

FEDERALISM, ASSOCIATION AND INDEPENDENCE: DISCOURSES ON FUTURE STATUS IN NEW CALEDONIA

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The contentious question of political status has been debated in New Caledonia for over half a century. The two negotiated accords that followed the violent 1980s made reforms, but the difficult issue of "sovereignty" remains unresolved as the mandate of the Noumea Accord of 1998, which restored "autonomy" that had been taken away in the 1960s, is coming to a close. Some political leaders advocate continuing the federal arrangement between France, the territory and the provinces, while others speak of "association" between France and New Caledonia, and still others continue to demand independence. Some commentators suggest that the post-World War II "spirit of Bandung" of creating sovereign states out of former colonies is now obsolete, given the increasing economic globalisation of the world. But most indigenous leaders continue to support it, with an ethnically inclusive and Pacific-centred vision of inter/independence.

La question de l'avenir institutionnel de la Nouvelle-Calédonie fait débat depuis plus d'un demi-siècle. Les deux accords intervenus

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après les événements des années 80 sont certes à l'origine d'importantes réformes, mais aucune d'entre elles n'a été en mesure de régler de manière définitive l'épineuse question de la souveraineté de la Nouvelle-Calédonie. Alors même que les accords de Nouméa de 1998 avaient marqué une avancée notoire en restaurant au profit de cette collectivité d'outre-mer l'autonomie institutionnelle qui lui avait été retirée dans les années 60, le débat sur la souveraineté divise encore les responsables politiques calédoniens. Certains d'entre eux préconisent l'instauration d'un système fédéraliste entre la France, la collectivité et les provinces, d'autres considèrent que le modèle de l'Etat-associé doit être privilégié, alors qu'un troisième groupe appelle à l'indépendance pure et simple. Pour quelques observateurs, le phénomène de la mondialisation rend définitivement obsolète le modèle instauré au lendemain de la seconde guerre mondiale qui fidèle à 'l'esprit de Bandung' devait permettre aux anciennes colonies d'accéder à l'indépendance. Il reste que les responsables Kanaks ne sont pas encore totalement acquis à cette thèse préférant au nom d'une identité culturelle et ethnique commune au sein du Pacifique continuer leur revendication indépendantiste.

I am very glad to see this gathering of anglophone, francophone and indigenous Pacific specialists today, and I congratulate Frederic Bessat and his colleagues for their efforts to bridge the artificial linguistic boundaries that often divide scholarship on the Pacific. The call for papers for this seminar on New Approaches to Governance and Economic Self-Reliance in Pacific Islands Societies suggested that "the French Territories and the three Micronesian states in free association with the United States are increasingly seeking to reduce ... economic support from Paris and Washington," though I think it is more likely that the latter two actors want to cut expenses. It also suggested that we re-examine the concept of sovereignty in a globalising world, and perhaps go beyond "the old, classical concept

of the nation-state." There has been plenty of scholarly discussion on the decline of the nation-state in recent decades (Miyoshi 1993). Yet globalization, controlled as it is by powerful financial and corporate institutions (and countries) that promote "free trade," seems to have stimulated ethnic and religious nationalism rather than erasing it. Some critics even argue that the nation-states created from former colonies since World War II are really another way to dominate the developing world through clientelist dependency (Hardt and Negri 2001). Superpower military interventions (eg in Iraq) also indicate that the nation-state idea is still alive. I would therefore apply to the nation-state a quote from Mark Twain, who once said that rumors of his death had been greatly exaggerated.

My essay will address the discourse on sovereignty in New Caledonia. I will focus on the voices of some actors in the process of seeking a "common destiny." That phrase comes from the Noumea Accord of 1998, which proposed more economic rebalancing and political autonomy, with possible referendums on "full sovereignty" in the future. But first, a brief background, because before the Matignon Accord of 1988, negotiated decolonisation in New Caledonia was practically non-existent. France annexed New Caledonia in 1853 and ruled essentially by decree for about a century. It was a settler colony, but as in Algeria, the indigenous people remained a majority. In New Caledonia, the Kanak on Grande Terre were dispossessed of 90% of their lands and crowded onto native reserves, despite resistance. They had no civil rights under a system called the *indigénat*, as gendarmes patrolled the reserves and administratively-appointed chiefs helped to collect taxes and recruit forced labour. Democratic politics began only after World War II, when Charles De Gaulle rewarded those colonies who had supported Free France with citizenship and voting rights. His goal, as stated at Brazzaville in 1944, was to promote political participation but prevent separatism (Aldrich 1993). Yet defeats in Indochina and Algeria in the 1950s led to independence in over twenty French

colonies by the 1970s. New Caledonia received a form of autonomy in the 1950s, but that was taken away in the 1960s, because Paris wanted to keep control of local nickel mining.

Such a dramatic political regression, opposed at every step by the democratically elected territorial assembly, stimulated radical nationalism in New Caledonia. In the 1970s, Kanak leaders emphasized their right as "first occupants" to self-determination.¹ Immigrant groups tended to rally around a loyalist coalition that promised a belated form of assimilation, with increased French financial aid as the nickel boom ended. But after failed attempts at inter-communal dialogue and cohabitation in the assembly in 1982-83, the Kanak revolted, pushing France to negotiate the peace accords of 1988 and 1998. Currently, autonomy is being given back to New Caledonia. In May 2009, important elections in the three provinces, with an electorate limited to long-term residents, will choose a Congress that may call for a referendum on "full sovereignty." It is a time to reflect on how to achieve a "common destiny" without another tragic confrontation like the 1980s. In April and May 2008, former French Premier Michel Rocard, who brought together Kanak independence leader Jean-Marie Tjibaou and loyalist settler descendant Jacques Lafleur to sign the Matignon Accord in 1988, reflected on that legacy. He had once likened the accord to the Edict of Nantes, which had brought religious peace to France in 1598.² This time, he suggested that in the post-Cold War era of globalization, New Caledonia is "already independent." "The [independence] concept no longer has meaning," he added, since

1 Immigration, especially during the nickel boom of the late 1960s and early 1970s, had made the Kanak a minority in their own islands. European, Asian and Polynesian immigrants thus became a slight majority.

2 Henry IV converted from Protestantism to Catholicism to become king but granted religious toleration. In 1685 King Louis XIV revoked the Edict, however, in order to consolidate his absolute control over France.

France has ceded some of its own sovereign powers to the European Union (NC 5/27/08). Yet French voters rejected the proposed EU constitution in 2005, and many have agitated against immigration. France also retains UN Security Council veto power and has its own nuclear weapons, hinting that it still regards the concept of independence as meaningful. New Caledonia may be more autonomous now, but is sovereign independence the only other choice?

Back in 1985, amid the turmoil of violent conflict, French presidential envoy Edgar Pisani proposed a compromise of independence-in-association. Several members of Tjibaou's own family had been ambushed and killed during an election boycott, and two other Kanak independence leaders had been shot to death by French sharpshooters, so he called Pisani's plan an "opening" for constructive dialogue. "Sovereignty gives us the right to negotiate interdependencies," Tjibaou said. "For a small country like ours, independence is choosing our interdependencies skillfully" (Fraser and Trotter 2005: 152). Some commentators interpret that quotation as meaning that Tjibaou had shifted his demand from independence to "shared sovereignty," but in context, it is clear that, while recognizing the limitations on sovereignty in the modern world, he still positioned the Kanak freedom of *choice* in a sovereign political status. He also regarded the idea of independence-in-association as only an opening. At the time, Kanak leaders had said they wanted independence first and then would decide whom to associate with. They also said that the indigenous people alone had the right to decide the country's future status, after which they would invite fellow "victims of history" to join their socialist nation. In 2008, Victor Tutugoro of the independence front responded to Rocard's comments on New Caledonia's supposed "independent" status by paraphrasing Tjibaou. He conceded that no one is totally independent in practice, but "sovereignty is the ability to choose oneself one's

interdependencies: with whom one wants to work, exchange, etc." (NC 6/17/08).

Opponents of "Kanak independence" have often argued that it was a racist concept, and that it would also mean the end of French economic and financial aid. The latter claim is rather apocalyptic and has rarely happened in French colonies that achieved independence, including Vanuatu which still receives significant French aid. The former claim of racism ignores repeated offers by the Kanak to other ethnic groups to join them in building a sovereign country, even if Kanak identity would replace France as the national referent. They were really asking the immigrants to think in Oceanian terms, but a 1983 negotiated agreement was rejected by most loyalists. Today, after the bloodshed from 1984 to 1988, official recognition of the indigenous identity, and Kanak rule in two out of three provinces are the major gains of the struggle that Tjibaou and others led. Land reform, economic rebalancing, and the devolution of some governing powers to the provinces and the country can be added to that list. Centrist parties have recently pursued the goal of a common destiny in social-democratic policies, and it is possible that self-government could become a habit over time, since New Caledonia is rich in minerals.

Two compromise visions of New Caledonia's future status reveal a difference in French and Kanak perspectives. Back in 1985, loyalist Kanak leader Dick Ukeiwé proposed a Swiss-style *federal* plan to counter Pisani's independence-in-association idea, suggesting several new regions could each have their own elected assemblies (Express 2/15/85: 15-16). In fact, Paris did create four regions, but their authority was limited. Frederic Angleviel (2004) has argued that the three provinces created by Rocard in 1989 constituted a "federal type organization," because internal autonomy was applied at the provincial level, though Rocard himself admitted that the term "federal" was too strong to be used at the time. By 1999, the territory

itself acquired a unique "federative" status. Premier Lionel Jospin, who negotiated the Noumea Accord in 1998, called it "shared sovereignty." Legal scholar Jean-Yves Faberon (2002) has called the new arrangement "federal" because New Caledonia will have its own citizenship and legislative powers, and France itself, which amended its own national constitution³ to accommodate the new status of New Caledonia, is no longer an "indivisible republic" but rather a "composite state." The word "independence" was absent in the accord, which promised instead the possibility of "full sovereignty" after a referendum, but how can *full* sovereignty not mean independence? Francine Webert (2000) has said the federal concept already existed in the 1958 French constitution that formed the French Community, which replaced the postwar French Union because assimilation no longer fit overseas territories that had a "national" self-consciousness. French federalism thus arose in the context of decolonization and is also reminiscent of De Gaulle's goals at Brazzaville. The federal concept has also been proposed in other contemporary contexts, to domesticate local nationalisms while respecting cultural diversity (Stewart-Harawira 2005: at 244-45).

Federalism was much discussed during the 2007 elections to the French National Assembly in New Caledonia, and High Commissioner Yves Dassonville has said that "in a certain manner, Caledonia is organized in a 'federal' way. The provinces have very large powers" (NC 3/26/08). In a Paris colloquium celebrating the anniversaries of the two peace accords in 2008, Faberon (2008) called the "double federalism" between Paris and the territory, and

3 The US would never make such a constitutional revision to accommodate an overseas territory, because it has never admitted to being a colonizer, and because the "insular cases" in the US Supreme Court in the early 1900s concluded that the US constitution did not automatically apply to its overseas possessions unless Congress specifically said so, in piecemeal fashion. Hence the unsystematic, variable relationship of each territory to Washington to this day. See Leibowitz 1989 and Trask 1987.

between the territory and its three provinces, a "guarantee against intolerance." Each province can develop in its own way, he said, while France remains an "impartial arbiter" between the immigrant and indigenous groups, who are almost equal in size.⁴ The "federal" idea by now is thus the status quo, and supporters point to the troubles in neighboring Melanesian countries⁵ and to the interdependence of globalisation as reasons to drop the "outdated" idea of independence. Loyalist leader Pierre Frogier has proposed holding a referendum as soon as possible to "purge" the independence question and ensure that New Caledonia remains "in" France. Government President Harold Martin⁶ prefers a consensual negotiation to remove "doubt" about the future (NC 1/5/08, 6/6/08).

Ever since Pisani's independence-in-association idea in 1985, some independence supporters have spoken of sovereignty in association "with" France as a possibility, but usually as an interim step toward full independence. The notion of "association" has deep roots in New Caledonia's colonial history, going back to when the *indigénat* kept Kanak and immigrant groups segregated spatially and separated by racial discrimination in civic rights and cultural dignity. When Kanak finally received civil rights after 1946, their path to emancipation suddenly became assimilation, but many still clung to their communal reserves and traditions as refuges. French official policy had claimed to be a "civilizing mission" toward native subjects, and some scholars had argued that the British "indirect

4 Unfortunately, the past record of Parisian arbitration in New Caledonian politics, notably in the less than impartial 1960s and 1980s, has created some suspicion among both pro- and anti-independence supporters.

5 Culturally diverse Melanesia has faced challenges in building nations within artificial colonial borders, as well as tensions created by immigration policies and development projects, such that Fiji has had four military coups, Solomon Islands a civil war, and Vanuatu and Papua New Guinea secession movements.

6 The Congress elects an executive council known as the Government, headed by a territorial President and composed of cabinet ministers.

rule" approach did the opposite, by segregating natives into out-moded customs (Doyle 1986). Yet even in French colonies, assimilation costs money for schools and jobs, so administrators in the field often practiced "association" as a more economical policy. In 1905, the Minister of Colonies predicted that economic development would win over the natives, while using their own leaders to reassure them, so that they "will soon realize that the goal sought is neither contrary to their customs nor beyond their abilities" (Betts 1961: 124). Education was often left to missionaries, while trade, taxation and forced labor would supposedly persuade the native of the benefits of the French presence. After a century of segregated "association" in New Caledonia, the postwar reforms initially brought some progress but were then stymied by the withdrawal of autonomy in the 1960s. That abrupt reversal and massive immigration during a nickel boom caused the Kanak to feel marginalized again and to revolt to avoid "ethnocide."

Free association was proposed by the United Nations in 1960 as one possible way to end colonial inequalities and achieve some self-government, rather like the 19th century protectorate. In the Pacific, that option took benign form in the Cook Islands and Niue, where people have New Zealand citizenship and the vast majority have migrated there. In Micronesia, leaders like Carl Heine saw free association as an interim step toward full independence, but one could ask the voters on Pohnpei in 1983, whom the US told to vote over again after they chose independence, or those in Palau, who were told to vote repeatedly to remove an anti-nuclear clause from their republican constitution, how "free" association really was (Howe et al 1994). In New Caledonia, the association idea resurfaced among Kanak leaders in the 1990s. Bernard Lepeu said, "Yesterday we wanted Kanak Socialist Independence; we have accepted a compromise in being content with a state associated with France that concerns all the inhabitants of New Caledonia." But he advocated Kanak paramouncy as the indigenous people while accepting the

rights of fellow "victims of history," and added, "I cannot find my legitimacy in the concept of internal autonomy." Tutugoro at that time cautioned, "Independence is not negotiable, because it is a right" (RAN 11/11/96). In early 1998, before the Noumea Accord was finalized, the independence front proposed a transitional status of self-government "in association" with France, and René Porou said he preferred "associated state" to "internal autonomy" because the former implied a step toward independence, not a terminal status (KOL 3/1998) – which is exactly why the loyalists opposed it. Pascal Naouna again proposed association with France in 2006, "to take into account the realities of globalization. We're headed there, even if some don't dare or want to say it" (NC 11/8/06), but he was soon displaced from party leadership. In 2008, loyalist Kanak Senator Simon Loueckhote formed his own party and said he is studying cases in the Pacific where free association "with" someone exists (NC 6/9/08).

Despite dismissals by some scholars of the "spirit of Bandung"⁷ as being obsolete, the desire for one's own state as a symbol of national dignity seems to be alive among Kanak independence leaders. Last year, Tutugoro said, "The demand for independence stops on the day it succeeds," thus implying a maximalist approach. He added that the Kanak independence front is prepared to go to the UN, the Melanesian Spearhead, and the Non-Aligned Movement for support, as it did in 1986 when it had New Caledonia put back on the UN decolonization list (NC 6/17/08). Paul Neaoutyine, president of the North, has said, "independence is not negotiable, it's a right like breathing," and those who claim that globalization has negated it are

7 The Bandung conference of 1955 in Indonesia of leaders from Asian and African countries helped to inspire the creation of the Non-Aligned Movement, which asserted the sovereignty of Third World states not to choose sides in the Cold War and to govern themselves and develop on their own terms. That movement, along with the Pacific Forum, ensured that New Caledonia was put back on the UN list to decolonize in 1986.

practicing "subterfuges" (2006: 94). In response to talk at the Paris colloquium that New Caledonia is already independent, he suggested that the federalist speakers needed to decolonize their minds (Le Goff 2008). In a sense, the distinction between federalism "in" France and association "with" France depends on where the speaker is looking from, Europe (at least mentally) or the Pacific. The former perspective privileges the Paris connection and the current status quo, while the latter centers the country in Oceania. In 1991, Leopold Jorédié of the independence front proposed a synthesis of creating "associated federal states" that would progressively assume responsibilities from Paris (Sodter TCP 1992: 393). His career is now in eclipse, but the Federated States of Micronesia are freely associated with the US. Yet neither federalism nor association seems to satisfy most Kanak as the *final* outcome of seeking a "common destiny" with the immigrant communities. Recent election campaign rhetoric (eg, *La Voie du FLNKS* Sept-Oct, 2008) shows that the dream of emancipation through sovereign independence, for which Kanak gave their lives in the 1980s, is not dead.

