?” in *L’Océanie convoitée: Actes des colloques*, eds. Semir Al Wardi, Jean-Marc Regnault and Jean-François Sabouret (Papeete: Api Tahiti/CNRS Editions, 2017), 264–270.

the handshake, those who are old enough, the Accords of Matignon in '88 but the Noumea Accord? Nobody knows about it.⁴⁹

Metropolitan politicians are often criticised for treating New Caledonia just like any other part of the Republic, ignoring its specific history and social and political fabric.⁵⁰ The few metropolitan figures who know New Caledonia well, like Christian Blanc, Catherine Tasca and René Dosière among others, and high-ranking public servants such as Alain Christnacht and Thierry Lataste, run the risk of being viewed as politically partisan rather than as a neutral/third party (See Chapter 9). Conversely, very few New Caledonian elected representatives have attained senior positions within metropolitan political parties or in the government. Given that New Caledonian representation in the French Parliament since the Matignon-Oudinot Accords has been almost entirely anti-independence, the Kanak independence movement has little contact with other metropolitan representatives.

The Socialist Party under the leadership of Lionel Jospin came to power following the legislative elections in early 1997, ushering in a co-habitation government with Jacques Chirac as President. However, since the negotiations had already begun under the previous RPR government led by Alain Juppé, both sides could claim some credit for the success of the Accord. For the Socialists, it was both a question of approving the work led by Jospin, it was also a matter of defending Michel Rocard's negotiations at Matignon ten years earlier. Pierre Frogier, one of New Caledonia's three loyalist representatives in the Congress, made special mention of Alain Juppé having opened discussions in 1995.⁵¹

The Congress overwhelmingly approved the constitutional law enshrining the Noumea Accord by 827 to 31, with a small number abstaining.⁵² That the Accord passed so easily can be explained by a number of factors. Its easy passage appeared to surprise some of the deputies in the Congress, especially with references to terms such as citizenship and shared sovereignty. As one speaker told the gathering:

If (the Noumea Accord) upends some concepts, so be it! ... As long as our Constitution expresses our founding principles, makes reference to the rights of man, it is completely legitimate to allow it to give life to the

⁴⁹ Interview with Laurent Cabrera, 4 October 2016.

⁵⁰ Denise Fisher, *France and the South Pacific*, 165.

⁵¹ Pierre Frogier, Discussion du projet de loi constitutionnelle du 11 juin 1998, 13.

⁵² "Scrutin public à la tribune sur le projet de loi constitutionnelle modifiant l'article 77 de la Constitution", 6 July 1998.

Noumea Accord, even if it is uncomfortable (*s'il dérange*), even if it requires a genius to compose the constitutional bylaw that will follow. The object aimed for, it is the rapprochement of the populations of diverse ethnicities. They consent to it and want to take responsibility for it. Certainly, we approach a form of federalism, but who will complain if it is experienced positively?⁵³

The National Assembly debate highlighted certain misunderstandings among deputies. In the parliamentary commission, Queyranne reminded its members that it was in fact “Caledonian citizenship” and not a citizenship limited to the Kanak alone.⁵⁴ The idea of preventing certain French citizens from the right to vote in provincial elections evidently proved difficult to swallow for some. However, such fears were generally accompanied by a feeling that safeguarding peace was paramount, and that if the Accord was to fail, they sincerely believed that political and ethnic violence would emerge as it had done during the previous decade. Moreover, given the role that the politicisation of the New Caledonian question by metropolitan political leaders had played in exacerbating tensions during the Events, speakers emphasised the importance of a unified French understanding and commitment to the country. Therefore, while it is certainly true that the Accord had broad support, it was cautious rather than passionate.

Despite the Accord's recognition of New Caledonia's singularity, for some it clearly symbolised a need to re-think how the *Outre-mer* was governed in order to better take into account their specificities and histories of colonisation. Christine Taubira, a deputy from Guyane, in addressing and supporting the Accord, stated:

It has become clear that the *Outre-mer* is a generic term that covers over extremely disparate realities, with these territories only having colonisation, slavery or convict settlement, distance from decision-making centres and the extraversion of economies in common.⁵⁵

George Othily, a senator from Guyane, equally argued that:

⁵³ Jean-Marie Girault, Congrès du Parlement, Compte rendu analytique officiel, 6 July 1998.

⁵⁴ Cathérine Tasca (Assemblée Nationale), “Rapport fait au nom de la commission des lois constitutionnelles, de la législation et de l'administration générale de la République sur le projet de loi constitutionnelle no. 937 relatif à la Nouvelle-Calédonie”, 9 June 1998.

⁵⁵ Discussion d'un projet de loi constitutionnelle relatif à la Nouvelle-Calédonie (no. 937, 972), 11 June 1998, 23.

If we are accepting these derogations, it is because we know the importance of customary law, because we are measuring the value of a citizenship necessarily specific and because we know the importance of keeping jobs.

Mr Prime Minister, other *collectivités d'outre-mer* legitimately aspire to recognition of the same rights, that the Constitution does not permit to exercise.

It is the case in Guyane where the custom of the Amerindian populations, well before the Napoleonic Code, must be taken into account by the authorities of the State, where the rate of unemployment has unfortunately grown massively and where... the attachment to the land necessitates the remaking of the land rights regime. We cannot remain deaf to these calls.⁵⁶

The principle behind citizenship of New Caledonia clearly resonated among some *Outre-mer* representatives as a means of bestowing recognition of identity. Certainly, the Guyane case is particularly significant given certain similarities with New Caledonia, such as competing claims between indigenous Amerindian and creole populations within the framework of Republican law.

However, other *Outre-mer* representatives expressed concerns of a potential domino effect generated by the Noumea Accord, leading to a multiplication of claims against the French Government.⁵⁷ One deputy from Réunion abstained from the vote because he feared that the Accord was too great a step, taken too quickly and that it would only temporarily prevent the problems underlining the various tensions.⁵⁸

The impact of the Noumea Accord was particularly important for French Polynesia, where a strong indigenous self-determination movement advocating independence had emerged soon after the Second World War. Indeed, the origins of the Mao'hi independence movement run deeper than those in New Caledonia. Only 64 per cent

⁵⁶ Georges Othily, Congrès du Parlement, Compte rendu analytique officiel, 6 July 1998

⁵⁷ Dominique Bussereau, Assemblée Nationale, 11 June 1998.

⁵⁸ Georges Othily (*groupe du Rassemblement démocratique et social européen du Sénat*): "As for my colleague from Réunion, Lylian Payet, he prefers to maintain a certain distance from too quick a step, which he fears will be interpreted as an abandonment. By abstaining from the vote, he shows his concerns concerning the likely success of the proposed solutions, doubting that the tensions linked to New Caledonia's status will be temporarily satisfied" (Congrès du Parlement, Compte rendu analytique officiel, 6 July 1998).

of French Polynesian voters voted “yes” in the referendum approving the 1958 Constitution, the second lowest approval after Guinea. Following the commencement of nuclear testing in Moruroa from 1962, pro-independence sentiment intensified. However, unlike New Caledonia, where settlers dominated local political life and support for independence remained largely limited to the indigenous population, Polynesia’s indigenous population is split between pro-autonomist and pro-independence parties.⁵⁹

Until the Noumea Accord, the territory enjoyed more substantial political autonomy than New Caledonia thanks to its 1984 status. However, following the Accord, the French Polynesian anti-independence leader Gaston Flosse called for a reform of the 1984 status to affirm the political autonomy of the territory as a *pays d’outre-mer*.⁶⁰ Within his proposed reforms, there would be a “Polynesian citizenship.”⁶¹ However, contrary to citizenship of New Caledonia, it did not envisage any form of political rights. Rather, Polynesian citizenship would facilitate protection of local employment, similar to New Caledonia, and provide a basis for land ownership.⁶² Such measures were considered to more firmly mark the Polynesian identity within the Republic. Indeed, in the context of discussing the Noumea Accord at the National Assembly, Polynesian deputy Michel Buillard argued that the territory’s cultural and linguistic unity and specificity should allow it to also enjoy a citizenship.⁶³ The archrival of Flosse, the pro-independence leader Oscar Temaru, argued in favour of a “Ma’ohi citizenship” that, like New Caledonia, would eventually translate into a nationality.⁶⁴ Republican members of the Assembly expressed opposition to the idea of citizens who could vote, yet not have the right to work. The proposed introduction of a Polynesian citizenship did not see the light of day as the 1999 statute for Polynesian autonomy failed to reach the French Congress due to matters totally unrelated to the French Polynesian statute. When a new reform finally passed in 2004, the idea of a Polynesian citizenship disappeared.

⁵⁹ Gonschor, “The Illusion of Autonomy and the Ongoing Struggle for Decolonization in French Polynesia”, 265–266.

⁶⁰ It is important to note that in French Polynesian political life, self-described “autonomists” such as Flosse tend to deploy that label in opposition to the independence movement and in support of ongoing French sovereignty.

⁶¹ Gaston Flosse, “La citoyenneté de pays: l’exemple de Polynésie française”, *Revue juridique de Polynésie*, no. 5, 1999.

⁶² Assemblée de la Polynésie française, “Rapport no. 047-99 concernant l’avis de l’assemblée de la Polynésie française sur l’avant-projet de loi constitutionnelle relatif à la Polynésie française”, 1 April 1999; For an analysis see Hélène Simonian-Gineste, “La Polynésie française: une collectivité à l’autonomie évolutive: acquis et perspectives”, *Révue Miroirs* (En ligne) 1 (2014), 16–37. Available: <http://www.revuemiroirs.fr/links/Article1.pdf>

⁶³ Assemblée Nationale, “Rapport no. 972 par Cathéine Tasca au nom de la commission des lois constitutionnelles, de la législation et de l’administration générale de la République sur le projet de loi constitutionnelle (no. 937) relatif à la Nouvelle-Calédonie”, 10 June 1998.

⁶⁴ Terence Wesley-Smith, Gerard Finin, Tarcisius Karbutulauka, “An Interview with Oscar Temaru”, *The Journal of Contemporary Pacific* 25, no. 2 (2013), 300–307.

Similarities between New Caledonia and French Polynesia equally concern the difficult conceptual relationship between citizenship and identity. In the New Caledonian case, the affirmation of a citizenship of New Caledonia sought to deliberately avoid any purported ethnic or cultural element. In French Polynesia, the terminology of Polynesian citizenship contrasted with that of a Mao'hi citizenship, which some indigenous people have argued marginalised certain groups within French Polynesia who do not identify as Mao'hi. The difficulty of reconciling a common citizenship within France that takes into account the historical struggle of their indigenous populations have characterised both New Caledonia and French Polynesia. The 2013 re-inscription of French Polynesia on the UN List of NSGTs, following that of New Caledonia in 1986, recognises a decolonisation process in which the right to self-determination has yet to have satisfactorily taken place.

New Caledonia and Wallis and Futuna: A Special Relationship?

New Caledonia is wedded to the territories of French Polynesia and Wallis and Futuna through their sharing of French citizenship, not to mention their shared usage of the Pacific franc currency.⁶⁵ But relations with Wallis and Futuna are especially consequential because of the large Wallisian and Futunian community in the territory, today accounting for more than 10 per cent of the New Caledonia's total population, which outnumbers the entire population of Wallis and Futuna. However, their presence pre-dates French colonisation, with a number of voyagers from Wallis having arrived and settled in Ouvéa during the mid-eighteenth century.⁶⁶ Arrivals began mostly during the thirty years following the Second World War in order to make up for the shortfall in local labour. After the territory's protectorate status ceased in 1961 and its population acquired French citizenship, larger numbers began to arrive, especially in the wake of the "nickel boom." Considerable resentment fell upon the community from the pro-independence movement as Kanak, Wallisians and Futunians tended to compete in similar, un-skilled sections of the economy. The participation of Wallisian and Futunian men in pro-French militias during the 1980s resulted in them being accused of being European lackeys and party to colonial repression.⁶⁷

As French citizens, Wallisians and Futunians enjoy full rights to circulate throughout the Republic. With little in the way of local economic opportunities, in most cases migration

⁶⁵ Fisher, *France in the South Pacific*, 288.

⁶⁶ Finau *et al.* *Tāvaka lanu 'imoana: mémoires de voyages*.

⁶⁷ Sylvette Boyer, *Les Wallisiens de Païta* (Masters diss.: Université Bordeaux II, 1985)

has involved men leaving to look for work, who connect with members of their family already settled in the territory, followed by their wives and extended family.⁶⁸ Though social, cultural and economic ties remain very close between the two territories, younger generations of Wallisians and Futunians who have grown up in New Caledonia do not necessarily have affective ties. As Sutita Sio-Lagadec, *Calédonie Ensemble* member of the South Province observed:

I am born here. I only know New Caledonia. When I go overseas and come back, my homeland is in Mont Dore. Now I am in Noumea. I have only been to Wallis and Futuna once. And that's the case for most of the young Wallisians and Futunians. My brothers and sisters, they've never been to Wallis and Futuna. I am the only one. I stayed for three days for a professional trip. I went over there and they asked me if I am home. But, really, it was the first time I went there, the first time I saw the land of Wallis and Futuna. How can I feel at home over there?⁶⁹

The prospect of a more rigid legal distinction between New Caledonians and other French citizens within the Noumea Accord, therefore, creates a dilemma for both New Caledonian Wallisians and Futunians and their kin in Wallis and Futuna. Acceptance of their right to entitlements are mitigated by perceptions that many come to New Caledonia solely to benefit from its better quality of life.

Such views are rejected by Wallisians and Futunians interviewed, despite their different views on independence, with a strong emphasis on their important economic contribution to the territory. For example, Aloisio Sako, leader of the *Rassemblement Démocratique Océanien* (RDO), an affiliate of the FLNKS, recalled how his father came to New Caledonia in the 1950s in response to New Caledonia's need for labour on the Yaté Dam.⁷⁰ Through emphasising the *need* for their labour, Sako is able to distinguish the Wallisians from being those who simply wish to take advantage of a better life. Kalisito Musumusu instead emphasises, with humour, the positive attributes of Wallisians and Futunians as good workers and capacity for learning new skills:

The guy leaves Wallis or Futuna, the only time he has worked masonry, it's in the building of churches. So he has a little knowledge. He goes to see the boss. [The boss asks] Do you know how to do formwork?

⁶⁸ This was the example of two interviewees, Aloisio Sako and Musumusu Kalisito.

⁶⁹ Interview with Sutita Sio-Lagadec, 2 June 2016.

⁷⁰ Interview with Aloisio Sako, 28 October 2015.

“Yes.” You know how to make foundations? “Yes.” The guy has never worked in his life since his arrival...the first thing he does is to go and ask a cousin who is a mason [to teach him].⁷¹

Like Sako, Musumusu reinforces Wallisian belonging and entitlement by virtue of their positive economic contribution to New Caledonian society, rather than their French identity. However, even Sako, who supports independence, iterated that he has a deep love for France that is widely shared among Wallisians and Futunians, one that comes from their particular history as a French protectorate and the strong role of the Catholic Church.

Apart from the Kanak, the Wallisian and Futunian community is the sole group with its own clause in the Noumea Accord: “the relations between New Caledonia and the islands of Wallis and Futuna will be defined by a particular Accord. The organisation of the services of the State will be distinct for New Caledonia and this territory.”⁷² One week following the signing of the agreement, Secretary of State Queyranne flew to Wallis and Futuna to reassure local representatives that the expatriate community in New Caledonia would not be threatened by the Accord, even if it did signify that the relationship between New Caledonia and Wallis and Futuna would evolve.⁷³ In an interview with *LNC*, Queyranne observed:

The King Sigave [of Futuna] knows New Caledonia well and he was telling me that he had read the Accord of Noumea attentively. First, however, I must note that the RPCR and the FLNKS made a point of having a representative of Wallis in their ranks in order to show that the Wallisians are full members of the community living in New Caledonia. For the community who is currently living there, there is no risk. I want to reassure the Wallisians and the Futunians, all those who have family on site, that they have nothing to fear and there is no question that they leave New Caledonia. As to the relations between the two Territories of Wallis and Futuna, and New Caledonia, evidently it will be necessary to manage them because we need to look from the perspective that the competencies that will be transferred to the territory of New Caledonia.

⁷¹ Interview with Kalisito Musumusu, 2 October 2016.

⁷² Noumea Accord Orientation Document, 3.2.1.

⁷³ “Jean-Jacques Queyranne a tenu à rassurer wallisiens et futuniens”, *LNC*, 11 May 1998.

Because of that, the relations between Wallis and Caledonia will be new ones.⁷⁴

In spite of these reassurances, the headline of the newspaper article – “we must try to keep the populations there” – sent the message that unfettered migration to New Caledonia was no longer possible or desirable and that particular policies would need to be introduced in order for that to be the case.

An initial declaration between representatives of the territories and the State was signed on 4 April 2000 in line with the constitutional bylaw of the Noumea Accord (even though this document called for an Accord to be signed by no later than 31 March). This was followed by an *Accord particulier entre l'Etat, la Nouvelle-Calédonie et le Territoire des îles de Wallis et Futuna*, signed on 1 December, 2003, elaborating further on the nature of these new relations. The Accord committed the parties to facilitate economic development and job creation in Wallis and Futuna with a view to maintain the population in the territory. It also created a commission that would meet regularly to discuss the progress of the agreement. However, as a “framing agreement”, the *accord particulier* did not provide any particular concrete measures, thwarted by both a lack of financial and political commitment. As Musumusu described, it remained a skeleton:

This accord is interesting for us. But it is an empty agreement. Everything remains to be put in place. I won't speak about competencies because I don't want to clash with our leaders in Wallis but the tools are theirs. All they need is to work, to come and discuss and present some ideas. Now, there is nothing. The *accord particulier*, for me, if it had been followed up well it would have been a great opportunity. They could have created something, especially now with the training that's provided everywhere, the discovery of rare earth, polymetals. So, today, there is a lot to do. There just needs to be some will.⁷⁵

Efforts at reconciliation and mutual recognition between Kanak and Wallisian and Futunian communities, both by public institutions, customary authorities and more localised initiatives, have gone some way to improving the relationships between the

⁷⁴ “Jean-Jacques Queyranne aux wallisiens et futuniens: il faut essayer de maintenir les populations sur place”, *LNC*, 10 May, 1998.

⁷⁵ Interview with Kalisito Musumusu, 2 October 2016.

communities. As Sako explains, while it is true that many Wallisians and Futunians continue to support anti-independence parties, he attributes this to the ongoing forms of structural dependence and clientelism towards Europeans. For he and his party's adherents, it is realising that they have much in common with the Kanak, above all a sense of shared Oceanian identity, which brings them together.

There are clear signs that the independence movement has come to accept the legitimacy of the Wallisian and Futunian community as equal members of the political community, though the FLNKS often expresses contradictory messages. For example, in one debate in the South Province Assembly on the South Province finances in 2014, Roch Wamytan highlighted the perceived burden of migration on the health sector in recent years:

Contrary to what certain people want to make us believe, this is the impact of external immigration – that is, metropolitan immigration – that is impacting our country...I want to say straight away that it is far from a racist idea or a rejection of these people who come to live here in our country voluntarily. We respect them profoundly. We consider them not as pariahs or invaders. Many of us, moreover, are *métis*. I am speaking of a policy Mr President, a policy undertaken and thought of by the State. I am speaking about decolonisation and emancipation, concerning the application of the dispositions of the Decolonisation Charter of 1960 that outlaw the colonial powers from favouring the transfer of its nationals to its non-autonomous territories, and in this way depriving them of the possibility of exercising self-determination in the best conditions possible.⁷⁶

His UC-FLNKS colleague Jacques Lalié singled out “Polynesian immigration”, arguing that “you certainly have these distributions of social assistance after six months, so they are not citizens.”⁷⁷ In addition, he accused the French Government for failing to compensate the *Centre Hospitalier Territorial* (CHT) in Noumea for providing specialist care to patients from Wallis and Futuna, to the tune of two billion francs. The competing conceptions of citizenship ring true throughout the assembly debate. Lalié continued:

⁷⁶ Compte rendu intégral des débats, 2ème séance, 29 October 2014, 17.

⁷⁷ 2ème séance, 29 October 2014, 25

I distinguish between the citizens. Among the citizens, there are many more Wallisians here than in Wallis, but we do custom with them. We have Wallisians with us. Therefore, there is no need to say we are racist. I am simply saying this in relation to the financial problems concerning social welfare in New Caledonia.

Opposing views within the chamber questioned Lalié's premise. Philippe Michel argued that patients treated under the CHT agreement received specialist treatment and did not wish to reside in New Caledonia. Philippe Blaise did not deny the migration, but the idea that migrants did not contribute economically:

These people who come are not children...they are not sick people. They are people who work and who come to the South. They do not vote. We have made sure they do not have the right to vote. Yet, they pay taxes. They pay so much tax that the South Province pays 90 per cent of total taxes. Yet, the South Province only receives 50 per cent of the provincial grants. That is a reality!⁷⁸

Such debates convey the importance of the rights and obligations associated with New Caledonian citizenship for Wallis and Futuna, which become more complicated still in the event of New Caledonian independence. While there is a seemingly widespread recognition of the moral legitimacy of Wallisians and Futunians within New Caledonia, the extent to which they form part of the legal and political community remains contested. The relations between New Caledonia and Wallis and Futuna remain still to be defined. As recently as late 2016, a new agreement was made between the health agencies of both New Caledonia and Wallis and Futuna aiming to “contribute to the development of the health system of New Caledonia, and to the reinforcement of the quality and of the security of care provided to the populations of Wallis and Futuna.”⁷⁹ The agreement consisted of three conventions between the different parties (New Caledonian Government, representatives of Wallis and Futuna, the *Centre hospitalier territorial* and the CAFAT⁸⁰, which covered the conditions of access to New Caledonian hospitals and the mechanisms facilitating the evacuation of patients from Wallis and Futuna. Wallis and Futuna continue to face severe social and economic challenges

⁷⁸ 2ème séance, 29 October 2014, 26.

⁷⁹ “Discours de M. Philippe Germain, Président du gouvernement de la Nouvelle-Calédonie”, Signature de la convention cadre de coopération entre la Nouvelle-Calédonie et l’Agence de santé de Wallis-et-Futuna’, 8 December 2016.

⁸⁰ The *Caisse d’allocation familiales et d’accidents du travail* (CAFAT) is the New Caledonian social security agency.

however. As one recent study highlighted, many young Wallisians who undertake their tertiary studies are resigned to search for work in France or New Caledonia unless they can secure a position in the local public service.⁸¹

New Caledonian citizenship endows the territory with a distinct moral existence within the French Republic, which manifests in the recognition of particular rights. This chapter has shown that the idea of a common citizenship has proven popular as a means of transcending political bipartisanship on independence. In particular, dissident parties have expressed a commitment, at least rhetorically, to citizenship as the basis for a common destiny in more than purely symbolic terms, addressing the legitimacy questions provoked by Kanak self-determination. However, while there is broad recognition of New Caledonia as a moral community, the extent to which this materialises into a legal community, in the sense put forward by Walzer, remains heavily contested. Pro-independence parties continue to employ New Caledonian citizenship as a rationale for certain restrictions to rights and conditions for accessing public goods. Anti-independence parties have tended to emphasise, though to different degrees, an adherence to a literal interpretation of the Noumea Accord preventing any expansion of citizenship's scope. The middle ground has remained relatively small.

The idea of New Caledonian citizenship provoked a mixture of concern and inspiration. Concern because of the potential damage to France's republican indivisibility, and inspiration because of its potential to act as a catalyst for re-thinking governance of the *Outre-mer*. New Caledonian citizenship has certainly provided an attractive idea in French Polynesia as a means of transcending their own political divisions on independence; however, there too, constructions of "Polynesian/Mao'hi" citizenship remain captured by different visions for its purpose. Finally, the local push for additional rights associated with New Caledonian citizenship presents challenges for New Caledonia's close relationship with Wallis and Futuna, yet to be defined in the long-term. Questions over their acceptance within the moral community, historically contested within the pro-independence movement, have subsided somewhat since the Noumea Accord. However, this legitimacy is not unconditional, and the FLNKS continues to express concern about the burden of migration from Wallis and Futuna. In this way, this chapter highlights how New Caledonian citizenship, and the scope of the

⁸¹ Alice Jacobs and John Overton, "Tout le monde a sa place? MIRAB, Education and Society in Wallis and Futuna", *Island Studies Journal* 12, no. 1 (2017), 151–168.

political community, has more far-reaching implications than in just New Caledonia alone, which will form part of the discussions in the critical period ahead.

Chapter 7: “Touche pas mon vote!” Voting Rights for the Provincial Elections and the 2018 Consultation

The right to vote has long been, and continues to be, one of the most sensitive political issues in New Caledonia. The creation of a link between citizenship of New Caledonia and the right to vote in elections determining the provincial assemblies and the Congress only reinforced its importance. Democratic rights are widely seen as central markers of individual citizenship, not to mention human rights. However, New Caledonia deviates from this norm due to the decolonisation process.

There is growing recognition of instances where the right to vote is not neatly bound to the nation-state, reflecting the evolving relationship between people, place and membership in a political community in a globalising world.¹ For example, the 1992 Treaty of the European Union saw the right to vote in local-level elections given to all European citizens, as well as voting and standing for office in European elections, irrespective of their state of residence.² However, less attention has fallen on how decolonisation affects voting rights, especially in overseas territories like New Caledonia, where metropolitan laws and norms continue to play a major role in territorial governance.

This chapter examines the contests that have emerged over voting rights since 1998 in relation to both the provincial elections and the consultation in 2018.³ Although it details some of the more technical, legal aspects of the debate explored by local and metropolitan legal scholars, it is primarily concerned with how local actors contested their inclusion or exclusion within the political community. Furthermore, it explores the voting rights issue against the backdrop of an evolving political landscape. In doing so, it goes beyond objective definitions of citizenship presented in jurisprudence and identifies competing ideas of belonging and membership.

¹ Sarah Song, “Democracy and Noncitizen Voting Rights,” *Citizenship Studies* 13, no. 6 (2009): 607–620; Rainer Baübock, “Stakeholder Citizenship and Transnational Political Participation: A Normative Evaluation of External Voting,” *Fordham L. Rev.* 75 (2006), 2393–2447.

² Art. 22 of the Treaty of the European Union.

³ It is important to note that restriction of suffrage in relation to the provincial assemblies was discussed in 1988 during the negotiations of the Matignon-Oudinot Accords but it was considered to potentially undermine the success of the peace settlement between pro and anti-independence factions. See Section 6 of “Texte 2: Dispositions institutionnelles et structurelles préparatoires au scrutin d’auto-détermination”, Matignon-Oudinot Accords, 26 June, 1988.

The Noumea Accord introduced three distinct and overlapping electoral lists: the general electoral list comprising all French citizens, the special electoral list for the consultation in 2018 and the special electoral list of citizens of New Caledonia. Table 4 points to the different elections in which each group of voters can participate:

Table 4: Voting lists and political representation in New Caledonia

List	Election	Representation
General Electoral List (All French citizens)	Municipal elections	33 communes
	Legislative elections	2 representatives in the French National Assembly
	Senatorial elections	2 senators
	Presidential elections	President of the Republic
	European elections	1 member of the European Parliament
Special Electoral List (New Caledonian citizens)	Provincial elections (which also determine the Congress)	54 members of Congress (see Annexe III)
Special Electoral List for the Consultation	Consultation on independence in November 2018	

The legal category of citizenship of New Caledonia is restricted to those on the special electoral list. This restriction serves an important political function, curtailing the influence of more recent migrants at the ballot box, a central condition demanded by the FLNKS as part of the broader political settlement begun under the Noumea Accord. However, French citizens retain their voting rights in all other elections with the exception of the consultation.

Although citizenship relates solely to the provincial elections and the Congress, it indirectly connects to who can participate in the referendum because the balance of power in the Congress will shape the path trodden beyond the 2018 referendum process. The Accord stipulates that three-fifths of Congress must approve arrangements for the consultation, which ensures that the loyalist and European-dominated South Province, with thirty-two of fifty-four seats, cannot alone determine its course.⁴ That only one-third of councillors must approve a second and third

⁴ Art. 191-192 *de la loi organique du no. 99-209 19 mars 1999*, hereafter simplified as the Constitutional Bylaw.

referendum in the event of a negative result largely ensures that the independence movement could achieve this without need for loyalist support.

Furthermore, citizenship forms the basis of a future nationality, depending on the outcome of the 2018 referendum. In other words, it serves as a basis for a people-building exercise by defining the contours of the political community. As then French Prime Minister Lionel Jospin stated in the wake of the signing of the Noumea Accord, the “restricted electoral body is... one of the symbols of recognition of a citizenship of New Caledonia.”⁵ The “special voter card” remains the only visible individual marker distinguishing New Caledonian citizens from the rest of the population.

Placing the Cursor: Defining New Caledonian Citizenship

The criteria for the acquisition of New Caledonian citizenship are set out in Article 188 of the Constitutional Bylaw of 19 March 1999 (see Annexe VI). These include satisfying the conditions to vote in the referendum on 8 November 1998, inferring a residency period in New Caledonia of ten years at the time of that referendum⁶; those placed on the “auxiliary register”⁷ who have attained ten years of residency at the date of the election; and those who reach adulthood after the referendum on 8 November 1998 but have parents who satisfy the requisite conditions.

The constitutional bylaw establishes filiation (parent to child) and duration of residence as the primary means of acquiring New Caledonian citizenship. Unlike some states, however, there are no formal procedures of naturalisation, such as language proficiency or passing a citizenship test. Spouses or *de facto* partners of New Caledonian citizens cannot acquire New Caledonian citizenship by virtue of their union. Moreover, it excludes the automatic bestowal of citizenship based on birthplace in the territory and ethnic identity as a basis for enrolment. As François Garde observes “citizenship of New Caledonia is the opposite of an ethnic citizenship, even a bulwark

⁵ “Déclaration de M. Lionel Jospin, la signature de l’Accord de Nouméa du 21 avril sur les principes de l’organisation politique et sociale de l’Ile, et le suivi de l’application de l’accord, Nouméa, 5 mai 1998”, Available: <http://discours.vie-publique.fr/notices/983001393.html>, Accessed on 7 July 2016.

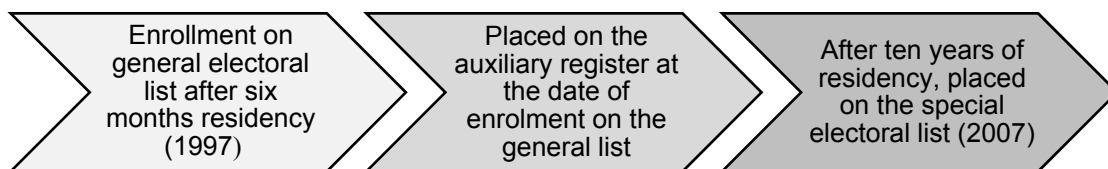
⁶ Recalling that Article 2 of the *loi no. 88-1028 du 9 novembre 1988* stipulated that those eligible for 1998 referendum are “voters enrolled on the electoral lists of the territory at the date of this consultation *and* who have their residence there since the date of the referendum approving the present law.”

⁷ French jurisprudence refers to this as the *tableau annexe*. The English translation as “auxiliary register” is taken from a number of articles published in English by local legal scholar Mathias Chauchat.

against this perspective. In order to transcend the Kanak/non-Kanak cleavage the distinction between citizen and non-citizen was invented.”⁸

Individuals who arrived in New Caledonia and enrolled on the general list prior to 8 November 1998, but did not satisfy the duration of residency required for New Caledonian citizenship are placed on the “auxiliary register” referred to above. Once the special administrative commission received proof of ten years continuous residency, they were subsequently transferred to the special electoral list (Figure 5).

Figure 5: Basic process for enrolment of French citizens on special electoral list for the provincial elections and the Congress for an individual arriving in 1997



The Constitutional Bylaw of 19 March 1999 allows interruptions to continuous residency provided they are for medical, professional or family reasons, such as military service or tertiary studies. A case at the *Cours de cassation* in 2005 tested this law. Félix Kilikili, born in New Caledonia in 1971, left the territory in 1993 for military service in the metropole.⁹ However, in 1995 he took up a position in the public service in France where he remained until 2001, when he returned to New Caledonia. Because Kilikili was deemed to have “voluntarily stayed” in the metropole between 1995 and 2001, Noumea’s *Tribunal de première instance* opposed his admission to the special electoral list. However, the *Cours de cassation* overturned this decision, siding with Kilikili’s argument that the Noumea Accord aimed to prevent new arrivals from influencing the elections, not people with strong New Caledonian links, and that his time in France counted as a justifiable professional interruption to his New Caledonian residency. The Kilikili example, as with a number of other cases, demonstrated the diverging interpretations of the Noumea Accord by French courts, often divided between a reading based on “the letter” and “the spirit” of the law. Patrice Jean, commenting on the case, noted the irony that an individual found his New Caledonian citizenship refused in Noumea, but granted in France.¹⁰

⁸ François Garde, “Naissance et avatars de la citoyenneté calédonienne”, 587.

⁹ Cours de cassation, No. B 0560.166, 26 May 2005.

¹⁰ Patrice Jean, “Jurisprudence judiciaire – Droit électoral: L’arrêt Kilikili du 26 mai 2005: la Cour de cassation accorde plein droit électoral à un natif de Nouvelle-Calédonie bien qu’il ait vécu en

Félix Kilikili was not the sole case that tested the legality of New Caledonia's electoral restrictions. Bruno Py, a university law lecturer who moved to take up a position in Noumea in 1995, was prevented from enrolling on the special electoral list for the 1999 provincial elections. After failing to overturn the decision at the *Cours de cassation*, Py took the matter to the European Court of Human Rights (ECHR) and claimed that the suffrage provisions deprived him of rights guaranteed to him by both his French and European citizenship. In ruling against him, the court argued:

New Caledonia today knows a peaceful political situation and pursues its political, economic and social development. From this, the history and the status of New Caledonia are such that they can be considered "local necessities", legitimising the restrictions brought to the right to vote of the plaintiff.¹¹

Contrary to the *Conseil constitutionnel*, this ruling recognised the singularity of New Caledonia's history and citizenship's role underpinning the political equilibrium. The voting restrictions played an essential role in bringing about the decolonisation process:

The ten-year residence requirement had been imposed with the aim of ensuring that ballots reflected the will of the population concerned and their results were not affected by mass voting by recent arrivals in the territory that did not have strong ties with it. Furthermore, the restriction of the right to vote was intended as a direct and necessary consequence of establishing New Caledonia's citizenship. The applicant was not affected by the acts of New Caledonia's political institutions to the same extent as resident citizens.¹²

The court's statement that Py was not affected by New Caledonia's political institutions in the same way as resident citizens counters many of the moral arguments mobilised by opponents to suffrage restrictions up until the present day – that despite paying taxes and being impacted by local government decisions they cannot participate in local political life. However, the ruling included an important caveat that voting restrictions were limited to the Noumea Accord period ended by the consultation(s), a

metropole de 1993 à 2001", *Révue Juridique Politique et Economique de Nouvelle-Calédonie* 6, no. 2 (2005), 56.

¹¹ ECHR, *Py v. France*.

¹² ECHR, *Py v. France*.

considerable point of contention between pro-independence and loyalist parties.¹³ Local groups made additional legal challenges as far as the ECHR and the UN Human Rights Commission.¹⁴ In the latter case, the plaintiffs argued that electoral restrictions transgressed the 1966 *International Covenant of Political and Civil Rights*. However, the court maintained the “criteria established are reasonable to the extent where they apply strictly and uniquely to elections located within a process of self-determination.”¹⁵

Another dilemma presented by voting restrictions concerned whether the date on which residency commenced referred to their arrival in the territory, or the date on which they enrolled on the general list, since some individuals for various reasons did not update their enrolment details despite in some cases having lived there for significant periods. In one case, Madame Jollivel arrived prior to 8 November 1998 but did not enrol until 2007. The *Cours de cassation* ruled Jollivel could not enrol on the special electoral list, referring to the 2007 modification of the Constitution (see below), noting the auxiliary register is “that which was established at the time of the referendum on 8 November, 1998.”¹⁶

Debate in the Aftermath of the Accord

The electoral restrictions received major attention from political leaders and the local press in the aftermath of the Accord’s signing. In its coverage on 23 April 1998, *Les Nouvelles Calédoniennes* pointed to it as one of the three major outcomes of the agreement, alongside “power to the Caledonians” (referring to the transfer of government powers) and “Kanak identity recognised.”¹⁷ However, it quickly became the focus for the “no” campaign in the lead up to the referendum on the Accord, attracting the attention of conservative and sovereigntist metropolitan movements such as the *Front national* and the *Mouvement pour la France*.¹⁸

Even prior to the referendum, a small collective known as the *Association de la défense du droit du vote*, unsuccessfully challenged the legality of the 8 November referendum on the basis that it contravened democratic rights guaranteed by various

¹³ Jean Courtial and Félix Mélin-Soucramanien, “Réflexions sur l’avenir institutionnel de la Nouvelle-Calédonie”, Rapport au Premier Ministre (Paris: la documentation française”, 2014), 40.

¹⁴ Jean-Yves Fabéron, “Nouvelle-Calédonie: Vivre l’Accord de Nouméa”, *Révue française d’administration publique* 101, no. 1 (2002), 54.

¹⁵ Cited in Jean-Yves Fabéron, “Nouvelle-Calédonie: Vivre l’Accord de Nouméa”, 54.

¹⁶ Cours de cassation, No. de pourvoi: 11-61169, 16 November 2011.

¹⁷ “Les grandes lignes de l’Accord”, *LNC*, 23 April, 1998, 2.

¹⁸ It is worth noting that the metropolitan negotiations concerning the Noumea Accord took place during the football World Cup hosted by France.

international agreements to which France was a signatory.¹⁹ The RPCR, historically opposed to electoral restrictions, maintained that it was necessary for peace and stability. Having possessed a majority in each of the provincial elections since the Matignon-Oudinot Accords, the restriction of citizenship did not threaten the political position of the RPCR as the dominant party of the territory. Jacques Lafleur expressed his confidence that by the time 2014-2018 approached, history would repeat itself, and New Caledonians would choose a consensual solution over a “guillotine referendum.”²⁰

Following the success of the 1998 referendum, Secretary of State for the Overseas Jean-Jacques Queyranne issued the draft bill for public consultation, finally becoming law on 19 March 1999. However, controversy arose in relation to the legal interpretation of the *Conseil constitutionnel* on 15 March with important implications for the delimitation of the electoral body. It centred on the definition of the auxiliary register of individuals who did not satisfy the duration of residency to participate in the referendum of 8 November 1998, and whether or not this list was “sliding” or “frozen” (see Table 5).²¹ According to the Council’s interpretation:

The special electoral list and the auxiliary register are permanent and are the object of a revision and rectifications.” “The result of these mechanisms is that the auxiliary register includes at any moment the voters enrolled on the electoral lists of New Caledonia but who are not admitted to participate in the election of the provincial assemblies and of the Congress.²²

In addition, they concluded that eligible voters in the provincial elections and the Congress are those “who, at the date of the election, figure on the auxiliary register of article 189 and who have resided in New Caledonia for ten years, whatever the date of their establishment in New Caledonia, even posterior to 8 November 1998.” The judgement, in their view, stemmed from an interpretation of the preparatory documents of the French Parliament and “respect of the Noumea Accord.”

¹⁹ *Conseil d’Etat*, No. 200286, 30 October 1998.

²⁰ Sarah Mohamed-Guillard, “De la prise de possession à l’accord de Nouméa”, 183.

²¹ Cathérine Tasca (Assemblée Nationale), “Rapport sur le projet de loi constitutionnelle (no. 1624) relatif à la Polynésie française et à la Nouvelle-Calédonie”, 2 June 1999.

²² *Conseil constitutionnel*, *decision no. 99-410 DC* du mars 1999.

Table 5: Different interpretations of the electoral body post-1998²³

Sliding Electorate	Frozen Electorate
<p>The auxiliary register refers to an electoral list established in the lead up to the 1998 referendum for persons not satisfying the necessary conditions to participate (ten years residency). Persons on this list can subsequently be transferred to the special list for the provincial elections after having obtained ten years of residency.</p>	<p>The auxiliary register refers to an electoral list established in the lead up to the 1998 referendum for persons not satisfying the necessary conditions to participate <i>in that referendum</i> (ten years residency). Only persons already on this list by the time of the 1998 referendum can subsequently be transferred to the special electoral list.. Persons who have arrived after 8 November 1998 cannot vote even after ten years of residence.</p>

The *Conseil constitutionnel*, in adopting the “sliding” electorate interpretation, enabled persons who arrived in New Caledonia after 8 November 1998 to acquire New Caledonian citizenship once they attained ten years of residency. For example, a person who arrived and enrolled on the general electoral list in 1999 would be eligible to enrol on the special electoral list in 2009. This interpretation immediately triggered opposition from the FLNKS, which maintained that the Accord was signed on the basis of a “frozen” electorate. According to this view, the auxiliary register was established at the time of the referendum on 8 November 1998, preventing migrants who arrived after this date from voting in the provincial elections.

The decision of the *Conseil* reflected an underlying tension between the interpretation of juridical texts and their significance in relation to the broader political context in New Caledonia. René Dosière, the Socialist deputy chairing the Commission of Laws for the French National Assembly, later criticised the decision of the *Conseil*: “Re-reading the commentary of the Secretary-General [of the *Conseil*] at the time, I see his incapacity to rise above a strictly juridical reasoning, ignoring even the political consequences of his ideas when the Parliament had a far greater vision.”²⁴

²³ Derived from Assemblée Nationale, “Rapport no. 3506 de M. Didier Quentin”, 6 December 2006.

²⁴ Intervention by René Dosière, “L’Accord de Nouméa au Parlement” in *La Nouvelle-Calédonie: Vingt années de concorde, 1988-2008*, 161.

It is difficult to discern whether the ambiguity relating to the auxiliary register was a deliberate strategy on the part of the French Government to facilitate greater acceptance of the Accord, or a genuine oversight. Both Dosière and Jean-Jacques Hyst, the rapporteur of the Senate report on the Constitutional Bylaw, had argued in favour of the frozen electorate. Hyst, for example, stated:

The intention of the Noumea Accord is *not* to put into place a sliding electorate, expanding over time with persons whose enrolment would be progressively added to the auxiliary register and who will leave it in order to become voters at the moment where they can justify ten years of residency [emphasis added by author].²⁵

However, Dosière admitted that he deliberately made little of the law's interpretation, knowing that "it suited us to avoid placing the RPCR in difficulty, and who had given their consent to this interpretation, while leaving the Caledonians the care to explain this aspect to their co-citizens."²⁶

After initially threatening to boycott the 1999 provincial elections, the FLNKS eventually backed down after Prime Minister Jospin committed to adjust the law.²⁷ Jospin vowed to alter the Constitution to re-affirm the original intent of the text in favour of a "frozen" electorate. Addressing the National Assembly, Catherine Tasca argued the *Conseil constitutionnel* decision stood opposed to the restrictions agreed to by the FLNKS:

Without wanting to start an argument with the constitutional judge, we can only observe that they did not know how to consider the idea that the Noumea Accord process was a fragile equilibrium, which certainly rested on a precise juridical mechanism, but also relied on a reasonable interpretation of the agreement, which suited both parties.²⁸

²⁵ Cited in Assemblée Nationale, Didier Quentin, "Rapport no. 3506 fait au nom de la Commission des lois constitutionnelles, de la législation et de l'administration générale de la République sur le projet de loi constitutionnelle *complétant* l'article 77 de la Constitution (no. 3004)", 6 December 2006, 23.

²⁶ Dosière, "L'Accord de Nouméa au Parlement", in *La Nouvelle-Calédonie: Vingt années de concorde*, 1988-2008, 161.

²⁷ Nic Maclellan, "The Noumea Accord and Decolonisation in New Caledonia", *The Journal of Pacific History* 34, no. 3 (1999), 249.

²⁸ Tasca, "Rapport sur le projet de loi constitutionnelle (no. 1624) relatif à la Polynésie française et à la Nouvelle-Calédonie", 2 June 1999.

However, the French Government delayed action on the decision. President Chirac delayed the Congress²⁹ due to concerns surrounding another, un-related constitutional change on the table.³⁰ However, given the freeze's impact would not be felt until the 2009 provincial elections, it did not present an immediate problem (See Table 6).³¹ In July 2003, President Chirac signalled his intention to convene a Congress by the end of his mandate in 2007 and instate the frozen electorate, despite the RPCR's insistence that it was unacceptable.³² This decision placed him in a precarious political position at odds with loyalist political allies in New Caledonia, who accused of him of betrayal.

Table 6: Voter eligibility according to enrolment date

Date of Enrolment on General Electoral List	Restriction Imposed on Provincial Voting
Before 08/11/1988	None
08/11/1988- 08/11/1998	Ten years of continuous residency from enrolment date
After 08/11/1998	Cannot acquire the right to vote

The Congress took place on 6 February 2007, with the revised law passing with the overwhelming endorsement of both major parties, with 724 in favour and 90 against.³³ Its opponents included the three representatives of New Caledonia, the R-UMP³⁴ deputies Jacques Lafleur and Pierre Frogier, and Senator Simon Loueckhote, who had

²⁹ A Congress here refers to a joint sitting of both the National Assembly and the French Senate necessary to approve changes to the French Constitution.

³⁰ Simon-Gineste, "La Polynésie française entre libre administration et indépendance: une collectivité autonome" 19.

³¹ Assemblée Nationale, "Rapport no. 3506", 6 December 2006.

³² Various sources speak of a meeting between Chirac, Lafleur and Paul Néaoutyine in mid-2003, in which it was finally agreed to introduce the frozen electorate. Speaking on the matter in front of the National Assembly on 13 December 2006, Lafleur stated "sadly for me, they said that I made a promise to the President of the North Province, Paul Néaoutyine, and I respect it. The truth, is that I said to M. Néaoutyine that I had understood; not that I accepted a modification of the engagements made in the Noumea Accord" (National Assembly, 2ème séance, 13 December 2006).

³³ The text of the revised law stated: "For the definition of the electoral body called to elect members of the deliberative assemblies of New Caledonia and its provinces, the register to which the Accord refers mentioned in Article 76 and the Articles 188 and 189 of the Constitutional Bylaw of 19 March 1999 relating to New Caledonia is the register established at the occasion of the poll outlined in the said Article 76 and including members not admitted to participate in it."

³⁴ The RPCR became known as the *Rassemblement-Union pour un mouvement populaire* (R-UMP) in 2004, corresponding with the emergence of the UMP in France under the leadership of Jacques Chirac and subsequently Nicolas Sarkozy.

unsuccessfully sought to pass through an amendment granting citizenship to recognised partners of New Caledonian citizens.³⁵

On the UMP side, most expressed sympathy with their New Caledonian colleagues, but emphasised the importance of “respecting the word of the State”, or to “take into account a superior imperative, which is to preserve peace.”³⁶ However, Christian Blanc, a UMP deputy who participated in negotiations for the Matignon-Oudinot Accords emphasised the historical origins of the FLNKS demand to restrict voting rights to prevent newly arrived persons from participating in elections. Despite their demand for greater controls to migration, Blanc argued that:

Today still, this immigration continues, most notably because of the arrival of retirees benefiting from excessive and unjustified corrective indexes. The idea that the metropolitans who have lived there for only a small amount of time would be able to, in a significant proportion, give their view on the future of New Caledonia in the self-determination vote and participate in the designation of members of the island’s institution was unacceptable for the FLNKS.³⁷

The electoral freeze, therefore, was justified in order to affirm an electoral body based on a deep and consistent connection to the territory, beginning with the Matignon-Oudinot Accords, through the Noumea Accord and until the 2018 referendum, with a view to ensuring that self-determination is exercised. As Roch Wamytan surmised, it was a question of making sure “the population of New Caledonia does not become submerged by waves of people from metropolitan France. So it’s for this reason that you have a cursor, and the cursor was the referendum of 98.”³⁸

Most loyalist political leaders, irrespective of the political party, acknowledged in principle the need for a clear form of discrimination to prevent any individual who recently arrived in the territory from voting, but emphasised that the freeze constituted a fundamental denial of the democratic rights of their French citizenship. A ten-year residency requirement appeared to be a fair balance, and did not strictly undermine

³⁵ Simon Loueckhote, Sénat, 16 January 2007.

³⁶ See respectively: Eric Raoult, Assemblée Nationale, 2ème séance, 13 December 2006; Michel Mercier, Sénat, 16 January 2007.

³⁷ Christian Blanc, Assemblée Nationale, 2ème séance, 13 December 2016.

³⁸ Interview with Roch Wamytan, 11 January 2016 (Skype).

universal suffrage.³⁹ However, the freeze permanently prevented individuals who had arrived after 1998 from ever acquiring New Caledonian citizenship, attracting thinly-veiled criticism from the President of the *Conseil constitutionnel* Pierre Mazeaud and other constitutional legal scholars.⁴⁰

Local legal scholar Mathias Chauchat argues that while there is a certain “brutality” concerning citizenship, it “responds to a simple logic” of the Noumea Accord to put an “end to settlement.”⁴¹ While the voting rights’ criteria reflect a political compromise, various anti-independence parties maintain that they need to be revisited after the Noumea Accord period has ended. As one Congress member argued:

I hope that one day we will revise these conditions. That’s to say, a child who is born here but whose parents are not citizens cannot vote in the provincial elections... they are born here and have always lived here. I find that it’s inhumane for these children.⁴²

The Political Impact of Voting Restrictions

Much of the political impact of electoral restrictions falls in Greater Noumea. It remains the most likely location of residence for migrants, due to the area’s ongoing economic dominance and job creation. According to 2009 official estimates, Greater Noumea experienced a 7 400 person net growth in migration, with only slight net growth in the Northwest and deficits in the Northeast and Islands.⁴³ The South Province, the population of which consists in large part of Greater Noumea, has an obvious political importance. While pro-independence parties maintain a firm grip over the North and Islands provinces, anti-independence parties dominate the South. The FLNKS considers that a pro-independence majority in Congress is possible if Kanak (and assumedly pro-independence) voters increase their share of the vote in the South.

This, of course, assumes a correlation between identification as Kanak and pro-independence support, which appears to remain the case. According to Pierre-

³⁹ Jean-Yves Faberon, ‘Qu’est-ce que c’est la citoyenneté de la Nouvelle-Calédonie?’ *Citoyenneté et destin commun en Nouvelle-Calédonie*, 37–38.

⁴⁰ “Vœux du Président du Conseil constitutionnel, M. Pierre MAZEAUD, au Président de la République”, 3 January 2007; Olivier Gohin, “Quand la République marche sur la tête. Le gel de l’électorat restreint en Nouvelle-Calédonie”, *ADJA*, no. 15 (2005), 802.

⁴¹ Mathias Chauchat, “La brutalité du gel du corps électoral”, *LARJE*, 27 June 2012, Available: <http://larje.univ-nc.nc/index.php/les-travaux/faits-et-analyses/273-la-brutalite-du-gel-du-corps-electoral>.

⁴² Interview with Sutita Sio-Lagadec, 2 June 2016.

⁴³ ISEE, 2009.

Christophe Pantz's analysis of provincial election results from 1989 to 2009, pro-independence parties have indeed increased their margins of victory in the North (67.9 per cent to 75 per cent) and the Islands (64.7 per cent to 93.2 per cent), while loyalist results in these two provinces have fallen. However, in the South the results have remained "stable" (12.6 per cent to 12.5 per cent), resulting in a plateauing of the number of seats in the South Province Assembly.⁴⁴ *Calédonie Ensemble* leader Philippe Gomès, considered that urban Kanak did not necessarily vote in the same way as their rural counterparts:

The urban Kanak, he exists on his own. The individual has a place, while the rural Kanak, it's the collective that is in place. The individual has a position in a place, and the individual who urbanises, who therefore has a capacity to express themselves, I would say, is less gregarious than the rural Kanak. They affirm themselves differently. It is for that reason that their vote is freer than those who continue to practice a cultural vote.⁴⁵

It is difficult to verify Gomès' claim due to the relative dearth of understanding political behaviour, not only among Kanak people but also throughout the entire territory.

Although the politics of citizenship is magnified in Noumea, it can also present difficulties in rural areas, even though rural mayors interviewed were rather dismissive of the voting rights issue in their commune. Henriette Hmae, mayor of Poum in the extreme north of the Grande Terre, explained that many people maintain an official residence in Poum where they are enrolled, but live, work or send their children to school in Noumea.⁴⁶ Therefore, mayors need to remind their residents to check their enrolment details. This is especially important for children who attend a school outside their commune of birth since they are automatically enrolled at the age of sixteen, once they have completed their *journée d'appel pour la défense* (JAPD)⁴⁷, but in the commune where they go to school. The place of enrolment can also be determined by

⁴⁴ Pierre-Christophe Pantz, "Géopolitique des territoires kanak: Décolonisation et reconquête plurielle des territoires" (PhD diss., Université Paris 1 Panthéon Sorbonne, 2015), 77; For an earlier analysis see Nicolas Clinchamps, "Distorsions et corps électoraux en Nouvelle-Calédonie", *Pouvoirs*, no. 127, (2008), 160–165.

⁴⁵ Interview with Philippe Gomès, 18 November 2015. Gomès claimed that in *Calédonie Ensemble's* suite of victories at various levels (notably in the 2012 legislative and 2014 provincial elections) there was a significant increase in the number of urban Kanak who voted for him in the suburbs of Noumea who responded to his brand of Caledonian nationalism.

⁴⁶ Interview with Henriette Hmae, 25 September 2016.

⁴⁷ Peter Lindenmann, *L'Etat au pays des merveilles: Nouvelle-Calédonie* (Peter Lang, Bern, 2014), 115–125.

the customary status of a Kanak individual rendered difficult by the fact that in some cases a single *chefferie* can have districts that fall across different communal boundaries.⁴⁸

According to 2007 government figures, the new interpretation would result in approximately seven hundred people enrolled in 1999 on the special list no longer being eligible to vote in the 2009 provincial elections.⁴⁹ According to the most recent statistics at the time of writing, 13.4 per cent of New Caledonia’s 2014 voting population was located on the auxiliary register (see Table 7)⁵⁰. Since the most recent revisions, the electoral body of New Caledonian citizens is only marginally larger than for the consultation (in 2017 a 0.2 per cent difference).

Table 7: Electoral List Figures (mid-2017)

Year	1998	2014	2017⁵¹
General list	112 946	175 989	181 513
Provincial	104 078	152 462	157 233
Auxiliary register	8 868 (7.8%)	23 527 (13.4%)	24 335 (13.4%)
Consultation	NA	NA	c. 153 678

It is difficult to know whether the freeze enhanced pro-independence parties’ success at the ballot box, or the extent to which other factors have contributed to the result.⁵² As Figure 6 highlights⁵³, the pro-independence parties have narrowly increased their seats in the Congress over time, though their results have fluctuated. However, their success has also significantly depended on the extent to which the different parties within the FLNKS agree to form common electoral lists in each of the provinces.

⁴⁸ Lindenmann, *L’Etat au pays des merveilles*, 115-125. Hmae gives the example of a *chefferie* in her commune, one part of which (Arama) falls in her commune, while the other falls in the commune of Ouegoa.

⁴⁹ François Baroin, Sénat, 16 January 2007.

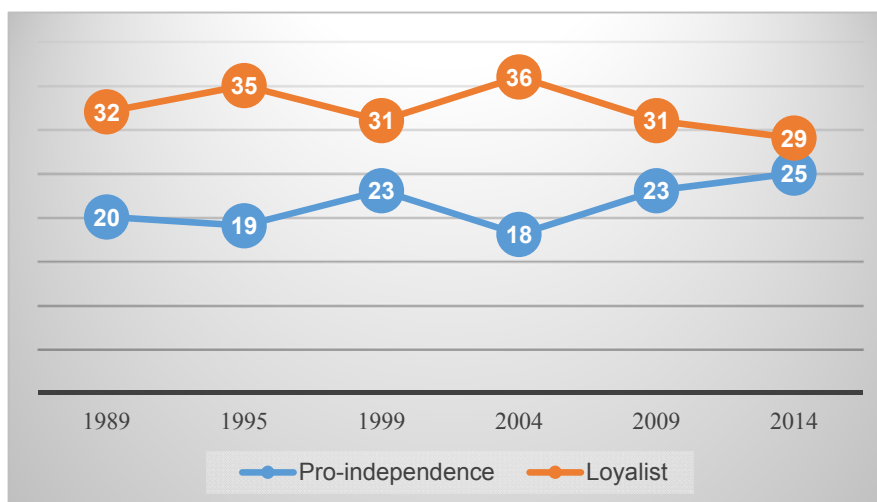
⁵⁰ It had been generally assumed that the 1998 register, which as has been noted, purported to include all individuals who did not satisfy the minimum residency criteria to vote in the provincial elections, could be used to determine the date of someone’s enrolment in the territory. However, it soon emerged that this was in fact not the case, and that the register to which the French government had referred in its 2007 decision did not exist, prompting the government to launch its own inquiry in 2014. See LDH-NC (*Ligue des droits de l’homme de la Nouvelle-Calédonie*), “Communiqué concernant le tableau annexe du 8 novembre 1998”, 9 April 2014, Available: www.lhdnc.nc/IMG/pdf_labsence_du_tableau_annexe_du_8_novembre_1998.pdf.

⁵¹ United Nations, “Revision de la liste électorale pour l’élection des membres du Congrès et des Assemblées de Province de la Nouvelle-Calédonie (LESP) et de la liste électorale spéciale pour la consultation (LESC): Rapport des experts de l’ONU”, Noumea, 28 June 2017, 13–14.

⁵² Clinchamps, “Distorsions et corps électoraux.”

⁵³ As noted in the previous chapter, a number of small parties emerged during this period that do not fall neatly into the pro-independence/loyalist binary.

Figure 6: Balance of Power in the New Caledonian Congress

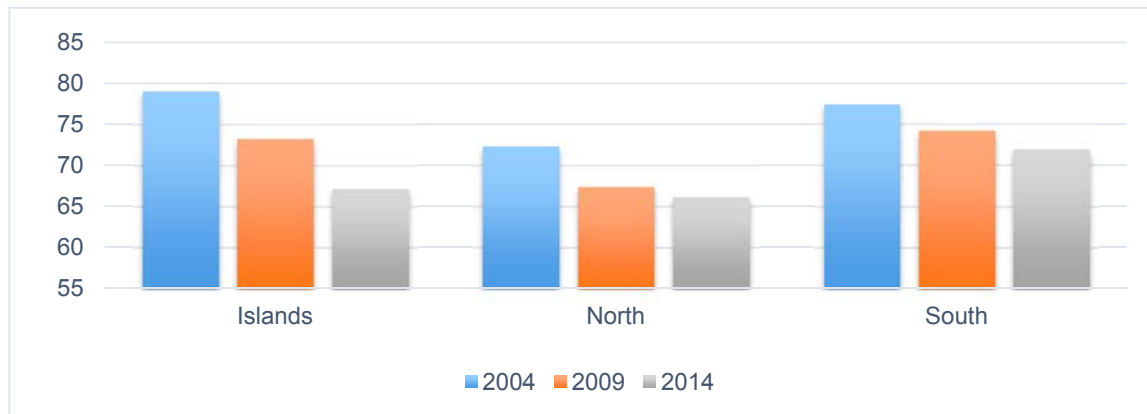


The stakes are highest in the South Province where the Kanak are a minority. In the 2004 provincial elections, this demographic inferiority, coupled with the decision of the UC-FLNKS and UNI-PALIKA to run separate electoral lists, fractured the pro-independence vote and resulted in the total absence of pro-independence representation in the South Province Assembly. The FLNKS, above all the UC-FLNKS in the South, have placed great significance on the potential political gain associated with internal migration of many Kanak from the North and Islands' provinces to the South. With relatively secure dominance of the North and the Islands, and the increasing number of people on the auxiliary register, according to these predictions, the increasing numbers of Kanak in Greater Noumea is expected to increase their political power in the South. Pro-independence (together known as the *Front indépendantiste et progressiste*, the FIP) parties obtained the highest ever number of seats in the South Province Assembly in 2014, though still only 7 of the 45..

It is also important to note that despite the seeming augmentation of voting rights as a political issue, this did not translate to any increase in the percentage of participation at the provincial elections. Indeed, as Figure 7 illustrates, the participation rate declined in all territories between 2004 and 2014. The rate of voter turnout is also marginally lower for other elections in comparison with the metropole. The seeming paradox between electoral rights as a source of political tension and the relatively low turnout at the polls can be attributed to various causes. Laurent Cabrera, Secretary General of the High Commission since 2014, considered the poor turnout a “disconnection between the political milieu and the population”, with the former being concerned with institutional questions and the latter with more “classic preoccupations” such as the

“cost of living, employment, housing”.⁵⁴ Whatever the reason, it is likely the importance of voting rights as a symbol of “standing” or legitimacy outweighs the political implications of the election itself.⁵⁵

Figure 7: Percentage of Voter Turnout in Provincial Elections (2004-2014)



Popular Mobilisation on Voting Rights

The public campaign orchestrated against voting restrictions emphasised the deprivation of rights attached to French citizenship. As Philippe Dunoyer recalled, “it was experienced as what it was: sliding means to have the right after a certain duration of residence. But that is a reduction of rights from a French perspective.”⁵⁶ A more anomalous view considered that since provincial elections do not exist in France, French citizens have theoretically not lost any specific voting rights, though this more positive perspective was not widely shared. Acceptance of voting rights seemed to depend on understanding New Caledonia’s particular historical circumstances. Leslie Gobbille, a member of the local League of Human Rights (LDH-NC),⁵⁷ suggested much of the opposition to voting restrictions is born out of a “lack of understanding” concerning New Caledonia’s history. Gobbille, a self-described metropolitan who often participates in public debates on the issue, argued it was also a matter of white privilege:

⁵⁴ Interview with Laurent Cabrera, 4 December 2016.

⁵⁵ Cf. Shklar, *American Citizenship: The Quest for Inclusion*.

⁵⁶ Interview with Philippe Dunoyer, 4 August 2015.

⁵⁷ The LDH-NC is a human rights advocacy group that exists throughout France. In New Caledonia, it has become a well known and at times controversial group, which brings together individuals from a range of different political groupings, though most had left-leaning backgrounds, to discuss major questions concerning individual rights and justice. As member Jean-Paul Caillard observed, it has maintained a position that aims to defend the implementation of the Noumea Accord, in letter and spirit.

I have the impression that, in fact, it hurts certain people who, moreover, when they are in France, would not vote and, perhaps, would not vote here even if they had the right to. But they are used to never seeing the door closed in front of them, in whichever context it might be. It is inevitably the case, when one has French origins, white, that's it, they don't need to ask the question "am I welcome" and "it's all good."⁵⁸

While Gobbille maintains that voting is a fundamental right, a sole focus on voting can obscure the different ways people practice their citizenship in everyday life.

For me, evidently, it is a fundamental right for a citizen to have the right to vote, but in any event I feel very much like a Caledonian citizen, even without that right. I have the impression of being able to participate in the citizen political life of the country.... I do not feel at all like a person who has been excluded from Caledonian society. However, I do find it normal that I can express my view on the country later because the balance will be too great if people like me, who arrived in 2006, in terms of number...⁵⁹

Gobbille's is a minority perspective, but it does highlight the different ways individuals might respond to not having the right to vote. Furthermore, it suggests that people might view their broader social participation as more indicative of their citizenship as opposed to the right to vote alone.

Others perceived it less in terms of their French rights, but as a denial of their New Caledonian identity.⁶⁰ A widespread view emphasised the economic, cultural and social contributions of excluded individuals to New Caledonian society, where citizenship acts as a regime of reciprocity in which people feel as though their contributions should be recognised in the form of political rights.

In certain cases, interlocutors on both sides of the debate spoke of the inconsistency between the ideology and practice of political parties in the metropole and in New Caledonia. For example, some argued that leftist parties favoured expanding citizenship in France, but restricting it in New Caledonia. Similarly, conservative politicians in France have sought to restrict citizenship acquisition to particular groups

⁵⁸ Interview with Leslie Gobbille, 18 September 2015.

⁵⁹ Interview with Leslie Gobbille, 18 September 2015.

⁶⁰ Interview with Alice Dalgleish, 9 September 2015.

in the metropole, while insisting on the rights of metropolitans in New Caledonia. The crux of these interpretations centres on how the decolonisation process responds to migration and shapes voting rights to the extent where the universal rights and norms associated with metropolitan citizenship are reconceptualised. As Alain Christnacht argued, “nationals cannot be durably deprived of the local right to vote at the same time that we sometimes consider the right to vote for foreigners in local elections.”⁶¹

The implementation of the frozen electorate galvanised various local collectives into action, both in opposition to, and in support of, the changes. However, given the overwhelming majority of excluded persons were located in Greater Noumea, public protests against the restrictions occurred almost exclusively in the capital. Although anti-independence leaders mobilised strongly on the issue (especially those attached to the *Républicains*), the complex legal criteria and the different administrative steps required to rectify perceived errors created a significant confusion among the general population. For this reason, the political defence of voting rights often had a stronger symbolic value as an expression of identity.

Even prior to the 2007 changes to the constitutional bylaw, a small but noticeable groundswell of opposition had emerged seeking to defend what it perceived were the rights of French citizenship. As highlighted in the previous chapter, *Avenir Ensemble* leaders tended to attach greater significance to citizenship beyond purely based on voting rights. But the voting rights issue reflected a broader feeling among metropolitans of an assault on their rights. The *Association des français résidents de la Nouvelle-Calédonie* (AFRNC), for example, was created in 2005 to defend the interests of newly-arrived persons in New Caledonia, beginning with a struggle against the introduction of being New Caledonia-born as a criteria for receiving travel subsidies to France for medical and professional reasons.⁶²

For Virginie Ruffenach, presently Secretary of the *Républicains* in New Caledonia, and a number of other individuals, such as Sonia Backès and Philippe Blaise, the protest movement that emerged from the voting rights issue became a platform from which to launch their political careers.⁶³ In addition to the AFRNC, other associations mobilised on the issue including the *Union des Citoyens Calédoniens pour le Suffrage Universel*

⁶¹ Alain Christnacht, “Quelles perspectives institutionnelles pour la Nouvelle-Calédonie?” in *Destins des collectivités politiques d’Océanie: Peuples, populations, nations, Etats, territoires, pays, patries, communautés, frontières*, eds. Jean-Yves Faberon, Viviane Fayaud and Jean-Marc Regnault, 764.

⁶² Interview with Jacques Pusset, 22 September 2015.

⁶³ Interview with Virginie Ruffenach, 12 August 2015; Sonia Backès, 5 October 2015; Philippe Blaise, 7 August 2015.

(UCCSU) and the *Association de Défense du Droit de Vote*, which together formed a collective known as the *Action commune pour la défense du suffrage universel* (See Figure 8). Its online blog stated:

The freeze of the electoral body is an attack against democracy, but behind this issue are immense dangers for New Caledonia, because the freeze will be a veritable ticking bomb. The right to vote is what defines Caledonian citizenship, and therefore determines the right to work and the place of each person in society.⁶⁴

They criticised the “Chirac clan” for placing a “personal decision” of the President over the wishes of the population. In addition to metropolitans, the website stated, the law’s victims will be:

The women and spouses of native Caledonians, punished for not being born here, the Caledonians who have gone to study and work elsewhere, young students, men of experience, sporting champions, etc...punished for their courage and value; it will be our compatriots from the Pacific, the Wallisians and Futunians or Tahitians; it will be our expatriate family members who simply want to join their own.⁶⁵



Figure 8: A flyer by the Association des français résidents de Nouvelle-Calédonie (2008): “Voters on the auxiliary register, you represent 25% of the electoral body in Nouméa. On 9 and 16 March 2008, vote!”

⁶⁴ UCCSU, “Communiqué: Conférence de presse du lundi 8 janvier 2007”, Available: www.suffrage-universel.nc.over-blog.com/article-517883.html.

⁶⁵ UCCSU, “Conférence de presse du lundi 8 janvier 2007.”

It was evidently insufficient to emphasise the legitimacy of these excluded persons in terms of rights guaranteed by the French citizenship, or in terms of the law. The arguments instead focused on the moral ties of excluded individuals to New Caledonia. Some emphasised the links of excluded individuals to the earliest colonial families in New Caledonia. Jacques Pusset, a key member of the AFRNC, claimed that some five thousand New Caledonian-born individuals were on the auxiliary register, with 25-30 per cent of his group's membership born in the territory.⁶⁶ Ruffenach, writing on the blog of the *Union des citoyens*, pointed out that:

It was a voluntarist policy of the French State that brought my ancestors in the 1880s on to New Caledonian soil, well before the Feillet settlers.⁶⁷ Without resources and yet full of hope, it was material and moral misery that they confronted upon their arrival. That did not prevent them from transmitting a love and respect for this land, on which they invested so much sweat, down the generations.⁶⁸

This common regard for the past echoes the sentiments expressed in the context of the “victims of history” debate in the 1980s, with repeated references to toil, misery, labour and connection to land. The *Fondation des Pionniers* (“Foundation of Pioneers”), a historical society advocating the preservation of the heritage of early European settlement and promoting a strong Caledonian identity of the territory, constructed a link between the “first” and “last wave” of migrants. Local historian and member Frédéric Angléviel, wrote:

At the moment where a part of the Kanak world is proposing a certain opening through the ceremonies of the *Mwâ Kââ* (see Chapter 9), do not the pioneers have a duty, stemming from their one hundred year legitimacy and anchorage, to make a link between the first arrivals and the last arrivals...?⁶⁹

⁶⁶ Interview with Jacques Pusset, 22 September 2015.

⁶⁷ “Feillet settlers” (fr. *Les colons Feillet*) refers to free settlers who arrived in New Caledonia under the Governor Paul Feillet (1894-1902) during whose mandate convict transportation ceased and a program of free settlement was undertaken at this behest. See Patrick O’Reilly, “Paul Feillet, gouverneur de la Nouvelle-Calédonie”, *Révue d’histoire des colonies* 40, no. 138 (1953), 216–248.

⁶⁸ Virginie Ruffenach, “Combien de temps encore construirons-nous notre pays sur l’exclusion?” 23 October, 2006, Available: <http://suffrage-universel.nc.over-blog.com/article-4269483.html>.

⁶⁹ Frédéric Angléviel, “L’incidence du corps électoral “gelé” sur l’émergence d’une éventuelle nationalité calédonienne”, *Fondation des Pionniers*, Bulletin no. 6, located on the website of the *Union des citoyens calédoniens pour le suffrage universel*, 20 June, 2006, Available: <http://suffrage-universel.nc.over-blog.com/article-3059001.html>.

Yet the emphasis on the New Caledonian identity of these individuals contrasted with the overwhelming image of the “anti-freeze” protests as an attack on their French-ness, evoked by the public protests on the streets of Noumea, especially on 12 January 2007, dominated by French flags, balloons and banners, along with the wearing of mayoral sashes in the colours of the Republic.

While the *Action commune pour la défense du suffrage universel* maintained it had the support of all the “republican” parties, criticism of Harold Martin and AE remained a running theme of their communications on the blog, as well as with interviewees. Ruffenach, for example, expressed her disappointment that “we did not manage to get along within the anti-independence family on this subject...It was *Avenir Ensemble* who had the Congress, the Government and the South Province.”⁷⁰ Despite their attempts to encourage candidates for the 2007 legislative candidates to publically oppose the restrictions, the movement against the freeze dissipated not long after President Chirac altered the Constitution in February 2007.⁷¹ In contrast, Philippe Gomès, former AE figure turned leader of *Calédonie Ensemble*, maintains his agreement in principle with the freeze as a historical necessity: These restrictions “give a guarantee to the Kanak people, to the independantists that they will not be buried, and that that only those already determined can vote.”⁷² The restricted electorate, therefore, however undesirable it might be, is the necessary price to pay for securing the political settlement.

The 2014 Provincial Elections

The upholding of the restrictions in French courts shifted the battlefield from whether the freeze was legal to ensuring the electoral lists’ accuracy. The 2009 provincial elections marked the first time that people who had arrived post-1998 could not vote. But it was the 2014 provincial elections, which would set in place the balance of power for the first referendum in 2018, where voting rights emerged as arguably the most contentious political issue. This struggle occurred in two different ways. On the one hand, some people found themselves excluded despite maintaining they fulfilled the criteria set out in the constitutional bylaw. On the other hand, the FLNKS questioned the legitimacy of certain people enrolled on the list.

⁷⁰ Interview with Virginie Ruffenach, 12 August 2016.

⁷¹ “Le Collectif soumet un engagement aux candidats aux législatives”, 23 May 2007, Available: <http://suffrage-universel.nc.over-blog.com/article-6675178.html>. Interviews with Virginie Ruffenach, 12 August 2016; Jacques Pusset, 22 September 2015; Philippe Blaise, 7 August 2015.

⁷² Interview with Philippe Gomès, 18 November 2015.

In the years following the 2007 freeze much of the focus fell on individuals excluded from the special electoral list, many of whom were French metropolitans, but which also included Europeans claiming strong attachments to New Caledonia. Apart from possessing an insufficient duration of residence, exclusion often occurred because of their absence from the territory for a significant period of time without a legitimate reason. One interviewee, who self-identified as a metropolitan, noted that his period of absence, categorised as a professional deployment, enabled him to return to New Caledonia after 1998 and be enrolled.⁷³

Controversially, the restrictions also resulted in a number of Kanak being placed on the auxiliary register, and therefore unable to vote in the provincial elections. Though not new, Kanak exclusion, or failure to vote, became increasingly important as the stakes of securing the Congress also increased. Highlighting the potential impact of excluded Kanak on the pro-independence cause, a collective of FLNKS members formed the *Commission Politique et Citoyenneté* (CPC). Mobilised following the 2009 provincial elections, the collective's aim was to "put everything in place for the first citizens of the country, the Kanak people, to be in a situation of being able to exercise the right to vote in the next provincial elections in 2014 and the referendum after 2014."⁷⁴ In 2011, the CPC became an integral commission of the FLNKS, and subsequently the *Parti travailliste*.⁷⁵ The chief spokesperson for the group, Mado Ounou, a French-born woman from the PALIKA offshoot *Dynamique Unitaire Sud* (DUS), identified four "preoccupations" of the group⁷⁶:

- 1) A number of individuals being enrolled on the auxiliary register without satisfying the criteria for New Caledonian citizenship (commonly referred to as *les indument inscrits*);
- 2) The political importance of obtaining the most number of Kanak voters in the South Province as possible;

⁷³ Anon. Personal communication.

⁷⁴ Madeleine (Mado) Ounou, "Intervention de la commission Politique et Citoyenneté du FLNKS/PT à la fin de la Marche du 14 juillet 2014", Posted on 22 July 2012, Available: <http://madoy-nakupress.blogspot.com.au/2012/07/intervention-de-la-commission-politique.html>; See also Roch Wamytan, 'Les sources du droit de vote en Nouvelle-Calédonie: d'un droit inégalitaire à l'encontre du peuple', 22 February 2014.

⁷⁵ Despite its vehemently pro-independence stance, the *Parti Travailliste*, led by Louis Kotra Uregei, does not form part of the FLNKS. However, for the 2014 elections they supported the common electoral list formed in the South Province in favour of independence.

⁷⁶ Ounou, "Intervention de la commission Politique et Citoyenneté du FLNKS/PT."

- 3) To remind Kanak who lost their civic rights through imprisonment that they are not deprived of them for life⁷⁷; and
- 4) Identifying and overcoming the various reasons why Kanak do not engage in the political/electoral process.

The CPC used publicly available enrolment records to identify individuals suspected of being *induement inscrit*. When the group was first interviewed in September 2015, some four thousand people, almost all in the South Province, were alleged to fall within this category, with most having arrived sometime between 1988 and 1998, but had not enrolled in time for the 1998 referendum.⁷⁸ Together, this group of people became known simply as *le litige*. The CPC's activities gained a significant amount of notoriety in the territory, with anti-independence leaders accusing them of blatant racism for using last names as a basis for distinguishing between Kanak and non-Kanak voters.⁷⁹ French laws enabled the CPC to demand the removal of these individuals from the electoral lists at the local court, which sent letters summoning the individuals to provide proof of the necessary duration of residence.⁸⁰

The CPC also found that some 1 870 Kanak voters were enrolled on the auxiliary register during the 2014 provincial elections, of which 1 544 came from Great Noumea.⁸¹ Indeed, a number of Kanak had been excluded in the immediate aftermath of the Noumea Accord. Files from the Noumea tribunal detailing cases in 2000 showed how a number of Kanak, mainly from the islands, could not present sufficient proof for enrolment on the special list for different reasons.⁸² While acknowledging that some non-Kanak may have also been excluded unfairly, Ounou argued that “for the 1 870 Kanak voters, the problem is not the same. The Kanak are inherently citizens as the first occupant of the country, therefore their transfer to the [special electoral list] should not be an issue.”⁸³ According to the CPC, in late 2015, the number of excluded Kanak had significantly increased to some four thousand. However, the State maintained and continues to maintain that Kanak identity, according to the constitutional bylaw, is not a

⁷⁷ The Kanak population is extremely over-represented among the incarcerated population though their exact statistics could not be found.

⁷⁸ Interview with members of the CPC, 22 September 2015.

⁷⁹ Hubert P. “Le jeu nauséabond du FLNKS”, *Calédosphère*, 14 April 2016, Available: <https://caledosphere.com/2016/04/14/recours-jeu-nauseabond-flnks/>; Cf. Interview with Alice Dalglish, 9 September 2015.

⁸⁰ Article L25 du Code électoral.

⁸¹ Ounou, “Intervention de la commission Politique et Citoyenneté du FLNKS/PT.”

⁸² See ATNC – 652W.

⁸³ Ounou, “Intervention de la commission Politique et Citoyenneté du FLNKS/PT”; Interview with the CPC, 22 September 2015.

criteria for enrolment, nor would such a criteria be accepted by anti-independence parties.

One of the major difficulties identified by CPC members concerned the difficulty of not only tracking down the names and contact details of Kanak on the auxiliary register, but also the best means of getting the individuals to enrol. While young people who turn eighteen and satisfy the conditions in article 188 of the constitutional bylaw are automatically enrolled, the obligation falls on others to prove they meet the stipulated criteria.⁸⁴ Therefore, those mostly likely to not feature on the special electoral list are Kanak who have moved (usually to Greater Noumea) and have not updated their details, some who did not complete their JAPD at the age of sixteen, or those who have simply not decided to complete the process.

The administrative process, which involves submitting necessary documents such as social security forms, proof of residence and proof of schooling, could often be quite difficult. As one CPC member noted:

It is very difficult because in the municipal offices, when they go, Kanak or not, they are all considered to be new arrivals. Therefore, they ask for their papers - those who must prove ten years' presence. So they must find their enrolment details in the schools, the CAFAT etc. When they go back and they make them get the papers, straight away they give up.

These processes could be especially difficult in the event that the individuals lived in the "squat"⁸⁵ communities and had no ready access to the documents stipulated. It can equally be a result of institutional failure when certain public institutions are unable to locate the documents necessary.⁸⁶ In one example of a CPC presentation, they encourage individuals who either live in the "squat" or in the *tribus* to obtain documentation from the President of the squat, or customary leaders respectively.⁸⁷ According to the CPC, since such documentation did not exist, or was not legally recognised, they needed to work with municipal authorities to "invent" them to ensure greater equality of access to the enrolment process.

⁸⁴ Art. 189, No. III, Constitutional Bylaw of 19 March 1999.

⁸⁵ The "squat" is the local term referring to the informal settlements throughout Noumea and some other urban centres in New Caledonia.

⁸⁶ Interview with Henriette Hmae, 25 September 2016.

⁸⁷ Personal communication, Florenda Nirikani, 12 July 2015; cf. Interview with CPC.

The CPC used different media to reach the mainly young audience, especially through the local pro-independence radio station *Radio Djido*, participation at community events, or visiting communities directly. Over time they employed various strategies to reach different individuals by working with families, local authorities and making FLNKS members more aware of people in their areas who might be excluded. But the task proved and remains difficult. According to the CPC, their efforts have been hampered by a lack of cooperation from certain municipalities – namely Noumea and Mont Dore⁸⁸ – to provide the necessary enrolment records (a criticism, which was denied by the Eric Gay, the mayor of Mont Dore).⁸⁹

Other interviewees pointed instead to other factors underlying Kanak youth marginalisation, including the French Government's failure to sufficiently engage them on the issue (see further below). Laurent Cabrera, Secretary-General of the French Government, while seemingly sympathetic to the repeated calls for a greater effort from the French Government to make sure the Kanak are all enrolled, reaffirmed that voting and enrolling to vote are "voluntary acts."⁹⁰ For Gay, it is simply youth disinterest: "we know very well that for a young person, enrolling on the electoral lists is the last thing on their minds."⁹¹ Several CPC figures indicated that some Kanak youth refused to enrol as a political statement because they felt they should not have to vote for their country's independence.

From 2009 to 2015 the special electoral list for the provincial elections became a central theme of political debates during the annual Committee of Signatories meetings. However, discussions with the CPC revealed a disconnection between their work on the ground and the political discussions occurring between the different party members.⁹² They considered some pro-independence political leaders' failure to realise soon enough the seriousness of voter exclusion in time for the 2014 provincial elections, and the lack of resources on the part of the broader FLNKS base to commit to reach out to the excluded individuals.⁹³

⁸⁸ A large, loyalist-dominated commune located on the periphery of Noumea.

⁸⁹ Interview with Eric Gay, 3 October 2015.

⁹⁰ Interview with Laurent Cabrera, 4 October 2016.

⁹¹ Interview with Eric Gay, 3 October 2015.

⁹² This problem was raised in a letter by the *Rassemblement des Indépendantistes et Nationalistes* (RIN) (see further below) on 22 December 2016 arguing that a *travail de proximité* had been largely absent. Available: <http://partitravaillesterkanaky.blogspot.com.au/2016/12/le-rin-demande-de-participer-au-congres.html>.

⁹³ Interview with Mado Ounou, 2 June 2016.

Beginning in 2011, the CPC began to seek the removal of persons deemed to be unduly enrolled on the special list, despite the difficulty and cost involved.⁹⁴ Nevertheless, between 2011 and 2014, the FLNKS submitted thousands of requests for removal to the courts, very few of which succeeded. According to Chauchat, in the South Province 5 413 demands for voter removal were submitted of which only eleven (or 0.2 per cent) succeeded; in the North Province, 205 requests were submitted with 183 succeeding (90.14 per cent); and in the Loyalty Islands, 36 requests were submitted with none succeeding. Despite the failure of the overwhelming majority of the contestations (no reasons were given why the North Province submissions were far more successful than those in the South), Chauchat maintained that the process highlighted inconsistencies in the administration of the lists, the need for greater clarity and permitting a “lessons learned” for the electoral lists for the consultation.⁹⁵

The court actions received major media attention and quickly entered the political spotlight, attracting widespread condemnation from loyalist political leaders. Much of the drama played out at Noumea’s *Tribunal de première instance* where the large numbers of individuals’ concerned gathered *en masse*. One young student summoned because her enrolment was challenged recounted the experience in the following way:

There were so many people. And people were very angry to be there. There was a lot of tension. I remember. And so, what I brought was my family records, my passport and maybe my ID card. And I went there. And they were saying the same thing to everyone. So, there was the judge. There was the FLNKS, who summoned us. They were like, we are challenging your citizenship. You are not Caledonian. And I was like, look I was born here, here are my family records, my ID, it’s all written here. I was born in Noumea in 1995, I am eighteen and I am allowed to vote. So we did all that. Thousands of people. It lasted two days. But then, technically, the complaint was not acceptable, because they were challenging because of my name. So because my name was Scottish they thought I was not Caledonian. But what was interesting is that there were Melanesians who had French names who were there,

⁹⁴ Mathias Chauchat has argued the costs involved in order to file the motions could be high enough (according to Chauchat, 83 euros per voter) to transgress the European Charter of Human Rights. See Mathias Chauchat, “Pacific Regional Seminar on the Implementation of the Third International Decade on Eradication of Colonialism”, Denarau, Fiji, 21-23 May 2013, Available: <http://www.un.org/en/decolonization/pdf/DP.3%20Mathias%20Maurice%20Marcel%20Chauchat.pdf>

⁹⁵ Chauchat, “Pacific Regional Seminar.”

and were like “we came from Lifou”, we don’t understand, we have been here for generations.⁹⁶

This account accusing the FLNKS of using last names to distinguish between people who were citizens and non-citizens highlights the emotions unleashed by the court process and the interrogation of individual ties to the territory.

In response to the large number of a number of local figures formed together the *Association citoyenne de la défense du droit de vote en Nouvelle-Calédonie* on 24 February 2014 with support from the majority of the loyalist parties. The association provided legal advice and representation for those summoned before the courts, including a number of telephone helplines.⁹⁷ As the young student recalled, “there was a lawyer for all of us, I don’t know who paid for it. I would not be surprised if it wasn’t by a political party.”⁹⁸

The Role of the State

The French Government has played a much-criticised role in the controversies surrounding the electoral lists, highlighting the ambiguity and ambivalence of its role in the Noumea Accord process. As Laurent Cabrera states:

Basically the State is partner to the Accord, but all the discourses, notably on the existence of the Noumea Accord, the different governments from the right and the left say that we are partners, but the final decision will be for the Caledonians. So we can clearly see that the two sides [pro/anti-independence] try to say that the State supports their option and, so, they don’t like it when we say that basically the State is equidistant...⁹⁹

While all French leaders since the Accord have insisted on their neutrality, this has not prevented statements iterating their hope for New Caledonia to remain within France. Former President Nicolas Sarkozy in particular expressed this view. However, prominent representatives of the French Government in New Caledonia, namely the High Commissioner and the Secretary-General of the Government, find themselves

⁹⁶ Interview with Alice Dalglish, 9 September 2015.

⁹⁷ Interview with Anne Gras, 13 November 2015.

⁹⁸ Interview with Alice Dalglish, 9 September 2015.

⁹⁹ Interview with Laurent Cabrera, 4 October 2015.

often criticised for doing either too much or not enough, accused of taking sides or being too apathetic, especially during electoral campaigns.

The FLNKS continues to actively pursue the electoral lists matter at the UN Special Committee for Decolonisation, arguing that France has prevented the implementation of the 1960 UN *Declaration on the Granting of Independence to Colonised Countries and Peoples*. The special electoral list's lack of integrity together with continued metropolitan immigration, the FLNKS argue, undermined the self-determination process. Historically opposed to UN interference, only from 2014 did a loyalist leader – Gaël Yanno – make the case in favour of French sovereignty in front of the UN Special Committee.

The precariousness of the State's role is particularly evident in relation to the electoral lists because of the major institutional responsibilities the State exercises in relation to their maintenance and updating. The thirty-three municipal governments of New Caledonia primarily responsible for the maintenance of the electoral lists remain under direct control of the State, although the Noumea Accord permits their transfer to New Caledonia during the Noumea Accord window.¹⁰⁰ Other public institutions, including the statistics bureau, the ISEE, equally maintain the electoral lists.¹⁰¹

The realisation that the auxiliary register for the provincial elections did not exist was considered a major oversight on the part of the French Government. In 2014, after talks with New Caledonia's political leaders, the French Prime Minister Manuel Valls engaged law professor Ferdinand Mélin-Soucramanien to verify the electoral lists, drawing on a range of administrative documents including the ISEE, CAFAT, tax and public insurance records.¹⁰² Mélin-Soucramanien's report, the statistical findings of which were released at the Committee of Signatories on 4 February 2016, boycotted by the UC, established that 3 794 individuals were concerned by the *litige*, meaning there was inadequate documentary proof for their legitimate enrolment on the auxiliary register (see Table 8).

¹⁰⁰ The potential for the transfer of communal/municipal level of government has not become a major political demand, however, it was touted as a possibility by some individuals interviewed. It appears to be largely beyond the scope of mainstream political discussion.

¹⁰¹ L37, Code électoral de la République française.

¹⁰² Premier Ministre, "XIVe comité des signataires de l'Accord de Nouméa, Relevé de conclusions", 4 February 2016, Available: https://gouv.nc/sites/default/files/atoms/files/releve_des_conclusions_du_14e_comite_des_signataires.pdf

Table 8: “Le litige” as determined by Ferdinand Mélin-Soucramanien

Date of enrolment	Number of Persons
Before 6 November 1988	586
6 November 1988 – 8 November 1998	2 326
After 8 November 1998	870
No information	192
Total	3 794

Although disagreement remained concerning the figures, especially from the FLNKS, the political leaders eventually agreed the State should focus its attention on the 1 062 (revised to 1 039) individuals who arrived after 8 November 1998 or for whom there was no information.¹⁰³ The fact that the issue became “politically closed” did not prevent ongoing court requests for enrolment removal, and once again highlighted the dissonance between political negotiations concerning citizenship and actions led by different political parties on the ground.

One of the most significant and technically complex hurdles to overcome related to the operation and perceived bias of the special administrative commissions of each municipality charged with updating the electoral lists. In many ways, these commissions mirrored those in France, consisting of one mayoral delegate, a magistrate and a State appointee, meeting once a year to go through the list of individuals who had either entered on to the electoral lists after turning eighteen years of age, or changed residence.¹⁰⁴ However, the constitutional bylaw provided for an additional two members: registered voters of the commune appointed on the advice of the *Haut-Commissaire*, which has generally resulted in the selection of two individuals from each of the two political tendencies, as well as the consultation of customary representatives in certain circumstances.¹⁰⁵ The five members determined collectively whether the person satisfied the criteria. However, unanimous agreement is not necessary, meaning that three members can prevail over two with a dissenting opinion. Though this mechanism attempted to foster more balanced political oversight of the electoral lists, this did not prevent the commissions’ politicisation.

For the CPC, the commissions constituted one of the primary mechanisms for excluding Kanak voters on the special electoral list, while including those with

¹⁰³ This number was later reduced slightly to 1039 owing to the discovery of a number of double-enrolments and deceased individuals.

¹⁰⁴ Article L17, L17-1, L18, Code électoral de la République française.

¹⁰⁵ Article 189, Loi organique no. 99-209 du 19 mars 1999 relative à la Nouvelle-Calédonie.

illegitimate or dubious claims. This was especially the case in the municipality of Noumea, and the two major communes on the outskirts of the city – Mont Dore and Dumbéa – where there was a sizeable increase in the number of Kanak due to urbanisation, but also where anti-independence parties dominated. The CPC contended that in such circumstances, appointees likely opposed to independence (namely the mayoral delegate, the appointee of the *Haut-Commissaire* and the third party voter) would always possess a majority prevailing over the FLNKS delegate and possibly one other.¹⁰⁶

Pressure on the French Government to resolve the impasse resulted in the eventual engagement of UN observers to witness the functioning of the special administrative commissions, despite protestations from some anti-independence parties.¹⁰⁷ Over the course of early 2016, after a number of preparatory missions and information sessions on the history and practice of New Caledonia's electoral system, the observers attached themselves in pairs to the magistrates of the special administrative commissions. Although only observers and unable to cast a vote in the proceedings or move outside their official mandate, they could nevertheless be consulted.¹⁰⁸ They observed the commissions in relation to both the analysis of the 1 039 contested cases, as well as the revisions of the list in order to enrol youth who had turned eighteen. Although generally positive about the process, their findings illuminated the politicised basis for determining individual enrolments, against a backdrop of ongoing fallouts stemming from legal challenges pursued by the FLNKS in spite of the Committee of Signatories agreement in early 2016. Political groups have interpreted the UN reports in different ways: as evidence of “fraud” according to the FLNKS, or that requests for the removal of individuals from the electoral lists by the FLNKS are ungrounded. Of the 1 039 people identified in the report by Mélin-Soucramien, 358 (35.5 per cent) of the number were eventually excluded.

Across the three UN reports, in addition to demanding greater consistency and transparency between the 123 commissions¹⁰⁹ and synergies between public

¹⁰⁶ Interview with the CPC, 22 September 2015.

¹⁰⁷ On 23 December 2015, Prime Minister Manuel Valls formally requested to the UN Secretary-General for the deployment of UN observers.

¹⁰⁸ “Etablissement de la liste électorale special pour la consultation (LESC): Rapport des experts l'ONU”, Noumea, August 2016, 5, Available: http://www.nouvelle-caledonie.gouv.fr/content/download/3107/23771/file/20160825_LESC-RAPPORT_EXPERTS%20ONU-1.pdf.

¹⁰⁹ One major problem concerned the failure to respect the right for the public to have access to the special administrative commissions' work and minutes, overseen by the *Commission d'accès aux documents administratifs* (CADA). For a summary of these issues, see the 2017 UN Report: “Révision de la liste électorale pour l'élection des membres du Congrès et des

institutions involved in the revision of the lists, the most pressing recommendation called for a more expansive, targeted and improved information campaign by the State, together with more localised institutions such as the communes and the customary authorities.¹¹⁰ This recommendation warrants particular attention in light of the difficulties articulated by the CPC concerning the difficulty of reaching excluded Kanak voters and encouraging them to enrol. While there are inevitably bound to be people from across the various “communities” of New Caledonia who find themselves excluded, there can be little doubt that most concerned are young Kanak.

The greater need for public awareness around the importance of enrolling became increasingly evident during 2015 and 2016, especially in Noumea. Eric Gay, mayor of Mont Dore, where a significant portion of excluded young Kanak are believed to live, places the blame on the State: “it’s only a problem of communication and information. Once the State wakes up... I go to the Koumac festival (*la foire de Koumac*) and I noticed that they had a stand to inform the youth. But they don’t go to each territorial gathering, to each concert...” While Gay argued that it is “clear and certain” that it was a State responsibility, he maintains that the commune has played its part in encouraging the youth to enrol.¹¹¹ He is also critical of the pro-independence parties for sloganeering yet neglecting the issue for much of the post-Accord period.

According to Laurent Cabrera, the importance of the State undertaking a communications role is the major conclusion taken from the UN report, but it remains a tall order.¹¹² This has involved mobilising resources across the territory to communicate with, above all, young audiences:

You have a customary civil status, and for this reason you can enrol on the list for the consultation, but there is a formality you need to do first. You need to be enrolled on the general list. You must do this before 31 December if you want to be enrolled in 2017....And we saw you [the author] at Koumac, we were there at the *Salon d’Etudiant* in Noumea,

assemblées de province de la Nouvelle-Calédonie (LESP) et de la liste électorale spéciale pour la consultation (LESC)”, Noumea, 28 June 2017, 8-10. Available: <http://www.nouvelle-caledonie.gouv.fr/content/download/3694/28853/file/NC%202017-LS-Rapport%20Experts%20UN.pdf>. See also Matthias Chauchat, “Les litiges électoraux en Nouvelle-Calédonie 2016”, *LARJE*, 21 October 2016, Available: http://larje.univ-nc.nc/images/Les_litiges_%C3%A9lectoraux_2016_en_NC.pdf.

¹¹⁰ United Nations, “Révision de la liste électorale pour l’élection des membres du Congrès et des assemblées de province de la Nouvelle-Calédonie (LESP) et de la liste électorale spéciale pour la consultation (LESC)”, 28 June 2017, 36

¹¹¹ Interview with Eric Gay, 3 October 2016.

¹¹² The author met Mr. Cabrera at the very stand mentioned by Eric Gay at the Koumac festival.

we went to Lifou, to Koumac, last weekend we were at the Pacific Fair [in Noumea] and we went to the Festival of Cinema at Poindimié.

However, as Cabrera justifiably observed, the difficulty lies primarily with younger Kanak in Greater Noumea, including in the squats, who might not even be enrolled on the general electoral list. More broadly, the criticisms surrounding the ability to reach unenrolled individuals speak to difficulties associated with the nexus between citizenship and the right to vote. Whereas voting is often presented as a right or an obligation in different parts of the world where it is compulsory, the allocation of responsibility is also important. On the one hand, the State has a moral responsibility to ensure equal access to not only the act of voting, but enrolment as well. On the other hand, in most countries, it is contingent on individuals taking the necessary steps to enrol and vote, often framed as a critical function of civic life. In New Caledonia's case, the circumstances of decolonisation provoke different allocations of responsibility. While the State recognises its responsibility to play its role, for philosophical reasons it cannot adhere to the more strident demands of pro-independence leaders "to enrol the Kanak" since this would preference one section of French citizens over others.

The Consultation in 2018

It is not proposed here to enter into detail on the consultation/referendum process, which remained the subject of ongoing negotiations between New Caledonian political leaders and the French Government led by Prime Minister Edouard Philippe at the time of writing. The consultation, which will take place in November 2018, could be the first of three referenda of self-determination in a process that could continue until 2022.

It is important to reiterate that the legal category of New Caledonian citizenship only delimits the body of electors for the provincial elections and the Congress. Eligibility for the consultation pertains to different criteria defining a *liste électorale spéciale pour la consultation* (LESC). Despite falling outside the legal ambit of New Caledonian citizenship, the consultation has long mobilised similar discourses such as New Caledonian identity, contribution to local social and economic life or their national and human rights as bases for participation.

The 1988 Matignon-Oudinot Accords defined for the first time the *populations intéressées*, or "concerned population", the electoral body who could participate in the

1998 referendum on self-determination, subsequently delayed once more until 2018.¹¹³ According to several political leaders interviewed, it is precisely because it pre-dates the Noumea Accord that it has attracted less acrimony than the restrictions for the provincial elections.¹¹⁴ Nevertheless, as the 2018 deadline for the consultation drew nearer, eligibility increasingly became a point of political division.

Referendums often exhibit underlying complexities of the relationship between people and a political community. The UK “Brexit” referendum process, for example, excluded many of its overseas territories and expat populations living within the European Union, despite the obvious impact of the decision for all.¹¹⁵ When Scotland held its referendum on independence in 2014, British, Irish, EU and “qualifying Commonwealth citizens”, duly registered and residing in Scotland, could all vote.¹¹⁶ Therefore, on the one hand, it extends beyond people who identify as Scottish. On the other hand, those who may identify as Scottish, but reside outside of Scotland (including in Britain), could not vote – an issue that generated considerable resentment from expat Scots who felt their interests and livelihoods could be affected by the result. Some Catalan leaders envisaged expanding voting rights to Catalans living abroad in both 2014 and 2017 referendums on independence.¹¹⁷ In neither the Scottish and Catalan cases did the authorities implement stringent residency requirements similar to those in New Caledonia.

In general, there has been a broader philosophical shift towards removing barriers to participation in referenda. The European Commission’s *Code of Good Practice on Referendums* (2002) states:

Conditions for according the right to vote are normally the same for both referendums and elections. In particular, a period of residence

¹¹³ Art. 6 of Matignon-Oudinot Accords, “Texte No. 2: Dispositions institutionnelles et structurelles préparatoires au scrutin d’auto-détermination.” See also Art. 2 of the *Loi no. 88-1028* du 9 novembre 1988 portant dispositions statutaires et préparatoires à l’auto-détermination de la Nouvelle-Calédonie en 1988.

¹¹⁴ Interview with Philippe Dunoyer, 4 August 2015.

¹¹⁵ Brendan O’Leary, “The Dalriada Document: Towards a Multinational Compromise that Respects Democratic Diversity in the United Kingdom”, *The Political Quarterly* 87, no. 4 (2016), 524–525. Apart from Gibraltar, which falls within the EU, virtually all of the UK’s Overseas Territories fall outside the EU (though the territories do have different kinds of legal, political and economic relations with the EU) and therefore did not partake in the vote.

¹¹⁶ Scottish Electoral Commission, “The 2014 Scottish Independence Referendum Voting Guide”, 3, Available:

http://www.electoralcommission.org.uk/__data/assets/pdf_file/0012/170400/The-2014-Scottish-Independence-Referendum-Voting-Guide.pdf.

¹¹⁷ Javier Casquero, “Catalan government fails to mobilize region’s expats in run-up to referendum”, *El País (English)*, 26 June 2017, Available:

https://elpais.com/elpais/2017/06/26/inenglish/1498473753_881035.html.

requirement may be imposed on nationals solely for local and regional referendums, and should not exceed six months other than in exceptional circumstances.¹¹⁸

In this view, New Caledonia would fall within the case of “exceptional circumstances” given the far longer duration of residency demanded for enrolment and the different criteria between provincial elections and the referendum. The restrictions make sense only in light of the history of colonial settlement and the scale of migration that has occurred as a result.

For enrolment on the LESC, the individual must satisfy one of the criteria enumerated in Article 218 of the Constitutional Bylaw of 19 March 1999 (see Annexe VI). There are similarities and differences between the criteria listed for the consultation and those for citizenship. Both grant automatic eligibility to persons eligible for the 1998 consultation to vote (condition a), since this vote effectively required ten years residency, meaning those who satisfy this criteria are residents since 1988. Both electoral lists demand a continuous duration of residence for French citizen migrants, though the durations are different. Whereas citizenship of New Caledonia is frozen, requiring people to have arrived prior to 1998, the consultation demands a minimum, continuous residency dating back to 31 December 1994 (condition f). Another condition allows people who resided in New Caledonia from 1988 to 1998 to be enrolled (condition g). As was the case in relation to citizenship of New Caledonia, family, professional and medical reasons are acceptable justifications for not satisfying the residency.

Although this duration of residence demanded for the consultation is more exigent than for New Caledonian citizenship, there are additional criteria for the consultation. There are three major differences concerning the consultation. First, condition (d) grants enrolment to people with customary status, nominally restricted to those who identify as Kanak. While this might be seen in one sense as an ethnic criteria, it is also possible for persons with customary status to have renounced it, or have had their parents renounce it, in favour of civil status, and yet still identify as Kanak. A second difference refers to people born in New Caledonia who have “centre of their material and moral interests” (CIMM) there. Whereas birthplace was not a condition for citizenship, birthplace is sufficient in this case but only if one can prove their enduring attachment to the territory. According to a 2015 ruling by the *Conseil d’Etat*, the criteria for the

¹¹⁸ Also known as the Venice Commission. “Explanatory Memorandum”, 1.1.6; See also 1.1.d of the “Guidelines on the Holding of Referendums”, [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad\(2007\)008-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad(2007)008-e).

CIMM could be verified by “any means” and on “a case-by-case basis according to a range of indices.”¹¹⁹ The 2017 UN Report considered that the special administrative commissions did not use this criterion very often and observed a considerable lack of consistency in terms of its application.¹²⁰

Despite the different criteria for the consultation, there are only several thousand fewer voters compared to the number of citizens. In a very small number of cases, there are people with New Caledonian citizenship but excluded from the referendum. For example, if an individual arrived in New Caledonia and enrolled on the general list in 1997, they would be able to vote in the provincial elections from 2007, but perhaps be ineligible for the consultation. There have equally been reports of non-New Caledonian citizens on the electoral list for the consultation.

Similarly to the 2014 provincial elections, the potential absence of a large number of Kanak from the future consultation undermines its legitimacy, since international law stipulates the right to self-determination of the “colonised people.” Furthermore, as previously highlighted, by relying on a procedure demanding a voluntary effort to enrol or change enrolment details in the event of moving, the Kanak population remained systemically marginalised. The *Rassemblement indépendantiste et nationaliste* (RIN), a pro-independence platform distinct from the FLNKS created for the consultation, have argued that as many as 24,000 Kanak are absent from the LESC, amounting to 25 per cent of the Kanak population of voting age, basing their figure on the register of persons with customary status.¹²¹ Consequently, the RIN argued for the unconditional, automatic enrolment of all Kanak, re-emphasising that the right to self-determination exists for the Kanak people and not all of New Caledonia.

A debate ensued between the political parties concerning who, if anyone, should be entitled to automatic enrolment on the LESC. Anti-independence parties argued that privileging persons of customary status instituted ethnic discrimination, while local

¹¹⁹ *Conseil d’Etat*, No. 389573, 29 January 2015.

¹²⁰ United Nations, “Révision de la liste électorale pour l’élection des membres du Congrès et des assemblées de province de la Nouvelle-Calédonie (LESP) et de la liste électorale spéciale pour la consultation (LESC)”, 28 June 2017, 19-20.

¹²¹ The numbers proposed by the RIN have changed slightly over time. In October 2017, the number of excluded persons with customary status numbered, according to their calculations, 22 780. Ingrid (no surname), “Le RIN réaffirme l’inscription automatique et sans condition des kanak sur la liste référendaire de 2018”, 8 December 2016, Available: http://ustke.org/actualites/actualite-politique/Le-RIN-reaffirme-linscription-automatique-et-sans-condition-des-kanak-sur-la-liste-referendaire-de-2018-at_796.html; See also Nadine Goapana, “R.I.N: 3ème mobilisation en faveur de l’inscription automatique des kanaks”, *Calédonie 1ère*, 25 October 2017, Available: <https://la1ere.francetvinfo.fr/nouvellecaledonie/rin-3eme-mobilisation-faveur-inscription-automatique-kanaks-525399.html>.

representatives of the French Government re-iterated that the Accord did not make Kanak identity a criterion for inscription. However, their solutions differed. The Committee of Signatories on 3 October 2014, facilitated by Prime Minister Manuel Valls and boycotted by the UC-FLNKS for other reasons, agreed that certain categories of voters should be automatically enrolled, but remained divided on which ones. While the *Républicains-UCF*¹²² maintained enrolment should remain a voluntary act, *Calédonie Ensemble* argued that all citizens of New Caledonia born in the country should be automatically enrolled.¹²³

Similar debates in relation to facilitating decolonisation and voting rights have emerged elsewhere. In Guam, for example, the local legislature spent many years putting together an electoral roll for a future referendum on self-determination. To avoid accusations of racial preference, rather than restricting the roll to indigenous Chamorro, eligibility for the decolonisation list was restricted to those resident from the time of the Organic Act of 1950 defining relations between Guam and the United States.¹²⁴ However, an excluded individual successfully appealed the nature of the exclusion at the US Supreme Court, leading to a cessation of efforts to populate the list.

Between 2015 and 2017, several changes have been made to the constitutional bylaw after tacit agreement between most of New Caledonia's political parties. On 5 June 2015, the Committee of Signatories agreed to automatically enrol several categories of "natives" on the special electoral list for the consultation in 2018.¹²⁵ The new concept of "natives" sought to dispense with the administrative measures for most people born in New Caledonia. According to Roch Wamytan, this extension was a "concession" by the FLNKS potentially "to the disadvantage of the pro-independence movement because it enhances the risk of fraud from uncontrolled enrolments."¹²⁶ However, the RIN considered that this change still fell short and remained concerned about the large

¹²² The UCF refers to the *Union pour la Calédonie dans la France*, a loyalist coalition led by Gaël Yanno.

¹²³ Premier Ministre, "XIIème comité des signataires de l'Accord de Nouméa, Relevé de conclusions", 3 October 2014, Available: <http://unioncaledonienne.com/wp-content/uploads/2014/10/12%C3%A8me-Comit%C3%A9-des-signataires-2014.pdf>.

¹²⁴ Scott Robertson, "A Tale of Two Territories: Decolonisation and Voting Rights in Guam and New Caledonia", in *L'Océanie convoitée: Actes des colloques*, eds. Semir Al Wardi, Jean-Marc Regnault and Jean-François Sabouret (Tahiti/Paris: Api Editions/CNRS Editions, 2017), 301–307.

¹²⁵ Though the term "natives" did not feature in the communiqué for the Committee of Signatories, it became the term widely used by political leaders: 'Comité des signataires exceptionnel de l'Accord de Nouméa: Relevé de conclusions', 5 June 2015, Available: <http://www.gouvernement.fr/conseil-des-ministres/2015-06-10/les-conclusions-du-comite-des-signataires-exceptionnel-de-l->

¹²⁶ Roch Wamytan, "Comité spéciale de la décolonisation, 70ième session de l'Assemblée générale des Nations Unies", New York, 26 June 2015.

number of “natives” absent from the general electoral list. In November 2017, under Prime Minister Edouard Philippe, the Committee of Signatories agreed to automatically enrol 11 000 “natives” missing from the general list, requiring a change in the French electoral code that frames enrolment as a voluntary act.¹²⁷ Although most of the political parties present at the Committee hailed it as a major step forward in negotiations, the *Parti travailliste*, a small yet vocal player in the RIN, maintained that it would still lead to many Kanak being excluded and has threatened to boycott the consultation.

The disaggregation between citizenship and voting rights in New Caledonia is reflective of broader global changes in the political world. What distinguishes New Caledonia from most other contexts is that the moral and political divisions associated with decolonisation mediate their nexus. The post-Noumea Accord period has resulted in an extremely complex interlinking of rights that are the result of not only political agreements, but also French, European and international law. If decolonisation is a contested process between the colonial power and the colonised people, what are its implications for people who dispute their place within either label? This is precisely the dilemma in relation to New Caledonia’s non-Kanak population.

What is clear from the voting rights debate is its power as a symbol of belonging. To deprive an individual of voting rights is often viewed as a deprivation of their bond to the political community in question. Excluded parties and their advocates often claimed suffrage on the basis of their French citizenship, but also their New Caledonian identity. These include people who emphasise their contribution to the territory, namely through their taxes and participation in civil society, and yet cannot participate in one dimension of political life (albeit a consequential one). However, not all individuals deprived of the right to vote in New Caledonia respond to their exclusion in the same way.

Having traced the evolution of the voting rights question since the Accord, it is possible to identify different forms of inclusion and exclusion, even within seemingly mundane administrative processes. When the agreement was signed, the notion that Kanak

¹²⁷ “XVI^e Comité des signataires de l’Accord de Nouméa: Relevé de conclusions”, 2 November 2017, Available: http://www.gouvernement.fr/sites/default/files/document/document/2017/11/xvie_comite_des_signataires_de_laccord_de_noumea_-_releve_des_conclusions.pdf.

voters could be potentially excluded from voting was likely to have been unthinkable. Today, there remain many thousands of Kanak absent from the voter lists, though how many remains disputed. Regardless, as the FLNKS have repeated at the UN, the failure to unequivocally enrol Kanak people will undermine the legitimacy and legality of the consultation in which the colonised people must be able to voice their opinion.¹²⁸ However, calls for the automatic enrolment of Kanak, recognised as those with customary status, have run up against ever-present concerns of privileging one group of citizens over another.

Despite the enumeration of complex criteria to determine who possesses the right to vote, these remain undergirded by contrasting understandings of the political community itself. The complexity of the legal criteria and the multiple electoral lists are not easily translated into political rhetoric. As a result, political parties have largely undertaken the responsibility of communicating who is eligible and who is not, rather than the French state. Although the French state recognises the importance of enhancing its information campaign, its role is constrained by perceptions of taking sides in the debate. It is difficult to see, therefore, how enrolment can be de-politicised in the current context.¹²⁹

Evidently, resolving the criteria for enrolment will play an important part in successfully navigating the consultation period, which, in the event of there being three consultations, will endure until 2022. As the remainder of the thesis highlights, the failure to achieve strong agreement on who is a citizen has plagued other areas of the citizenship debate such as discrimination in the workplace.

¹²⁸ Roch Wamytan (spoken by Stephanie Graff), "La politique française est l'indépendance interdite", *Caribbean Regional Seminar of the Special Committee of 24, Implementation of the Third International Decade for the Eradication of Colonialism: The Future for Decolonization in the Non-Self-Governing Territories: What are the Prospects?*, 16-18 May 2017, Available: <http://www.un.org/en/decolonization/pdf/Statement%20by%20Roch%20Wamytan.pdf>.

¹²⁹ Angélique Souche, "La plate-forme lance un "collectif d'aide aux électeurs"", *Nouvelle-Calédonie 1ère*, 11 September 2017, Available: <https://la1ere.francetvinfo.fr/nouvellecaledonie/plate-forme-lance-collectif-aide-aux-electeurs-510695.html>.

Chapter 8: Protecting Local Employment in a Decolonising and Globalising World

The “protection, promotion and support of local employment” is, along with voting rights in New Caledonia’s provincial elections, one of the major areas impacted by New Caledonian citizenship. The New Caledonian Government has passed two separate laws promoting local employment, one for the private sector in 2010, and another for the public sector in 2016. At the time of writing, the institutional mechanisms implementing the public sector law were still being negotiated.

Political pressure advocating protection for local employment is by no means new. However, as this chapter highlights, it has assumed prominence within the decolonisation process iterated under the Noumea Accord. This is especially so given the role that migration has played in New Caledonia’s colonial settlement, and continuing pressure from pro-independence parties to curtail it. But migrants have also been viewed as contributing to the territory’s economic development, and bringing skills, knowledge and investment that enables the territory to transcend its geographical isolation and small size. The implementation of local employment laws in New Caledonia is therefore not solely a local affair, but reflects broader transformations in citizenship experienced as part of a global economy. Whereas much of the focus in scholarship on the relationship between citizenship and employment focuses on the rights (or lack thereof) of “foreign” workers, both legal and illegal, in New Caledonia we confront complex and contested legal and moral boundaries of citizenship in a decolonising context. Who needs to ask for authorisation to work? According to the *Direction du travail et de l’Emploi* (DTE), it is “any person not possessing French nationality, including European residents.”¹ However, there is political pressure seeking to make New Caledonian citizenship the basis for protecting local employment.

This chapter examines how New Caledonian local employment laws over the last decade have been implemented. Contrary to the matter of the electoral lists, which largely took place in courtrooms in Noumea and Paris, much of the agitation in favour of local employment began with New Caledonia’s “social partners” (fr. *les partenaires sociaux*), above all trade unions and employer organisations, allowing for a different perspective of citizenship altogether. Drawing on interviews with various members of these organisations, together with Congress members and other texts, this chapter

¹ Direction du travail et de l’emploi. “Vos droits et obligations: Main d’oeuvre étrangère, Fiche pratique, 2017”, 2, Available: https://dtenc.gouv.nc/sites/default/files/atoms/files/main_doeuvre_etrangere_2017.pdf.

elicits the different ways these individuals and groups consider citizenship in light of the challenges presented by both political emancipation and the territory's economic development. Importantly, promoting citizenship as a basis for protection in the private and public sectors are not necessarily viewed in the same way. Given that the citizenship debate has almost exclusively centred on migration from different parts of France, the matter of foreign workers is not explored in this chapter.²

Protecting, Promoting and Supporting Local Employment in the Noumea Accord

The neo-liberal orthodoxy championed across the Western world and by international organisations emphasising private sector-led economic growth tends to attribute job creation to the free market rather than the state. Since the 2007 Global Financial Crisis (GFC), these ideas have come under pressure in different ways, from both the political Left and the Right. One of the consequences of these forces has been that the very idea of citizenship has become increasingly “instrumentalised” and divorced from its historical moorings as a status signifying moral attachment to a political community.³ In this view, individuals demand citizenship not because it speaks to their sense of belonging, but because they believe they will be better off with it. Correspondingly, states enact policies to take advantage of certain individuals' skills and knowledge, while rejecting others who might be perceived as burdens or threats for social or economic reasons. Moreover, states enact greater barriers to full citizenship status for poorer, temporary workers undertaking mostly low-skilled jobs.⁴

Even though citizenship is often viewed as a defining feature of the public sphere, it cannot be divorced from the world of work. When a sufficient mass of citizens find themselves unable to find work, the state is often held to be culpable as much as the businesses that have reduced their workforce, irrespective of whether it is because of market pressures or shareholder interests. Those denied or unable to find employment may question the value of their citizenship, if indeed they possess it, and demand state action. This often leads to criticism of “outsiders” taking “local” jobs. Consequently, the workplace exists as a site of perpetual tension between our identities as citizens of

² According to 2015 DTE figures, there were 2 887 permits issued to foreign workers by the New Caledonian government. Historically, foreign worker numbers have surged during the construction phase of the large mining projects, such as Goro in the South and Koniambo in the North. The data reflects an overall decline in foreign workers despite a significant (56 per cent) increase in non-mining related authorisations, most of which have been attributed to short-term contracts.

³ Peter J. Spiro, “Citizenship after Trump”, Centre for Migration Studies, 5 April 2017, Available: <http://cmsny.org/publications/spiro-citizenship-after-trump/>.

⁴ Judy Fuge, “Making Claims for Migrant Workers: Human Rights and Citizenship”, *Citizenship Studies* 18, no. 1 (2014), 29–45.

states and our identities derived from our positions in the labour market, based on our various skills, knowledge and experience.

The Noumea Accord displays these tensions in relation to the protection of local employment. Section Four of the Preamble states that “the size of New Caledonia and its economic and social balance do not permit a significant opening of the labour market and justifies measures of local employment protection.” Once again, Section Five states “in order to take into account the tightness of the labour market, mechanisms will be defined in order to prioritise access to local employment for persons durably established in New Caledonia.”

The Accord connects citizenship of New Caledonia to local employment in Section 2 of the Orientation Document, where “the notion of citizenship...is also a reference for the iteration of mechanisms that will be defined in order to preserve local employment.” Section 3.3.1 stipulates that,

New Caledonia will put into place, in conjunction with the State, measures aiming to offer particular guarantees for the right to work of its inhabitants. The regulation on the entry of people not settled in New Caledonia will be bolstered. For independent professions, the right to settle can be restricted for persons not established in New Caledonia. For the private sector and the territorial public service employees, a local regulation will be defined in order to privilege access to the employment of its inhabitants.

Already within these foundational texts appear multiple variants of important concepts. Firstly, local employment is connected to “persons durably settled”, “New Caledonian citizenship” and “inhabitants of New Caledonia.”⁵ Secondly, the affirmation of local employment is described in different ways as “protecting”, “prioritising”, “preserving” and “aiming to offer particular guarantees.”

The Constitutional Bylaw of 19 March 1999 enshrining the Noumea Accord in law addresses local employment in Article 24, referring instead “to measures aiming to favour the undertaking of paid work” that benefit “citizens of New Caledonia *and* persons who can prove a sufficient duration of residence” [*italics* inserted by author]. Therefore, the joint reference to both citizens of New Caledonia and persons who can prove a sufficient duration of residence [*les durablement installés*] does not erase the possibility of different interpretations of the boundaries of the “local.”

⁵ See Conseil constitutionnel, “Commentaire de la decision no. 2009-587DC – 30 juillet 2009”, *Loi organique relative à l'évolution institutionnelle de la Nouvelle-Calédonie et à la départementalisation de Mayotte*, Cahier no. 27, 30 July 2009, 15.

The reasons for local employment outlined in the Accord include New Caledonia's size, its economic and social balance and the "tightness" of the labour market. It is framed as a continuation of the process of *ré-équilibrage* or "re-balancing" commenced following the Matignon-Oudinot Accords to facilitate greater Kanak participation in the economy. Yet competing political goals shaped the re-balancing policies. Loyalist leaders and French officials expressed their confidence that greater Kanak integration into the "modern" economy would weaken desire for independence. Conversely, the FLNKS considered that the ten years between 1988 and 1998 would demonstrate their aptitude in governance and the running of the local economy, above all in the North Province and the oversight of the immense nickel-mining project in Koniambo. Despite some positive changes, a vast gap persisted between the non-Kanak and Kanak populations in terms of education, professional development and economic activity, translating to demands for protection for local employment.⁶

Unsurprisingly, it was against a backdrop of considerable economic unrest that the first, small steps towards implementing a policy in favour of local employment became realised. Between 1998 and 2000, a large number of strikes and blockades paralysed New Caledonia in response to a breakdown of negotiations between unions and employers. On 5 July 1999, a number of New Caledonia's largest unions organised one of the territory's largest ever protests.⁷ After months of negotiations, the New Caledonian Government and representatives of unions and businesses signed a "Social Pact" on 20 October 2000, organising the modes of representation of employer and employee organisations and a commitment to social and economic reforms. Among these included a commitment to passing legislation on protecting local employment. Section 4 of the Pact called for greater attention to "maintaining of social cohesion necessary for a harmonious development", but that "protection of local employment not be implemented to the detriment of the needs of the economy... The priority to local employment must be given on the basis of equal skills and equal qualifications."

The involvement of the social partners in pushing for greater political attention to addressing local employment highlighted the fact that citizenship could not be divorced from broader questions of social and economic justice. Moreover, it pointed to diverging views on local employment in order to promote greater "social cohesion." Its advocates viewed promoting local employment as a means of facilitating greater equality among citizens, permitting the very notion of New Caledonian citizenship to

⁶ Interview with Charles Washetine, 7 June 2016.

⁷ The content and context of the *Pacte social* were discussed in a conference held to mark ten years since its signing: Direction du travail et de l'emploi (DTE), 'Actes du colloque: 10e anniversaire du Pacte social', 20 October 2010.

transcend a simple legal status and become a substantive reality. Its detractors saw it as another vehicle of exclusion preventing migrant populations from making New Caledonia their home. However, it also reflected competing views concerning New Caledonia's political economy, between a politics that responded to the needs of economic development and an economic development that responded to the political exigencies laid down by the Noumea Accord.

Legislation in Favour of Local Employment

Despite pressure applied by certain social partners, the New Caledonian Government did not attempt to formulate legislation on local employment until 2005. Following the 2004 provincial elections won by *Avenir Ensemble*, Alain Song, the government minister responsible for employment and training, drafted legislation protecting local employment in the public service, restricting metropolitan and territorial public service positions in certain categories to those with a minimum of ten years' residence. However, the *Conseil d'Etat* deemed that it transgressed Article 6 of the *Declaration of the Rights of Man and the Citizen* guaranteeing equal access for all French citizens to the public service, as well as the *International Covenant on Civil and Political Rights*.⁸ In addition, in its judgement of the constitutional bylaw enshrining the Noumea Accord, the *Conseil constitutionnel* recognised the importance of local employment to the implementation of the Noumea Accord, but stressed that only "rational and objective criteria" necessary to its implementation would be acceptable.⁹

Working within the parameters of French constitutionalism and the political imperatives of the Noumea Accord proved difficult.¹⁰ Furthermore, employers found that the regulations proposed by unions would put a "brake" (*un frein*) on the territory's economic development.¹¹ Continued political divergences on New Caledonian citizenship further rendered any agreeable equilibrium concerning local employment difficult. In particular, the 2007 reform of the Constitution freezing the special electoral list stiffened resistance among more conservative anti-independence figures to citizenship as the sole basis for the protection of local employment. Once again, impetus came from the social partners against the backdrop of the GFC and resurgence in conflict over labour, including a major protest movement against the

⁸ *Conseil d'Etat*, No. 327237, 17 November 2005.; For a full commentary (in French) see Mathias Chauchat, "Emploi local et Conseil d'Etat", *LARJE*, Université de la Nouvelle-Calédonie, 27 December 2007, Available: <http://larje.univ-nc.nc/index.php/les-travaux/veille-juridique-et-jurisprudences/79-emploi-local-et-conseil-detat>.

⁹ Conseil constitutionnel, Décision no. 99-410DC du 15 mars 1999.

¹⁰ For a fuller discussion of this issue see Anne Gavard, "Protection, promotion et soutien de l'emploi local en Nouvelle-Calédonie", *Droit social*, no. 2 (2013), 157–159.

¹¹ Interview with Sonia Backès, 5 October 2016.

Goro nickel mine in the South Province, begun in response to environmental pollution and a lack of royalty payments to local clans by the Canadian owner INCO.¹²

The role of unions in the debate on local employment and citizenship is significant given their complex and often-ambiguous engagement with the broader question of independence. Most unions stress a strictly neutral view towards independence within their organisations, since many of the organisations include both New Caledonian citizens and non-citizens with various views on citizenship and independence, with the exception of several overtly pro-independence unions such as the *Union des syndicats kanaks et des exploités* (USTKE).¹³ Augustine Poithili, responsible for the local employment dossier in the country's largest union, the *Union des syndicats ouvriers et employés de la Nouvelle-Calédonie* (USOENC), observed:

We want the *forces vives* to participate since we are on the eve of the exit of the accords... there is citizenship but what do we want to put in it? In this citizenship it's the *vivre ensemble*, but what does that mean? ... We need to be a force of propositions relating to what concerns us, the social and economic.¹⁴

For David Meyer of the *Fédération des fonctionnaires et l'enseignement* (FEDE), their organisation sought to tread a neutral path where “whatever the future of the country holds, our country must be able to function, whether we are independent or autonomous, or if we stay within France. The idea is that we are there to bring a service to the citizens whatever happens.”¹⁵ The activist role of the unions made up for the relative lack of action by New Caledonia's political leaders *vis-à-vis* local employment. Advocacy for positive discrimination remained largely confined to the pro-independence parties, which remained a minority in the Congress and had largely been unable to assume ministerial positions responsible for the sector.

While the common rationale for a local employment law was the need to address youth employment for the *enfants du pays*, it could not be entirely distanced from arguments stressing the prevention of “migratory surges” (*les flux migratoires*). Above all, the USTKE, together with pro-independence parties, maintained that metropolitans were arriving *en masse* and taking local jobs. In 2009, they organised a protest in front of La

¹² David Chappell, “New Caledonia”, *Journal of Contemporary Pacific* 19, no. 2. (2007), 591–593; INCO was soon afterwards purchased by the Brazilian multinational Valé.

¹³ Interview with Firmin Trujillo, 6 June 2016.

¹⁴ Interview with Augustine Poithili, 4 October 2016.

¹⁵ Interview with David Meyer, 30 September 2016.

Tontouta International Airport “where the mostly metropolitan migrants have arrived in great numbers lately.”¹⁶

The Private Sector

Under Philippe Gomès’ presidency (*Calédonie Ensemble*), the New Caledonian Government solicited the aide of the *Conseil d’Etat* to construct a law that avoided the pitfalls of the 2005 proposal, but which also resulted from dialogue among the social partners.¹⁷ The bill, known as the *loi du pays relative au soutien et à la promotion de l’emploi local* finally submitted to the Congress on 15 October 2009, received approval from the *Conseil d’Etat* and the *Conseil constitutionnel*, and subsequently the *Commission consultative du travail*, including the social partners, with the important exception of the USTKE and the *Confédération Syndicale des Travailleurs de Nouvelle-Calédonie* (CSTNC).

The law proposed modifications to the territory’s *Code du travail* (Labour Code), including various residency requirements for local positions categorised according to the difficulties of filling the positions by local recruitment. The more easily filled by locals, the higher the duration of residency demanded, with a ceiling of ten years’ residency possible in line with the *Conseil constitutionnel* decision of 15 March 1999 (see Table 9). For some professions such as certain medical professionals, no residency requirements were demanded at all. Following the passage of the law, the different durations were ascribed to each form of professional activity in a large table known as the *tableau d’activités professionnels* or TAP, revised every three years by the social partners.

¹⁶ USTKE, ‘Pour un véritable texte qui protège l’emploi local et contrôle l’immigration’, 18 March 2009, Available: http://ustke.org/archives_article.php?post_id=396, Accessed on 08/06/2017.

¹⁷ Georges Naturel, ‘Rapport No. 15, projet de loi du pays relative au soutien et à la promotion de l’emploi local’, 13 October 2009; Cf. Interviews with Sonia Backès, 5 October 2016; David Meyer, 30 September 2016.

Table 9: Local Employment Prioritisation in the Private Sector

Duration of Residency Required	Basis for Residency	Percentage Based on Local Representation in Labour Market ¹⁸
10 years	Largely satisfied by local recruitment	75-100%
5 years	Experiences some difficulties with local recruitment	50-75%
3 years	Experiences significant difficulties with local recruitment	25-50%
< 3 years	Experiences extreme difficulties with local employment	0-25%

The most critical and contentious aspect of the law was the mechanism of enforcement, known as the *Commission paritaire de l'emploi local* (CPEL), consisting of fourteen members, divided equally between unions and employer organisations. The CPEL's function is primarily to deliberate on whether or not a lack (*constater une carence*) exists in a professional domain, which permits an employer to hire someone who does not satisfy the minimum residency demanded in the TAP.¹⁹ However, the CPEL only provides a recommendation and cannot legally bind an employer to choose a particular individual. Drawing on their cases, the CPEL works with government employment and training institutions to identify areas where additional training programs should be offered in order to better locally meet the needs of the sector.²⁰ The CPEL's other function is to consider complaints from individuals who claim to have been overlooked for a position at the expense of somebody with insufficient residency. However, it would be difficult to know precisely the reasons why somebody was hired and another rejected. Indeed, between 2012 and 2014 only eighteen contestations were brought before the CPEL.

An important caveat was that preference for local citizens or the durably settled only applied when two or more candidates possessed equal qualifications and skills, reflecting employer pressure to ensure the territory remained open to better-qualified

¹⁸ Lp. 451–4 of the *Code du travail*.

¹⁹ The various labour profiles are constructed using the *répertoire opérationnel des métiers et des emplois* or ROME codes, used by employment institutions and services in metropolitan France. The table is generally renewed every three years to reflect the changing dynamics of the labour market.

²⁰ Mathias Kowasch's doctoral thesis examining the response of Kanak communities to the KNS nickel mining project in the North Province provides an example of the implementation of local employment laws, as well as the way in which the increase in mining led to more training programs relevant to the mining sector at various levels of education. See Mathias Kowasch, "Les populations kanak face au développement de l'industrie du nickel en Nouvelle-Calédonie" (PhD diss., Université Montpellier III/ Université de Heidelberg, 2010), 194–195.

individuals. Consequently, the application of citizenship preference still depended on the employer's view. In addition, the local employment conditions did not apply to individuals governed under short, fixed-term contracts of three months or less.²¹

The congressional debates on the private sector law revealed several points of contention concerning who could benefit from the mechanism. Above all concerned the extent to which citizenship served as a "reference", as highlighted by Article 24 of the Constitutional Bylaw of 19 March 1999, or a legal foundation of local employment. Anti-independence parties, especially since the 2007 freeze, refuted the idea that New Caledonian citizens alone could take advantage of the law, instead arguing that citizens *and* the durably settled (*les durablement installés*) should not be distinguishable except for their skills and talents. The FLNKS vehemently argued that it was essential for New Caledonian citizenship to more significantly shape the local employment mechanism, not only to give young people more hope in finding work but also to lend greater depth of significance to their citizenship and the common destiny. A second issue concerned the right to work of non-citizen partners of New Caledonian citizens, with anti-independence parties arguing that it could prevent New Caledonians from returning from France if their partners could not find work. A third issue concerned whether the preferential mechanisms affected individuals already engaged in the workforce. *Rassemblement-UMP* members highlighted the significant impact the changes could potentially exert on the Wallisian and Futunian community because of their strong participation in the construction sector, likely to be given a ten-year residence requirement that could not be met by certain community members.

The first reading saw the bill passed, despite opposition from the FLNKS and the *Parti travailliste*. The FLNKS succeeded in calling for a second reading on 27 July 2010, during which time they successfully negotiated a compromise law.²² In line with FLNKS demands, the law more clearly asserted the priority given to a citizen first, followed by those with the necessary duration of residence, but only if the candidates possessed equal qualifications, skills and experience. However, the law automatically attributed ten years of residency to formally recognised partners of citizens on the condition that they had been partners for two years. In addition, the law did not extend to individuals who had already been engaged in a position for six months or more.

The Public Sector

The public service accounts for nearly one third of New Caledonia's total employment. Of the 26 798 public servants working in New Caledonia at the beginning of 2017,

²¹ Lp. 451-1 of the *Code du travail*.

²² *Loi du pays no. 2010-9*, 27 July 2010; JONC, 10 August 2010.

9 580 are territorial public servants (*fonctionnaires territoriaux*), 6 478 work for the French state (*fonctionnaires d'Etat*) and the remaining 10 740 are employed as government contractors governed by private sector employment laws.²³ For this reason, the large size of the public service has often been the subject of criticism from political leaders who consider economic development over-dependent on the sector.²⁴ Nevertheless, it has also meant the sector plays a major role in facilitating policies aimed at correcting economic inequalities across the territory, including most notably the “400 cadres” (Four hundred managers) and “*Cadres avenir*” (Future managers) programs promoting greater Kanak participation in higher levels of the workforce (see further below).

Article 6 of the 1789 *Declaration of the Rights of Man and the Citizen* stipulates that the public service must be based on nothing other than “virtues and talents”, rendering specified conditions of residence for positions constitutionally difficult. Generally, applicants sit one exam for each kind of position (*le concours*), although it is still possible to be recruited directly for a particular job based on the satisfaction of the minimum requirements (*recrutement sur titre*). Furthermore, the State employs a range of financial incentives facilitating greater mobility to ensure the equitable distribution of human skills and resources throughout France. But mobility can also prove difficult for public servants from the *Outre-mer* who can struggle to obtain posts in their own homeland – an issue that is currently being addressed by the French Government.²⁵

Across the *Outre-mer*, public servants have gained a negative reputation for receiving indexed salaries and indemnity payments aimed to encourage public servants to take up residence in posts considered less desirable and with a higher cost of living, in turn blamed for increasing the local cost of living and draining the public budget.²⁶ However, it has been argued that to remove the indexation too significantly would severely affect public servants’ purchasing power, in turn creating consequences for the rest of the local economy.²⁷ Therefore, it is important to highlight the way in which the theoretical equality of French citizenship shapes public sector employment, and its

²³ ISEE, 2017.

²⁴ Interviews with Jean-Louis Laval 29 May 2016; Interview with Philippe Blaise 7 August 2016.

²⁵ Cécile Baquey, “De nouvelles dispositions pour faciliter la mobilité des fonctionnaires ultramarins”, *Nouvelle-Calédonie 1ère*, 12 March 2017, www.la1ere.francetvinfo.fr/nouvellecaledonie/nouvelles-dispositions-faciliter-mobilite-fonctionnaires-ultramarins-452135.html.

²⁶ William Kromwel, “Sur-rémunération des fonctionnaires Outre-mer: le débat est relance”, *Nouvelle-Calédonie 1ère*, 4 July 2016, Available: <http://la1ere.francetvinfo.fr/sur-remuneration-des-fonctionnaires-outre-mer-le-debat-est-relance-347579.html>. The issue of public service remuneration in the *Outre-mer* has long been a debate, the details of which are beyond the scope of this thesis. It should be noted, however, that public servants who receive their salary from the New Caledonian government also receive a bonus that generally matches those given to *fonctionnaires d'Etat*.

²⁷ Interview with David Meyer, 30 September 2016.

problematic application in the *Outre-mer*. This underpinning logic is different from the private sector that has a more ambiguous and contested relationship between French citizenship and the free market.

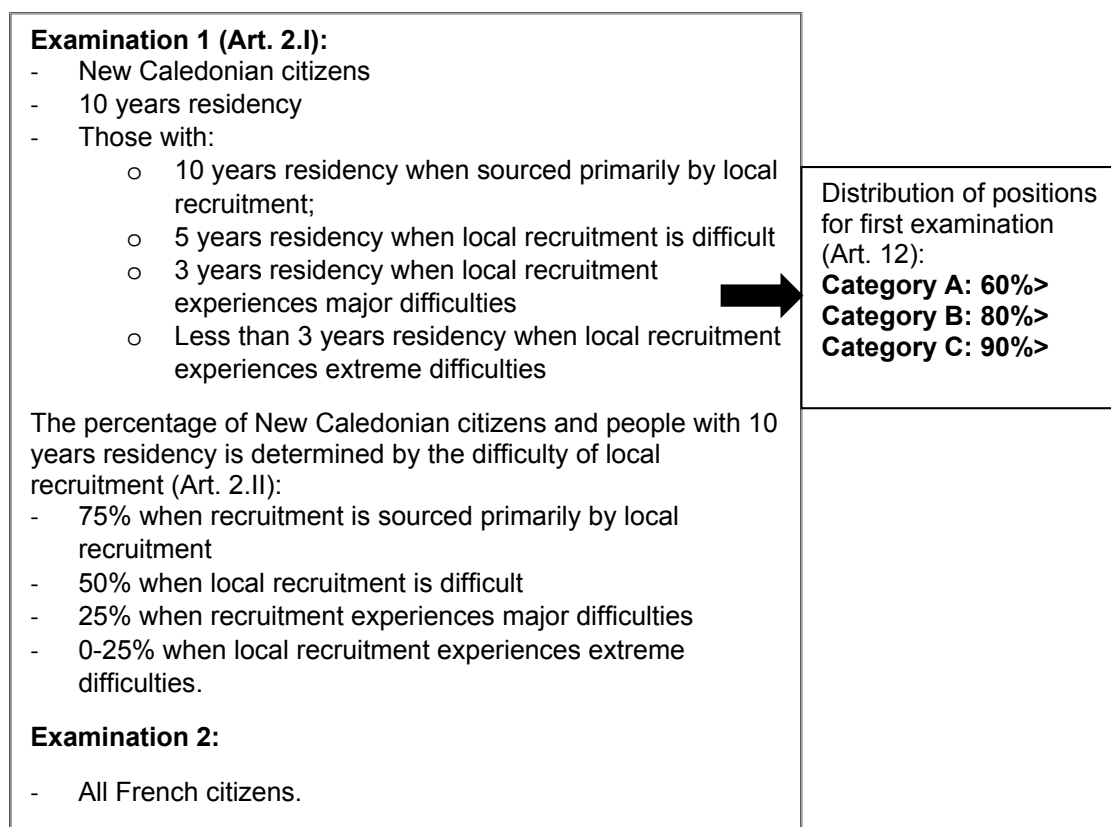
As previously mentioned, a 2005 effort by the New Caledonian Government to pass through a law protecting local employment in the public sector was rebuffed on the basis that its restrictions went too far. Following the 2014 provincial elections, work recommenced on a law in consultation with the social partners, this time under the leadership of Cynthia Ligeard (*Les Républicains*), the government minister responsible for the public service. The fact that deliberation on the law occurred several years after the passage of the law in relation to the private sector meant legislators could take into account its strengths and weaknesses. Despite this precedent, the debate on the bill²⁸ on 24 November 2016 proved no less controversial, breaking the record for the largest number of proposed amendments for a bill (forty-one) in the Congress, most of which were sponsored by UNI. However, unlike the private sector law, which required two separate readings separated by six months, the law passed after a long session of more than nine hours of debate.

The law adopted a similar principle of discrimination to the private sector law, with higher durations of residency required for categories of employment deemed more easily sourced locally. To facilitate the preference, two examinations would take place instead of one, with the first being restricted to New Caledonian citizens, persons with ten years of residency and those with a duration at least corresponding to the minimum duration of residency mandated. The second examination would be open to all French nationals. The examinations would be identical for each group, overseen by an identical jury, but the numbers in each exam skewed according to each level (Figure 9).

Contrary to the private sector law, the public sector law did not prioritise New Caledonian citizenship ahead of individuals with ten years of residency, while partners of New Caledonian citizens maintained identical rights, attributed with ten years residence. Pro-independence representatives criticised the equal footing of citizenship and ten years' residency, with UNI unsuccessfully attempting to pass an amendment to reinforce citizenship's primacy. The debates highlighted the legal and political difficulty of divorcing public employment in New Caledonia from French nationality.

²⁸ For an unverifiable reason, the reference to the term "protection" was not included in the initial title of the law. The bill was titled, *Projet de loi du pays relative au soutien, la protection et à la promotion de l'emploi local pour l'accès aux fonctions publiques de Nouvelle-Calédonie*. "Protection" was only included after an amendment was placed by Mme Goyetche of the *Parti travailliste* and accepted unanimously.

Figure 9: Application of Local Employment Law in the Public Sector



Perceptions of the Laws

The CPEL commenced its functions in February 2012 after completing the long and difficult process of completing the TAP. At the time of interviewing, the CPEL had recently submitted a report to the New Caledonian Government identifying its major challenges and institutional weaknesses, which subsequently informed the debate on the public sector.²⁹ In particular, the report pointed to the impossibility of measuring the effectiveness of local employment laws due to the absence of a reliable database taking into account the different residency durations of individuals, as well as their citizenship status. While virtually all interviewees supported the principle of protecting local employment and its political justification, though to varying degrees, they articulated negative views of the mechanisms of its implementation, also for different reasons. Union representatives emphasised their strong support for the laws but questioned their ineffectiveness in ensuring locals assume precedence in the employment market, and remained highly cynical concerning its ability to constrain employers from bypassing the CPEL. Employer organisations, however, tended to

²⁹ This 2015 report reviewed the years 2012-2014. I am grateful to Eveline Délévaux, secretary of the CPEL, for providing me with some of its main findings and statistics.

argue the laws placed an extra economic burden on businesses.³⁰ While it is important to highlight the diversity of views across the social partners, several main themes emerged.

New Caledonian Citizenship as a Basis for Local Employment

Despite the protracted debates on citizenship's definition after 2007, it quickly emerged that citizenship would prove to be no less subjective in the context of local employment. As Nidoish Naisseline observed in the Congress,

What is fundamentally new...is that this problematic [of local employment] makes reference to the political notion of citizenship and is consequently enshrined in a logic of decolonisation and as a reflection of sovereignty. The workplace...must therefore be the site *par excellence* of the expression of the common destiny and Caledonian citizenship.³¹

Work, in this view, was not only a vehicle to economic development, but also of emancipation: the overcoming of embedded inequality and, as a social space, permitting the emergence of a sense of togetherness underlining the “common destiny.” As previously observed, the private and public sector laws differed on the extent to which citizenship served as the basis of the “local” and whether the “durably settled” mentioned in Article 24 of the Constitutional Bylaw of 19 March 1999, generally interpreted as those with ten years residence, shared in the rights of citizenship in relation to the workplace.³² While the private sector law tacitly acknowledges the primacy of citizenship, this is not the case in the public sector where citizens and the “durably settled” share primacy for access to the public sector entrance examinations.³³

Despite the laws, there remained a high degree of cynicism among some interviewees concerning the CPEL. Jean-Louis Laval, President of the *Union Professionnelle Artisanale* (“Professional Artisans Unions” or UPA-NC)³⁴ and member of the CPEL,

³⁰ Some of these concerns were outlined in the report and opinion handed to the government on the law by the *Conseil économique et social de la Nouvelle-Calédonie* (CESE) that incorporates most of the territory's major social and economic actors. “Rapport & avis, no.5/2009, relatifs au projet de loi du pays concernant le soutien et la promotion de l'emploi local”, Adopted 27 March 2009.

³¹ Congrès de la Nouvelle-Calédonie, Compte-rendu intégral des débats, 5ème séance, 30 December 2009, 54–55.

³² Interviews with Cynthia Ligeard, 8 June 2016; Sylvain Pabouty, 2 June 2016. In fact, in the private sector law, the FLNKS succeeded in calling for a second reading of the bill, prior to which they succeeded in negotiating for those with New Caledonian citizenship to have priority.

³³ The issue of whether to prioritise citizens together with the “durably settled” dominated the long debate in Congress on the public sector law. See the general discussion of the bill in Congrès de la Nouvelle-Calédonie Compte-rendu officiel des débats, 24 June 2017 (JONC, 26 June 2017, 22–24).

³⁴ In 2016 recently renamed the *Union des entreprises de proximité* (U2P).

openly blamed the lack of clarity and political agreement of citizenship for the CPEL's failure:

It is for this reason that it is not going well. If the government defined citizenship... We do not know what it is. We speak of citizenship but what is it really? We do not have any definitions. We have to define it and give it a juridical framework... Very honestly, I say it openly, for me it is nothing.³⁵

But it is not the legal clarity that appears to make him question citizenship. Rather, the multiplicity of measures permitting individuals to gain access to either voting or working obfuscates citizenship as a status bestowing equal rights: "it's rather paradoxical because for some it's three years, for some it's five years and for others it's ten years. Where is the equality in that? Where is the equality and equity?" Irrespective of the question of legality, the multiplicity of labels determining who can benefit from local employment measures dilutes the concrete-ness of citizenship, as is demonstrated in Cynthia Ligeard's description of the law in the public sector:

The basic principle is that the public service must be Caledonian... Concerning the meaning of Caledonian citizenship, the public servant positions are prioritised for Caledonians of birth, Caledonian citizens or the durably settled. Durably settled is defined *grosso modo* by ten years residency.³⁶

The general absence of any agreed administrative procedure renders the distinction between citizen and non-citizen more difficult, echoing the challenges surrounding citizenship in relation to the electoral lists identified in the previous chapter. Valérie Zaoui, President of the peak employer association MEDEF-NC³⁷, for instance, notes that when an employer receives a resumé from the DTE, an individual's duration of residence is generally not included.³⁸ Though a list of documents proving citizenship or residence exists for the public sector law, including the special electoral card or proof of enrolment on the special electoral list, utility bills, schooling certificates and so on, no guidelines exist for the private sector law. Individuals are able to simply sign a sworn statement that they are a citizen or have lived in New Caledonia for a particular amount of time.³⁹

³⁵ Interview with Jean-Louis Laval, 29 May 2016.

³⁶ Interview with Cynthia Ligeard, 8 June 2016.

³⁷ *Mouvement des Entreprises de France* (MEDEF), or "National Confederation of French Employers."

³⁸ Interview with Valérie Zaoui, 6 June 2016.

³⁹ Interview with Eveline Délévaux, 26 May 2016.

Employers Who “Don’t Play Along”

One of the most common observations about the CPEL was that employers are not compelled to refer to the institution. According to the private sector law, employers must declare a vacancy to the DTE, which in turn attributes the residency period required according to the TAP. However, the 2015 report concerning the first three years of the CPEL stated that only between 10 to 12 per cent of employers took this step.⁴⁰ A public awareness campaign among employers immediately following the law’s implementation failed to alter employer behaviour. Reflecting this fact, a number of individuals, both union and employer representatives, distinguished between employers who “play” and “do not play along” (*ne jouent pas le jeu*). “Playing along” is used as a metaphor for local employment, reinforcing the perception that it not a clear-cut legal matter or a moral question of right and wrong. Instead, like a game, it is voluntary and allows for cunning and manoeuvre in order to win or lose. As one union member observed, “there are businesses who do not play along...because the law is a little like a sieve. They tried to get around it... We know that it is not 100 per cent applicable and useful but we are trying to do the maximum.”⁴¹ Others were more direct in their criticism: “They want to pretend they are good citizens as company bosses, except that as company bosses they don’t give a damn about that. They are there to keep their business going.”⁴²

The statistics provided in the CPEL report point to a general decline in the number of cases, with 122 in 2012, 83 in 2013 and 78 in 2014.⁴³ Of these, approximately two-thirds result in a judgement recognising local lack, suggesting that the CPEL tends to accept the employer’s justification. An example, given by Firmin Trujillo of the *Force Ouvrière* (FO) highlighted that on certain occasions the lack is not accorded: “Last week a company asked for latitude to hire a driver/delivery man. It’s not a surgeon they are looking for. It’s a driver, for fruit and vegetables!”⁴⁴ However, for Valérie Zaoui, the local employment issue fails to acknowledge the difficulties of recruitment in New Caledonia, including the need to fill posts quickly and the occasional lack of response to a job advertisement.⁴⁵ Some employers often need to fill posts quickly and therefore aim to bypass the administrative steps demanded.

Interviewees identified a number of strategies for avoiding the local employment mechanism. One was hiring workers on short-term contracts of less than three

⁴⁰ Interview with Eveline Délévaux, 26 May 2016.

⁴¹ Interview with Firmin Trujillo, 6 June 2016.

⁴² Interview with Lionel Woreth, 30 September 2016.

⁴³ Interview with Eveline Délévaux, 26 May 2016.

⁴⁴ Interview with Firmin Trujillo, 6 June 2016.

⁴⁵ Interview with Valérie Zaoui, 6 June 2016.

months, exempt from the private sector regulation. Preferring local employment is partly blamed for an increase in the number of independent workers securing licences (*les patentes*).⁴⁶ According to the ISEE, the number of independent workers nearly doubled between 2005 and 2016, accounting for nearly roughly one-third of the active population.⁴⁷ Laval, who believes they are mostly metropolitans, is concerned about the decreasing standards of tradesmen and women who operate under such schemes: “they don’t have the necessary diplomas. They do it because there is a barrier here. An electrician, if you take one without an electrician’s licence, what is abhorrent is that you can be an electrician without these diplomas.”⁴⁸ Alternatively, some interviewees highlighted the potential for employers either to inflate qualifications for a position in order to justify the selection of a non-local, or to justify the hiring of a friend, family member or colleague whose position might be challenged based on their residency.⁴⁹ However, this points to a significant difficulty faced by the CPEL. Despite being fourteen individuals with a range of experiences and knowledge of different economic sectors, it is difficult to argue against an employer concerning the level of experience required for a post.

Union representatives raised the issue of some employers requesting the granting of a local lack, but questioning why certain companies, especially those that are well established, are not proactive in their training of existing employees to fill certain roles. This way, “local” employees can assume greater roles of responsibility. Employer responses to these issues highlighted the importance of perceptions of cultural attitudes to work. Valérie Zaoui observed that in her workplace there can be a high turnover of staff.⁵⁰ She also noted a lack of seriousness from some recruits who do not recognise their obligations as employees, including being punctual. This translates into a broader lack of desire to assume greater responsibilities because of the extra obligations that are associated with it. Although Zaoui acknowledges the importance of training, she notes that it can be wasted if there is no real long-term commitment to the work.

⁴⁶ Interview with Jean-Louis Laval, 29 May 2016; Cf. Stephanie Le Queux and Stephanie Graff, “Industrial Relations in New Caledonia: context and focus on the Kanak indigenous people’s labour struggle in the background of the politics of reconciliation and decolonisation”, *Labour and Industry* 25, no. 3 (2015), 189.

⁴⁷ Based on the number of contributors to the *Régime Unifié d’Assurance Maladie-Maternité* (RUAMM), the public health insurance of New Caledonians. ISEE, 2017.

⁴⁸ Le Queux and Graff, “Industrial Relations in New Caledonia”, 189. There are other reasons for opposition to the independent *patentés* such as an exacerbated tax burden on fewer entities and the difficulties of organising and representing such individuals.

⁴⁹ The risk of this was outlined in the report and opinion of the CESE, “Rapport & avis, no.5/2009”, 5; Cf. Interview with Valérie Zaoui, 6 June 2016.

⁵⁰ Interview with Valérie Zaoui, 6 June 2016.

Nevertheless, according to Zaoui, it is not in the interests that employers recruit metropolitans. Citing her business experience in New Caledonia, metropolitans are generally more expensive to recruit.⁵¹ If recruited directly from France, it is possible that employers will need to pay for airfares to New Caledonia, and in some cases their family. She also finds that metropolitans are less reliable over the long-term, which she attributes to the disconnection between their perception of life in New Caledonia and the reality of living there. They assume that they will have a laid-back lifestyle reflecting the “postcard image” of New Caledonia promoted in France. Many can be discouraged by the cost of living and return home:

Many metropolitans arrive...young people... who finally realise that there is a preference for local employment. When they finally work, they realise it's not very well paid... they cannot afford a weekend in Ouvéa because it's so expensive; not to the Isle of Pines because it's expensive. Australia is basically a month's salary and so they realise they are there, but are doing nothing, they have an expensive apartment, and so they leave.⁵²

A final issue faced by the CPEL concerns their lack of powers of enforcement *vis-à-vis* employers. Following pressure from employer organisations, the law did not allow the CPEL to dictate whether an employer is obliged to hire a particular individual. In addition, they are not responsible for issuing the sanction – a role assumed by the New Caledonian Government.⁵³ The CPEL report highlighted ongoing divergences between employers and employee representatives on whether the CPEL should have greater power to enforce local employment. Indeed, as of 2016, not a single fine or sanction had been issued by the government for failing to abide by the CPEL.⁵⁴

The Advantages and Pitfalls of Openness

Concern about local employment's potential to harm economic development repeated that it would close off (*enfermer*) New Caledonia from the outside world. Opponents of stricter local employment made repeated references to the importance of opening up New Caledonia to “new blood” (*du sang neuf*) in order to overcome the limitations of the local population and to remain competitive in the global market. Laval stated:

But what we need to be careful of with local employment – it's the mixing of people. If Caledonia closes itself off, that is local employment, it will

⁵¹ Interview with Valérie Zaoui, 6 June 2016.

⁵² Interview with Laurent Cabrera, 4 October 2016.

⁵³ Interview with Eveline Delevaux, 26 May 2016.

⁵⁴ Interview with Eveline Delevaux, 26 May 2016.

also be a hindrance to new blood, who come and bring with them new technologies and which brings other practices as well. They will find themselves asphyxiated. There will be no more skills. Me, what scares me, is the fear created by the unions who impose local, local, local employment... We end up after many years with a skeleton team of personnel.⁵⁵

Again, Sonia Backès, stressed the need for “new blood from the exterior... to have new ideas, new dynamics, and this dynamic must be maintained because we start to say that we are closed off, will die, between us, of mediocrity...”⁵⁶ Metropolitans are given contradictory identities in relation to their economic function. On the one hand, they are viewed as having played a role in perpetuating French colonialism. On the other, they are “investors” or “entrepreneurs” deemed vital to the economic well-being and advancement of the territory. Outsiders are a source of *richesse* and dynamism at a time when domestic critics of New Caledonia’s economy stress the over-reliance on the nickel industry and the public service. Philippe Blaise embodies this perspective:

We have nickel, but in reality, even with the nickel, we cannot be sure of guaranteeing prosperity. What will make us remain a rich country is investment from the exterior. And this investment is made by people from the exterior... by people foreign to New Caledonia who are not citizens. So if we continue to say to people that we detest them, who are not at home here, stopping them from working...depriving them from social services and everything...⁵⁷

Blaise juxtaposes his view with the “economic sovereigntist” model promoted by *Calédonie Ensemble*, arguing in favour of a more liberal economic model supportive of private enterprise. Local employment, argues Blaise, cannot result in an “economic xenophobia.”⁵⁸

If we are true patriots, if we really want economic patriotism, and economic patriotism is to do what a country like Singapore has done, like all the countries who need to be connected to the exterior. It’s to attract money and give the best conditions to allow them to invest, to work and to recuperate money from their investment.

⁵⁵ Interview with Jean-Louis Laval, 29 May 2016.

⁵⁶ Interview with Sonia Backès, 5 October 2016.

⁵⁷ Interview with Philippe Blaise, 7 August 2015.

⁵⁸ Interview with Philippe Blaise, 7 August 2015.

This model also stands in contrast with the political economy advocated by many pro-independence politicians, particular those in UNI-PALIKA in the North Province, who argue for economic and redistributive policies allowing for the “mastery of a certain number of their economic interests.”⁵⁹ However, the goal of “economic independence” remains problematic when viewed alongside the ongoing dependence of the New Caledonian economy on the French state. Major figures of the independence movement such as Jean-Marie Tjibaou, Paul Néoutyine and Charles Pidjot, repeatedly denied autarchic understandings of independence, emphasising independence and interdependence as inextricably connected.

This is a particularly prominent question in relation to the public sector, where French, metropolitan public servants have often been the object of criticism and stereotyping as “birds of passage” or “coconut crabs”, taking advantage of generous, indexed salaries to occupy *Outre-mer* postings.⁶⁰ One recent USTKE rally denounced what it labelled as “*Outre-mer* careerism”, where metropolitans took advantage of such incentives to improve their lives upon their return to France.⁶¹ While much of the indexing and indemnity payments for public servants, which varied considerably according to their categorisation and place, have been abolished, there remain significant financial incentives in some sectors.⁶² The original purpose of these incentives was to help meet the higher cost of living in most overseas departments and territories, as well as the costs of re-location. However, certain local groups have argued they further exacerbate the cost of living in towns and cities in the *Outre-mer*.

During the debate on the private sector law, anti-independence political leaders, particularly the *Républicains*, emphasised the potential economic harm of local employment laws. For instance, Pierre Brétagnier stated that 90 per cent of employers in New Caledonia were not born in the territory⁶³. Nevertheless, most accepted that something needed to be done in order to provide safeguards for local employment, above all for the “Caledonian youth.”

⁵⁹ Philippe Gomès and Paul Néoutyine, “Le Débat: Quel avenir après l’Accord?” Interviewed on *Radio Océane* by Estelle Delonca and Nicolas Vignoles, Park Royal, 17 April 2009, 17, Available: <http://caledonie-ensemble.com/wp-content/uploads/2013/02/Quel-avenir-apres-l-accord-Debat-Gomes-Neaoutyine-17-avril-2009.pdf>; Cf. Interview with Astride Gopoea, 2 October 2016.

⁶⁰ Jean Chesneaux, “Kanak Political Culture and French Political Practice”, in *New Caledonia: Essays in Nationalism and Dependency*, eds. Michael Spencer, Alan Ward and John Connell, 69–70.

⁶¹ USTKE, “Mobilisation générale”, 12 May 2011, Available: http://ustke.org/actualites/actualite-syndicale/Mobilisation-generale--at_15.html. The union organised a strike in response to the French government’s nomination of a metropolitan education official for the post of Vice-Rector.

⁶² Interviews with the FEDE, 30 September 2015; Sonia Backès, 5 October 2016; Cf. Chauchat, *Vers un développement citoyen*.

⁶³ Congrès de la Nouvelle-Calédonie, *Procès-verbal du 30 décembre 2009*, 44.

“L’emploi local localisé” and the Imperative of Re-Balancing

The principle of local employment aims to elevate the importance of New Caledonian citizenship, or at least a durable attachment to the territory. However, many of the inequalities in the areas of professional training and entry to the job market are often seen in ethnocultural terms, especially in relation to Kanak marginalisation. According to the ISEE, New Caledonia’s unemployment rate was 14.7 per cent in 2014. This compared with 27.1 per cent among Kanak, 15.4 per cent among Wallisians and Futunians, and only 4.2 per cent for Europeans.⁶⁴ Cultural identity and disadvantage assumes far greater political prominence than other forms, even though factors such as education, gender and urban/rural living have been identified by local economists Samuel Gorohouna and Catherine Ris as important in relation to participation in employment.⁶⁵

Kanak exclusion from various economic sectors, particular in managerial positions or higher levels of the public service, has remained at the forefront of the USTKE’s activism since its creation in 1981. Initiatives such as “400 cadres” and “*Cadres avenir*” aimed to boost local levels of participation in more senior roles in the public sector, and to a lesser extent, the private sector. However, a considerable gap persists between non-Kanak and Kanak populations, prompting calls for positive discrimination by some organisations such as the USTKE.⁶⁶ The local employment laws, however, do not draw a clear link between Kanak identity and the promotion and protection of local employment.

Indeed, Anne Gavard’s analysis of the private sector law shows a widespread reticence to adopt the language of “positive discrimination” or “affirmative action”, which has informed policies in much of the English-speaking world as a means of recognising difference and addressing group-based disadvantage.⁶⁷ In French political culture, the idea of discrimination remains wholly negative. Instead, local employment in both the private and public sector instead refers to prioritisation, privileging, protection and particular guarantees.

Confronting inequalities in relation to local employment is difficult in light of the fact that individuals are supposed to be viewed first according to their skills, knowledge and experience, rather than “objective” criteria like sex, age, ethnicity or religion. Valérie

⁶⁴ ISEE, “Tableau de l’économie calédonienne – 9. Emploi” (2016) 104, Available: http://www.isee.nc/phocadownload/non_theme/publications/tec/TECF-2016/9-emploi.pdf.

⁶⁵ Catherine Ris and Samuel Gorohouna, “Evolutions des inégalités dans l’emploi: 1989-2014”, Conference: *Ré-équilibrage dans l’emploi*, Noumea, 19 August 2014.

⁶⁶ Ris and Gorohouna, “Evolutions des inégalités dans l’emploi.”

⁶⁷ Gavard, “Protection, promotion et soutien de l’emploi local en Nouvelle-Calédonie”, 159.

Zaoui observes that this can become a problem at the CPEL when a young Kanak has applied for a job and has presented their CV.

The dilemma that we imagine is unique to New Caledonia, for me it exists everywhere in the world where there is friction with the unions, it's when we receive candidates for local employment. For us, there are skills needed for the job, diplomas of course, but also experience. So, when we receive a CV from a person with a BAC+4, but has one year of experience, when we ask for five or six years experience, me, I will say "no he is too young for the post." And I have union partners who say no we will not judge his experience.⁶⁸

As Firmin Trujillo argues, "local employment and 'localised' local employment cannot be mixed up. Local employment is not Kanak employment, but employment in the country. It is a country where all the ethnicities are represented."⁶⁹

If the interrelationship between ethnic discrimination and local employment remains contested, the notion of "localised" local employment relates to different spaces of belonging. Different geographically situated communities can challenge local employment at different levels. Constituents of provincial and communal levels of government, for example, expect policies that facilitate job creation and prevent a population exodus from their local area. Most unions and political leaders emphasise the importance of a "*pensée pays*" ("country thinking") in regards to local employment.⁷⁰ As Augustine Poithili argues:

Localised local employment, I am not in favour of it. That's like if the people in Belep [prevented any others from the labour market]... no we do not construct a country like that. It's true that you need to give a certain priority. If there is the skill, especially at Koné where there is the second city, there are some skills but we need to make the effort of looking among our youth, among those who emerge out of professional training, of *cadre avenir*, or the school.⁷¹

However, in a context in which re-balancing remains an unfinished process, it is inevitable that rural communities, including the *tribus*, would expect to occupy particular jobs in their vicinity. Corine Voisin, mayor of La Foa, noted the difficulty of reconciling

⁶⁸ Interview with Valérie Zaoui, 6 June 2016.

⁶⁹ Interview with Firmin Trujillo, 6 June 2016.

⁷⁰ Interview with Firmin Trujillo, 6 June 2016.

⁷¹ Interview with Augustine Poithili, 4 October 2016.

one's place within a small town and the territory as a whole when it came to filling positions in the public administration:

I will not say that I am against it, what I often call "localised" local employment. I take someone from Farino [a neighbouring town] to work at the mayoral office – it's inadmissible. Even for interns I have to be careful. That's to say that I can justify it – we have few positions so it's normal that I privilege the La Foans. I am for local employment because we have the skills.⁷²

Brigitte El Arbi also observed that in her commune of Bourail, it was difficult to leverage large construction projects such as the Sheraton resort because of the scale of work that generally required larger companies found mostly, one would assume, in Noumea.⁷³

This chapter illuminates a different angle to the citizenship debate by highlighting the important role played by various social partners in promoting citizenship in relation to local employment. The push for local employment occurred in the wake of periods of intense social and economic crisis because it forced a dialogue between government and non-government actors. However, the social partners have contested views on the definition, meaning and content of New Caledonian citizenship, highlighting the difficulty with which citizenship can be divorced from the political context, despite a number of interviewees emphasising their apolitical engagement. In particular, it was evident that many interlocutors in the local employment debate could not agree on the idea of New Caledonian citizenship as a principle for prioritisation because of the enduring political divisions on who could be a citizen following the 2007 freeze of the electoral body. The fact that the private sector and public sector laws differ in terms of the application of citizenship is a case in point.

The two laws reveal the tension between people as defined by their citizenship, ethnic identity, and their market-based identities based on their knowledge, skills and experience. These manifest differently in the private and public sectors. The private sector is more embedded within the logic of liberal capitalism, wherein local employment favouritism is considered to run contrary to the basic ingredients necessary for economic development. The public sector is, by definition, a state creation, and therefore more closely tied to state-defined citizenship, even if it too aims to remain dynamic and open to the best personnel possible. In New Caledonia,

⁷² Interview with Corine Voisin, 9 June 2016.

⁷³ Interview with Brigitte El Arbi, 9 June 2016.

however, access to the public service is torn between the principles of equality of French citizenship and the demands of decolonisation to have a New Caledonian public service that promotes, above all, New Caledonian citizens.

The different views of citizenship articulated by the social partners therefore need to be understood in light of local and global economic shifts and how best to meet the challenges of economic development in a decolonising context. In particular, how do “New Caledonians” reconcile the imperative of addressing the social and economic inequalities derived from French colonisation, with the language of economic development often ensconced in Western neo-liberalism, emphasising openness as a means overcoming geographical and population constraints?

The most salient point of contention concerns the CPEL and the kinds of broader institutional responses enacted in order to facilitate local employment. While most recognise the basic principle of a mechanism enhancing the chances of New Caledonian youth finding employment, most employer organisations are concerned by “closing off” New Caledonia from the outside world. Metropolitans have become discursively framed as “investors” and “entrepreneurs”, rather than the more negative labels historically given to them.

Ultimately, what has emerged from this analysis is that conceptions of the local remain contested. If local employment is a nation-building exercise, how do government policy-makers set about recognising the competing claims for local employment at sub-territorial levels, by customary authorities, communes and provinces? These questions are well beyond the scope of this thesis, but reflect the ongoing challenges faced by those seeking to promote a coherent idea of New Caledonian citizenship.

Chapter 9: Citizenship and Representation: The Department Of Culture, Women’s Affairs and Citizenship, 24 September and the Identity Symbols

Since its creation in 2004, the *Direction de la culture, la condition féminine et la citoyenneté* (“Department of Culture, Women’s Affairs and Citizenship” – DCCFC) has led efforts to elevate the importance of New Caledonian citizenship and lend it meaning. As part of this role, it has led two major initiatives. First, it funds and organises “Citizenship Day” (*Fête/journée de la citoyenneté*) festivities on 24 September each year, now expanded to encompass a “Citizenship Month.” Second, in line with the Noumea Accord, it drove a public consultation and steering committee on the country’s identity symbols.

State institutions play a major role in the reproduction of what it means to belong to the political community by defining the “people” or the “nation”, but they always encounter resistance. Non-state actors equally construct peoplehoods according to contours that both correspond to and challenge those produced by states. Nor do states necessarily produce homogenous, coherent accounts of what it means to be a citizen. For example, in the Pacific, much has been made of the role of “tradition” and “custom” in the “nation-making” of post-colonial states, both as a state-sanctioned, anti-colonial discourse, as well as a basis for claims to or against states.¹

This chapter, divided into two parts based on each of the aforementioned DCCFC initiatives, explores how symbolic representations of New Caledonian citizenship have been mobilised and contested. With a special focus on the DCCFC, it examines what and how government and non-government actors co-produce images of peoplehood and the forms of resistance they encounter, including the place of custom in the production of peoplehood. This analysis provides a glimpse into the complexities of how decolonisation shapes symbols of citizenship and their different interpretations. Although a number of mostly ethnographic studies have examined the performative and symbolic aspects of 24 September, few have examined broader issues surrounding the role of government in promoting citizenship.²

¹ Foster (ed.), *Nation-Making: Emerging Identities in Postcolonial Melanesia*.

² A small number of mainly ethnographic studies have been carried out in relation to 24 September. Some examples include Benoit Carteron, “Le Mwâ Kââ, vers la manifestation d'une appartenance commune en Nouvelle-Calédonie?” *Journal de la Société des Océanistes* 134, 224

The Department of Culture, Women's Affairs and Citizenship

The DCCFC was formed in 2004 during the presidency of Marie-Noëlle Thémereau (2004-2009) of *Avenir Ensemble*, whose party came to power with a strong emphasis on a greater commitment to giving greater substance to the idea of citizenship. In addition to promoting citizenship, the DCCFC is equally responsible for culture (namely, museums and the Territorial Archives) and women's affairs, the latter "permitting the pursuit of the concretisation of their rights."³ Contrary to culture and women's affairs, citizenship does not have any staff directly focused on the dossier. The department instead temporarily directs human resources to events like 24 September. According to the 2017 provisional budget, 13.5 million XPF (\$170 000 AUD) funded citizenship-related activities, representing an 18 per cent increase from the previous year, but still only 0.5 per cent of the DCCFC total budget.⁴

Since its inception, the DCCFC has been overseen by Déwé Gorodey, a native of Ponérihouen, founding member of PALIKA, the longest serving member of New Caledonia's collegial government since 1999, a renowned poet and former French teacher.⁵ Gorodey's deputy is Astride Gopoea, also a Kanak woman from the East Coast and member of PALIKA. When asked about her understanding of New Caledonian citizenship, Gorodey responded:

For me, what is a priority, it is firstly to be aware of people (*aux gens*), the people (*le peuple*), of what citizenship is and what citizenship implies. And so, at PALIKA, many among us considered that is us with the others. It is us, with the others. It is us, amongst ourselves, but it is above all us with the others. Because if we are all citizens of a country, we have the same rights and the same duties. So, now we are going in

(2012), 45–60; Stéphanie Graff, "Visibilité du destin commun et invisibilité de l'histoire: discours, célébrations et construction de la citoyenneté en Nouvelle-Calédonie", *Anthrovision* 4, no. 1 (2016), 1–30; Rowena Dickins-Morrison, "Sovereignty as interconnection in Oceania? Perspectives from Kanaky/New Caledonia"; Nic Maclellan, "Conflict and reconciliation in New Caledonia: building the Mwâ Kâ", SSGM Discussion Paper (2005); Tate LeFevre, "La tribu dans la ville: l'espace urbain, l'autorité coutumière et la marginalisation de la jeunesse kanak", in *La coutume kanak dans l'état: Perspectives coloniales et postcoloniales sur la Nouvelle-Calédonie*, eds. Christine Demmer and Benoît Trépied (Paris: L'Harmattan, 2017), 235–253.

³ "Déclaration de politique générale de Marie-Noëlle Thémereau, Présidente du gouvernement de la Nouvelle-Calédonie", 17 August 2004.

⁴ Gouvernement de la Nouvelle-Calédonie, "Budget principal propre de la Nouvelle-Calédonie: Exercice 2017, Mission M09: Culture, condition féminine et citoyenneté", *Direction du budget et des affaires financières*, 14. Available:

https://dbaf.gouv.nc/sites/default/files/pdf/bp2017_budget_proprev4.pdf.

⁵ Until 2017, Gorodey also held the position of Vice-President of government.

this direction.⁶ From where those on our [electoral] list, the list UNI, the nationalists of PALIKA, have integrated all of that. So, what is necessary to make people cognisant of the people, the Caledonians, all the Caledonians, of this matter of citizenship.

Citizenship, therefore, is conceptualised in line with the political thought of PALIKA as an opening from the Kanak people to “the others”, where Kanak identity is recognised and transcended as part of a construction of a common destiny.⁷ In other words, neither Gorodey nor Gopoea claim to distinguish between the political and cultural facets underlining the DCCFC and the promotion of citizenship.

Part 1) Celebrating 24 September

The annual commemoration of 24 September has long divided New Caledonia’s population. A public holiday since colonial times, the day celebrated the *prise de possession* of New Caledonia by France and its French identity. However, with the emergence of the Kanak independence movement, the date became the target of anti-colonial protests and attempts to re-define its significance. In 1984, the FLNKS declared that the day constituted a *journée de deuil kanak* (a day of mourning for the Kanak people), expressing “regret for the disappearance of the aspect of the country that preceded colonisation” and “and an opening towards the future through the re-affirmation of the essential continuity of life relations.”⁸ Following the boycott of the 1984 elections and the creation of the Provisional Government of Kanaky, the FLNKS stated that an independent Kanak and socialist state would be inaugurated on 24 September 1985.

Of course, in many parts of the world, national days are highly contested by marginalised groups, especially for many indigenous peoples who continue to resist the settler colonial narrative when such days commemorate “discovery”, “first settlement” or the “birth of the nation”, ignoring their ancient roots to the land and inherent sovereignty.⁹ Rather than focus on the rather generic virtues of contemporary society often promoted by governments, such as multiculturalism, tolerance, democracy and

⁶ Interview with Déwé Gorodey, 13 August 2015.

⁷ See also Déwé Gorodey, *30 ans du PALIKA: vers la citoyenneté* (Noumea: Edipop, 2006).

⁸ Denis Monnerie, *La Parole de notre Maison: Discours et ceremonies kanak aujourd’hui* (Nouvelle-Calédonie) (Paris: CNRS Editions, 2005), 139.

⁹ See, for example, Matthew Hayday, “Fireworks, Folk-dancing, and Fostering a National Identity: the Politics of Canada Day”, *The Canadian Historical Review* 92, no. 2 (2010), 288–314.

freedom, indigenous people can see such days as moments of profound violence, dispossession and even genocide.

In New Caledonia, as early as 1995, the *Conseil national du peuple autochtone* (CNDPA)¹⁰ used 24 September to advocate recognition of indigenous rights, reflecting the growing presence of indigenous rights in international legal frameworks, above all the UN International Year of Indigenous Peoples in 1993, and the inception of the UN International Decade of Indigenous Peoples from 1995 to 2005.¹¹ This culminated in the UN *Declaration of Indigenous Rights* in September 2007, to which France became a signatory. Each 24 September, the CNDPA undertook different initiatives aiming to promote different aspects of Kanak social and cultural life.¹² For example, in 1995, they held a gathering in *pays Xârâcùù* near La Foa to celebrate the importance of yam cultivation to Kanak identity; in 1997 and 1999, people from the *Grande Terre* undertook a traditional canoe journey to Lifou and Maré respectively. In addition to 24 September, the CNDPA adopted 9 August, officially dubbed the International Day of Indigenous Peoples by the UN, to raise awareness of the incomplete recognition of indigenous rights.

Following the Noumea Accord, the CNDPA began to work increasingly under the guise of the Customary Senate. While the promotion of Kanak identity lay at the heart of their activities, it also affirmed indigenous ownership over land, resources and knowledge. Such issues became increasingly important due to conflicts over environmental degradation and royalties to customary landowners from nickel mining. According to Christine Demmer, this broad movement of resistance amounted to a new Kanak “strategy” focusing on localised expressions of sovereignty, rooted especially in customary authority, at the expense of the political parties’ emphasis on independent statehood.¹³ This tension, which should not be overstated, manifested in different ways. It was particularly strong in the South Province, where Kanak political leaders remained a small minority in the public institutions and conflict arose with Goro nickel, currently owned by the Brazilian company Valé, but less so in the North, where the pro-

¹⁰ The CNDPA succeeded the *Association pour la Célébration de l’Année des Peuples Indigènes en Kanaky* (ACAPIK) created in 1993.

¹¹ Conseil coutumier, “Le Conseil National pour les Droits du Peuple Autochtone de Nouvelle-Calédonie”, *Conseil coutumier* (Magazine), June 1997, 87

¹² Sylvain Pabouty (Ué Sylvain), “Le CNDPA: quel rôle aujourd’hui?”, Originally written in 2003, Posted on 28 May 2010, Available: <http://madoy-nakupress.blogspot.com.au/2010/05/le-cndpa-quel-role-aujourd'hui-par-ue.html>.

¹³ Christine Demmer, “Une nouvelle stratégie kanake”, *Vacarme* 2, no. 39 (2007), 43–48.

independence UNI-PALIKA controlled the government and a majority stake in the large Koniambo nickel project.¹⁴

The Mwâ Kââ and the *Comité 150 ans après* (“Committee for 150 years after”)

In 2003, the spotlight fell on 24 September because it marked one hundred and fifty years since French annexation of New Caledonia.¹⁵ In a ceremony at Balade, the site where Cook first landed and where France planted its flag for the first time, the President of the Customary Senate declared that the period of mourning had ended. Significantly, although the FLNKS had declared the period of mourning, it was the Customary Senate that ended it, highlighting the intermingling of political and “traditional” authority claiming to speak on behalf of the Kanak people. The CNDPA declared the day to be a *journée citoyenneté*, reflecting the spirit of the Noumea Accord, where “it is not only necessary to speak of the autochthonous people but it is also necessary to be open to citizenship.”¹⁶

As part of the effort to both promote citizenship and mark one hundred and fifty years of colonial rule, a collective consisting mostly of individuals from the CNDPA formed the *Comité 150 ans après* in 2003. On 24 September 2003, they constructed a large totem pole known as the *Mwâ Kââ* in downtown Noumea. Twelve metres high and weighing three tonnes, the *Mwâ Kââ* signified the *grand case*, or “central pole” of the High Chief’s demeure in the language of *Drubéa-Kaponé*, the customary region in the south of the *Grande Terre*.¹⁷ Its sculptor, Narcisse Décoiré, carved a Kanak warrior bearing arms, symbolising that the Kanak people had not ceased their struggle against French colonisation, but the carving included sailboats to symbolise European arrivals. Over time, additional features became added to the totem pole. In 2004, representatives of the different ethnic communities carried eight *flèches faitières* to the site to place on the *Mwâ Kââ*. In 2005, these representatives, in chronological order based on their arrival in the territory, relayed a sculpted *vieux barreur*, a Kanak

¹⁴ Demmer, “Une nouvelle stratégie kanak”, 43–48. A number of organisations representative of indigenous groups rose up in the years following the Noumea Accord in response to the failure of mining multinationals to adequately consult and compensate clans whose lands had been impacted by nickel mining development, above all the Comité Rhéebu-Nûû and the Comité autochtone de gestion des ressources naturelles (CAUGERN). See Raphael Mapou, “Contributions aux travaux du Pacific Seminar on the Regional Implementation of the Second International Decade of the Eradication of Colonialism”, Yanuca, Fiji, 28-30 November 2006, Available: http://www.un.org/en/decolonization/pdf/dp_2006_mapou.pdf.

¹⁵ Isabelle Léblic, “Présentation: Nouvelle-Calédonie, 150 ans après la prise de possession”, *Journal de la Société des Océanistes* 2, no. 117 (2003), 135–145.

¹⁶ Pabouty, “Le CNDPA: quel rôle aujourd’hui?”

¹⁷ Nic Maclellan, “Conflict and reconciliation in New Caledonia”; Carteron, “Le Mwâ Kââ, vers la manifestation d’une appartenance commune en Nouvelle-Calédonie?”

navigator, to the site.¹⁸ According to Benoît Carteron, the *Mwâ Kââ* constituted an attempt to create new founding myths (*des mythes fondateurs*) acceptable to all, expressing both Kanak sovereignty and the future shared among all.¹⁹

Both the *Mwâ Kââ* and the *vieux barreur* symbolised the primacy of the Kanak people, as well as invitations or openings to other communities under the *Mwâ Kââ* or as participants in the canoe journey. It constituted a Kanak representation of the universal, political community. The *grande case* in particular has become a ubiquitous symbol of the common destiny and the Noumea Accord. For example, the *Ligue des droits de l'homme* of New Caledonia, in the Preamble to its own Citizenship Charter, states:

Our country is a *grande case*. It is placed on the ground of the elders and their spirits accompany us. Each person, welcomed by the Kanak people, finds their place there by lowering their head when they enter the threshold of the door. This gesture of respect towards the Others – our respective histories, the exchange of the spoken word and the engagements undertaken – is the symbol of an effort by one person so that the spoken word circulates freely among us.²⁰

The language adopted here concerning the *case* affirms that, even though New Caledonia is not an independent state, there is a social obligation to respect the first occupants of the land. “Outsiders” cannot expect automatic rights and entitlement without first engaging in this act of respect.

Whether non-Kanak (or Kanak) glean this message when they observe the *Mwâ Kââ* is difficult to know. Although the *Mwâ Kââ* expresses a narrative of New Caledonia from the perspective of the Kanak people, “Kanak identity shared with all”, it also appeals to a Western vision of Melanesian cultural authenticity that could stymie its inherently political content.²¹ The *Mwâ Kââ* stands in continuity with other attempts to promote Kanak identity in Noumea, *la ville blanche* (“the white city”), and the epicentre of the

¹⁸ Carteron, “Le Mwâ Kââ, vers la manifestation d'une appartenance commune en Nouvelle-Calédonie?” 53.

¹⁹ Carteron, “Le Mwâ Kââ, vers la manifestation d'une appartenance commune en Nouvelle-Calédonie?” 59.

²⁰ LDH-NC, “Proposition de Charte citoyenne de la Nouvelle-Calédonie” (2012), Available: <http://www.ldhnc.nc/Hors-Serie-no1-Citoyennete-charte-citoyenne-et-premiers-signes-identitaires>.

²¹ Carteron, “Le Mwâ Kââ, vers la manifestation d'une appartenance commune en Nouvelle-Calédonie?” 6.

country's French identity, reinforced by its ubiquitous symbols from monuments, street names and the very style of architecture. In this view, the *Mwâ Kââ* echoes the Melanesia 2000 festival held in 1975, which aimed to promote Kanak cultural identity in the European dominated city of Noumea. Despite the lack of participation of the European population at that event, the many thousands of mostly Kanak people gathered in one space, communicated their presence and affirmed their political identity. The absence of visible Kanak symbols in the public space would reveal itself in the political acts undertaken on 24 September around the *Mwâ Kââ* in the years that followed.

The *Comité 150 ans après* originally requested the permanent establishment of the *Mwâ Kââ* in the *Place des cocotiers*, a landscaped park in the heart of downtown Noumea, featuring several fountains, a gazebo and a prominent statue of the French colonial-era Admiral Olry. As Nic Maclellan notes, the *Place des cocotiers* often served as a gathering site for anti-independence protests and rallies during “the Events.”²² Pro-independence rallies on the site, having entered opposition turf, were often perceived as a deliberate provocation. Then long-time conservative mayor of Noumea, Jean Lèques (RPCR), opposed the plan for allegedly technical reasons, preferring instead that it be placed at the Tjibaou Cultural Centre.²³ Eventually, the Noumea municipality agreed to a site located next to the parking lot at the *Baie de Moselle*, between the municipal markets, the Museum of New Caledonia and a McDonalds, in what became re-baptised as *Place de Mwâ Kââ*.²⁴ On 24 September 2004, a date marking the thirtieth anniversary of the first protest opposing celebrations of French annexation, the *Mwâ Kââ* was permanently installed. However, neither the mayor, nor the RPCR representatives of Congress took part in the ceremonies.²⁵

The edification of the *Mwâ Kââ* coincided with the DCCFC assuming responsibility of organising Citizenship Day events, although the *Comité 150 ans après* remained heavily involved. Former Secretary-General of the French Government, François Garde, later observed, “citizenship has its monument, the *Mwâ Kââ*, now installed at the *Baie de Moselle*. This date, firstly an anniversary of the *prise de possession*, then a day of mourning for the Kanak and lastly, is now a significant turning point towards

²² Maclellan, “Conflict and reconciliation in New Caledonia”, 7; Carteron, “Le Mwâ Kââ, vers la manifestation d'une appartenance commune en Nouvelle-Calédonie?” 6.

²³ Carteron, “Le Mwâ Kââ, vers la manifestation d'une appartenance commune en Nouvelle-Calédonie?” 7.

²⁴ Conseil municipal de Nouméa, *Arreté no. 2004/1620*, 24 November 2004.

²⁵ “Un 24 septembre sous la signe du Mwâ Ka”, *LNC*, 25 September 2004.

the future and the common destiny.”²⁶ However, if the *Mwâ Kââ* symbolised citizenship and a relationship between Kanak and those who had made New Caledonia their home, this meaning depended on the acceptance and participation of the other communities. Despite the lack of endorsement from sections of the anti-independence movement, for the CNDPA the *Mwâ Kââ* was a success because it was a community-driven initiative that sidelined political leaders, with the first ceremony attracting some 25,000 people according to the CNDPA’s estimate.²⁷ According to Carteron’s analysis, the symbolic significance of the *Mwâ Kââ* began to decline after the government assumed responsibility for 24 September. Gorodey attracted criticism for politicising the site of the *Mwâ Kââ*, leading to certain participants withdrawing their participation.²⁸ For example, the *Fondation des pionniers* criticised the inclusion of a stele commemorating the end of slavery since, in their eyes, it likened New Caledonian colonisation to the practice of slavery.²⁹ On 24 September 2008, a stand was set up to commemorate the deaths of nineteen Kanak men during the Ouvéa Crisis in May 1988. One person heavily involved in the organisation of the day’s event considered that difficulties arose when the *Comité 150 ans après* became increasingly sidelined and treated on the same level as every other group, rather than the fulcrum of the exercise.³⁰ Others opposed the influence of so-called outsiders.³¹ Divergent interpretations and competing claims of ownership highlighted the contested relationship between the *Mwâ Kââ* project and Citizenship Day.

The events that occurred in Noumea on 24 September 2012 and soon after reinforced how Citizenship Day embodied tension between the political claims of recognising Kanak identity as the basis for the common destiny and shared citizenship. *Tribu dans la ville* (“Tribe in the Town”), a collective largely formed within the *Comité 150 ans après*, planned the construction of nine traditional *cases* on the parking lot next to the

²⁶ François Garde cited in Déwé Gorodey, “Citoyenneté NC 2010: La citoyenneté dans tous ses états”, *Les Cahiers de la Citoyenneté*, Publication of the New Caledonian Government, no. 1 (2010).

²⁷ Comité 150 ans après, “Communiqué”, 16 November 2012, Available: <http://kest-ceketuennepenses.skynetblogs.be/archives/category/parti-travailliste/index-5.html>.

²⁸ Carteron, “Le Mwâ Kââ, vers la manifestation d’une appartenance commune en Nouvelle-Calédonie?” 54.

²⁹ Carteron, “Le Mwâ Kââ, vers la manifestation d’une appartenance commune en Nouvelle-Calédonie?” 54.

³⁰ Personal communication.

³¹ An undated letter from one member of the organising committee to Déwé Gorodey, complaining about the sidelining of the *Comité 150 ans après* and the difficulties arising from newcomers to the organisation who, in questioning foundational ideas such as the electoral body, threatened the cohesion and spirit of the group. One comment is particularly revealing: “it seems to me more comprehensible that these workshops on citizenship be run by youth of the country rather than by people who have not, in my opinion, sufficiently matured their belonging to this country and hardly understood the bonds that unite Kanak and Caldoche in this citizen process” (ATNC – 848W).

landscaped area holding the *Mwâ Kââ*: eight in order to represent the different customary regions of New Caledonia and a single common case representing New Caledonia. After some hesitation, the Noumea municipality agreed to the cases on the condition of their removal by 30 September. According to a member of *Tribu dans la ville*, Lucienne Moréo-See, the primary motive for the cases was to:

Remind each Caledonian, whether they are Kanak or not, of the place of the Kanak in Noumea of which the first of its preoccupations is in its urban planning. (Noumea being) the window of French urbanism in the Pacific, which chokes its town centre with buildings and concrete elsewhere.³²

In other words, the cases expressed the need for visibility, both within the broader discourse of New Caledonian citizenship, but also in relation to the physical urban environment of Noumea.³³ The *Tribu dans la ville* represented the fact that, due to high rates of urbanisation, the Kanak had become a major part of the city's social fabric to the point that it is often said that the largest *tribu* in New Caledonia is in Noumea.

The project sought to be outward looking and open to non-Kanak to learn more about Kanak culture, mixing "traditional" arts and skills, such as the public construction of the cases, with more contemporary creative endeavours such as Kaneka music.³⁴ Members of the collective staffed the stalls, selling food, coffee and conducted workshops and discussion forums. The initiative appeared popular with the local community, with a large number of non-Kanak participating on the day.³⁵ However, certain Kanak opponents to the project argued that the cases failed to portray the diversity of construction styles of the different parts of the country.³⁶

Tensions emerged within the collective between those who wanted to make the cases permanent and those who insisted on respecting the municipality's condition that the structures be removed after 24 September celebrations. Concerns emerged when the

³² "Enlever les cases, c'est renier l'accord de Noumea", *LNC*, 13 October 2012.

³³ Local anthropologist Patrice Godin adopted *Tribu dans la ville* as the title for a seminar delivered at the Tjibaou Cultural Centre on 29 September 2016) that explored the forms of continuity evident in Kanak households and social networks in Noumea and how they transcend the "traditional/modern" opposition often invoked. A similar argument was employed by Alban Bensa's analysis of the construction of the Tjibaou Culture Centre, which he described as a "customary region" (*une aire coutumier*), owing to local interpretations of the Centre as a Kanak urban dwelling space modelled on the *tribu*.

³⁴ For a more detailed analysis see LeFevre, "La tribu dans la ville", 235–253.

³⁵ Personal field notes, 24 September 2012.

³⁶ Simon Loueckhote, Facebook, 28 September 2012

builders of the *cases* used concrete to fix the structures. A petition circulated among visitors calling on the different levels of government to make the *cases* permanent. In addition to its importance as a symbol of Kanak identity, it was also generally acknowledged that the *cases* were more aesthetically appealing than the bitumen parking lot normally occupying the space.

Representatives of the *Comité 150 ans après* met with the Noumea municipality and the New Caledonian Government to find a solution.³⁷ Government member Gilbert Tyuienon (*Union Calédonienne*) proposed a permanent site located next to the ferry terminal, resulting in a signed protocol between the parties. However, the *Tribu dans la ville* rejected the proposal, refusing to dismantle the *cases*³⁸. Nevertheless, the customary figures representing the *Drubéa-Kaponé* region (in which the *cases* were situated) agreed to the move. According to the *Comité 150 ans après*, some of its leaders and representatives of *Drubéa-Kaponé* issued a customary gesture to the collective occupying the *cases*, which the *Tribu* categorically refused. Still, the *case* representing the region was dismantled on 13 October, followed two weeks later by the *case commune*. Despite *Dréhu* region representatives' agreement in principle to dismantle their *case*, the *Tribu dans la ville* once again refused.

Resistance from the *Tribu dans la ville* prompted the Noumea municipal government to intervene. At approximately four o'clock in the morning on 13 November, security forces arrived with bulldozers manned by masked individuals. The dismantling occurred rather calmly given the early hour of the day, although several individuals were arrested for refusing to move. Nevertheless, the violence and suddenness of the *cases'* destruction aroused angry and emotional responses from collective members. Gael Yanno, prominent conservative politician and first deputy mayor of Noumea expressed no sympathy, arguing that:

A protocol had been signed, a promise was given. We have exhausted all the means of dialogue in an attempt to resolve the situation peacefully. We have not received from certain participants the respect

³⁷ A timeline of these events was provided in a communiqué provided by the Customary Senate, signed by President Luc Wema. See "Communiqué", Available: <http://kest-ceketuenpenses.skynetblogs.be/archives/category/parti-travailliste/index-5.html>.

³⁸ According to Lucienne Moréo-See, the refusal to move came down to the fact that the removal of the *cases* had already begun to happen before the proposed Quai FED site had even been prepared to "welcome the *tribu*..

of this promise. We are executing the Republican law and therefore we are proceeding with the dismantling of the cases.³⁹

For Sylvain Pabouty, an active participant in the *Comité de 150 ans après*, what became known as the “*affaire des cases*” was simply a breakdown of communication.⁴⁰ However, the incident highlighted the multiple forms of resistance to official representations of citizenship in the public sphere.⁴¹ In this case, the Customary Senate became the object of criticism from members of *Tribu dans la ville* and other elements of Kanak society, who questioned its authority and described it as a colonial creation. It is also important to note that many of the participants in the *Tribu dans la ville* included women and youth, contrasting with the largely senior males of the Senate.⁴² The public communiqué of the Customary Senate was particularly revealing in this regard:

Intolerable and inexcusable, the attitude of some Kanak of the collective, who, on the pretext that they “struggle”, allow themselves to question the Customary Senate, which is the fruit of the combat led by the Kanak people. These attitudes must be put back into line by the clans to which these persons belong, for they carry in them the seeds of disorder and intolerance.⁴³

As Tate LeFevre argued in relation to the *affaire*, the Senate’s claims that these actors acted without authority, revealed the seeming failure of these mainly young people to live up to ideal types of Kanak identity.⁴⁴ It is equally worth noting the relative absence in these events of the pro-independence political leaders, with the Senate re-affirming its legitimacy as representatives of the Kanak people. While it cannot be inferred from this episode that the Senate’s authority is widely disputed, the *affaire* nevertheless highlighted the multiple ways in which Kanak identity is mobilised in relation to citizenship. Furthermore, we can observe the complex and intersecting forms of legitimacy, authority and power exercised by the collective, the Senate and the

³⁹ Interview with *Nouvelle-Calédonie 1ère*, “Les cases du Mwa ka dégagées au bulldozer”, 13 November 2012, Available: <http://la1ere.francetvinfo.fr/nouvellecaldonie/2012/11/13/les-cases-du-mwa-ka-degagees-au-bulldozer-2164.html>; See also Gael Yanno, Facebook, 6 October 2012.

⁴⁰ Interview with Sylvain Pabouty, 2 June 2015.

⁴¹ A Facebook post by pro-independence activist and member of *Tribu dans la ville* Florenda Nirikani on 6 March 2017 recalled what happened in 2012 and argued that the Senate still fails to support the political struggle of the Kanak people.

⁴² These include the likes of Adèle Buama, Lucienne Moréo-See and Florenda Nirikani

⁴³ Luc Wema (Président du Sénat coutumier), “Communiqué”, 14 November 2012, Available: <http://kest-ceketuenpenses.skynetblogs.be/archives/category/parti-travailliste/index-5.html>.

⁴⁴ LeFevre, “Nous ne sommes pas délinquants.”

“Republican” law of the French state. These early struggles surrounding the representation of citizenship and the affirmation of Kanak identity would re-emerge in the Citizenship Day events.

Observations of Citizenship Day

During its earlier manifestations, 24 September celebrations remained primarily centred in Noumea, though different initiatives, both by government and non-government actors took up similar themes. However, their scale and content increased sizeably as part of an effort to “decentralise” Citizenship Day⁴⁵. Commencing with Balade in 2011, the government celebrations took place in Bourail (2012), Poya (2013), Ouvéa (2014), the Tribu d’N’Dé (near Païta) (2015), and Poum (2016). From 2012, the number of events organised in connection with 24 September increased to the point that the government baptised a “Month of Citizenship”, often in collaboration with smaller-scale initiatives hosted by provincial and communal governments.

The government does not organise the events alone. A steering committee (*comité de pilotage*) composed of representatives from ethnic community organisations, the Customary Senate, churches, unions and other public institutions, undertakes much of the day’s planning. The government declares its interest in a particular site for the holding of the event, but requires the approval of local governments and customary authorities, a process beginning more than a year in advance. In both the cases of the *tribu d’N’Dé* (Customary Senate) and the *terrain de Shiloh* in Poum (communal/public land), the organisation required negotiations and observation of *la coutume* in order for local groups to welcome the event. Although the government provides funds for the participation of the artistic, cultural and community groups, the communes spend money on the preparation of the site, logistics and technical support (such as sound, lighting and shelter). In Poum, the *terrain de Shiloh* originally served as an area to welcome cruise ship passengers. Since the cessation of the visits in 2007, the space had fallen into disrepair. Local mayor Henriette Hmae spoke of Poum’s geographical and historical marginalisation within New Caledonia, stressing both in conversation with visiting dignitaries and during our interview that basic infrastructure, especially water

⁴⁵ Philippe Germain, Président du gouvernement de la Nouvelle-Calédonie, 24 September 2015 in DCCFC, *Les Cahiers de la Citoyenneté*, no. 4 (2016); Gorodey observes in 2014 that there remains a ‘blockage’ concerning the decentralization of citizenship away from Noumea. “Bilan de la semaine de la citoyenneté avec Déwé Gorodey”, *Les Cahiers de la Citoyenneté*, no. 2 (2014), 13.

supply, remain ongoing problems.⁴⁶ Therefore, 24 September provided not only an opportunity to promote the town and the region, but also a means of improving infrastructure and services. Because of the distance of Poum from Noumea, the local clans assumed the responsibility of hosting and feeding the participants.

At Poum, I arrived at the *terrain de Shiloh* the evening before the event to find a four-wheel drive car blocked the entrance to the site, preventing the entry of any vehicles (see Figure 10).⁴⁷ A linen banner was unfurled across the fence, reading “*Citoyenneté oui! Avec les autorités du pays Nêlêmwa*” (“Citizenship yes! But with the authorities of Nêlêmwa country”).⁴⁸ Following the event, government interviewees stated that the District Council claimed to have not been consulted by the government for the organisation of the event. According to Gopoea, the incident came about because of a “link in the chain that did fulfill its role”, a reference to a failure to follow what was referred to as the *chemin coutumier* or the “customary path.”⁴⁹ The customary path, in this case, symbolised a series of customary gestures between public institutions and different levels of customary representation. However, as Gopoea notes, such sequences are difficult because of the impact of colonisation and the competing legitimacies.

So in relation to the land, there, where the event is held, in fact the government, when there are traditional organisations, the government, the representative of the country, it’s an institution that cannot go directly towards a social and traditional organisation in order to ask for the authorisation to welcome an event. It will go through its institutional interlocutors that are much closer to what we can call the landowners in order to ask them the authorisation to organise the event. So for us, the legitimate institutions, it’s the Council of *Hoot Ma Whaap*⁵⁰, and if there isn’t, in any case, it’s the Customary Senate, the Council of the Region of *Hoot Ma Whaap*, and of course the other institution of proximity, which

⁴⁶ Hmae and Charles Washetine, a senior PALIKA figure from Maré, both speak of citizenship at the same time as they highlight the material inequalities that remain, especially between urban and rural zones.

⁴⁷ I had heard from a couple of individuals on the way to Poum that there were rumours the Citizenship Day events might be cancelled.

⁴⁸ ‘Citizenship yes! But with the customary authorities of *Nêlêmwa* country!’ *Nêlêmwa* is a linguistic area that falls within the customary region of *Hoot Ma Whaap*.

⁴⁹ The Customary Senate’s *Charter of Kanak Values* describes the *chemin coutumier* or the *chemin de la paille* (straw path) as “the means and the tool of communication utilised by the clans and the *chefferies* for carrying a message towards the other clans and *chefferies*. For the *chefferies*, it is materialised through people on a given path pre-defined by alliances and through “neighbouring houses” serving as an “entry door”.

⁵⁰ *Hoot Ma Whaap* is the customary region in which Poum is located.

has the proximity to host this time, logistically and technically... it's the commune.



Figure 10: The car blocks entry to the *terrain de Shiloh* on the eve of Citizenship Day
(Photo: Scott Robertson)

Hmae noted that the representatives of the *Conseil de Hoot Ma Whaap* overlooked custom with a local clan responsible for welcoming guests as part of another cultural festival organised earlier by the government: “the Department of Culture made a gesture to the region, and the region did not reciprocate to the *chefferie* that needed to welcome [the event]. So, after it’s a problem of *coutumiers*.”⁵¹ But Hmae suggested that it was not simply a question of respecting *la coutume*. Rather, Citizenship Day became an opportunity for political opponents of the mayor to make themselves heard: “one of the instigators of the movement is a former [employee] of the municipal council who was dismissed not that long ago. So we cannot really say that it’s customary.”⁵² The conflict was eventually resolved on the eve of the event and the aggrieved party did not make any public re-appearance. However, given 24 September has become a symbol of citizenship, the events at Poum reinforced how Citizenship Day could be contested in relation to localised issues. It also highlighted the complex enmeshing of secular and customary spheres in contemporary New Caledonian political institutions. As Hmae observed: “at the interior of our municipal council...there are also *coutumiers*.”⁵³

⁵¹ Interview with Henriette Hmae, 25 September 2016.

⁵² Interview with Henriette Hmae, 25 September 2016.

⁵³ Interview with Henriette Hmae, 25 September 2016.

The two festivals observed tended to follow a similar organisation. The spaces consisted of open grassed areas with a performance stage and stands representing various associations and institutions. The majority of the participants represented the different ethnic communities, such as the Antilles, the Chinese and the Vietnamese. Institutions included the likes of the *Academie des langues kanakes*, public advocacy groups and women's organisations.



Figure 11: (left to right) Mayor of Poum Henriette Hmae, Member of the Government Déwé Gorodey and a local customary leader, presumably the chief (“petit chef”) of the tribe of Tiitch. The sign above their heads reads “Rue de la Citoyenneté.”

(Photo: Scott Robertson)

The day commenced at eight o'clock in the morning with the raising of the two flags, the singing of the New Caledonian anthem by a choir and a dance performed by a local group. At Poum, there was also the unveiling of the “*Rue de la citoyenneté*”, a large wooden street sign placed out the front of the *terrain de Shiloh* that was to become a permanent feature (Figure 11).

The symbol deeply moved both Gorodey and Hmae. For Hmae, it represented the progress experienced since the earliest involvement of Kanak people in the local institutions.⁵⁴

⁵⁴ Interview with Henriette Hmae, 25 September 2016.

I was very moved... the *petit chef* of the *tribu* of Tiitch was with us and his father was the first mayor of the commune, who was also a *petit chef* of the *tribu* of Tiitch. The story that we tell each other is a story in which they went to search... Our elders said that they went in search for that institution at Koumac in order to improve living conditions for the people. But the first municipal council was composed of Kanak and other communities that compose it... It's for this reason that we go back to this reminder of history.⁵⁵

Citizenship Day, in this particular view, assumes a personal and social importance in light of the particular history of the commune of Poum and the participation of Hmae's family within it.⁵⁶ It reminded them of the agency of their fathers as the earliest Kanak participants in local political life who sought representation in order to improve living conditions. Citizenship Day, therefore, is not purely focused on the common destiny as an abstract idea, but it connects strongly to local stories and social relations, evident also in previous years outside of Noumea. As an excerpt in the DCCFC magazine recounted about an event organised in Bourail in 2011 stated: "Citizenship Day stopped at Nessadiou.⁵⁷ This step was not innocent, with the objective of placing a community and its painful and unknown story under the microscope."⁵⁸

In both 2015 and 2016, much of the day's proceedings consisted largely of traditional and contemporary artistic performances, performed by groups that represented different ethnic communities or parts of New Caledonia, such as *Tiaré Pacific* (female Tahitian dancers), *Sanma Vanuatu* (Vanuatu dancers), and the *Troupe Faka Gala Gaata* (Wallisian dancers). The programs at Païta and Poum began with a "fusion of traditional dance" between *Tiaré Pacific* and a group of young male Kanak dancers called *Olobatr*, where both groups participated in a jointly choreographed performance. At the 2015 event in Païta, the performances had the additional significance of showcasing New Caledonia's delegation to the 2016 Pacific Arts Festival held in Guam. Other activities such as discussion forums, photography displays, creative workshops, storytelling and a "citizen lunch" punctuated the program throughout the day.

⁵⁵ Interview with Henriette Hmae, 25 September 2016.

⁵⁶ Poum formed part of the commune of Koumac until the late 1970s when it became its own commune.

⁵⁷ A small community on the outskirts of Bourail known for the settlement of a number of Algerian Berber convicts in the late nineteenth century, where there remains today a small mosque and Islamic cemetery.

⁵⁸ DCCFC, "Les Cahiers de la Citoyenneté," no. 2 (2014), 10.

The discussion forums reflected the official themes, which changed each year, including⁵⁹:

- 2009: “Each day I construct my citizenship”
- 2010: “Day of speaking, day of sharing”
- 2011: “Assume together our common history”
- 2012: “Together let’s celebrate the values that bring us together”
- 2013: “Express our identities, long live citizenship”
- 2014: “Citizen rights and duties”
- 2015: “Citizens, youth of the country”
- 2016: “Come together daily around common values”
- 2017: “Together on the canoe of citizenship”

In both 2015 and 2016, the forums consisted of four separate groups that discussed the meaning of citizenship. In 2015, they focused on both youth and women’s rights, while in 2016 they explored particular and common values, and New Caledonia’s institutional future and the transfer of sovereign powers.

The ubiquitous emphasis on citizenship as something that is constructed, lived, or expressed in different ways appeared to stand in contradistinction from the mainstream debate on citizenship and the right to vote. Indeed, at the event, there appeared to be few references to New Caledonian citizenship as a defined, legal status, or of the issue of the electoral body.⁶⁰ In this way, the DCCFC largely avoided the more divisive aspects of citizenship debate.

A Gendered Promotion of Citizenship

By opening up the citizenship debate to civil society, it was possible to see how certain groups sought to provide alternative conceptualisations of citizenship, departing from the largely cultural basis of much of the citizenship discussion (see Chapter 10). During my observations of Citizenship Day across 2015 and 2016, women’s groups were often some of the most recognisable participants, from animating workshops to staffing the various stands.

⁵⁹ DCCFC, “Les Cahiers de la Citoyenneté,” no. 2 (2014).

⁶⁰ One document detailing the preparations for the 2009 Citizenship Day celebrations detailed the philosophical approach to citizenship. In particular, it emphasized citizenship as participation, recommending organisers to “accentuate the social reality of citizenship as permitting all citizens (voters and non-voters) to reappropriate the power of citizen action. For this, it is necessary to give a voice to people other than those who have the right of citizenship.”

It became clear how the DCCFC, responsible for both “women’s affairs” and “citizenship”, managed to combine the two public discussions together in the organisation of Citizenship Day. At Païta, several women representing the New Caledonian Government and non-government organisations conducted a forum on women’s rights, gender-based violence and economic opportunities. The emphasis on women at the event in Poum was less central to the theme of the day, but was nevertheless ubiquitous by virtue of the strong presence of women’s civil society organisations. At the discussion forum on values, consisting overwhelmingly of women (men dominated the forum on institutional transfers), many represented various Kanak women’s community and church organisations. Some of these women staffed a stand set up with information and resources, including regional and international organisation support networks, posters highlighting ongoing forms of inequality in terms of political and customary representation, and information on gender-based violence.⁶¹ More personal initiatives and expressions had been undertaken. For example, one European woman from Noumea collected messages from women on the theme of citizenship and presented them wrapped around the coconut trees on the site (Figure 12).



Figure 12: Messages from New Caledonian Women to the Country on Citizenship
(Photo: Scott Robertson)

⁶¹ For example, seven men and four women in the government, an all-male Customary Senate, eight out of thirty-nine members of the Economic and Social Council are women, and only six of the thirty-three mayors of New Caledonian communes.

All these forms of participation spoke to how citizenship discourse connects to broader social debates about women's roles, especially since the publication of the Customary Senate's *Charter of Kanak Values* and defining Kanak women's roles within their clans. In this way, the present political context sees an interaction and, at times, a tension between cultural and gendered readings of citizenship.⁶²

As Kanak women, Déwé Gorodey and Astride Gopoea have encouraged a greater reflection on this issue within the context of citizenship, involving a close working relationship with international, regional and local institutions and non-government organisations. Despite New Caledonia having among the highest proportions of elected women in the Pacific, thanks largely to the "parity law" introduced in 1999 across France⁶³, there were no female signatories of the Noumea Accord, political parties remain largely led by men and the Customary Senate an exclusively male institution. Gorodey's own poems and stories are replete with strong female characters who at once challenge the power structures of Kanak society and custom, yet perform socially ascribed roles and experience sexual violence. For example, in her 1998 theatre adaptation of the creation story *Kēnaké 2000*, performed initially by Jean-Marie Tjibaou at Melanesia 2000 in 1975, Gorodey makes a young woman one of the key characters of the story.⁶⁴ Kanak women thus inhabit these paradoxes shaping the decolonising world and the politics of representation. Gopoea notes:

As is the case in any traditional society, women believe that mores and customs can evolve across space and time. Therefore, that is to say, custom can as well in terms of ours vision of the rights of women...Today we are in a strategy, a public policy where we are adopting an integrated and transversal process in order to question the rights of man, the equality of men and women etc. And so this integrated step is to ask how do the rights of women in health, employment, the economy and customary law [change]?⁶⁵

⁶² See for example New Caledonian Government's 2009 *Guide éducatif sur les droits des femmes et l'égalité des sexe*, 29: "In New Caledonia, the concept of gender can be understood according to the different cultures that exist and within which the roles and responsibilities of men and women are based on social organisation and their societies. The way to realise these roles and the responsibilities has an impact on the equality between men and women and the development of the country in all its aspects: economic, social, political and cultural."

⁶³ Luciel Bargel, Stéphanie Guyon and Isabelle Savelina Rettig, *Assessment of the application of the 'parity law' in New Caledonia, French Polynesia and Wallis and Futuna (April-June 2007)* (Noumea: SPC, 2010).

⁶⁴ Brown, "Récit fondateur et culture politique en Nouvelle-Calédonie", 541.

⁶⁵ Interview with Astride Gopoea, 2 October 2016.

Their work⁶⁶ in relation to women's affairs in the areas of rights, including a *Charter of Equality Men-Women*, women's leadership, mobilising against gender-based violence and economic empowerment, echoes in many ways Nicole George's conception of "active citizenship" as a "realm of political activity constituted in ways that *both* reflect *and* contest global and local contingent factors."⁶⁷ While culture and ethnic identity dominate citizenship discourse, women's groups in New Caledonia have challenged such readings.

Listening to women participants' in a forum in Poum on values highlighted the diverse identities mobilised and perspectives articulated by these women as citizens, including faith, family, cultural, professional employment and artistic backgrounds.⁶⁸ Their presence and the emphasis on their rights, reveals the potential for these citizenship events to incorporate issues and themes that often fall outside of the realm of public debate on citizenship and challenge the basis of citizen equality.

Transcending Communitarianism

The emphasis on culture in the form of art, dance and song, provided at 24 September events organised by the DCCFC reinforces cultural identity as a major ingredient of citizenship. It equally suggests that in a decolonising context, affirming these identities is an essential step towards fostering an equal society.⁶⁹ This stands in contrast with the historical aversion of France to any strong affirmation of sub-national identities. A senior DCCFC figure noted the importance of broad community participation representative of the territory's diversity, but that it was occasionally difficult to obtain agreement among sections of the community on representation.⁷⁰ Despite the communitarian basis for participation, largely referring to New Caledonia's ethnic groups, it was widely recognised among interviewees, including the DCCFC, that the common destiny could not be realised through a form of communitarianism. As Charles Washetine, a PALIKA member of Congress, argued:

⁶⁶ DCCFC, *Les Cahiers de la Citoyenneté*, no. 2 (2016), 12–15.

⁶⁷ Nicole George, "'Situating' active citizenship: historical and contemporary perspectives of women's organising in the Pacific", *Development in Practice* 19, no. 8 (2009), 981.

⁶⁸ Field observations, Poum, 24 September 2016.

⁶⁹ Louis-José Barbançon, "Les signes identitaires: une expérience de démocratie participative dans l'Accord de Nouméa: le comité de pilotage (2007-2010)", in *Destins des collectivités politiques d'Océanie: Peuples, populations, nations, Etats, territoires, pays, patries, communautés, frontières* (Vol. 2), edited by Jean-Yves Fabéron, Viviane Fayaud, Jean-Marc Regnault, 689: "Certain communities, because they live in the colonial context, lived in a situation of exploitation in relation to the world of work. In this situation, they put in place strategies of survival that are the communities or the exploited social groups."

⁷⁰ Interview with Régis Vendegou, 28 July 2015.

We need to leave behind the communitarian struggle, which was never a carrier of the idea of a nation. It's a challenge...even certain political parties speak of communities. For us... because the Kanak people are a people, it is a civilisation...so at the time of colonisation there are communities that arrive and they organised themselves in their communities. But, with them, I consider all the battles won by the Kanak people...There is no reason why each of the communities (needs to) live in the vase that gives rise to them. We need to go beyond them.⁷¹

Certainly, 24 September highlights a tension (though not necessarily a contradiction) between the emphasis on a pluralistic New Caledonia and the recognition of Kanak sovereignty as the basis for a new social contract. Achieving such a balance is no easy task for the DCCFC. For Gopoea, it is about making the event more than just about the Kanak, while avoiding an overly cloistered perception of the communities.

We have less difficulty today making the day very colourful. There was a time when it was only the Kanak, whereas at Poum we saw 24 September was very colourful. We have the representation of several different parts of the population with their different cultural roots. We try to avoid the word community. We speak more of an association of different cultural components with different origins. We try to avoid the word community, which further closes off the population...⁷²

Nevertheless, there can be no doubting that that a communitarian conceptualisation played a major role in structuring the day's celebration. Yet, as a site of exchange and interaction between different groups, the DCCFC hopes that Citizenship Day will encourage people to know, understand and socially engage with others in everyday life. Certainly, Hmae, who noted that Poum was a Kanak-dominated commune, considered that such events would help her population to "know other communities in the territory."⁷³

Citizenship Day struggles to prise the concept of citizenship away from the inherently political struggle on independence. While the DCCFC and its steering committee have a direct role in organising Citizenship Day outside Noumea, the *Comité 150 ans après* continues to hold celebrations at the *Mwâ Kââ*, which have become explicitly

⁷¹ Interview with Charles Washetine, 7 June 2016.

⁷² Interview with Astride Gopoea, 2 October 2016.

⁷³ Interview with Henriette Hmae, 25 September 2016.

supportive of independence. On 24 September 2016, a banner declaring “2018 *c’est possible*” emblazoned a performance stage next to the site. The year before, a local group affiliated to the FLNKS put together a display featuring key dates of “the Events” and emphasised the failure to obtain justice for numerous Kanak assassinations during the period. The politicisation of the *Mwâ Kââ* in favour of the independence cause prompted local media to question whether Citizenship Day remained relevant for the whole population, and drew attention to the seeming absence of the communities. Déwé Gorodey, when interviewed on *Calédonie 1ère*, argued that the government wanted to provide a space in which all can celebrate citizenship in their own way.⁷⁴ Gopoea considered that by creating the space, they empowered citizens to seize the initiative⁷⁵. However, this has resulted in a seemingly bifurcated view of citizenship. Though the DCCFC promotes citizenship as an inclusive space in which to realise the common destiny, it cannot be entirely divorced from the political context and the way that citizenship challenges power relations between social groups.

Part 2) The Identity Symbols

Recent scholarship has tended to steer away from symbols of belonging and nationhood, such as flags, anthems and state ceremonies, with a greater focus on what Michael Billig referred to as “banal nationalism”: how the nation structures everyday expressions and behaviours of citizens.⁷⁶ Yet, the failure to agree upon identity symbols for New Caledonia long highlighted the inherent contradictions underlining the social contract of the Noumea Accord. The co-production of Citizenship Day by the DCCFC and more localised groups accentuated different visions of citizenship and, more specifically, representations of the citizen. Similarly, the process of choosing identity symbols to represent the country, a much more delicate matter than Citizenship Day, highlighted the relationship between representation and political authority. Contrary to Citizenship Day, where we see the DCCFC assume a more prominent role over time in the promotion of citizenship, the identity symbols highlight its failure and the assumption of the task by political leaders. Furthermore, they demonstrate the importance of the process by which the symbols are chosen and the multiple and contested meanings ascribed to them over the course of that process.

⁷⁴ Déwé Gorodey, Interview with Alex Rosada, *Nouvelle-Calédonie 1ère*, YouTube, 25 September 2016 (Published on 26 September). Available: <https://www.youtube.com/watch?v=7fp4JpQtvZU>.

⁷⁵ Interview with Astride Gopoea, 2 October 2016.

⁷⁶ Michael Billig, *Banal Nationalism* (London: SAGE Publications, 1995).

In her first address as President of the New Caledonian Government in 2004, Marie-Noëlle Thémereau stated:

We need to equally concretise the recognition of Kanak identity and begin where we need to finish: the identity symbols. The discussion will be undertaken, but a forced march is not the best rhythm. We need to find what brings us together, step by step, what identifies us. I propose, in this discussion, conforming to the Noumea Accord, following which a mention of the name of the country will be placed on identity documents, as a symbol of citizenship, that the government will put in place, with the State, an identity card for the Caledonian citizen.⁷⁷

Thémereau attached considerable importance to the value of symbols, but also the process, as a means of transcending political and social divisions. The idea of placing the name of the country on identity documents persisted over time, including a special citizen card. But such an idea depended on an agreed definition of the citizen, as well as the name of the country. The name “New Caledonia” is often touted as a neutral term. Indeed, we see in a discussion in the book *Etre Caldoche aujourd’hui*, for some European people with New Caledonian roots the term “Caldoche” is preferred to describe themselves, despite its pejorative connotations, rather than “Caledonian” because they felt “Caledonian” belonged to everyone in New Caledonia.⁷⁸ However, Jean-Marie Tjibaou considered that “New Caledonia” was not neutral, embodying the colonial logic and the affirmation of French sovereignty. “Kanaky”, which the FLNKS adopted in the 1980s, became an alternative construction of the political community that recognised their sovereignty.⁷⁹ Alternatively, some refer to “Kanaky-New Caledonia” in an attempt to reconcile the opposing logics. Indeed, the Customary Senate, for example, refers to both a “Caledonian” and “Kanak-Caledonian” nation in its *Charter of the Kanak People*. Unsurprisingly, the name remains a “taboo” subject that will almost certainly be dealt with only after the referendum.⁸⁰

⁷⁷ “Déclaration de politique générale de Marie-Noëlle Thémereau, Présidente du gouvernement de la Nouvelle-Calédonie”, 17 August 2004, 5, Available: http://www.congres.nc/wp-content/uploads/files/pdf/299_discours_MNT.pdf.

⁷⁸ “Vous avez dit Caldoche? Table ronde autour du mot Caldoche”, *Etre Caldoche Aujourd’hui* (Noumea: Ile de Lumière, 1994), 7–20.

⁷⁹ See the Union Calédonienne, “Après 2018: notre vision de la Nation” (2017), 12, Available: <http://unioncaledonienne.com/wp-content/uploads/2017/02/Projet-de-Nation-Union-Cal%C3%A9donienne.pdf>; For a background to the word Kanaky see François Dufour, “D’où viens-tu Kanaky?”, undated 2009 article in the *LNC* on the website of Jean-Raymond Postic. Available: <http://www.signes-identitaires-nc.com/page5/page69/page69.html>.

⁸⁰ See Barbançon, “Les signes identitaires”, 692; Interview with Bernard Deladrière

The mobilisation of political symbols played an important role in the projection of French colonial power and the anti-colonial protest.⁸¹ French colonisation commenced with the raising of the French flag, declaring French sovereignty over the land and the people within it, in turn depriving the indigenous people of their own. As Jean-Marie Tjibaou declared, “in 1853, our country witnessed the raising of the tricolour flag at Balade, depriving Kanak of its sovereignty. Today, we take up the challenge, and we raise this flag.” Affirming the sovereignty of the Kanak people on 24 September 1984 at Ducos, Tjibaou declared at the FLNKS Congress that the name of the country would be Kanaky and the flag that of Kanaky: three horizontal bands of blue, red and green, marked with a yellow circle, inside of which features a black *flèche faitière* (Figure 13). In turn, the 1987 Constitution of the Kanak Republic officially recognised the flag, while leaving the anthem and motto undecided.

Figure 13: Flag of the FLNKS



The Steering Committee of the Identity Symbols and the Democratic Process

The identity symbols received little attention in the immediate years after the Accord. Eventually, the New Caledonian Government, through the DCCFC, created a Steering Committee on the Identity Symbols (CPSI) bringing together twenty-five representatives divided into five “colleges”: political leaders, customary figures, the communities, civil society and experts. The CPSI met for the first time on 11 April 2007. The approach to representation, a form of participative democracy, was based on two primary criteria: a balance between Kanak and non-Kanak, and pro and anti-independence representation. However, the government stated that they would inform groups not represented in the meetings of the work undertaken. Other considerations included the diversity within each of the communities and other groups, as well as the

⁸¹ For a history of the FLNKS flag see Hamid Mokaddem, *L'Accord de Nouméa pour tous* (Noumea: l'IFMNC, 2011), 56–63.

modes of representation. For example, three members from Wallis and Futuna were necessary in order to represent the three kingdoms (Uvéa, Alo and Sigavé) across the two islands. At the first meeting, certain participants questioned the terminology, since the DCCFC had referred to the Caledonian European community as *caldoche*, and whether to replace the word “community.” The difficulty of satisfying expectations around the committee’s representativeness appeared evident from the fact that three of the communities (the Chinese, the Ni-Vanuatu and the Afro-Creole) were invited only after “certain demands” had been made at the first meeting. Political participation was minimised to just four party representatives present in the Congress between the 2004 and 2009 mandate, with some minor parties such as the FN and the LKS excluded altogether.

In his account of the proceedings of the CPSI, the historian Louis-José Barbançon, a member of the expert college, noted that the meetings took place under the veil of confidentiality in order to keep the “sensationalist press at a distance”, with the exception of media communiqués agreed to at the end of each session.⁸² Barbançon appeared positive about participative democracy as a “good formula” for tackling such divisive issues as the identity symbols, citizenship and the transfer of sovereign powers.⁸³

However, despite the CPSI forming a space for dialogue and mutual recognition, the process of recognising the symbols necessitated governmental and political oversight:

The initiative of a *loi du pays* and deliberations belong concurrently to the government and members of Congress; the proposed law on the identity symbols could have been elaborated within a “small community” within the government. However, (...) the identity symbols remain a “sensitive” subject, taking into account the economic, religious, cultural and political history of New Caledonia. Consequently, the elaboration of symbols must take into account a double preoccupation: respect for the Noumea Accord and the implication of the Caledonian population.⁸⁴

According to Barbançon, the work of the CPSI was a qualified success. Although he acknowledged that “heated” debates took place, a spirit of mutual recognition pervaded

⁸² Barbançon, “Les signes identitaires”, 690.

⁸³ Barbançon, “Les signes identitaires”, 690.

⁸⁴ (Personal Communication) DCCFC, “Rapport d’étape signes identitaires”, 27 September 2007, 3

the committee.⁸⁵ However, he equally observed the influence of political divisions and the difficulties of engaging a seemingly sceptical political class. He contrasted the “Oceanian time” needed for the committee’s discussion with the immediacy demanded by political leaders, and the apparent necessity of having the symbols finalised in time for the Pacific Games held in New Caledonia in 2011, the Festival of Pacific Arts and the Committee of Signatories meetings. In the Congress, a number of anti-independence political leaders remained sceptical of the process, viewing it as too slow and lacking progress. Others disagreed with the creation of “artificial” identity symbols, and questioned the wisdom of holding the discussion on identity symbols prior to the referendum on independence since, the logic followed, they should reflect a consensus about New Caledonia’s political future.

Whereas the CPSI decided that the motto, the anthem and the banknotes would be opened up to the public in the form of a competition, the name of the country and the flag would “continue to be the object of exchanges and discussions within the committee.”⁸⁶ After adopting a “global framework”, the CPSI held twelve meetings with a view to completing the recommendations by mid-2008 including the local and universal values that they believed should infuse the symbols (see Chapter 10).

The competition for the three identity symbols remained open between October 2007 and February 2008, with a pool of prize money for the various winners. Article 2 of the Regulations guiding the competition maintained that the submissions needed to express the “essential place of Kanak identity within the accepted community of destiny”, and be inspired by the “Oceanian values of welcome, sharing, respect, solidarity, hospitality and tolerance”, as well as the “republican and universal values of liberty, equality and fraternity.”⁸⁷ According to government figures, the anthem attracted seventeen candidates, forty-nine for the motto and twenty-one for the banknotes. The CPSI agreed by consensus on the winners, subsequently submitted to the Congress for final validation in the form of a law.⁸⁸

⁸⁵ Barbançon, “Les signes identitaires”, 690.

⁸⁶ DCCFC, “Rapport d’étape signes identitaires”, 9 (Personal communication).

⁸⁷ See the personal website of Jean-Raymond Postic, one of the members of the expert college: “Règlement du concours pour la conception de trois signes identitaires”, Available: <http://www.signes-identitaires-nc.com/page12/page12.html>.

⁸⁸ See Congrès de la Nouvelle-Calédonie, Compte rendu integral des débats, 3ème Séance, 18 August 2010, 8. The banknotes required additional collaboration between the *Institut d’Emissions d’Outre-mer* (IEOM), the body responsible for currency production and regulation, and the winning artist in order to ensure that the design could be adopted in light of the various legal constraints of the process.

The competition did not place any restrictions on the identity of the participants, including New Caledonian citizenship, with the sole condition being residency in the territory. However, when metropolitan researcher, Jean-Brice Herrenschmidt, won the competition for the choice of the motto, his “outsider” identity was quickly noted. His motto, *terre de parole, terre de partage*, drew on the sacred and social significance of the spoken word (*la parole*) to the Kanak people, as well as a secular symbol of the political accords. The emphasis on land was “fundamental in all of the cultural composites of the country”, more than elsewhere, in which there “is a sentiment of belonging to a land and not simply a property.”⁸⁹ The emphasis on sharing (*le partage*) signified the “invitation to interculturality, to cultural exchange and the exchange of ideas.” Although Herrenschmidt’s proposal received general approval during the Congress discussion (for which he was present), Nidoish Naisseline raised the issue of a “descendent of Cook” (referring to British explorer James Cook) proposing a motto that had no intelligible meaning in Naisseline’s own native language of *nengoné*:

I believed that [the identity symbols] liberate us from imported words and meanings, to liberate us mentally, to no longer be a slave of the gaze and discourse of others (and) their way to see things... it shocks me a little that the choice has been made by a descendant of James Cook, even if the slogan is beautiful, it does not work. We need to stop being defined from the outside... we need to affirm our own discourse.⁹⁰

His criticism raised the broader dilemma concerning the extent of shared ownership and shared meaning of these symbols.⁹¹ Though Naisseline was the only one to highlight the issue of Herrenschmidt’s outsider status, the *Parti travailliste* also voted against the motto in the Congress.

The banknote symbols, consisting mostly of native fauna and flora, generated little opposition from Congress members. The exception was the inclusion of a case and the Tjibaou Cultural Centre on the ten thousand franc (the highest amount on a single note), translating the need to mark Kanak identity on the symbol. The figures marking the previous bills, including among them the colonial governor Paul Feillet, were removed. The concerns raised instead centred on the economic costs involved in replacing the old banknotes (coins were exempt from the change), the potential impact

⁸⁹ Congrès de la Nouvelle-Calédonie, 18 August 2010, 31.

⁹⁰ Congrès de la Nouvelle-Calédonie, 18 August 2010, 31.

⁹¹ This appeared to echo Naisseline’s views concerning socialist ideas during the early years of PALIKA, the party he left in the early 1980s, because of its inability to account for the distinct cultural meanings that needed to frame Kanak emancipation.

on the Pacific franc currency shared by Wallis and Futuna, and French Polynesia, and how it could impact a potential (but eventually abandoned) adoption of the euro currency.⁹²

The most controversial of the three accepted symbols proved to be the anthem, both for aesthetic reasons and how it conveyed New Caledonian identity, which, given the complexity of anthem composition, is unsurprising. The winning score, titled *Soyons unis, devenons frères* (Let's be united, let's be brothers), was composed by Philippe Millot, conductor of the local choir *Melodia*, arranged by Bruno Zanchetta and reworked by Bulgarian composer Plamen Tzontchev, based at the Conservatorium of New Caledonia. Like the banknotes, the anthem, which include a longer and shorter version, pay significant homage to the physical environment (pine trees, Poinciana trees [native to Madagascar], valleys and rivers), rather than any particular cultural or historical references.

Much of the criticism fell upon the music. Certain anti-independence members of the Congress argued that it lacked gravitas and inspiration, describing it as more of a song than an anthem. Their criticisms were taken on board in the development of a new version of the original score, this time in collaboration with the French armed forces' orchestra, which gave it a "more official" and "solemn" character.⁹³ Pro-independence leaders iterated criticisms of the music for different reasons, arguing it ignored the Kanak identity of the country. As Roch Wamytan observed, "the anthem, it does nothing to say where we come from, nothing on our stories, so how do we know where we are going if we don't say where we come from? In music, the Kanak identity needs to be identified."⁹⁴ Similarly, Daniel Goa regretted "the words do not retrace the history of the country", which would be:

A means of sealing the common destiny arising from the suffering of each other, the suffering of the original Kanak people but also for those people who arrived and who have made the country what it is today.⁹⁵

Responding to these criticisms, certain Congress members pushed for the addition of sounds of *la toutoute* of the conch shell or the *bwan jep* to better represent Kanak

⁹² CESE, Avis no. 7/2008, 29 August 2008. The Congress dismissed the economic concerns of the CESE. In fact, the IEOM supported a change, but rather because the old notes, being forty-five years old, failed to conform in terms of security and design to international standards.

⁹³ Congrès de la Nouvelle-Calédonie, 18 August 2010, 34.

⁹⁴ Congrès de la Nouvelle-Calédonie, 18 August 2010, 29.

⁹⁵ Congrès de la Nouvelle-Calédonie, 18 August 2010, 34.

identity.⁹⁶ After discussions, *la toutoute* was adopted *ad libitum* to the anthem score, usually marking its opening.

The Committee of Signatories meeting held on 24 June 2010 validated the three identity symbols chosen, prior to their final passage through the Congress. But some political leaders remained cynical about their significance. Despite concerns about the symbols, the Congress members acknowledged the importance of not losing face during the 2011 Pacific Games in Noumea by not showing unity, since the symbols would be highly visible during the meet. The Noumea Accord called on New Caledonians to “seek together” the identity symbols. Despite the government’s attempts to engage in public consultation and include civil society, *Rassemblement-UMP* criticised the process for a lack of consultation. They were not alone, with a small number of pro-independence members voicing their view that the process sidelined people in the North and Islands’ provinces. But these complaints appeared rather ironic given the way in which the matter of the flag was handled.

***L’affaire du drapeau* (“The Flag Affair”)**

In February 2010, Pierre Frogier surprised New Caledonians by calling for the recognition of the FLNKS flag alongside the French tricolour. Long a symbol of the struggle for independence and Kanak identity (“flag of the FLNKS” or “Kanak flag”), for many of its opponents it connoted violence and “terrorism”, and therefore lacked any credibility as a symbol of the common destiny. Despite the FLNKS flag’s lack of an official status prior to 2010, pro-independence mayors and the North Province maintained it in public places, present, for example, behind President Chirac during his speech to the North Province Assembly in 2003. On 26 June 2009, the FLNKS also attempted to initiate a law recognising the *drapeau du pays Kanak* as the official country flag, which was immediately rejected by the loyalist majority of the government.

Frogier gave several reasons for his decision. Chief among them was the imperative of finding a solution to the flag in time for the Pacific Games where flags held an obvious significance. Didier Leroux (R-UMP) observed that in 1987, when New Caledonia last hosted the games, athletes from neighbouring countries embarrassed local dignitaries

⁹⁶ The *toutoute* refers to the sound of the conch shell when blown. The *bwanjep* refers to two triangular pieces of fig bark stuffed together with various natural materials, clapped together to a particular rhythm.

by participating at a ceremony at Saint-Louis where the FLNKS flag was raised⁹⁷. Moreover, Frogier considered the issue had languished for too long and would never be resolved in the CPSI:

We have been searching since 1998. What I have been convinced of since the very beginning is that the flag, each person, surely, has the hope that it represents the symbol of all the communities in New Caledonia. Can it really be an artist's design? Is it by launching a competition, in the schools, or among the population, to know what will be the flag of New Caledonia's identity, with the most beautiful colours etc.? Do you really think that the population will identify itself, recognise itself in what will be, at that moment, the result of a jury who will choose between different designs? Well, I have always thought that it was a path with a dead-end.⁹⁸

Frogier maintained that something more needed to be done to symbolise the community of destiny: "apart from the barbecues on 24 September around the *Mwâ Kââ*, what has happened that is new in the time since? That is very symbolic?" He invoked his own status as a signatory of both the Matignon and Noumea Accords, as leader of the R-UMP and deputy in the National Assembly as a basis for his legitimacy in undertaking a seemingly unilateral decision to push for the flag.

Others considered that Frogier attempted to use the flag as a means of outflanking his new political rival, Philippe Gomès, whose party *Calédonie Ensemble* nearly defeated the R-UMP in the 2009 provincial elections, with Gomès elected as President of the Government. While Gomès appeared to be riding the wave of democratic support, he did not possess Frogier's status as signatory. Certainly, Frogier received praise for his courage from pro-independence leaders, who immediately backed the move as a step towards realising the common destiny. However, *Calédonie Ensemble* stridently condemned the two flags proposal as contrary to the Noumea Accord, which emphasised the "searching together" (*rechercher en commun*) of the identity symbols.

A closer analysis of Frogier's arguments across several texts highlights the persistent distinction between the French flag, symbolising the "legitimacy of the sovereignty of

⁹⁷ Congrès de la Nouvelle-Calédonie, "Proposition de voeu déposée par messieurs Frogier, Martin et Wamytan, en application de l'article 68 de notre règlement intérieur", 13 July 2010, 47.

⁹⁸ RRB, Interview with Pierre Frogier, "Transparences", *Radio Rythmes Bleues* (2010), Date not provided, Transcript Available: <http://www.signes-identitaires-nc.com/page5/page86/page86.html>.

the Republic”, with the FLNKS flag, described as “the legitimacy of the Melanesian and Oceanian identity (*une légitimité identitaire*) that translates everything we have done the last twenty years.”⁹⁹ Frogier’s acceptance of the FLNKS flag is based on its legitimacy as an expression of an identity, described as Melanesian (not Kanak), rather than sovereignty. This view was not shared by Philippe Michel of *Calédonie Ensemble*, who, despite stating his respect for what the FLNKS flag stands for, considered that it “is the flag of a legitimacy, which is the flag of a political struggle without concession, resulting from suffering and sacrifices...”¹⁰⁰ As a “political symbol”, “it is encumbered by history, the memories of which can bring out troubling and painful events that a common destiny must overcome and forget.” Accepting the FLNKS flag, therefore, appears contingent on recognising it as symbolic of *Melanesian* identity, emptied of its political content and its potential as a flag of the whole country. Framing the FLNKS flag solely in terms of an apolitical expression of identity, places it more in line with the flags of French Polynesia and Wallis and Futuna, which have flown for a significant period of time.

The various arguments mobilised show that while the meaning of the flag can change over time, the historical context in which it is born remains important. To appropriate a Renan aphorism, if a nation depends on the ability of a people to “forget many things”, a flag’s acceptance can depend on the potential to transform its meaning. Certainly, most flags, including the French flag of the Republic, are products of, or rise to, prominence during, violent struggle, as was noted in the debate in Congress. But it was the ideological nature of the violence and its proximity to contemporary political and social life that rendered it unacceptable in Philippe Michel’s eyes. However, some loyalists contend that young New Caledonians who did not experience “the Events” do not necessarily perceive the flag in the same way as their parents.¹⁰¹

Though the flag’s meaning was de-politicised, its recognition was framed as a political act in the context of the Noumea Accord process, continuing with previous gestures aimed at recognising Kanak identity. Indeed, this was how the FLNKS interpreted it, as demonstrated by Roch Wamytan’s reciprocated *geste* to Frogier at the close of the Congress session in which the flag was accepted, accompanied by an invitation to attend a flag-raising ceremony held at the Customary Senate.¹⁰² As a gesture, it does

⁹⁹ RRB, Interview with Pierre Frogier.

¹⁰⁰ Congrès de la Nouvelle-Calédonie, 13 July 2010, 47–48.

¹⁰¹ Interview with Jean-Raymond Postic “Drapeau du Pays: ‘Il faut parvenir à élargir le consensus dans la population’”, *Les Infos* (2010), Available: <http://www.signes-identitaires-nc.com/page5/page88/page88.html>.

¹⁰² Congrès de la Nouvelle-Calédonie, 13 July 2010, 59.

not mark the completion of the political settlement, and according to Frogier, leaves the door open for the eventual adoption of a common flag. As Virginie Ruffenach, Secretary-General of Frogier's party *Les Républicains*, argues, the common flag and sovereignty are inseparable from one another:

The day there is a common flag the Republic will fall. We are pretty much certain of it. Because finding a common flag is to define a people and defining a people is no longer autonomy, it is basically sovereignty.¹⁰³

Wamytan, hailing the Frogier initiative, made it clear that its acceptance alongside the tricolour did “not mean that we are making any concessions”: “We remain pro-independence and having two flags does not mean we have from now on chosen a mechanism approaching, for example, a state-in-association with France who would keep the sovereign powers.”¹⁰⁴ Wamytan equally maintained that the FLNKS flag could and should become the common flag. In 2011, following Wamytan's election as President of the New Caledonian Government, the FLNKS redacted a proposed bill to recognise their flag as the common flag, which never reached the floor of the Congress. In the same way that Kanak sovereignty and the right to independence had been “opened up” to other communities, the FLNKS argued the flag could include non-Kanak people. Furthermore, it was noted that Jean-Marie Tjibaou, eager to recognise the universalist ideals of France, maintained that the “initial colours of the French Revolution (blue and red) be present (with the exception of the monarchical white) as a reminder of the people who rose up against the oppressor and for the Declaration of the Rights of Man and the Citizen.”¹⁰⁵

After the passage of the *voeu* recognising the FLNKS flag, approved by four-fifths of Congress, the flag was raised at the Customary Senate on 15 July 2010, before also being raised two days later in the interior of the French Haut-Commissariat, in the presence of the French Prime Minister François Fillon. Both Fillon and President Nicolas Sarkozy lauded their political ally Frogier's initiative, with the latter describing it as “the natural extension of the handshake between Jean-Marie Tjibaou and Jacques Lafleur” at the Hôtel Matignon.¹⁰⁶ However, like Frogier, Sarkozy distanced himself

¹⁰³ Interview with Virginie Ruffenach, 12 August 2015.

¹⁰⁴ Congrès de la Nouvelle-Calédonie, 13 July 2010, 52.

¹⁰⁵ FLNKS, “Proposition de loi du pays relative au drapeau de la Nouvelle-Calédonie”, 28 July 2010.

¹⁰⁶ “Déclaration de M. Nicolas Sarkozy, Président de la République, sur le présent et l'avenir de la Nouvelle-Calédonie, à Païta (Nouvelle-Calédonie)”, 28 August 2011.

from the flag's political significance, instead viewing it as an expression of the fact that “the Kanak culture is a founding component of the Caledonian culture, which is not limited to the North Province or the Islands Province: it is legitimate in all of Caledonia, as well as the South Province.”¹⁰⁷

Rather than stymy political debate, the flag quickly emerged as a major political issue. Dissident voices formed the *Collectif pour un drapeau commun*, developing into a major wedge issue for many within the loyalist fold, with notable figures among *Calédonie Ensemble* throwing their support behind the movement.¹⁰⁸ A number of earlier initiatives had emerged at different times since the Noumea Accord to recognise a common flag, including a competition in 1998, driven by a group of Swiss geographers in conjunction with the small political party *Calédonie Mon Pays* (Figure 14)¹⁰⁹, but which failed to gain any significant traction, reinforcing the strong grasp of political leaders over the process.¹¹⁰

Figure 14: Flag competition organised by *Calédonie Mon Pays* in 1998

(source: Jean-Raymond Postic, www.signes-identitaires.nc)



The *Collectif*, in opposing the recognition of the FLNKS flag, began to promote an alternative design, consisting of three vertical bands (red, light grey and red) with the nautilus shell, the *flèche faitière* and the column pine tree in the middle (Figure 15). This design and colour scheme mirrored New Caledonia's sporting colours (red and

¹⁰⁷ “Déclaration de Président de la République M. Nicolas Sarkozy”, 28 August 2011.

¹⁰⁸ The *Collectif* incorporated a diverse spectrum of loyalists, including the likes of Philippe Blaise, Stéphane Henocque (leader of minor party *Convergence pays*), and increasingly members of *Calédonie Ensemble*, as well as the likes of Laurent Edo, a member of the research group ARES. For political opposition see a *Lettre ouverte* by the *Mouvement Républicain Calédonien* of Philippe Blaise, 13 December 2011 (Facebook).

¹⁰⁹ According to Jean-Raymond Postic they received some five hundred votes.

¹¹⁰ Claudine Wery, “Drapeau, hymne, devise... la Nouvelle-Calédonie se cherche une identité”, *AFP*, 20 April 2007.

grey) worn by athletes at the Pacific Games and other international sporting meets since the 1960s, equally representing the colours of the endemic, flightless bird, the *Cagou*.¹¹¹ Léroux, in criticising the proposal of the *Collectif*, argued that it was “dangerous” because it failed to take into account Kanak views.¹¹²

Figure 15: Flag promoted by the *Comité pour un drapeau commun*



The 2011 Committee of Signatories reiterated that despite the desire affirmed by the Congress to recognise two flags, it called on the “partners” to:

Effectuate, conforming to point 1.5 of the Noumea Accord, a common undertaking (*un travail de recherche en commun*) on the flag expressing Kanak identity and the future shared between all, according to the means at their disposal to define it. In the interim, the two flags constitute a significant and symbolic step forward of reconciliation. As long as a solution cannot be found, the two flags will co-exist, as was decided by Congress.¹¹³

Following the 2012 legislative and presidential elections, the Congress renewed efforts towards a consensual discussion on the flag, facilitated by an inter-party special commission¹¹⁴ under the auspices of the Congress, commencing on 22 March 2013, bringing together a representative of each political party. *Calédonie Ensemble*, strong critics of the move to recognise the FLNKS flag, argued there was a greater need for popular consultation, though there appeared to be no call for the resumption of the original CPSI. Nevertheless, efforts towards consensus dissipated, with the flag not mentioned in the communiqué following the 2014 Committee of Signatories meeting.

¹¹¹ William Gallais, “Notre drapeau commun existe depuis 50 ans”, *Cagou.com*, 7 February 2012, Available: <http://www.cagou.com/blog/notre-drapeau-commun-existe-depuis-50-ans/>.

¹¹² Didier Léroux argued that “I would like to say to them [the collective] that their efforts are dangerous, because this flag said to be “common” has become, during the last few weeks, a flag essentially supported by Whites.” Congrès de la Nouvelle-Calédonie, 1 April 2011.

¹¹³ IXème comité des signataires de l’Accord de Nouméa, 8 July 2011, Hôtel de Matignon, Relevé des conclusions.

¹¹⁴ Known as *la commission spéciale de rechercher en commun le drapeau du pays*.

There is a sense shared by most interlocutors interviewed that the flag issue has been relegated, especially now that all attention is focused on the 2018 referendum. However, the flag has certainly re-emerged as an issue in more localised settings. This is especially the case at the commune level since every town hall flies the French flag and remains under metropolitan jurisdiction. In the case of two communes, Bourail and La Foa¹¹⁵, the local mayors refused to raise the flag. As both mayors explained, since the flag was adopted by a *voeu*, or non-binding resolution, it meant there was no legal compulsion to raise the FLNKS flag in front of the town hall. Brigitte El Arbi, mayor of Bourail, argued: “It was a will, a resolution, there was no obligation.... It would have been good, if it was all laid out... an explanation [given].”¹¹⁶ At La Foa, the municipal council overwhelmingly rejected the FLNKS flag proposed by a local member of PALIKA, fifteen votes to two, with the sole R-UMP member abstaining.¹¹⁷

In Bourail, then local mayor, Jean-Pierre “Taieb” Aïfa resisted the adoption of the flag and called on Frogier to explain to the local population his reasoning, which, unsurprisingly did not occur. El Arbi, who assumed the mayoral function after the departure of Aïfa, and the local council, suggested the organisation of a local-level popular consultation on the issue, despite pressure from local and territorial members of the FLNKS.¹¹⁸ However, the French Government immediately rejected the move on constitutional grounds. For El Arbi, the ongoing absence of a country law on the flag highlighted a complete failure of territorial leadership on the issue. After refusing to back down to political pressure, including a protest of some five hundred people in front of the mayoral office on 8 November 2015, proponents of the FLNKS flag successfully raised the flag on 9 November. Fearing the potential for local conflict, at the time of the interview with El Arbi (September 2016) the flag of the FLNKS remained in place in Bourail and continues to do so.

¹¹⁵ Bourail and La Foa are both towns located on the West Coast of the *Grande Terre*, and are well-known for their Caledonian-European identity, as well as historic sites of confrontation between different groups. La Foa, for example, was the epicentre of the resistance led by the Chief Atai in 1878, as well as the area where pro-independence militant Eloi Machoro was assassinated by French special police in 1985. The municipalities have long been bastions of loyalist politics. The current mayors, Brigitte El Arbi of Bourail and Corinne Voisin of La Foa, are members of *Calédonie Ensemble*, though the former maintains that this matters little in local municipal politics.

¹¹⁶ Interview with Brigitte El Arbi, 9 June 2016.

¹¹⁷ “Un seul drapeau flotte à La Foa”, *LNC*, 16 August 2010.

¹¹⁸ “Coup de force ou démocratie”, *Calédosphère*, 9 August 2015.

This chapter highlights how the recognition of citizenship symbols reveal contested representations of citizenship. The symbols demonstrate how the DCCFC, sections of civil society and the political class mobilise different meanings of these symbols and how they change over time.

The celebrations for Citizenship Day organised by the government on 24 September have promoted citizenship largely in relation to the affirmation of each community's cultural identity. Through providing a physical space for the various communities to meet one another, it emphasised the importance of mutual recognition and exchange, through both artistic and non-artistic forms. However, this stood in tension with the desire to transcend ethnocultural communities as rigid categories in order to give greater depth to the meaning of New Caledonian citizenship. The gradual expansion of Citizenship Day has increasingly revealed competing views of citizenship, especially concerning Kanak sovereignty, as displayed at the *Mwâ Kââ* each 24 September.

But it is not only cultural identity and expression that has concerned the DCCFC. In recent years, Gorodey, Gopoea and her team have increasingly used the discourse of citizenship to highlight issues around gender equality and women's rights. By doing so, the DCCFC has generated important conversations around the intersection of cultural identity, gender and its relation to citizenship. It reinforces the potential for citizenship to focus on particular forms of marginalisation, sometimes at the expense of others. This is particularly significant in relation to the process of decolonisation, in which those marginalised have been largely described in terms of their ethnic identity.

In tracing the processes by which the various symbols have come to be accepted, this chapter has illuminated the multiple sites and actors seeking to participate in their creation. One major question concerned democratic participation in the development of these symbols. Both political leaders and civil society groups invoked their legitimacy in different ways. For example, the former appealed to their role in previous political settlements and the inability of the broader population to deal with such politically sensitive responsibilities. For the latter, it was precisely the ease with which identity symbols became bogged down by political divisions that reinforced the value of their role. As Jean-Raymond Postic observed:

We are... in a space rendered highly sensitive by our history and it is not surprising that we have struggled to progress in this debate, especially when the "elites" do not invest themselves. We definitely noticed that

until present, the political leaders have for the most part seriously lacked any will, and without doubt because of an excess in electoral prudence...

But not all members of civil society see themselves as equals. The role of the Customary Senate as the voice of Kanak identity in the symbols' debate has been questioned both by other non-Kanak groups, but also by sections of Kanak society who question their legitimacy and primacy in defining Kanak identity. Such an institution sits uncomfortably in either the state-political world or "civil society", occupying a kind of space in between.

Another theme concerned the extent to which the identity symbols reflected identities and values endogenous to New Caledonia. Fears expressed by some political leaders concerning the participation of "outsiders" were not particularly prominent, but still present. Nidoish Naisseline's concern about the extent to which foreign concepts and symbols can possess meaning for locals appeals to the broader question of whether decolonisation is more than simply about political power in the narrow sense of the term, but a "decolonisation of the mind." Many of these issues recur in the following chapter and the discussion on local/universal values.

Chapter 10: *Au centre du dispositif?*

Kanak Identity, Recognition and Common Citizenship

New Caledonian political and social leaders often highlight recognition of Kanak identity as an essential foundation of the common destiny and the decolonisation process. Such statements derive from its denial or negation under colonial rule.

For the first time, the Noumea Accord stated that the Kanak people had sovereignty. However, the delicate wording of the Preamble underlined the lack of consensus on what sovereignty signified:

It is necessary to remember the difficult moments, recognise the faults, give back to the Kanak people its confiscated identity, for them equivalent to a recognition of their sovereignty, prior to the establishment of a new sovereignty, shared within a common destiny.

The recognition of Kanak identity, as sovereignty, both precedes and exists as an essential ingredient of the new political community established by the Accord, but it does not exist by itself. The Accord states in turn that New Caledonia possesses a “shared sovereignty” with France. Despite the relative consensus of the importance of recognition, there remains disagreement concerning its implications for the construction of New Caledonian citizenship.

If, at least in classical Western thought, sovereignty and citizenship are heavily intertwined, since the sovereign people who exercise power through their democratic choice are citizens, the Noumea Accord reformulates this relationship to constitute a set of mutually constitutive sovereignties and citizenship rights.¹ This satisfies both sides of the political divide on the independence question. For the pro-independence movement, Kanak sovereignty becomes the basis for a new social contract. As Roch Wamytan argues:

We say the Kanak people is at the centre of the mechanism (*au centre du dispositif*). But it is not just me who says that, because we, the

¹ See Hamid Mokaddem, “The reformulation permanente de la souveraineté de la Nouvelle-Calédonie/Kanaky” in *Visages de la souveraineté en Océanie*, eds. Natacha Gagné and Marie Salaün (Paris: L’Harmattan, 2009), 185–209.

colonised people.... it is first and foremost our country. We welcome the others who come. And so, we have tried to aggregate all that to make a new common consciousness emerge, of a people in the making, which is the Caledonian people.²

For anti-independence parties concerned about the indivisibility of French sovereignty, the Accord can be seen as a stretch, rather than a tear in the republican fabric since France remains sovereign.

This chapter examines the different interpretations ascribed to the relationship between Kanak primacy and the construction of New Caledonian citizenship. In doing so, it considers the politics of Kanak recognition and how it shapes relations with non-Kanak people. To consider these questions, I analyse two important themes to have emerged from interviews and other texts. The first concerns the right of “welcome” in relation to non-Kanak populations. The second centres on the recent discussion concerning common values inspired largely by the 2014 *Charter of the Kanak People* produced by the Customary Senate. Both cases illustrate the different ways people affirm and contest the political implications of Kanak recognition as it relates to New Caledonian society and its institutions.

Institutional Recognition and Kanak Sovereignty

The Kanak independence movement demanded recognition from France as the colonial power, not only as a specific collective identity, but also as a *people*. The concept of *people* carries with it recognition as a distinct political community. Article 3 of the 1958 Constitution links the concept to national sovereignty and its indivisibility, distinguishable from *populations* used in reference to the *Outre-mer*. For this reason, the pro-independence movement placed great significance on the 1983 Nainville-les-Roches declaration, rejected by the RPCR, proclaiming the “innate and active right of Kanak *people* to self-determination” (See Chapter 4). But this did not readily translate into recognition of Kanak sovereignty. The same declaration, for example, insisted on the Kanak right to self-determination shared with the other composites of the New Caledonian population. Furthermore, the abolition of the *fait colonial*, it declared, occurred through the “recognition of Melanesian custom.” Gabriel Païta later

² Interview with Roch Wamytan, 11 January 2016.

considered this important because it dissociated custom, or more particularly the institutionalisation of custom, from institutional politics.³

French colonisation denied the existence of indigenous “culture” according to a logic that considered civilisation to be solely a European domain.⁴ The recognition and valorisation of Kanak culture by the French state served as a political strategy aimed at curtailing support for independence, beginning with its financial/technical support for Melanesia 2000 in 1975.⁵ From the 1980s, calls for recognition of Kanak identity translated to greater Kanak presence in the political-institutional landscape. The 1988 Matignon-Oudinot Accords stated the need for a “durable peace founded on coexistence and dialogue, and equally founded on the common recognition of the identity and dignity of each of the communities present on the territory.”⁶ In addition to the new provincial jurisdictions, which fell largely under Kanak and pro-independence control, the Accords created a Customary Council representing each of the eight “customary regions” in order to “translate the importance of custom in the public organisation of the territory.”⁷ Furthermore, the French Government financed the *Agence de développement de la culture kanak* (ADCK) to “permit the expression and flourishing of all forms of the Melanesian personality” and to “assure access for everyone to information and culture.”⁸ In 1998, construction completed on the multi-million dollar Tjibaou Cultural Centre on the outskirts of Noumea, financed by the French Government, housing the ADCK.

Section 5 of the Preamble to the Noumea Accord outlined a large number of areas emanating from the “full recognition of Kanak identity”:

Full recognition of Kanak identity leads to the precision of customary status and its links with civil status of persons under common law, to previewing the place of customary structures in the institutions, notably through the establishment of a Customary Senate, protecting and

³ Cazaumayou and de Deckker, “Le Témoignage de Gabriel Païta”, 143.

⁴ Alban Bensa, “Résistance et innovations culturelles kanak: ‘l’aire coutumière du Centre Tjibaou’”, in *La Tradition et l’Etat: églises, pouvoirs et politiques culturelles dans le Pacifique*, eds. Eric Wittersheim and Christine Hamelin (Paris: L’Harmattan, 2002), 185.

⁵ Bensa, “L’aire coutumière du Centre Tjibaou” in *La Tradition et l’Etat*, 186.

⁶ Accords de Matignon-Oudinot, “Texte no. 1, *La condition d’une paix durable, l’Etat impartial et au service de tous.*”

⁷ Accords de Matignon-Oudinot, “Exposé des motifs du projet de loi portant dispositions statutaire at préparatoires au scrutin d’auto-détermination en Nouvelle-Calédonie.”

⁸ The ADCK would later be housed in the multi-million dollar Tjibaou Cultural Centre was designed by internationally renowned architect Renzo Piano. See Bensa, “L’aire coutumière du Centre Tjibaou”, 185–205

valuing Kanak cultural heritage, putting in place new juridical and financial mechanisms in order to respond to the demands expressed in relation to connections to land, all the while favouring its development, and adopting identity symbols expressing the essential place of Kanak identity in the country within the accepted community of destiny.

Even though the institutionalisation of custom was not new, the creation of the Customary Senate marked a major step forward.⁹ The Congress must consult the Senate on laws pertaining to Kanak identity, especially concerning land and customary status. Importantly, however, the Senate has no right of veto or blocking powers. The Senate also has an appointed position in other bodies such as the Economic and Social Council that advises the New Caledonian Government.

The evolving remit of the Senate underlines persisting different interpretations of its role in the broader institutional framework. The Senate has consistently expressed its belief that it must have a more expansive role both in politics and policy-making. Reflecting his staunch opposition to custom as a basis for law, the late Jacques Lafleur, the dominant leader of the anti-independence movement until his retirement from politics in 2007, wrote that the Senate was “not and will never be a customary authority.”¹⁰ In April 2014, the Senate produced a major document titled the *Charter of the Kanak People* to “endow the Kanak People with a superior juridical framework encompassing a historical reality and guaranteeing its unity and the expression of its inherent sovereignty.”¹¹ In particular, the Senate focused heavily on the implementation of “legal pluralism”, common throughout the Pacific, involving the adoption of custom as a basis for civil law concerning persons of customary status. At the beginning of 2016, Senate President Gilbert Tein delivered an address in support of the institution’s *Marshall Plan*¹² to the Congress, painting a picture of Kanak society in profound existential crisis, and making the case for customary leaders to have a greater role on the ground and the financial/institutional means to do so. The propositions raised in the plan have to date largely been ignored much to the frustration of the senators. Tein also took aim at the failure of the Congress to enact laws or policies proposed by the Senate, requesting they be examined no more than six months after being put forward.

⁹ The Noumea Accord also previewed the creation of the *Académie des langues kanak* in 2007, responsible for the promotion and teaching of Kanak languages.

¹⁰ Jacques Lafleur, *Ce que je crois* (Noumea: Imprimeries Réniées de Nouméa, 2002), 12.

¹¹ Sénat Coutumier, Préambule, “Charte du Peuple Kanak”, 9.

¹² Sénat Coutumier, “Le peuple kanak est un peuple sinister: le Sénat Coutumier demande un “plan Marshall” pour aider les autorités coutumières à relever les défis”, 26 January 2016, Available: <http://www.senat-coutumier.nc/phocadownload/userupload/planmarshall.pdf>.

The failure of the Senate to enhance its standing reflects broader concerns on the extent to which the recognition of Kanak identity altered power relations in New Caledonian society. The Charter embeds sovereignty in “Kanak tradition”, where “the chieftainship holds... the essential elements of autochthonous sovereignty, which are: a territory, people, and an authority exercising its power over all the attributes in relation to the aforementioned sovereignty.”¹³ The documentation and integration of custom into Western-inspired legal frameworks entrenches its legitimacy and sovereignty within the political community and affirms the power of customary institutions and leaders, in this case the Senate, as guardians of tradition. The Charter, for example, contrasts the historical continuity of their “legitimacy”, “exercised without discontinuity for four thousand years across the whole of the country” as “anterior to the democratic legitimacy that appeared with the political State instituted in France, then installed in 1853 in New Caledonia.”¹⁴

Although the Senate is often viewed solely in relation to Kanak people, both the Charter and the *Marshall Plan* emphasise its importance for the construction of New Caledonia. Tein argued that it was hypocritical for New Caledonian political leaders to argue that “the customary leaders, we only know them when there is a problem on the ground”, considering the lack of responsiveness to their ideas. Indeed, some loyalists are highly sceptical of customary leaders’ ability to effectuate change, challenging their legitimacy even within the Kanak world:

Whether [the Kanak] give [the Senate] this legitimacy or not, they will never have this legitimacy because when there are important conflicts between *tribus* at Yaté or Maré we have not seen the Customary Senate. They do not have the legitimacy of a conflict-resolution body so they are not legitimate to come and say to us how we [the Congress] function.¹⁵

Such a perspective epitomises a common view held among the Europeans of the Senate, but also of customary authority more broadly, as a form of uncontested power. Since it does not, there is a rejection of the Senate’s political and social function.

¹³ Sénat Coutumier, Section 1, *Charte du Peuple Kanak*, 13.

¹⁴ Sénat Coutumier, Section 1, *Charte du Peuple Kanak*, 17.

¹⁵ Interview with Philippe Blaise, 7 August 2015.

Different critiques of the recognition of custom, particularly in studies by metropolitan anthropologists, speak of the imposition of an “ideal-type” image of Kanak identity disconnected from the realities of daily life.¹⁶ Urban Kanak, for example, who grow up in the Noumea agglomeration, are often described in the media or in political discourse as oscillating between the “traditional” and “modern “worlds”, lacking a “stable” social identity (“*un manqué de repères*”). These challenges facing youth in a “society in transformation” become the primary sociological causes for youth delinquency, a phenomenon familiar throughout virtually the entire Pacific. In French Polynesia, for example, indigenous groups have at times resisted the essentialism of indigenous identity attributed to Mao’hi nationalism because they feel it deprives them of other, more salient identities.¹⁷ In this way, demands for the recognition of identity can be seen to undermine the dynamism and pluralism of indigenous societies.

But these forms of resistance do not necessarily question the broader aim of affirming Kanak sovereignty in relation to New Caledonia. While the broader work of the Charter claims to “give our youth bearings”, it also seeks to give “Caledonian society some references and a new vision of the society to build.”¹⁸ Documenting custom allows “us to question Caledonian society and the political institutions, in particular on the pertinence and durability of the solutions currently proposed by the statist system of New Caledonia.”¹⁹ Thus, it serves to promote dialogue and understanding in order to transcend a skin-deep and folkloric recognition of Kanak identity. As Emmanuel Tjibaou observes in relation to the Senate’s initiative, “I think recognition (*la reconnaissance*), that means to know (*connaitre*). The precondition, it’s that... If we say recognition, we need to already know.”²⁰ The Charter is equally an important means of reclaiming ownership over the representation of Kanak identity, long dominated by French scholars considered authorities on Kanak society, into the hands of the Kanak themselves.

Certain interlocutors questioned the extent to which institutional recognition facilitated mutual recognition in general society. Emmanuel Tjibaou, director of the Tjibaou

¹⁶ Christine Demmer and Christine Salomon, “Droit Coutumier and Indépendance Kanak,” *Vacarme* 64 (June 22, 2013), Available: <http://www.vacarme.org/article2263.html>. Christine Demmer and Christine Salomon (eds.), *La Coutume Kanak Dans l'Etat: Perspectives Coloniales et Postcoloniales Sur La Nouvelle-Calédonie*, Cahiers Du Pacifique Sud Contemporain (Paris: Harmattan, 2017).

¹⁷ Natacha Gagné, “Brave New Words: The Complexities and Possibilities of an “Indigenous” Identity in French Polynesia and New Caledonia”, *The Contemporary Pacific* 27, no. 2 (2015), 371–402.

¹⁸ Sénate Coutumier, *Charte du Peuple Kanak*, 17.

¹⁹ Paul Vakié (Président du Sénat Coutumier), “Message solennel du Sénat Coutumier”, 12 April 2014.

²⁰ Interview with Emmanuel Tjibaou, 25 May 2016.

Cultural Centre, arguably the premier symbol of Kanak identity in Greater Noumea, spoke of his daily commute to work: “I pass the Porsche that goes in one direction, pass a Porsche that goes in the other direction. Then, those opposite, they are going to look for water.”²¹ This image referred to the contrasting images he sees in the environs of the Centre, wedged between Tina, one of the wealthiest parts of Noumea, and the squat community known as “Tina Golf”, which is across the road from the city’s main golf course. Despite the Centre, therefore, the social barriers and inequalities remain obvious. Tjibaou also spoke of the continued absence of Kanak restaurants or television programs in indigenous language, which could highlight a dynamic and creative image of Kanak identity, rather than a museum.²² President of the *Fondation des Pionniers*, Raymond Guépy, expressed scepticism about the importance of government-led, institutional forms of recognition, citing his foundation’s implication in the memorial project for Chief Ataï by the customary leaders. He remained confident that “there is a desire at once to exist and at the same time recognise each other, know each other because the people have lived in parallel and have not mixed with each other.”²³

There are indeed conflicting views of what it means for Kanak identity to be recognised. A recent report on New Caledonia’s institutional future commissioned by the French Government stated that a “connection to land”, a “right to the recognition of a customary link”, and a “right to an institutional representation of custom” are all identified as “values and rights of the first people”, distinct from the rest of New Caledonia’s population.²⁴ However, the period since the Noumea Accord reveals that the recognition of Kanak identity as a central aspect of the social contract is not solely a Kanak affair, but disturbs power relations across New Caledonia as a political community and its institutional development. Thus, debates have arisen concerning Kanak ownership over institutions such as the ADRAF and the *Direction des affaires coutumières*, as well as in relation to economic development of customary lands. The politics of welcome and the identification of common values further highlight these contested understandings of what it means for the Kanak to the *au centre du dispositif*.

²¹ Interview with Emmanuel Tjibaou, 25 May 2016.

²² Interview with Emmanuel Tjibaou, 25 May 2016.

²³ Interview with Raymond Guépy, 29 October 2015.

²⁴ Alain Christnacht, Yves Dassonville, Régis Fraisse, François Garde, Bernard Lombrière, Jean-François Merle, “Rapport de la mission d’écoute et de conseil sur l’avenir institutionnel de la Nouvelle-Calédonie”, *Premier Ministre de la République française*, October 2016, 44.

Citizenship and the Politics of Welcoming

In 1985, Jean-Marie Tjibaou, when asked about whether he distinguished between the concepts of “sovereignty” and “independence”, responded:

Sovereignty, it is the right to choose partners; independence, it's the power to manage the totality of your needs created by colonisation, by the system in place....

It is sovereignty that gives us the right and the power to negotiate our interdependencies. For a small country like ours, independence is to appropriately calculate our interdependencies.²⁵

Tjibaou's conceptualisation of sovereignty is striking. Rather than sovereignty as protection from outsiders, it becomes the basis for a choice, an autonomy, in relation to others. Rowena Dickins-Morrison observes that Tjibaou offered a “decentred view” of sovereignty,

Founded on the definition and respect of differentiated but coexisting legitimacies, rights and roles of the various peoples and actors inhabiting and circulating within the same ocean space, who, like their natural surroundings, are understood to be inextricably interconnected and interdependent.²⁶

Similarly, James Clifford has drawn on Tjibaou's life and politics to illustrate what he refers to as “indigenous articulations”, highlighting indigenous identity as rooted but dynamic and never fixed, upending the colonial critique of indigenous nationalism as narcissistic and exclusionary.²⁷ In many ways, Tjibaou's vision embodied the fluid and interconnected picture of the Pacific given in Epeli Hau'ofa's seminal essay *Our Sea of Islands*, subverting the Western gaze of the Pacific islands and peoples as small and isolated.

²⁵ Tjibaou, Interview with the *Temps modernes* (March 1985), reproduced in Bensa and Wittersheim (eds.), *La Présence Kanak*, 179.

²⁶ Dickins Morrison, “Sovereignty as Interconnection in Oceania?” 45.

²⁷ Clifford, “Indigenous Articulations”, 471.

Kanak sovereignty, as it relates to New Caledonian citizenship, tends to be perceived as a solid barrier to the outside world. Instead, at least in Tjibaou's understanding, it re-defines legitimacy and relations with the outside. When asked about his own personal understanding of citizenship, the Pastor Wakira Wakaine of the Evangelical Church of Kanaky/Nouvelle-Calédonie, observed:

For us, citizenship, you need to go back into history, how we need to understand, before colonisation, we had our symbols, we had our traditions, we had our exchanges, between the islands and the *Grande Terre*, between families, between clans, between *chefferies*. So citizenship is defined in relation to this richness of the past... When the Europeans arrived citizenship changed, it took another definition through this new relation that we had maintained in Western countries. It's for that reason that citizenship has changed, it has taken another definition... I hold a position, a space, a place. I have customs, traditions, there are exchanges, relations with the clans. There is my participation in society, and at the same time, the right of blood, the responsibility that I have *vis-à-vis* the authorities, *vis-à-vis* the family. There are my maternal uncles, the elders and also there are the youth.²⁸

This excerpt presents a view of the Kanak world, likening its social organisation, the relationship between individuals, and the individuals and clans, to a kind of citizenship that preceded and continues through European modernity. The Charter similarly states that "every Kanak has the status of citizen and nationality specific to New Caledonia but they are equally attached by nature to a Family, a House (*une Maison*) and a clan. They have, in this sense, rights and duties."²⁹ Wakaine is able to understand his own personal rights, entitlements and responsibilities, based on custom, and how his "position" is determined by birth and blood. The Charter speaks of a "customary path", which "reveals for each clan and individual, their history, their place and their function within Kanak society and the hierarchy that exists within its components."³⁰ Beyond his own individual position in relation to his clan and other clans, the clans themselves relate to one another in different ways:

For us, people from the islands, when we have relations with the *Grande Terre*, the relations for us with the *Grande Terre* extend from here

²⁸ Interview with Wakira Wakaine, 1 June 2016.

²⁹ Sénat Coutumier, Section 1.7. *Charte du Peuple Kanak*, 14.

³⁰ Interview with Wakira Wakaine, 1 June 2016.

(Nouméa) to Canala. They do not pass beyond Canala. For us, when we have relations with Canala, from Ouvéa to the Isle of Pines, that is for us, the islands. We do not have relations with Houaïlou, with those in the north up there. If we go to the North, we are obliged to pass through here, the people of the Isle of Pines, the people from here up to there. It's the same for the people of the North, they are obliged to pass by the South. It's like that.³¹

French citizenship, in Wakaine's eyes, stems from an alternative understanding of the relationship between people, place and other political communities:

They had soil and blood, but they also have a view of the country as a whole. They are obliged to leave my country in order to go to another place and work over there and responsibilities there, while back in the day I did not have relations with these places.³²

The complex and dynamic networks framing his specific place and connections to others, therefore, contrasts with French state-based conceptualisations of citizenship and belonging. Although Wakaine's words might be viewed as a personal account of Kanak social existence, this cosmopolitan and plural image corresponds with efforts across the Pacific to subvert external constructs of indigenous societies as small, isolated and vulnerable communities.³³ Grasping this heterogeneous and shifting basis for Kanak social organisation becomes an important starting point for how we consider the politics of indigeneity and citizenship in a decolonising society.

Alban Bensa's seminal study of Kanak social organisation in the north of New Caledonia refers to "masters of the land" (*maîtres de la terre*), recognised as the first occupants who exercise the right to welcome strangers.³⁴ Those welcomed can be invited to assume important political and ritual functions, including in some cases "diplomats" who conduct relations with external groups. Michel Naepels identified variations in the modalities of welcoming individuals and groups from external clans in the Houaïlou area, as well as the extent to which it dissolved or re-attenuated identities and histories of the welcomed.³⁵ An alliance (*vibée*), writes Naepels, sees the welcomed group integrated into the life of the *chefferie* through marriage and the

³¹ Interview with Wakira Wakaine, 1 June 2016.

³² Interview with Wakira Wakaine, 1 June 2016.

³³ Narokobi, *The Melanesian Way*.

³⁴ Alban Bensa, *Chroniques Kanak: L'ethnologie en marche*, 33.

³⁵ Michel Naepels, *Histoires des terres kanak* (Paris: Bélin, 1998).

adoption of totems. However, it does not follow that their identities as foreigners are entirely dissolved. Relations between the two groups take place through different forms of reciprocity of goods and social practices. Another form is adoption (*uxöwi*), meaning to “close up within the cookpot”, in which the welcomed individual or group is entirely integrated. This form of “assimilation” could result in the attribution of chiefly titles or functions within the life of the *chefferie*.

Even within Kanak communities the politics of welcoming is highly contested. At stake are the rights and obligations within the life of the clan and the *chefferie*. As Naepels observes, “one has to know who welcomes and who is welcomed, but also the circumstances and according to what modalities the welcoming takes place.”³⁶ A further complication has been the historical change to “welcome-duty” in the colonial period.³⁷ Under the authority of the indigénat, numerous clans found themselves forcibly removed on to other lands, leading to an imposition of welcome on the first occupants. The administration’s appointment of chiefs instituted a parallel power structure that stood in tension with the recognised “masters of the land.” The confusion has led to present-day conflicts over rights, obligations and land ownership.³⁸ Still, if the idea and practice of welcoming has played an important role in the regulation of social relations among Kanak, how does it shape relations between Kanak and non-Kanak within New Caledonian citizenship?

Right to Welcome and Land of Welcome

The notion of welcome infers a form of integration between hosts and outsiders. “Citizenship”, said Roch Wamytan, “arrived in such a way that, around Kanak identity, shall we say, are aggregated or integrated, the other communities who arrived here in New Caledonia.”³⁹ The articulation of welcome fulfils a political function by constituting a foundation for a new political community, shifting from one that sees New Caledonians as French citizens integrated into the Republic, to the integration of French citizens into New Caledonia (or Kanak, or Kanaky-New Caledonia). In doing so, it responds to, and inverts, opposition to Kanak independence as an ethno-nationalist movement closed off to outsiders, establishing new terms for integration into the political community different to the logic of French republican universalism.

³⁶ Naepels, *Histoires des terres kanak*, 115–116.

³⁷ Jean Pipite, “Droit d’accueil et droit de l’endroit en pays kanak,” *Le Journal de La Société Des Océanistes* 2, no. 117 (2003), 203–212.

³⁸ Disputed claims between Kanak groups, or between Kanak groups and non-Kanak landowners are largely restricted to the *Grande Terre* since the entirety of the Loyalty Islands remains customary land and experienced very little European settlement.

³⁹ Interview with Roch Wamytan, 11 January 2016.

Contemporary discourses of welcoming are situated within a narrative of openness towards the outside world. In her speech opening the 2011 Citizenship Day ceremony at Balade, Déwé Gorodey read from the journal of James Cook where he recalled his first encounters with the indigenous people of the area.⁴⁰ Gorodey pointed out two passages. In the first instance, a sailor draws a line in the sand and gestures to the indigenous onlookers not to cross it. Respecting the command, one indigenous person draws a circle around himself and asks the sailors in turn not to cross it. In the second instance, Gorodey quotes from Cook concerning his belief that none of his sailors touched an indigenous woman. Gorodey contrasted Cook's positive appraisal of his encounter with the French explorer d'Entrecasteaux who described the people he greeted as "savages." These different accounts of initial contact between European and indigenous peoples, according to Gorodey, highlight the potential for "things to happen differently", meaning that relations can exist according to a mutual respect for physical and social boundaries.

The narrative underpinning the right to welcome reaches back further in time. The Charter notes that "migrants from Melanesia and Polynesia were welcomed according to customary rules which applied at the time in each region."⁴¹ It equally defines welcoming as an integral value of Kanak society: "solidarity and sharing, as well as welcome and hospitality mark sociocultural relations and give a generous, open and smiling vision of the family/clan and the *chefferie*."⁴² But welcoming did not necessarily imply good will or hospitality. In many cases, the welcoming of missionaries and other outsiders occurred against the backdrop of rivalries and alliances between clans, where such figures were perceived to offer particular advantages.⁴³ Wakaine, a native of Ouvéa, draws a link between the openness of the Loyalty Islands to outsiders in the past to the present imperative to give a space to newcomers.⁴⁴ The reception of the Christian gospel from Polynesian and European missionaries occupies a particularly important place: "There is also the place for the other *ethnies* that we gave, because we Oceanians, we are a welcoming people. We welcome many people. Because we

⁴⁰ Déwé Gorodey, "Ensemble assumons notre histoire", Discours d'ouverture de la journée de la citoyenneté le 24 septembre 2011 à Pwixée, Balade, Puévo, *Le Cri du Cagou*, Posted 1 October 2011, Available: <http://lecriducagou.org/2011/10/ensemble-assumons-notre-histoire-commune/>.

⁴¹ Sénat Coutumier, *Charte du Peuple Kanak*, 12.

⁴² Sénat Coutumier, *Charte du Peuple Kanak*, 13.

⁴³ Bensa, *Chroniques Kanak: Ethnologie en march*, 31–34.

⁴⁴ Openness towards the outside is a major theme of Epli Hau'ofa's celebrated essays, see: Epli Hau'ofa, "Our Sea of Islands" (1993) in *We Are the Ocean: Selected Works* (Hawai'i: University of Hawai'i Press, 2008), 27–40. See also Debra McDougall's ethnography on welcoming and integrating strangers in *Engaging with Strangers: Love and Violence in the Rural Solomon Islands* (New York: Berghahn Books, 2016).

are in the islands, the islands are very open to the navigators, the people who come from elsewhere.”⁴⁵

Wakaine speaks of moments of welcome passed down by oral tradition concerning these first Polynesian navigators:

When the Polynesians arrived they made the customary gesture. They understood because they were things that they also experienced in their homeland... We know what a tradition of welcome is. There is the exchange. In exchange to what they gave, we gave them land. We give them land and then they become part of the clan. They enter the families and they are introduced to the chief... That's to explain how the welcome was accepted in our traditions, they belong. It is at this moment that their status changes, the status of the person who arrives. They are no longer strangers. They became someone from the clan, the family chief. We have a term for that, we say *enem*⁴⁶, which means “welcomed person.”⁴⁷

There is considerable continuity between these long histories of welcome and contemporary discourses in relation to a political community that includes outsiders or strangers in the form of non-Kanak. For instance, Astride Gopoea observed that “we have a lot of Kanak in our country who are welcomed (*qui sont des accueillis*) from Polynesia [referring to eighteenth/nineteenth century arrivals from Wallis], but who are well integrated socially because they play a role in the *chefferies*. So there is this capacity of integration, so we can do it today.”⁴⁸ Furthermore, this challenges an “ethnic” conceptualisation of Kanak identity through pointing to the different ways in which outsiders have become integrated into the life of the Kanak clan. Jean-Marie Tjibaou precisely sought to displace the colonial assumption that only France was capable of integrating others: “It would be “racial” that the Kanak people might integrate

⁴⁵ Interview with Aloisio Sako, 28 October 2015.

⁴⁶ In the *nengoné* language of Maré.

⁴⁷ Daniel Miroux, in a book published by the *Académie des langues kanak* (ALK) on the history and language of Ouvéa for visitors, states that around 1750, “the explosion of the Tongan Empire forced... Wallisians to leave their native island. Their canoe arrived first of all in Vanuatu, then Lifou. Repulsed two times, some reached the small island of Uneec (Ounetch), where they formed the tribe of Teuta (*Téouta*). Then, this tribe established itself, with the agreement of the High Chief Bazit, in the north of Ouvéa. They also departed to Héo et Taakeji, near the present Saint-Joseph. We think that Bazit considered the new arrivals, sent by Nékélo, as potential allies against the *chefferie* Daoumé of Fajawe, with whom there were frequent conflicts.” *Tusi Hwen laaï Ae Thep: Ouvéa – Guide historique et linguistique de laaï* (Noumea: Alliance Champlain – Académie des langues kanakes, 2011), 19–20.

⁴⁸ Interview with Astride Gopoea, 2 October 2016.

other ethnicities, other peoples.”⁴⁹ It is equally interesting to note how Wakaine and Gopoea both employ the language of modern citizenship, such as “status”, “status changes” and “integration.” The point here is not whether or not this is indeed how welcome occurred in the distant past, but to argue that a welcome is referred to as a tradition that plays an important role in contemporary debates around migration. This tends to diverge with most scholarship on the politics of tradition where it has largely been viewed as an exclusionary discourse either in the form of an anti-colonial critique or to assert indigenous rights.⁵⁰ As Eric Soriano has argued, the dynamism of Kanak identity can often become lost in contemporary political discourse between Kanak independence emphasising an historical Kanak “nation” and French settler claims denying their nationhood by virtue of their internal diversity.⁵¹

In settler colonial contexts such as New Caledonia, the act of welcoming embodies the tension between settler and indigenous claims to sovereignty and belonging. In Australia, over the last several decades, spoken rituals of “Welcome to Country” and “Acknowledgement of Country” are sometimes conducted at the commencement of important gatherings in recognition of the indigenous owners on the land on which they meet.⁵² Whereas the Welcome involves an Aboriginal or Torres Strait Islander elder being present and welcoming guests, the Acknowledgement takes place without an elder, yet recognises the traditional owners and custodians of the land on which a meeting takes place. Having begun as recognition at the beginning of the Australian Parliament, it has now become relatively commonplace throughout Australia. However, criticism of these ceremonies has come from both indigenous people and non-indigenous political figures. For some, the performative nature of the act renders it void of deeper significance to the point that it becomes emotionless and tokenistic. For certain indigenous people, the words are empty unless they accompany concrete policy measures addressing indigenous disadvantage and recognition of indigenous sovereignty. In the state of Victoria, the conservative government abolished the Welcome to Country because of its “meaninglessness” and “political correctness.”⁵³

⁴⁹ Alban Bensa and Eric Wittersheim, *La Présence Kanak*, 118.

⁵⁰ Bernard Narokobi’s *Melanesian Way* is one example of “tradition” as an anti-colonial critique, while there is a significant literature on the politics of tradition in Fiji as a means of asserting indigenous primacy vis-à-vis the indigenous population.

⁵¹ Eric Soriano, “Tisser les liens politiques: Mobilisation électorale et vote mélanésien (1946-1958)”, 235.

⁵² For the official protocols recognised by Reconciliation Australia see “Welcome to and Acknowledgement of Country”, *Reconciliation Australia*, Available: <https://www.reconciliation.org.au/wp-content/uploads/2016/05/Welcome-to-and-Acknowledgement-of-Country.pdf>.

⁵³ Mark Doman, “Victoria dumps nod to traditional owners”, *ABC Online* 29 June 2011, Available: <http://www.abc.net.au/news/2011-05-19/victoria-dumps-nod-to-traditional-owners/2719734>.

However, according to historian Mark McKenna, such repetitive symbolic acts are not without merit since they enable non-indigenous people to access indigenous identity and recognise their sovereignty, even though the wording of the Acknowledgement in particular can vary.⁵⁴ More importantly, McKenna emphasises the importance of indigenous ownership in their conception.

In a settler colonial context, the usage of the word “welcome” appears problematic. A welcome is typically an act requiring acceptance, but also an acknowledgement from the welcomed party that they are crossing a threshold into a space that belongs to another. However, the imposition of welcome during colonisation left indigenous people with no choice concerning whether or not to welcome outsiders.⁵⁵ It is equally possible to ask whether welcoming generates any sense of obligation on the part of the welcomed to acknowledge being welcomed in the first place, and whether population dynamics are relevant to how this notion of welcome is practiced. Given the Aboriginal population of Australia numbers only some three per cent of the national total, the public act of welcoming enables indigenous identities to penetrate the public sphere and transcend their extreme minority status.⁵⁶ Kanak in New Caledonia do not face this problem to the same extent, despite remaining a demographic minority. Indigenous sovereignty in the New Caledonian context cannot be extracted from the political struggle of Kanak nationalism and concerns over migration’s impacts on its political claims. Together, however, the Kanak and Aboriginal and Torres Strait Islander people face the difficulty of affirming their presence in the public sphere beyond their numbers.⁵⁷

The welcoming act is therefore political because it identifies a premier occupant of a space in relation to a newer arrival, the relations resulting from this sequence of arrival and how they evolve over time. “New Caledonians”, born, raised or naturalised in the territory, may perceive the notion of welcome as a threat to their legitimacy. It has the potential to subvert the narrative of settler nationhood and assert Kanak sovereignty in its place.

⁵⁴ Mark McKenna, “Tokenism or belated recognition? Welcome to Country and the emergence of Indigenous protocol in Australia, 1991-2014”, *Journal of Australian Studies* 38, no. 4 (2014), 476–489.

⁵⁵ Pipite, “Droit d’accueil et droit de l’endroit en pays kanak.”

⁵⁶ The precise figure is 2.8%. See the 2016 Australian Census, Available: http://www.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/036.

⁵⁷ In Chapter 9 we saw how the affirmation of the Kanak presence in the public urban space of Noumea has been particularly important for Kanak activists because of the city’s French symbolism.

So how do non-Kanak people identify with the idea of a right to welcome? Aloisio Sako, leader of the *Rassemblement Démocratique Océanien* (RDO), when asked about his decision in the early 1990s to support Kanak independence, pointed to the long presence of Wallisians in the territory as early as the beginning of the nineteenth century on the island of Ouvéa.⁵⁸ The welcoming of these early voyagers, arrivals by Polynesian missionaries and the successful spread of Catholicism, constitute a shared narrative. This anterior presence and the fact that they have been welcomed according to Kanak custom endow the Wallisian and Futunian people with legitimacy. However, he suggests that it depends on present generations' recognition of this welcome rather than assumed acceptance. He acknowledges the frequent violence between young Kanak and Wallisians, especially near Saint-Louis on the fringe of Noumea:

We don't fight against the whites. They are untouchable. They are at another level. But we fight for the small job position. We fight for the small bit of housing. That means there is inevitably some tension. Affliction. The Kanak, evidently, say they are at home. The fact that we would be associated with the same life of citizenship, that hasn't yet entered into everyone's mentality.⁵⁹

Inter-marriage and integration have occurred, leading to the evolution of social boundaries between the groups. However, the ethnic communities have remained sociologically important. Sako drew particular attention to a marriage that took place soon after the Matignon-Oudinot Accords between a Kanak and Wallisian in Lifou, as a symbol of the "meeting of the two communities, Kanak and Wallis":

Jean-Marie Tjibaou was there, at Lifou. Between the current *grand chef* Boula and a girl from *chez nous*, where I was the spokesperson. Someone showed me a CD, a tape, and the title was the "marriage of the century." A journalist who is now retired. And there you go, this event was immortalised because it was done in broad daylight...

The mixing of blood symbolised by communitarian inter-marriage was an ubiquitous theme among interviewees, especially non-Kanak who emphasised their direct or distant Kanak relatives.⁶⁰

⁵⁸ Interview with Aloisio Sako, 28 October 2015.

⁵⁹ Interview with Aloisio Sako, 28 October 2015. For a glimpse into inter-community efforts at reconciliation see Maclellan, "Conflict and Resolution in New Caledonia", 8–10

⁶⁰ In the ADCK *mediathèque* archives, the caption of "marriage of the century" is given to a 1991 satirical photo showing UC Secretary-General François Burck and Jacques Lafleur shaking hands. See Notice n° 40230.

Sako acknowledges the importance of recognising Kanak primacy: “All the *ethnies* are invited...The FLNKS, the Kanak, made a concession in ‘83 to the victims of history – those who did not choose to be there. And then, after the Noumea Accord, those who are there for ten years are associated with citizenship.”⁶¹ Citizenship, therefore, embodies the political act of a “concession” from the FLNKS, as representatives of the colonised indigenous people, to those who desire membership. Referring to the broader political settlement as a “concession” reinforces Kanak sovereignty and the opening up of the political community to others despite their exclusive right to self-determination, at least according to the UN *Declaration on the Granting of Independence to Colonised Countries and Peoples*. Another Wallisian political leader stated that he understood how the Kanak felt, since if it were his country (in this context referring to Wallis and Futuna) he would want to regulate arrivals too. Recalling, however, that “Kanak sovereignty” is not explicitly recognised in the Accord, but is “shared” between the Kanak people and the other communities, together with French state. As former French Secretary of State Yves Jégo wrote in *Le Figaro*, the Accord “recognised the rights of the first occupants all the while drawing the contours of a land of welcome (*terre d’accueil*), where, for two centuries, women and men of all origins have settled (*ont fait souche*).”⁶²

The description of New Caledonia as a *terre d’accueil*, personifying the land, reinforces the connection between person and place. The expression is often employed in relation to descendants of New Caledonia’s early settlers who invoke the intrinsic, affective connection they have with the land, often likened to the spiritual relationship of Kanak people to their ancestral lands.⁶³ For example, New Caledonia’s largest mining company *Société le Nickel* (SLN) describe their company as “seven generations of New Caledonians, where the descendants of these pioneers sometimes met each

⁶¹ Interview with Aloisio Sako, 28 October 2015.

⁶² “Nouvelle-Calédonie face à ses responsabilités”, *Le Figaro*, 28 June 2008, Available: <http://www.lefigaro.fr/debats/2008/06/28/01005-20080628ARTFIG00156-nouvelle-caledonie-une-nouvelle-generation-face-a-ses-responsabilites.php>. The expression *terre d’accueil* is often mobilised by French political leaders to refer to France itself. See for example: “Discours d’Eric BESSON, à l’occasion de la « Journée mondiale du réfugié », le lundi 21 juin 2010”, Available: <https://www.immigration.interieur.gouv.fr/Archives/Les-archives-du-Cabinet-de-M.-Eric-Besson-2009-2010/Les-discours-du-Cabinet-de-M.-Eric-Besson-2009-2010/Juin-2010/Discours-d-Eric-BESSON-a-l-occasion-de-la-Journee-mondiale-du-refugie-le-lundi-21-juin-2010>.

⁶³ Patrice Godin, “Nouvelle-Calédonie 2025 Schéma d’Aménagement et de Développement de la Nouvelle-Calédonie: Résumé des rapports des 9 ateliers du diagnostic”, 13, Available: https://sap.gouv.nc/sites/default/files/atoms/files/nc2025_-_resume_des_9_ateliers_du_diagnostic.pdf.

other on the mining sites, where their fathers had contributed to the future of their land of welcome.”⁶⁴

In other cases, welcoming is appropriated to frame relations between New Caledonians and outsiders, both by Kanak and non-Kanak people. Speaking in Congress at the end of 2011, the year in which *terre de parole, terre de partage* (“land of the spoken word, land of sharing”), became adopted as the new motto of New Caledonia, Kanak loyalist figure Simon Loueckhote passionately argued against electoral restrictions imposed by New Caledonian citizenship: “Land of welcome, land of sharing, becoming brothers”, let us open up our heart and give meaning to our motto.”⁶⁵ He appealed directly to the continuity between New Caledonia’s past as a land of welcome to present issues relating to citizenship:

No citizenship of the world, nobody should feel excluded or marginalised in the “country where hospitality is a legacy since time immemorial.” Let’s welcome, let’s share and let’s become brothers with the twenty thousand people excluded from the special electoral body! Let them be represented in the different assemblies, the Congress and the province!

Several pro-independence leaders responded to Loueckhote, criticising him for ignoring the continued influx of migrants into New Caledonia. Who has the right to welcome strangers and the conditions and power relations shaping it therefore remain points of contention.

Cynthia Ligeard, member of the New Caledonian Government responsible for the public sector, on the issue of migration and perception of migrants argued that New Caledonia is different to France:

Here (*chez nous*), but I also believe in other states of the Pacific, even in Australia, which is more of a continent than an island, I think that we do not follow the same logic as Europe, which has been a land of welcome for a thousand years. For us, we are at home (*on est chez nous*), and

⁶⁴ “7 générations de Calédoniens font la SLN”, Available: <http://www.sln.nc/7-generations-de-caledoniens>.

⁶⁵ Congrès de la Nouvelle-Calédonie, Compte rendu integral des débats, 6ème séance, 28 December 2011, 68.

those who want to come here ok we will welcome them but they need to become like us.⁶⁶

This statement expects an effort by the welcomed party to integrate into local society. In this case, Ligeard, who does not describe herself as a Kanak, though claimed some Kanak ancestry, adopted the language of welcome in relation to more recent arrivals. In a similar vein, Raymond Guépy considered that it was necessary to ensure that the people of the country (*les gens du pays*) are the ones who speak on the future of the country, but that it should not result in closing off the country:

You are either here temporarily (*de passage*) or to settle (*à vous installer*) but you need time to settle and prove that. We are open but there is a period of adaptation and of recognition. And that's how it is... We need to leave time for adaptation, and they who want to come, they need to prove they want to put their roots here.⁶⁷

The idea of a right to welcome does not translate readily into practice. Yet, it infuses much of the thinking on how the Noumea Accord changes New Caledonian society and its institutions. Rather than recognition as something bestowed upon the Kanak from state institutions, it inverts the political community by situating the Kanak at the centre, re-defining the terms of the social contract. But there has been resistance to such a construction of the political community, highlighting how the affirmation of Kanak identity *au centre du dispositif* threatens the status quo.

Kanak and Common Values

Values had barely entered New Caledonian political discourse after the Noumea Accord until, in 2014, as part of the aforementioned *Charter of Kanak Values*, the Senate published the *Socle commun des valeurs kanak* ("Common platform of Kanak values"), outlining the values specific to Kanak society.⁶⁸ The document stated it emerged from a comprehensive discussion with some 1,500 Kanak people including customary representatives together with different layers of Kanak society (women, youth, elders and so on), over the course of 2013. President of the Customary Senate, Paul Vakié, outlined several reasons for the document:

⁶⁶ Interview with Cynthia Ligeard, 8 June 2016.

⁶⁷ Interview with Raymond Guépy, 29 October 2015.

⁶⁸ This is not to suggest it was absent. It formed an integral component of the discussion on the identity symbols beginning in 2007.

- To capture Kanak society's internal diversity of customary practices, knowledge and relations.
- To "stop the haemorrhage" of customary values and the meaning of *la coutume* across Kanak society, especially among the youth.
- To serve as a basis for teaching and to more firmly mark the institutional evolution of New Caledonia.

By the time I began fieldwork in 2015 and 2016, defining New Caledonia's values had become a major source of political debate, and has continued to be so. On 5 December 2017, Prime Minister Edouard Philippe announced that political and civil society leaders would develop a *Charter of Values* to inform New Caledonia's institutional trajectory throughout the referendum period.⁶⁹

The question of values inevitably arises when two or more social groups confront each other and identify their differences and commonalities, often with references to "universal" and "particular" values. However, for any collective identity, there is an inherent paradox when universality is proclaimed because the universal depends on the particular and vice versa.⁷⁰ In this way, the language of values can serve to divide and to bring together, to assimilate and differentiate. Bernard Narokobi, for example, writing soon after Papua New Guinean independence, argued:

We could benefit a lot by looking to Asian and African countries, not for hand-outs, nor for oppression, but for ideas. However, foreign values and ideas which come with foreigners should be carefully weighed. To do this we need our own philosophers, scientists, engineers and doctors.⁷¹

In the Pacific, cultural difference interwove much of the region's nascent nationalist rhetoric, reflected in the discourses of the "Pacific Way" and "Melanesian Way" among others.⁷² Similar discourses have emerged in relation to "Asian values" and "African

⁶⁹ "Discours de Monsieur le Premier Ministre devant le Congrès de la Nouvelle-Calédonie", 5 December 2017.

⁷⁰ For a philosophical discussion of the problematic interrelationship between universality and particularity see Ernesto Laclau, "Universalism, Particularism and the Question of Identity", *October* 61 (1992), 83–90.

⁷¹ Narokobi, *The Melanesian Way*, 49.

⁷² Lamont Lindstrom and Geoffrey White (eds.), "Introduction", *Culture, Kastom, Tradition: Developing Cultural Policy in Melanesia* (Honolulu: East-West Centre, 1994), 7.

values” in response to perceived American imperialism and capitalist development in the so-called developing world.⁷³

France has long appealed to the universality of its values – *liberté, égalité, fraternité* – as a philosophical basis for bringing diverse peoples in the *Outre-mer* together under one sovereign state. Moreover, the political struggle for Kanak independence was critiqued as an expression of the exact opposite: blood, kinship and exclusionary nationalism. These criticisms failed to give any serious examination to the limits of French national identity, especially among conservative discourses that emphasise cultural assimilation as a basis for social membership. Additionally, they overlooked how Kanak claims to self-determination appealed to universal values enshrined in the *Declaration of the Rights of Man and the Citizen*, as well as those of the *UN Declaration of Human Rights*. As Cooper and Stoler have argued, the universalism of the colonial project revealed its hypocrisy in denying the very same universal rights to its colonised subjects, highlighting what Chatterjee called the “right to exception” inherent in colonialism.⁷⁴

Embodied in the idea of New Caledonian citizenship, there appears to be some recognition of the specificity of New Caledonia, and of New Caledonians from the rest of France. New Caledonian citizenship, wrote the authors of a recent French Government report, “can only recognise the communities that would be denied by French citizenship”; compared to the sociological indivisibility of French citizenship, “Caledonian citizenship is necessarily plural.”⁷⁵

The interviews conducted during fieldwork reveal different, and sometimes contradictory, understandings of why values are important. Certain actors present values as something that must emerge, or be “looked for” as a result of a formal dialogue. Thus, since 2015, there has been a committee in Congress dedicated to discussing values, recognised in the aforementioned report by Christnacht and colleagues. In this view, common values have long existed as a potential bridge between the different ethnic communities of the territory, but do not receive sufficient attention. One interviewee considered that searching for common values could be dangerous because it tended to reinforce values that “divide” (*qui soient clivante*),

⁷³ See for example, Peter Moody, “Asian Values”, *International Affairs* 50, no. 1, (1996), 166–192.

⁷⁴ Cooper and Stoler, *Tensions of Empire*; Chatterjee, “Empires, Nations, Peoples.”

⁷⁵ Christnacht *et al.* “Rapport de la mission d’écoute”, 8.

“which pit us against each other.”⁷⁶ For others, common values are spoken of as something that still needs to come into existence, requiring the concerted effort of government policies, institutions and civil society. As one political leader noted, “it’s good to have shared values, a shared history, common myths, common heroes.” However, “they do not declare themselves.” Instead, they need to be “constructed.”⁷⁷

One of the earlier arenas in which the values question emerged concerned education policy and pedagogical practice. In liberal democratic societies, the school acts as a critical site in the formation of “good citizens” through civic education, teaching children what it means to undertake social duties and responsibilities.⁷⁸ One of the key aims of the recent *Projet éducatif calédonien* was to “reinforce the citizen engagement of students.”⁷⁹ Students are expected to undertake “actions demonstrating their civic engagement”, whereas older teenagers who drop out of school will be obliged to undertake training within a “Caledonian civil service”⁸⁰, complementing the work undertaken by the *Service Militaire Adapté* (SMA), a French military-run service for students who drop out of school without obtaining their diplomas.

The differentiation between Western and Kanak values often crystallises in relation to schooling as explanations for Kanak failure in the classroom.⁸¹ Specific learning styles, social relations and relations to physical space undergirded an emphasis on a distinct “mentality”, derived from once popular currents in French anthropological thinking, and at the expense of normative factors such as material circumstances and parental roles. The poor adaptation of French schooling to Kanak children led the Kanak independence movement to create special *Ecoles populaires kanak* (EPK) during the mid-1980s to “situate the young within their own culture” and “to train them to cope with the modern world.”⁸² However, only since the Noumea Accord has there been a concerted effort to adapt the New Caledonian school towards the task of constructing

⁷⁶ Interview with Yannick Slamet, 10 June 2016.

⁷⁷ Interview with Bernard Deladrière.

⁷⁸ Albano Cordeiro, “Les appartenances collectives volontaires et la nouvelle citoyenneté”, in *La citoyenneté dans tous ses états*, eds. Said Bouamama, Albano Cordeiro and Michel Roux (Paris: L’Harmattan, 1992), 197.

⁷⁹ Gouvernement de la Nouvelle-Calédonie, “2ème ambition: Développer l’identité de l’Ecole calédonienne, pour favoriser le vivre ensemble”, *Projet éducatif calédonien*, (2016), 6. Available: <https://www.ac-noumea.nc/spip.php?article2852>.

⁸⁰ According to the government brochure for the *Projet*, 700 young people leave school without a diploma each year.

⁸¹ Marie Salaün, “From ‘primitive mentality’ to ‘clash of culture’: stereotypes and indigenous underachievement in New Caledonian schools”, *Journal of International Education* 20, no. 3 (2009), 231–241.

⁸² Marie-Adèle Néchéro-Jorédié (Interview with), “An *Ecole Populaire Kanake* (EPK): The Canala Experiment, Interview with Marie-Adèle Néchéro-Jorédié (June 1987)”, in *New Caledonia: Essays in Nationalism and Dependency*, 210.

New Caledonian citizenship. Since 1992, four Kanak languages recognised as “regional languages” (*dréhu*, *nengoné*, *paicî* and *ajië*) have featured in examinations at the high school baccalaureat level. More recent changes expanded the number of languages taught in secondary schools on an opt-in basis to include *le xârâcùù*, *l’iaai* and *le fwai*.⁸³ Nevertheless, there remains opposition to, for example, increased teaching of Kanak languages because of concerns that it would be at the detriment of subject areas critical to the Republican school, above all French and mathematics.⁸⁴

The persistence of inequalities in schooling and its negative impact on opportunities in access to employment, together with ongoing media focus on Kanak youth delinquency has fuelled continued attention on the need to re-consider the values taught to children.⁸⁵ One Kanak female educator present at a forum on values on 24 September 2015 argued there was a “loss of values” among children, but also argued parents and grandparents needed to take responsibility for inculcating those values. More recently, values have been discursively framed as an important citizen-building exercise. In their interviews with parents of school children, Marie Salaün and Jacques Vernaüdon highlight the value placed by many parents on mastering local languages and embracing particular identities as a basis for succeeding in the wider community.⁸⁶ Local anthropologist and educator Hamid Mokaddem has argued that the notion of “respect” needs to be more strongly enshrined in the pedagogical corpus in order to build a bridge between Kanak and non-Kanak children.⁸⁷ The Vice-Rectorate responsible for New Caledonian education chose *Values of the Republic* as the theme for a public conference in 2015. In his opening address, the head of the Vice-Rectorate argued that there “exists a crisis in the transmission of values across generations and across communities”⁸⁸, and that “the construction of a common destiny in New Caledonia passes through the values carried by education.” Despite shared recognition of the school as a crucible for the construction of the citizens of tomorrow, the debate on 2016 educational reforms to further adapt New Caledonia’s

⁸³ The current government policy is outlined at the Vice-rectorat de la Nouvelle-Calédonie, Available: <https://www.ac-noumea.nc/spip.php?rubrique271>.

⁸⁴ Marie Salaün and Jacques Vernaüdon, “La citoyenneté comme horizon”, 63.

⁸⁵ See Nic Maclellan, “New Caledonia’s Date with Destiny”, *Inside Story*, 11 December 2017, Available: <http://insidestory.org.au/new-caledonias-date-with-destiny/>.

⁸⁶ Marie Salaün and Jacques Vernaüdon, “La citoyenneté comme horizon”, 63.

⁸⁷ “The Caledonian school will become one of the mechanisms where the political watchword (common destiny) translates into the pedagogical watchword (construct and live together)”: Hamid Mokaddem, *Le Respect: Recherche pour une éducation à la citoyenneté (Nouvelle-Calédonie)* (Noumea, New Caledonia: Publications de l’IFMNC, 2013), 12.

⁸⁸ “Les valeurs de la République: discours du Vice-Recteur”, 24 June 2015.

schools to local circumstances, highlighted ongoing differences on the kinds of values underpinning the New Caledonia's schools.⁸⁹

Much of the emphasis in education policy views citizenship largely in terms of behaviours and actions indicative of a good citizen, rather than a cultural identity or legal status.⁹⁰ Such a discursive framing not only aims to facilitate social inclusion but also responds to the intense political pressure that has fallen on youth delinquency and especially Kanak youth. For this reason, a number of anti-independence leaders have referred to a greater need to consider the responsibilities of New Caledonian citizenship, rather than focus on rights. Such focus is not new. Jacques Lafleur, writing soon after the Noumea Accord, expressed his concern about violence in Saint-Louis and drew parallels to the “*dramas*” in independent African states.⁹¹ In the context of “building” New Caledonian citizenship, however, there are increasing calls for greater emphasis on moral character. Yvan Serve, a key member of the foundation *Pour un service citoyen* (“For a citizen service”), observed:

The discussions on citizenship suppose that we are speaking to a population of responsible adults, aware of the stakes and driven by civic sentiments that demand a framework in which to flourish. Our problem is at the forefront. How do we go about it when the youth, morally and socially destructured, sometimes asocial and rebellious to any authority, become responsible adults endowed with a civic conscience?⁹²

The youth, and above all the Kanak youth, become excluded both in terms of their political presence (the electoral lists), their Kanak identity (lack of respect to customary authorities), as well as citizens of New Caledonia (a lack of *civisme*).

⁸⁹ In particular see the Congress debate on amendments proposed for the Preamble of *Délibération no. 106 du 15 janvier 2016 relative à l'avenir de l'école calédonienne*.

⁹⁰ A good example here is the Congress *délibération* no. 106 du 15 janvier 2016 “relative à l'avenir de l'école calédonienne”, stating (p. 3): “(The school) encourages within it the practice of citizenship, in order to initiate children's participation in democratic debates and encourage them to engage in service of the common good. Consequently, it proposes to shape the youth to help them become responsible citizens and flourish at the personal, professional as well as civic and social levels, notably through the inception of a civic pathway that draws on the resources of the School. This ambition translates through the recognition of concrete rights to the benefit of students, permitting them to exercise citizenship in the establishments, but equally, through reciprocity, through an obligation to respect people and goods.”

⁹¹ Jacques Lafleur, *Ce que je crois* (Noumea: Imprimeries réunies de Noumea, 2002), 89.

⁹² Jean-Yves Fabéron (ed.), *Citoyenneté et destin commune en Nouvelle-Calédonie* (Aix-en-Provence: Presses universitaires d'Aix-Marseille, 2013), 87.

The question of values, and more specifically, what values underpin New Caledonian society as distinct from France, assumes an importance in light of the impending referendum and the imperative to consider how New Caledonia's institutional future reflects society. The Charter, for example, states⁹³:

It is necessary to place the foundations or define the Kanak-Caledonian Nation in order to think through in a calm manner the question of citizenship and to allow the original people (*peuple d'origine*) to find an equal and fair place beside the other communities of the territory... The idea is to reverse the present logic of the French conception of the Nation, which is totally artificial and inadaptable to the Caledonian context.

In reality, it is vain to approach the referendum or to push further forward the debate on the accession to independence of the territory if we have not defined beforehand the Caledonian Nation and the principles and values that shape it. The exercise is here the same as for the Charter but at an intercultural scale, this time incorporating all the population and the components of the territory.

The argument here that the "French conception of the Nation...is totally artificial and inadaptable to the Caledonian context", resonates with the French Government report on values, in which he argued that French citizenship could not embody New Caledonia's pluralism. However, while the Customary Senate draws upon New Caledonian citizenship and its values to reconstruct the political community, permitting custom to play a greater role, there remains considerable resistance to its ambitions. Although the basic rationale underlining the Senate's effort to articulate its values received general approval, it received criticism from certain non-Kanak community and political leaders for failing to provide a holistic vision of New Caledonian society as a whole. Raymond Guépy argued against the Senate's *Marshall Plan* request for greater funding and institutional responsibility, arguing that existing figures, above all parents, wider family networks and cultural authorities, should be able to satisfactorily impart the values deemed important. "It's useless", Guépy argued, "to call on experts, university scholars, sociologists and other paid intellectuals in order to teach you who you are in your own country." Therefore, while there is a general acceptance of the Senate's efforts to discuss and promote Kanak values, there remains resistance to the political-

⁹³ Cf. Interview with Charles Washetine, 7 June 2016.

institutional project developed by the Senate to reinforce their power within the New Caledonian institutional landscape.⁹⁴

The public discussion on values generally differentiates between three “sources” of values: Kanak/Oceanian, Christian and Republican. These kinds of distinctions are relatively common throughout the post-colonial Pacific, though scholars have criticised the conceptual applicability of Western-individual/Melanesian-collective binaries to Melanesian societies and the changes they have experienced.⁹⁵

Kanak or Oceanian Values

The Charter enumerates a set of values, their meanings, how they are both different and similar in relation to “Western values”, which in turn inform the various articles of the Charter. For example, Article 8, states that “the values of cohesion, harmony and consensus imply the permanent quest for a balance between a man, being a part of his group (family – clan), his social group, society and the surrounding nature.” Article 9 then notes, the “values of respect, humility and pride, which allow each individual, each family, each clan, each chieftainship to be inside this group, within the maternal and paternal relational system, in its chieftainship and in the intergenerational and genealogical speech.” According to this understanding, therefore, group membership is conceived within the clan by virtue of filiation and within a web of defined social relations. Furthermore, the clan is cast as the crucible for these values.

However, the document considers that these are equally “humanist values” that must be “respected and developed by individuals and groups.” They have a “universal scope and speak to notions of peace, fraternity, solidarity, justice, respect, humility, responsibility and honour.” Therefore, at least from the perspective offered in the Charter, values can be both particular and universal: particular because they situate the Kanak individual, universal because they transcend Kanak identity and speak to other communities in the territory. These overlaps are represented in a table of values, each of which is given a “Kanak/Collective” and “Western/Rights of Man” definition.

⁹⁴ A good example illustrating the resistance, and indeed indifference, to the Senate’s plans came when Senate figures presented several reforms to New Caledonia’s Congress soon after the publication of the Charter of Kanak Values. Only twenty-one of the fifty-four Congress members were present to listen to their proposals, which included among others, the abolition of the *Direction des affaires coutumières* and its functions to be placed directly under the control of the Customary Senate. See Congrès de la Nouvelle-Calédonie, “Session extraordinaire d’octobre 2015: Compte rendu intégral des débats de la commission plénière”, 12 October 2015.

⁹⁵ Cf. Marilyn Strathern referenced in Bronwen Douglas, “Des individus traditionnels: réflexions sur les femmes, l’identité, le christianisme et la citoyenneté au Vanuatu”, 83–85.

The 2016 French Government report on New Caledonia's institutional future includes a similar list of values invariably described as "Oceanian, Caledonian and Kanak." These are defined as "specific to New Caledonia or this part of the world, with a vocation to be recognised even by those who are not originally from New Caledonia (*qui n'en sont pas originaires*) or the ancestors of whom are not originally from New Caledonia." This text, which speaks directly to the migration debate, states that values are not fixed according to birth or ancestry, but can be adopted over time. This contrasts with the Charter, where values are considered as inherent traits rather than social constructs.

Among those interviewed, several non-Kanak political leaders found the discussion on values "extremely engaging" because they believed that many of these Kanak/Oceanian values had been integrated or "appropriated" by non-Kanak populations.

The Oceanian values, what are they? There are the values of sharing, values of humility... respect for elders. Well, I am persuaded, I am a Caledonian of five generations, I am persuaded that respect for elders, of humility, sharing, values that we acknowledge in the Oceanian world, that we have also integrated. We are different to metropolitans, because we live these values out daily⁹⁶.

The frequent usage of the adjective "Oceanian" in the description of values and identity reflected the contradictory boundaries of values. "Oceanian" extends the social boundaries of these values beyond those strictly of Kanak people. Aloisio Sako's emphasis on a shared understanding of the world between Kanak and Wallisians, and of human relations, stems from their shared Oceanian identity. Similarly, the aforementioned French Government report describes the Kanak "source of values" as part of a "larger way of thinking, specifically Oceanian, that they share with those whose roots extend elsewhere in the Pacific, to Wallis and Futuna, to French Polynesia, to Vanuatu, or in other archipelagos like Melanesia or Polynesia." But Europeans interviewed also argued their Oceanian identity could be seen in terms of the possession of values such as respect for elders, dialogue and consensus-making. In some other cases, living out such values depended on historic anchorage and Melanesian blood. One interview in particular stood out in this way:

⁹⁶ Interview with Virginie Ruffenach, 12 August 2016.

There are the convicts. Them, they lived isolated for a long time, but it was not really segregation. They took some Melanesian women, they aren't very mixed, but lived isolated... After you have the Feillet. Those who arrived on the East Coast. There were two thousand whites, there were not any women so they took Kanak women. So they were all *métis*. Me, I am Feillet. We are all *métis*. After, those who arrived for the Boom. That's about fifty years they are here. We can't say they are people from here. You see? But them, they behave differently because they still have family in France and they haven't cut ties with the metropole and that's important. Me, the contours of citizenship, it is when you cut ties with your country of origin. Cut the ties sociologically, that means cutting after the grandmother, after the third generation you cut. You go to France, you see your grandmother, you will see your parents, when you have more than your grandmother, inevitably, normally you should not have your great-grandmother, and after it's finished. You see?⁹⁷

It is paradoxical that solidarity and respect are important Oceanian values that have become part of New Caledonia considering the ubiquitous belief that New Caledonian society remains heavily communitarian. The few examples given by interviewees of what solidarity or respect looked like in practice tended to emphasise the transcendence of both individualism and communitarianism. Cynthia Ligeard considered that solidarity served as a corrective to “modern life”, reinforced by “submitting oneself to certain obligations”, raising the possibility of “each person giving two days to the community or something like that.”⁹⁸ Aloisio Sako argued that the “solidarity” he experienced with Kanak people in the union movement during the 1980s was one of the reasons that compelled him to support Kanak independence.⁹⁹

The discussion on Kanak values has proven particularly divisive in relation to the framing of women's role and identities. The Charter prescribes their roles within the clan (“a sacred being who gives life”, “authority over children, their education, the family”), as well as between clans through different protocols surrounding marriage. According to the document, women's groups were included in the consultation for the document, although it is difficult to know precisely the extent of their participation. The document makes only one mention of a session where women's issues were

⁹⁷ Interview with Rénaud Frère, 19 November 2015.

⁹⁸ Interview with Cynthia Ligeard, 8 June 2016.

⁹⁹ Interview with Aloisio Sako, 28 October 2015.

discussed, referring to a “Civil society – women and youth meeting” held in Bourail that attracted some sixty people, with the document noting strong participation from the North Province Federation of Women.

The Charter, as a basis for “juridical pluralism”, where customary law pervades notions of civil justice for individuals of customary civil status, has been criticised for subjugating women and, as previously highlighted, reinforcing an “ideal-type” Kanak identity that ignores the complex ways in which Kanak women’s identities are shaped and expressed.¹⁰⁰ For example, contrary to other parts of Melanesia, Kanak women tend to have greater participation in the paid workforce, and therefore move beyond their traditional roles as mothers, wives and educators of children. As Benoît Trépied’s analysis of civil court proceedings highlights, a woman who contested the logic of the metropolitan judge and the customary assessors that elevated the “customary place” of her children over her maternity claims, was criticised and silenced for disputing custom.¹⁰¹ Similarly, at an event marking the International Women’s Day, two senators delivered a speech in which they signalled both the declining birth rate among Kanak women, and the rise in the number of “adolescent mothers” (*filles mères*), as presenting existential threats to the survival of the clan.¹⁰² The senators insisted on the need for more reflection on how “to allow Kanak women to engage in these new activities [assumedly referring to careers] while maintaining their role in the preservation of tradition.”¹⁰³

It is important to recognise that juridical pluralism remains in its infancy, despite its colonial origins. The Charter provides protocols for various situations reflecting issues such as divorce, children out of wedlock, marriage or divorce with a non-Kanak, while recognising the diversity of practices characterising the Kanak world. However, it is clear that such matters, though recognised, have been perceived by the Customary Senate as highly problematic, much in the same way as the “lost values” of Kanak youth. The balance between women’s rights and liberties here is different to that voiced by Astride Gopoea who stressed how custom itself can evolve and reflect women’s agency, such as in relation to family planning. Young Kanak woman Rose Wete portrays in a poem this emphasis on choice, rather than strictly conforming to structural roles:

¹⁰⁰ Benoît Trépied, “Vous avez oublié que vous êtes Kanak! La justice coutumière face aux nouvelles formes des relations familiales kanak”, 229.

¹⁰¹ Trépied, “Vous avez oublié que vous êtes Kanak!” 213–215.

¹⁰² Yves Bémaron and Johnny Chaouri (on behalf of the Customary Senate), Speech delivered at the International Women’s Day, Ouvéa, 8 March 2016.

¹⁰³ Yves Bémaron and Johnny Chaouri (on behalf of the Customary Senate), Ouvéa, 8 March 2016.

*I have lived and grown up all my life outside my Island home
I have lived and grown up in a Pacific mixed culture
But when I returned to my Island home, I always return to my roots
I know my history, culture, custom and family tree
I have become a woman now and I see myself as modern
Not because I'm educated, employed or have material wealth
But because I do not always agree with what my parents want of me
I am independent, I don't need a man, don't need to get married, and don't
need to link my clan to another
I am modern, I work and have a career and I am very ambitious!
Yes, I contribute to my "obligation coutumière"
I send money for engagements, weddings and funerals
But hey, enough is enough
I have my responsibilities as a mother, to bring food to the table, to pay bills
I love my culture, my "coutume," but I love my children even more!¹⁰⁴*

Christian Values

Like in most parts of the Pacific, Christianity has played a major historical role in New Caledonia due to Catholic and Protestant missionary activity. However, Christianity tends not to play as large a public role as it does in other Pacific states, even though it remains a critical social actor for different Oceanian communities.

The Charter recognises the "shared belief in a Being-Divine Spirit", although "belief in God is situated in the prolonging of belief in the Spirit of the Ancestors."¹⁰⁵ It further states that "Christian values and belief in an Almighty God transformed the mind of the Kanak men and women without putting into question their own spiritual vision of "being" and nature, the reference to the Spirit of the Ancestor as well as the foundations of Custom." In this way, Kanak identity integrated Christianity rather than the other way around.¹⁰⁶ This reflects a broader theoretical dilemma concerning Christianity's

¹⁰⁴ Cited in Maclellan, "New Caledonia's Date with Destiny."

¹⁰⁵ Sénat Coutumier, *Charte du Peuple Kanak*, 5

¹⁰⁶ On this issue see also the response by Jean-Marie Tjibaou, former priest, to a journalist from the *Temps Modernes*: (Journalist) "In the presentation you often make of Kanak culture, is there not a meeting between your Christian experience and you belonging to a specific culture? The Kanak culture is present – you present it – in a sort of universality that seems to me to be inspired by Christianity." (Jean-Marie Tjibaou) "If you read the Old Testament, you will find similarities with Kanak culture: myths, genealogies, etc. If you speak of Greco-Latin Christianity, I don't know. We feel very close to the Bible, the Old Testament, and even the New. There is

presence and role across the Pacific, simultaneously construed as both an exogenous and endogenous influence, at once imposed and re-appropriated by indigenous peoples in various ways.¹⁰⁷

The Charter's vision does not entirely correspond to Kanak perspectives on faith. As one Kanak woman from the New Caledonian Pentecostal Church (*Eglise Evangelique de Pentecôte*) in Poum stated in a group discussion on values, "we often think of the totems and above all the idols there is God. And it's for that reason that we need to look to spiritual values... if we want our country to advance we need to look to our spiritual values of God."¹⁰⁸ Another woman, the President of the Association of Christian Women of New Caledonia instead suggested that God provides guidance and values that they must share and live out, above all love for each other. In many ways, this reflects the multiple ways Christian identities are mobilised, existing in line with, and running contrary to, either Western modernity or indigenous identity.¹⁰⁹

While the presence of the various churches remains particularly strong in Kanak and Wallisian communities, the relationship between church and the secular power of the government can be difficult to discern, especially given the absence of statistics on church attendance. Thierry Lataste, *Haut-Commissaire* of the Republic in New Caledonia, observed in relation to the French notion of secularism (*laïcité*):

At a legal level, the foundational law of 1905 is not applicable in New Caledonia. It is a matter of a constitutional foundation *à la française* guaranteeing the neutrality of the Republic that does not support any particular religious group. Teaching has a duty to be neutral, in the same way as the behaviour of the students who cannot carry any ostentatious religious symbol. The relations between church and the State in New Caledonia, because of colonisation, are less rigid than in the Metropole.

Recognition of the broader public role of churches manifests in different ways. For instance, following the Ouvea massacre in April-May 1988, the delegation sanctioned

between the Bible and us a certain vision of the world. The interpretation of the New Testament made by Western Christians, it's interesting but not primordial. What is primordial, it is the word (*la parole*). The word of our people follows the same schema as the biblical word. And using the bible doesn't bother us." "L'identité est devant nous" in Bensa and Wittersheim, *La Présence Kanak*. 183.

¹⁰⁷ Monique Jeudi-Ballini, "Le christianisme revisité ou: le meilleur de la tradition", 62.

¹⁰⁸ Personal recording, Poum, 24 September 2016.

¹⁰⁹ Douglas, "Des individus traditionnels."

by Prime Minister Michel Rocard to undertake the mediation process between the government and the different clans of Ouvea, included in their number one Catholic and one Protestant representative, together with a representative of the Freemasonry.¹¹⁰ More recently, churches have played important mediation roles in response to social/political crises such as strikes and protest movements. Churches can become important sites of political action. Historically, particular branches of the Protestant church have been heavily engaged in the pro-independence struggle, largely due to Kanak forming the overwhelming majority of its leadership, although such political engagement has created divisions among the churches.¹¹¹ In comparison, the more centralised authority of the Catholic Church, with a far greater non-Kanak proportion of clergy, has tended to remain more distant, though not divorced, from engagement on independence.¹¹² Generally, however, political leaders do not mobilise Christian symbols and discourses for political ends.

According to the 2016 report on New Caledonia's institutional future, no leader questioned the French model of *laïcité* as a basis for New Caledonia's institutional future.¹¹³ However, the FLNKS social project referred to "an original *laïcité*" that would be "translated into the juridical norms of the future State", suggesting that some form of divergence from the French notion might be warranted. Despite these differences, little attention has been paid to how, in a legal and institutional sense, New Caledonian *laïcité* might be different, with the exception of the education domain concerning religious instruction in schools.¹¹⁴

Unexpectedly, in fieldwork interviews with political leaders, the non-Kanak anti-independence leaders emphasised the importance of New Caledonia's Christian identity, often expressed in terms of a set of values or "origins" rather than a practicing religiosity or faith. Such values oriented towards positive, universal notions of "hospitality" or "charity" as opposed to forms of Christian authority. Each time Christian

¹¹⁰ The delegation was led by respected senior bureaucrats Christian Blanc and Pierre Steinmetz. See the film directed by Charles Belmont, *Les médiateurs du Pacifique*, 1997.

¹¹¹ Jean-Marie Kohler, "The Churches and the Colonial Order", 162-163.

¹¹² See Delbos, *L'Église Catholique En Nouvelle-Calédonie*.

¹¹³ Christnacht *et al.* "Rapport de la mission d'écoute et de conseil sur l'avenir institutionnel de la Nouvelle-Calédonie", 10.

¹¹⁴ In the debate on the *projet éducatif calédonien*, Roch Wamytan generated a discussion for a potential reflection in a government commission on the precise nature of *laïcité* in government schools. See Congrès de la Nouvelle-Calédonie, *Compte rendu integral des débats*, 13ème séance, 15 January 2016, 47-50. The final text of the *delibération* states that the "principle of *laïcité* in teaching establishes the recognition of the freedom of teaching, as a guarantee brought to public and private teaching, but equally as a guarantee for parents for the free choice of the type of education out of respect of personal convictions", *Délibération* no. 106, 16 January 2016, 2.

identity was affirmed, it was accompanied by the need to accommodate different religious traditions present in the territory: “I don’t demand that they be Christian, I ask that they adhere to Christian values.”¹¹⁵ While Christian values have been drawn on as a source of common identity and belonging, it does not manifest in a politics in the same ways as other parts of the Pacific region where Christian identity has been integrated into state and nation-building discourses. Its primary discursive function as it relates to citizenship is as a means of differentiating New Caledonia as a political community from the rest of the Republic. For example, New Caledonian opponents of the “*mariage pour tous*” movement supporting marriage for gay and lesbian couples in France, which became law in New Caledonia in 2013, mobilised a convergence of religious conviction and “tradition.”¹¹⁶

Republican Values

“Values of the Republic” or “values of France” invariably referred to those emanating from New Caledonia’s French identity, colonisation and sovereignty. For most interlocutors, these values were enshrined in the revolutionary maxim *liberté, égalité, fraternité*. The symbolic power of this motto is evident in the development of New Caledonia’s own motto, *terre de partage, terre de parole* to mark the territory’s own personality within the Republic.

These values are often invoked with reference to the 1789 Declaration of the Rights of Man and the Citizen, the 1958 French Constitution, the 1948 Universal Declaration of the Rights of Man, the 1950 European Convention on Human Rights and the 1966 UN Covenant on Civil and Political Rights.¹¹⁷ The FLNKS *Projèt Social* (“Social Project”), while invoking some of these documents, differs in important ways. For example, it notes that “while France questions its integrative political model, we have to invent a social model that enriches differences”, highlighting the fact that the nature of French universalism is being re-thought in relation to its own challenges, assumedly around migration.¹¹⁸ Furthermore, contrary to the Christnacht report, the UC project makes

¹¹⁵ Interview with Cynthia Ligeard, 8 June 2016.

¹¹⁶ Palmeiri, Angela. “‘Manif pour tous’ en Nouvelle-Calédonie: 300 personnes pour dire non au mariage homosexuel”, *Nouvelle Calédonie 1ère*, 14 January 2013. <https://la1ere.francetvinfo.fr/nouvellecaledonie/2013/01/14/manif-pour-tous-en-nouvelle-caledonie-300-personnes-pour-dire-non-au-mariage-homosexuel-10323.html>

¹¹⁷ Christnacht et al. “Rapport de la mission d’écoute et de conseil sur l’avenir institutionnel de la Nouvelle-Calédonie”, 10.

¹¹⁸ Union Calédonienne, “Après 2018”, 8.

explicit reference to the 1986 inscription on the UN List of NSGTs, which might suggest ongoing sensitivity to the moral framework underlining decolonisation.¹¹⁹

Interlocutors who claimed the universalism of French values pointed to local social relations. Virginie Ruffenach, for example, identified three different indicators that, in her view, highlighted their importance in everyday life: fraternity in relation to biological *métissage* and blurring of racial identities, the incorporation of “values of custom” into the Civil Code and Kanak leaders “not being afraid of expressing themselves.”¹²⁰ Concerning biological *métissage*, a subject raised by numerous interlocutors¹²¹, it proved that people were leaving behind their communitarian sentiments and the political bias that accompanied them. However, local scholar Hamid Mokaddem considers the idea of social “osmosis”, which refers to the amicable relations between social groups forged by common experiences, as exaggerated.¹²²

Ruffenach also asserts that French ideas of liberty have permitted Kanak to transcend their local strictures and speak their opinion. This comes despite the fact that in the Charter, “Kanak” and “Western” definitions of liberty are perhaps the most different of all the values identified. Contrary to liberty in the West encompassing fundamental rights protecting individuals against the state, the Charter states that in Kanak society “liberty does not exist as such! It always derives from the expression of the family group, clan or *chefferie*.” Ruffenach also largely assumes here that these social transformations could only occur within France, rather than in an independent state. In this way, the difficulty, according to Emmanuel Tjibaou, is that there remains a hierarchy of values framing Kanak values as particular and French as universal: “We respect the values of France. We respect the values of custom. Does France respect the values of custom? Do Caledonians here know any aspect of custom?”¹²³

¹¹⁹ Union Calédonienne, “Après 2018”, 8.

¹²⁰ Interview with Virginie Ruffenach, 12 August 2015: “No Kanak leader, no Kanak leader of an association... they express their opinion, they use their freedom of expression, they are no longer afraid of expressing their opinion, they are no longer contained by the clan, which sometimes imposes silence where one cannot express themselves. They speak, they express themselves.”

¹²¹ The fieldwork took place soon after the release of the 2014 census data, which, for the first time, included “Caledonian” as a ‘community of belonging’, as well as the choice of “several.” 7.4 per cent of the population considered themselves “Caledonian”, while 8.6 per cent chose “several.” The categories Kanak, European and certain other communities declined as a result. See ISEE, 2014.

¹²² Mokaddem, “La reformulation permanent de la souveraineté de la Kanaky/Nouvelle-Calédonie”, 192. Mokaddem writes: “I think that we are seeing the constitution of two different public spaces rather than an osmosis of peoples and communities’, noting that the motto of the *Union Calédonienne* ‘two colours, one people’, which appealed to such a vision of New Caledonian society, found itself unable to grasp the claims of the Kanak people.”

¹²³ Interview with Emmanuel Tjibaou, 25 May 2016.

The meaning and application of the principle of equality is equally problematic in the New Caledonian context for two main reasons. First, colonial society was constructed on the assumption that there was a clear, racially defined inequality between populations. Second, in order to “correct” these inequalities, the decolonisation process has necessitated discrimination, or at least differentiation, between different groups of people in New Caledonia, above all in relation to socio-economic rebalancing policies, but also in terms of political rights. Equality, therefore, needs to be understood in light of the colonial legacy. Lataste considered that these deviations from the pure principle of equality required being viewed alongside or within local values: “respect for each other, sharing and solidarity (fraternity) within a group of people.” However, if New Caledonia remains within the Republic, the nature of equality and the distribution of rights attached to the definition of citizenship will undoubtedly remain contentious.

What is the utility of this recent discussion on values? Clearly, there is a belief among New Caledonia’s political class that values inform political institutions and the relations between individuals and groups within the political community. It also needs to be viewed in the context of a general failure to promote a strong sense of New Caledonian identity that transcends communitarianism. Values, perhaps, offer a more constructive form of identity politics where the boundaries between groups are vague and overlap more readily. As Raphael Mapou, a former political leader and prominent figure of the Customary Senate, argued: “The approach through the system of values permits the placement of other bases of discussion other than the habitual approach in ethnic terms, and it’s the French Constitution that tells us this, since this Constitution is based on a system of values – the rights of man.”¹²⁴ Obtaining a consensus on how Kanak values will shape New Caledonia’s future, especially in the event of New Caledonia remaining within France, could prove important in the period leading up to the referendum, and in the post-referendum negotiations.

The challenge presented by the Noumea Accord to situate Kanak identity at the centre of the new political community manifests in both the politics of welcoming and values. Both ideas have prompted reflection on the relationship between the recognition of Kanak sovereignty on the one hand, and New Caledonian citizenship on the other.

¹²⁴ Raphael Mapou, “The Common Destiny”, Speech delivered at the Congress of New Caledonia, 24 September 2015 (Personal recording).

Both suggest that while there is a general acceptance of recognising Kanak identity as called for by the Accord, there continues to be strong resistance to its political implications. I have argued that the right to welcome substitutes the predominant understanding of Kanak nationalism as ethnic and inward-looking for a more dynamic and plural image. Differentiating between the welcomer and the welcomed underpins the political community by affirming the inherent rights of the first occupants *vis-à-vis* newcomers and establishes a set of moral conditions for integrating others into society. Welcoming therefore becomes a language in which to frame the recognition of Kanak identity in the Noumea Accord, the politics of New Caledonian citizenship and debates on migration.

The iteration of Kanak values by the Customary Senate has sought to reinforce a conceptualisation of Kanak identity rooted in custom subject to the Senate's own moral authority. These values have been mobilised as a basis for a greater insertion of Kanak identity in the institutional and political life of New Caledonia. The recognition of Kanak values and their promulgation, according to the Senate, cannot be dissociated from calls to enhance its own position as a voice and moral authority of the Kanak people and the development of customary law under the auspices of the Senate. However, this chapter has pointed to different forms of resistance, both from sections of the Kanak population who reject, at least in part, hegemonic understandings of Kanak identity, but also from non-Kanak opposed to the enhancement of the Senate's status. Nevertheless, it is clear that the Senate has successfully placed values as an important basis within which to reflect on New Caledonia's future. Like much of Melanesia and the Pacific, the politics of citizenship exudes the tensions and synergies between endogenous and exogenous values and the different interpretations people give them.¹²⁵ How will values shape the rights, obligations and social relations in a decolonising context, and how do they challenge existing social and political boundaries? Ideas of welcoming and the elevation of common values, therefore, reflect the contested recognition of Kanak identity and its relationship to New Caledonian citizenship in decolonising New Caledonia

¹²⁵ Margaret Jolly, "Introduction – Engendering Violence in Papua New Guinea: Persons, Power and Perilous Transformations" in *Engendering Violence in Papua New Guinea*, eds. Margaret Jolly, Christine Stewart and Carolyn Brewer (Canberra: ANU E Press, 2012), 1-45.

Conclusion

General Summary

There are perhaps few places on Earth where citizenship has been so front and centre of political life as in New Caledonia. Of course, all political communities contest the boundaries of membership. But in New Caledonia we confront an atypical situation. In most parts of the world, citizenship is a question of whether and how migrants become citizens. However, in the New Caledonian case, the “migrants” share French citizenship, and their outsider status and belonging is a divisive political question. Citizenship, therefore, acts not as a barrier to “foreigners” in the strict sense, but to a part of the population residing in New Caledonia, who have long claimed membership by virtue of their French nationality and indeed, tended to occupy a privileged cultural, social and economic position in the country.

Paradoxically, despite citizenship’s prominence in New Caledonian political discourse, it remains of little consequence in concrete terms. As one French Government report observed, New Caledonian citizenship has only “partially concretised” during “three-quarters of the period covered by the Accord.”¹ Apart from the special electoral card for provincial elections, there is no administrative marker identifying the New Caledonian citizen, and as the FLNKS has consistently argued, there remain many Kanak excluded from the special electoral list. This is not to deny the importance of suffrage as a treasured right for some. It is interesting to observe that in the UC’s vision of an independent Kanaky released in late 2017 voting is compulsory for all future citizens, undoubtedly reflecting the marginalisation of Kanak in the enrolment process. Certainly, the partial restriction of suffrage is controversial at a time when the thrust of democratic theory moves towards the expansion of suffrage beyond the realm of formal citizenship. The protection of local employment remains difficult to enforce and is not, strictly speaking, tied to the definition of New Caledonian citizenship. Since the 2007 “freeze”, permanently preventing persons who arrived in New Caledonia after 5 May 1998 from acquiring citizenship, the territory’s anti-independence parties have reinforced their opposition to citizenship as a basis of positive discrimination in the social and economic spheres.

¹ Jean Courtial and Félix Melin-Soucramanien, “Réflexions sur l’avenir institutionnel de la Nouvelle-Calédonie”, Rapport au Premier ministre (Paris: La documentation française, 2014), 14.

There remains within the boundaries of New Caledonian citizenship an inherent tension between the claims and rights associated with Kanak identity and other New Caledonian citizens, as demonstrated in the cases of voting rights and local employment. In both instances, certain groups have demanded exclusive provisions for Kanak people, such as their automatic enrolment on the various electoral lists, or positive discrimination in favour of Kanak in the workplace. These claims derive from continued substantive inequalities between Kanak people and the rest of the population, but sit ill at ease with a construction of New Caledonian citizenship expressly seeking to move beyond “ethnic” foundations.

Defining citizenship as the right to vote responded to the FLNKS’ concern that decades of migration had diluted the Kanak population’s capacity to influence the future direction of the country. While the restrictions may have slightly enhanced the FLNKS’ electoral performance, it did not do enough to swing the balance of power away from the anti-independence parties. Though the criteria for citizenship have proven controversial since the beginning, a number of factors have contributed to the process being more politicised than it perhaps needed to be. These include the complexity of eligibility criteria, the administrative steps for enrolment, the inconsistencies of the special administrative commissions charged with enrolling individuals and the lack of publicly available information by an authority independent of the political parties. While the French Government has duly taken note of its failures in certain areas and attempted to construct a political consensus on enrolment for the referendum in 2018, the awareness campaign remains heavily mediated by the political parties. Both the pro and anti-independence parties have coalesced into blocs with the purpose of ensuring the maximum number of their voters partake in the vote, such as the “Collective assisting voters” formed between the major anti-independence formations in September 2017.² In many ways the intrusion of partisan politics into the citizenship issue should be no surprise, but it equally reflects the difficulties of the French Government’s role as a third partner that is both neutral and yet an integral player in the decolonisation process.

Although, in concrete terms, formal New Caledonian citizenship largely failed to materialise, there can be no doubting its symbolic significance, constituting a space in

² A recent media release by the *Collectif* stated that it had assisted some 3000 people verify their place on the electoral list and assist people with their enrolment: “Bilan du Collectif d’Aide aux Electeurs”, *Collectif d’Aide aux Electeurs*, 11 January 2018, Available: <http://www.rassemblement.nc/3000-personnes-accompagnees-par-le-collectif-daide-aux-electeurs/>.

which the questions of legitimacy and belonging prompted by the decolonisation process are posed. The Nainville-les-Roches dialogue, though a political failure, marked not only the first recognition of the Kanak right to independence. For the Kanak independence movement, it also represented the beginning of a negotiation concerning the legitimacy and rights of the non-Kanak population. The term “victims of history”, vague and insulting as it was for many, re-defined the terms of legitimacy for a new political community. Translating this moral distinction into specific rights never had a chance of succeeding in the political climate of the 1980s. The original “cursor” delimiting the boundaries of the political community as demanded by the FLNKS of at least one parent born in New Caledonia, never saw the light of day. However, we see in the form of citizenship of New Caledonia an attempt to find a compromise in this regard.

As the FLNKS movement constructed their own vision for a political community, it needed to wrestle with its own specific claims for self-determination and sovereignty and the implications for New Caledonia’s multi-racial society. In subverting the French Republic as the unquestioned basis for a universal citizenship, they needed to construct their own. In affirming that they constitute *le centre du dispositif*, the Kanak people claimed the right to welcome other people. In so doing, they de-centred the French Republic. Rather than being integrated as French citizens of the Republic, New Caledonian citizenship integrates French citizens.

This research has shown how, over time, small political and community associations of non-Kanak people have formed in order to affirm their legitimacies in response to Kanak independence. In a bid to pave a “third way” that transcends the pro/anti-independence divide, these groups have taken up New Caledonian citizenship as a means of constructing a New Caledonian identity and a common destiny. The rise of *Calédonie Ensemble* since 2009 to become the largest party in the New Caledonian Congress suggests that there is a significant audience for their message emphasising a common citizenship and localised sovereignty within France. Conversely, it could be interpreted as a sign that the traditional republican politics that dominated the anti-independence movement since the 1970s has weakened. After all, there has been a strong anti-metropolitan sentiment in New Caledonia outside of the Kanak population since colonial times. However, the invocation of New Caledonian citizenship as a political discourse has not resulted in any serious conversations expanding the scope of rights associated with it. Still, there may be enough convergence of thought across some anti and pro-independence parties to move forward through increased autonomy.

This moral re-centring of citizenship facilitated by the decolonisation process manifests not only in contested claims for rights but also concerning the modes of representation and recognition. In particular, the consolidation and expansion of the role of the Customary Senate and *la coutume* as an expression of Kanak identity has been challenged both from within and from outside Kanak society. Republican figures remain vehemently opposed to any usurpation of democratic authority, while certain subaltern Kanak groups and individuals have challenged the Senate's authority to speak for them. An important dimension in this regard is the different interpretations concerning the relationship between the democratic institutions and the Customary Senate beyond the Noumea Accord. At the time of writing, the UC, for example, have proposed that the Senate would, in the event of an independent Kanaky, maintain their role as a body to be mandatorily consulted on all matters pertaining to Kanak identity. However, in addition, the Senate would also have a seat in a collegial New Caledonian Government and be present at a Congress (a joint-sitting of the provinces, a "National Assembly" and the Senate) to revise a Kanak/New Caledonian Constitution. Furthermore, they have proposed the potential opening up of the Senate to persons not of customary status, as well as a "legislative shuttle mechanism" between the Senate and a future local National Assembly, meaning that the Senate could potentially have a greater role in legislation. This reflects some recognition both of the importance of transcending the siloing of Kanak identity through opening up to other communities, but also a recognition of the dynamism of Kanak identity and its relation to custom. Of course, at this stage this all remains hypothetical, and if the reactions to Senate propositions such as its *Marshall Plan* are any indicator, few of these ideas will likely satisfy the more conservative anti-independence parties.

Given the relative failure to obtain political consensus around citizenship rights, it is unsurprising to see certain political leaders, above all among the anti-independence parties, emphasise its responsibilities and obligations. Violence, alcohol, drug abuse and failed success rates in the education system, all of which tend to fall under the category of "youth delinquency", paint a picture of a young Kanak generation in crisis. Such a discourse, while not new, has undoubtedly become front and centre of political debate as the referendum approaches. From this angle, citizenship is not a matter of a piece of paper, but a set of behaviours that condition social acceptance. Once more, this image of citizenship situates Kanak youth at the margins. Ensuring that Kanak youth feel represented and heard in the public space, rather than simply being construed as "lost" or "without bearings", will become a major challenge as New Caledonia navigates its destiny

Above all, this thesis highlights how the question of relations between metropole and territory must take into account the politics of difference. How do people in the overseas territories construct their own political community within or in opposition to the metropole? Furthermore, how do they seek to create their own universals? Do they draw on “tradition” to create a new sense of nationhood, forge new political identities or both? Immigration between metropole and territory in both directions, both in terms of its scale and the evolution of notions of indigeneity, is clearly important. New Caledonia is unusual (though not unique) compared to most overseas territories where emigration to large metropolises is common, since it has experienced immigration from the metropole.

Looking to the Future

Citizenship will undoubtedly be a critical question as the country approaches the 2018 consultation and potentially a second and third referendum in the years following. The jurists Jean Courtial and Félix Mélin-Soucramanien discussed at length the complexities and possibilities facing the country in their 2014 report commissioned by the French Government.³ In particular, while noting the legal principles of French and international law, they emphasise that numerous pathways remain possible for New Caledonia, drawing attention to the juridical “toolbox” France has at its disposal arising from the diversity of its historical decolonisation processes. One important consideration in this regard will be dual nationality. Contrary to certain anti-independence parties who maintain that France will be constitutionally obliged to deprive French nationals of their French nationality upon independence, they argue France has long been open to dual nationality.⁴ Certainly, in this regard, New Caledonians have looked beyond to find that they are part of a world in which the scales and meanings of citizenship are evolving and colliding to produce dynamic political communities. It is interesting to note that the UC’s vision for independence states that dual nationality will be possible, contrary to the FLNKS *Constitutional Project* in 1987 where it was refused, pointing to a shift in attitudes. This was evident in a 2009 dialogue between Philippe Gomès and Paul Néaoutyine:

³ Courtial and Mélin-Soucramanien, “Réflexions sur l’avenir institutionnel”, 12.

⁴ Mouvement Républicain Calédonien, “Notice d’information: Perte de la nationalité française et du passeport en cas d’indépendance simple ou associé”, 25 January 2012, Available: <https://www.mouvement-republicain-caledonien.com/nos-publications/>.

Estelle Delonca (ED): Vladimir asks, “the Puerto Ricans have benefited from an automatic double citizenship since 1917. So, is that possible for New Caledonia?”

PG: Double nationality, that means we would independent.

ED: Double citizenship.

PG: We already have a triple citizenship. It's European, it's French, it's Caledonian. We have enough. In my opinion, let's stay there.

PN: We are citizens of the world.

PG: Yes, also citizens of the world.⁵

Should New Caledonia's remain in the Republic and subject to the French Constitution, citizenship will almost certainly re-emerge as a critical battleground. As noted, French and European courts have upheld New Caledonian citizenship on the condition that it is limited to the Noumea Accord period. The *Républicains* have committed to revising the conditions for acquiring New Caledonian citizenship. If they have their way, it will likely see a push for the adoption of a “sliding” electorate, where arrivals will be able to acquire citizenship and the right to vote after a given time, presumably ten years. What consequences would an “open and peaceful” citizenship have in relation to rights?⁶ Would it be possible to lend greater depth of significance to being a New Caledonian citizen within France? This would undoubtedly require further constitutional reform.

Only some parties have outlined a detailed vision for the future. In their *projet de société*, the UC (and not the FLNKS) laid out several ideas concerning nationality as the “extension of citizenship”:

- Those persons legally citizens before the consultation and eligible to vote in it, will be nationals of the independent country. Following the Noumea Accord, “the notion of citizenship establishes the restrictions applied to the electoral body (...) for the final consultation.” Following

⁵ Philippe Gomès, Paul Néaoutyine, “Quel avenir après l'Accord?” Interviewed by Estelle Delonca from Radio Océane and Nicolas Vignoles, Park Royal, 17 April 2009.

⁶ Bernard Deladrière, “La citoyenneté: socle de valeurs communes” in DCCFC, *Cahiers de la Citoyenneté*, no. 4 (2016), 19.

which the consultation will decide on the “organisation of citizenship into nationality.”

- The law defines the conditions of acquisition of nationality, preserving notably the so-called “identity bedrock” (*socle identitaire*), the situation of children born in the country to non-citizen parents and who have always resided there, given priority treatment.
- It will be possible for the people presently holding the status of Caledonian citizen to have the double French nationality, subject to agreements with France

The document equally states that non-citizens residents at the time of independence will be able to remain, subject to post-independence regulations.

The ramifications of evolving New Caledonian citizenship extend beyond New Caledonia. The French Pacific context is particularly intriguing given the interrelationship of the three populated territories (New Caledonia, French Polynesia, Wallis and Futuna) due to their shared French citizenship. One of the lingering, and often ignored questions concerns how independence, or a renegotiation of the autonomy status, might affect relationships between New Caledonians and their co-citizens across the Pacific Ocean. How would Wallis and Futuna navigate the undoubted challenges arising from an independent New Caledonia and how will the relationship between Wallisians and Futunans in both territories be redefined?

Constructing citizenship in New Caledonia was never going to be easy. It aims to build a political community within France despite seemingly irreconcilable tensions concerning its future. As noted by numerous authors, decolonisation takes many paths. Rather than focus on its end, this thesis has shown how in the process of redefining relations with France, New Caledonia has needed to redefine itself.

Annexe I – Population of New Caledonia

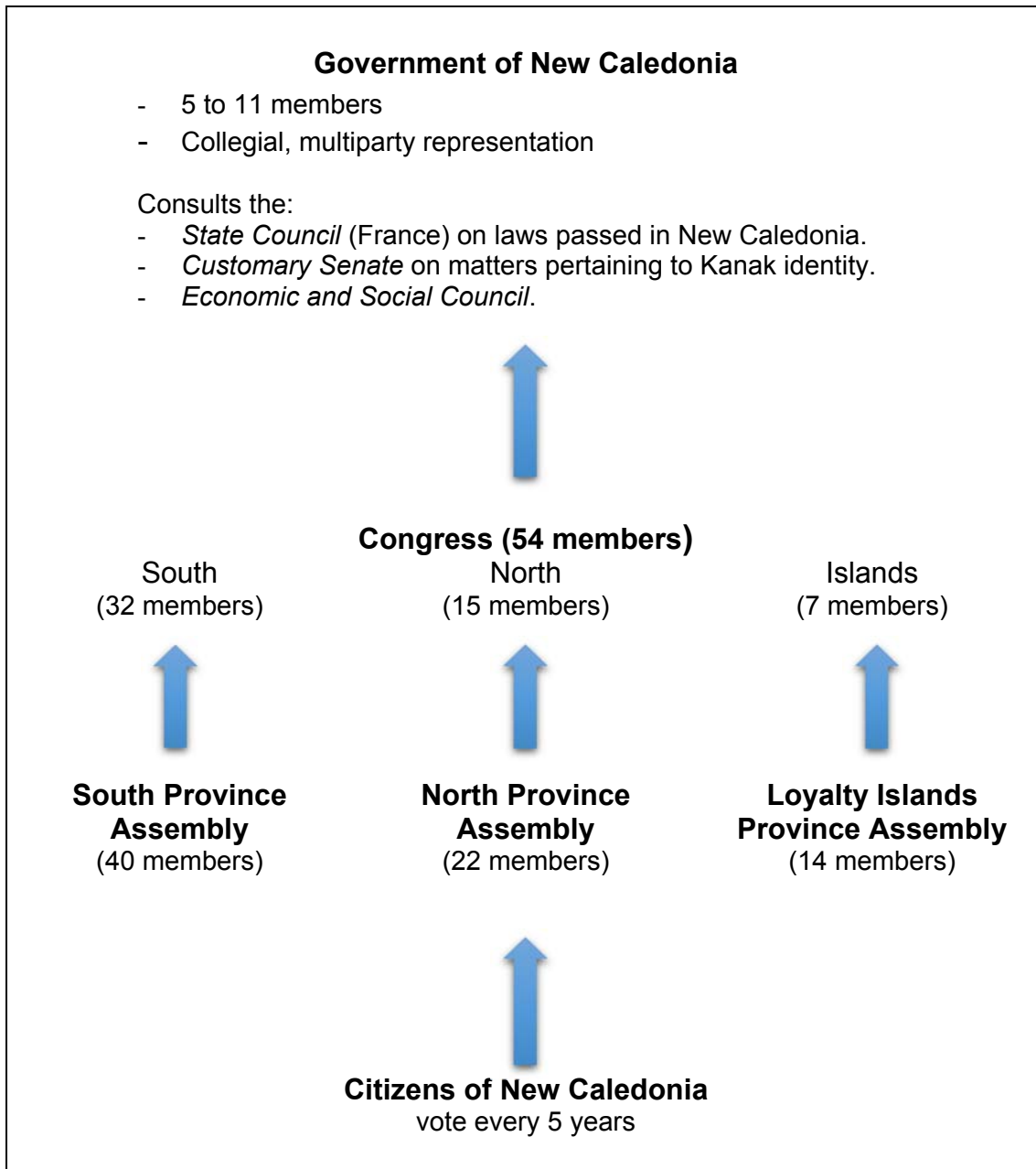
	1887	1901	1921	1931	1936	1946	1951	1956	1963	1969	1976	1983	1989	1996	2009	2014	
Kanak	42500	29100	27100	28600	28800	31000	34000	34969	41190	46200	55598	61870	73598	86788	99078	104958	
European	18800	22750	14200	15200	15400	18100	20400	25160	33355	41268	50757	53974	55085	67151	71721	73199	
Wallisian, Futunian											9571	12174	14186	17763	21262	21926	
Tahitian											6391	5570	4750	5171	4985	5609	
Indonesian											5111	5319	5191	5003	3985	3859	
Vietnamese											1943	2381	2461	2822	2357	2506	
Ni-Vanuatu											1050	1212	1683	2244	2327	2568	
Others	1200	2550	6200	13400	9000	13600	11100	8351	11974	13111	2812	2868	7219	9894	2566	3428	
Other Asian																1857	1177
Several																20398	23007
Caledonian																12177	19927
Undeclared																2867	6604
Total	62500	54400	47500	57200	53200	62700	65500	68480	86519	100579	133233	145368	164173	196836	245580	268767	

Source: ISEE. Colonial-era data comes from Alan Ward, *Land and Politics in New Caledonia*, 15. Note that statistics for minority communities only began in 1976, contributing to the decline of “Others” in 1976. The categories “Caledonian” and “Several” have only been in existence since the 2009 census.

Annexe II – Citizenship Arrangements in Non-Independent Territories in the Pacific Region

Territory	Administering Power	Status	Citizenship Arrangement	UN NSGT
American Samoa	USA	Unincorporated territory	US nationals (not citizens)	Yes
Cook Islands	New Zealand	Self-governing state in free association	Full NZ citizens	No
French Polynesia	France	Overseas country (fr. <i>Pays d'outre-mer</i>)	Full French and European citizens	Yes
Guam	USA	Unincorporated territory	US citizens with non-voting representatives in the US Congress	Yes
New Caledonia	France	<i>Sui generis</i> territorial community of France	Full French and European citizens	Yes
Niue	New Zealand	Self-governing state in free association	Full NZ citizens	No
Norfolk Island	Australia	External territory	Full Australian citizens	No
Northern Mariana Islands	USA	Commonwealth in political union	US citizens with non-voting representatives in the US Congress	No
Pitcairn	UK	Overseas territory	Full British citizens	Yes
Tokelau	New Zealand	Non-self-governing territory	Full NZ citizens	Yes
Wallis and Futuna	France	Overseas territorial community	Full French citizens	No

Annexe III – Political Institutions of New Caledonia since 1998



Annexe IV – Nainville-les-Roches Declaration, July 1983

I

There is a common will of participants to definitively see the abolition of the *fait colonial* through the recognition of the equality of the Melanesian civilisation and the manifestation of its representativity through custom in the institutions still to be defined.

II

Recognition of the legitimacy of the Kanak people, first occupants of the Territory, seeing in themselves recognised, as such, an innate and active right to independence, of which the exercise must occur within the framework of self-determination foreseen and defined by the Constitution of the French Republic, self-determination open equally, for historical reasons, to other ethnicities whose legitimacy is recognised by the representatives of the Kanak people.

III

Promoting the exercise of self-determination is “one of the vocations of France” which must allow a choice, including that of independence. We must prepare this step towards self-determination which will be realised by the Caledonian people defined, according to the aforementioned logic permitted, when they feel it necessary. In order to prepare this step, each person is aware of the need to elaborate a status of internal autonomy that will be specific, which will be evolving and which will mark a transition phase while taking into account the political and economic facts since there will only be economic development with political stability.

Annexe V – Section 4, Preamble to the Noumea Accord, 5 May 1998

Decolonisation is the means of remaking a durable social bond between the communities who live in New Caledonia today, while permitting the Kanak people to establish new relations with France corresponding to the realities of our time. The communities who live in the territory have acquired through their participation in the edification of New Caledonia a legitimacy to live there and continue to contribute to its development. They are indispensable to its social balance and the functioning of its economy and its social institutions. If the accession of the Kanak to responsibilities remains insufficient and must be obtained through voluntary measures, it is still the case that the participation of the other communities to the life of the territory remains essential.

It is today necessary to place the foundations of a citizenship of New Caledonia, permitting the original people to establish with the men and women who live there a human community affirming its common destiny. The size of New Caledonia and its social and economic equilibrium does not allow too large an opening to the labour market and justifies measures for the protection of local employment.

The Matignon Accords signed in June 1988 manifested the will of the inhabitants of New Caledonia to turn the page of violence and mistrust in order to write together new pages of peace, solidarity and prosperity.

Ten years later, it is time to commence a new stage, marked by the full recognition of Kanak identity, prior to the reestablishment of a social contract between all the communities who live in New Caledonia, and through a sharing of sovereignty with France, on the path to full sovereignty. The past was the time of colonisation. The present is the time of sharing through rebalancing. The future must be the time of identity, within a common destiny. France is ready to accompany New Caledonia on this path.

Annexe VI – Conditions for Enrolment on the Special Electoral Lists

Loi organique no. 99-209 du 19 mars 1999 or the Constitution Bylaw no. 99-209 of 19 March 1999

Article 188: The special electoral list or citizens of New Caledonia

I – The Congress and the provincial assemblies are voted for by an electoral body composed of voters satisfying one of the following criteria:

- a) Fulfill the conditions for enrolment on the electoral lists of New Caledonia established for the consultation of 8 November 1998;
- b) Be enrolled on the auxiliary register and reside in New Caledonia for ten years at the date of the election of Congress and the provincial assemblies;
- c) Have attained adulthood after 31 October 1998 and prove ten years of residence in New Caledonia in 1998, either with one parent satisfying the criteria to be a voter on 8 November 1998, or have one parent enrolled on the auxiliary register and have a residency of ten years in New Caledonia at the date of the election.

II – The periods of time spent outside New Caledonia to accomplish national service, to pursue study or training or for family, professional or medical reasons, are not, for persons who have previously resided there, interruptive of the delay taken into consideration for determining the condition of residence.

Article 218: The consultation in 2018

Are permitted to participate in the consultation the voters enrolled on the electoral list on the date it takes place, and who satisfy one of the following conditions:

- a) Were permitted to participate in the consultation of 8 November 1998;
- b) Not being enrolled on the electoral list for the consultation of 8 November 1998, still satisfy the condition of residency required to be a voter at this consultation;
- c) Not being able to be enrolled on the special electoral list for the consultation of 8 November 1998 because of the non-fulfillment of the residency condition, prove that their absence was for family, professional or medical reasons;
- d) Having had customary civil status or, being born in New Caledonia, have there the centre of their material and moral interests;
- e) Have one of their parents born in New Caledonia and have there the centre of their material and moral interests;
- f) Being able to prove twenty years of continuous residency at the date of the consultation and no later than 31 December 2014;
- g) Being born before 1989 and having had their residency in New Caledonia between 1988 and 1998;
- h) Being born from 1 January 1989 and having reached adulthood at the date of the consultation and have there one of their parents who satisfied the conditions to participate in the consultation of 8 November 1998.

The periods of time spent outside New Caledonia to accomplish national service, to pursue study or training or for family, professional or medical reasons, are not, for persons who have previously resided there, interruptive of the delay taken into consideration for determination the condition of residence.

Glossary of Non-English Terms

The following list includes non-English terms used on more than one occasion that have not been translated to ensure their original meaning is maintained. Some terms have their definitions provided in the main body of the thesis.

chefferie – Defines a space under the authority of a chief (*chef*), bringing together multiple clans and families who descend from the same ancestor. There are equally *grandes chefferies*, especially in the Loyalty Islands, where a high chief exercises a higher authority. However, it is important to recognise that the nature of customary power and authority is complex and varies considerably throughout New Caledonia.

flèche faitière – A wooden sculpture that adorns the tops of traditional Kanak cases.

Grande Terre – The name given to the New Caledonian mainland.

loi cadre – A piece of framing legislation that is added to by further decrees and laws. The *loi cadre* of 23 June 1956 defined autonomy for the various overseas departments and territories in the French Republic, including New Caledonia.

tribu – Land reserves first created in 1867 by colonial law that remain the contemporary basis for the territorial organisation of Kanak customary lands.

voeu – A non-binding resolution decreed in the New Caledonian Congress.

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Interviews

Name	Organisation(s) (if applicable)*	Date	Place
Backès, Sonia	<i>Les Républicains-NC</i>	8am 5 October 2016	Républicains HQ
Blaise, Philippe	<i>Mouvement Républicain Calédonien</i>	3pm 7 August 2015	Café, Noumea
Cabrera, Laurent	Secretary-General of the French Government in New Caledonia	10am 4 October 2016	Haut-Commissariat
Caillard, Jean-Paul	LDH-NC	2 November 2015	Café, Noumea
Commission politique et citoyenneté (CPC): Declercq, Marguerite Graff, Stéphanie Nirikani, Florenda Ounou, Mado	CPC	3pm 22 September 2015	CPC office, Noumea
Dalgleish, Alice		11am 9 September 2015	Australian National University
Deladrière, Bernard	<i>Les Républicains-NC</i>	9:30am 8 June 2016	NC Government offices
Délevaux, Eveline	<i>Direction du travail et de l'emploi (DTE)</i>	8am 26 May 2016	DTE office
Dunoyer, Philippe	<i>Calédonie Ensemble</i>	4pm 4 August 2015	Congress of NC
El Arbi, Brigitte	<i>Calédonie Ensemble/ Mayor of Bourail</i>	2pm 9 June 2016	Mairie de Bourail
Favreau, Jean-Gabriel	<i>Les Républicains-NC</i>	2pm 2 June 2016	Républicains HQ

Federation des fonctionnaires (FEDE): Sandra Gopé, David Meyer and Lionel Woreth	FEDE	12pm, 30 September 2016	FEDE offices, Noumea
Forrest, Mickaël	UC-FLNKS	12pm 27 October 2015	UC office
Frère, Rénaud	UC-FLNKS	1pm 19 November 2015	Café, Noumea
Gay, Eric	<i>Les Républicains-NC</i> Mayor of Mont Dore	3:15pm 3 October 2016	Mairie de Mont Dore
Gobille, Leslie	LDH-NC	4pm 18 September 2015	Fédération des oeuvres laïques (FOL), Noumea
Gomès, Philippe	<i>Calédonie Ensemble</i>	3:30pm, 18 November 2015	
Gopoea, Astride	UNI-PALIKA	1:30pm 2 October 2016	NC Government offices
Gorodey, Déwé	UNI-PALIKA	10am 13 August 2015	NC Government offices
Gras, Anne		8:15am, 13 November 2015 & 10am, 16 November 2015.	
Guépy, Raymond	<i>Fondation des pionniers</i>	29 October 2015	Café, Noumea
Hmae, Henriette	<i>Union Calédonienne</i> Mayor of Poum	9am 25 September 2016	Mairie de Poum
Foyer Wallisien et Futunien Kalisito Musumumsu, Pulumune Tufele		10:30am 2 October 2016	Foyer Wallisien et Futunien
Laval, Jean-Louis	<i>Union Professionnelle</i>	10am, 29 May	Café, Noumea

	<i>Artisanale</i>	2016	
Ligeard, Cynthia	<i>Les Républicains-NC</i>	2pm 8 June 2016	NC Government offices
Loueckhote, Simon	<i>“L’autre voix” (electoral list), formerly Rassemblement-UMP</i>	10am 9 September 2016	Café, Noumea
Ounou, Mado	CPC	9am 2 June 2016	Office, Noumea
Pabouty, Sylvain	<i>Dynamique Unitaire Sud</i>	4pm 2 June 2016	South Province offices
Poigoune, Elie	LDH-NC	9am 21 September 2015	Café. Noumea
Poithili, Augustine	USEONC	12pm 4 October 2016	USOENC office
Pusset, Jacques	AFRNC	10am 22 September 2015	Personal address
Ruffenach, Virginie	<i>Les Républicains-NC</i>	11am 12 August 2016	Office, Noumea
Sako, Aloisio	<i>Rassemblement Démocratique Océanien/FLNKS</i>	2pm 28 October 2015	
Serve, Yvan	<i>“Pour un service citoyen” (community group)</i>	10am 10 August 2015	Personal address
	Service Militaire Adapté	2pm 27 September 2016	SMA Koumac
Sio-Lagadec, Sutita	<i>Calédonie Ensemble</i>	2pm, 2 June 2016	Province Sud
Slamet, Yannick	UNI-PALIKA	3pm 10 June 2016	Province Nord offices, Koné
Tjibaou, Emmanuel	Tjibaou Cultural Centre	1:30pm, 25 May 2016	Tjibaou Cultural Centre
Trujillo, Firmin	Force Ouvrière	11am 6 June 2016	Force Ouvrière office
Vendegou, Régis	DCCFC	10am 28 July 2015	DCCFC Office

Voisin, Corine	<i>Calédonie Ensemble</i>	4pm 9 June 2016	Mairie de La Foa
Wakaine, Wakira	<i>Eglise Protestante de Kanaky/Nouvelle-Calédonie</i>	9am 1 June 2016	EPKNC office
Wamytan, Roch	UC-FLNKS	4pm 11 January 2016	Skype Interview
Washetine, Charles	UNI-PALIKA	2pm 7 June 2016	Noumea office
Weiss, Wilfried	Mayor of Koumac	4pm 27 September 2016	Mairie, Koumac
Yokohama, Yannick	UNI-PALIKA	3pm 10 June 2016	Province Nord offices, Koné
Zaoui, Valérie	MEDEF	9am 6 June 2016	MEDEF office
Zeoula, Josephine	Customary Senate	4pm, 8 June 2016	Customary Senate

* Some affiliations may have changed since the interview.