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Figure 1: „Modified” loyalist campaign poster in the city district of Montravel (Nouméa), in which a large pro-independence population is concentrated. Second referendum in October 2020.

Source: Theo Kouby (Hans Lucas Photography)

The third independence referendum in New Caledonia – a fallback to colonialism?

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Abstract: The third and final referendum in the French overseas territory New Caledonia on December 12, 2021, was wasted. Although the vote was legal and the result was clear (96.5% voting against independence), we argue – along with various international observers – that the schedule did not respect Kanak cultural traditions and the vote should be considered as undemocratic. As engaged scholars with different scientific backgrounds (geography, agronomy, education) and of different origins (German, British-Australian, French-Caledonian and indigenous Kanak), we critically examine the circumstances of the third referendum and analyse the reasons for the non-participation of the majority of independence supporters. We offer a number of observations on future prospects for the interrupted decolonization process and recommend the consideration of new forms of partnerships between France and New Caledonia.

Keywords: New Caledonia, referendum, decolonization, conflict, Covid

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Introduction

On December 12, 2021, the third and final referendum on political independence was held in the French overseas territory of New Caledonia. The result was clear, with 96.5% against independence. But in contrast to the first referendum in November 2018 and the second held in October 2020, the third had a very low turnout of only 43.87%. In the 2020 referendum, the turnout was 85.69% – a record – with 53.26%

voting against independence. The gap between the “yes” and the “no” vote had narrowed, compared to the first referendum in 2018 (56.67% voting “no”, with a turnout of 81.01%). In 2021, independence supporters felt the long struggle towards decolonisation from France had a strong chance of success. However, a series of events in late 2021 led them to call for “non-participation” in the referendum by their supporters,

who are overwhelmingly Kanak, and this explains the anomalous result. In this brief commentary article, we question the reasons for the widespread refusal of the independence supporters to go to the polls, set within a much longer and more complex history of geopolitical relationships and events.

From the perspective of independence supporters in New Caledonia, the third referendum was undemocratic and



Figure 2: Meeting of independence supporters at Fayard Parc in Dumbéa, South Province, New Caledonia, October 2020.

a breach of faith by the French state towards the Kanak people. The French government, however, confirmed that the vote was legal and it passed off without incident (Fisher et al. 2021; NC la 1ière). Different commentators have agreed that the vote had been announced and was conducted legally, but nevertheless it was unjust (ibid; Trépiéd 2021). The honorary magistrate Christian Belhôte and the historian Isabelle Merle (2022) have called it a Pyrrhic victory. Kanak student Marylou Mahé wrote in a piece for Radio New Zealand on December 11: “I have the impression that my culture is being ignored, that my Kanak identity is being denied. We are being set back more than 30 years, to a time when our voice did not count. It is as if we do not exist.” (Mahé 2021)

The Matignon and Nouméa Accords

New Caledonia has, as readers of this journal will be aware, experienced ‘historic dualism’ since its colonisation and occupation by France in 1853 (Bouard et al. 2020), the material advance of settler colonialism and mining onto the lands of Kanak clans since then, and the symbolic divisions that have persisted to this day (Batterbury et al. 2020;

Bensa and Leblic 2000). The violent upheavals of the 1980s, now more than 30 years ago, were triggered by the marginalisation of the indigenous Kanak and euphemistically known as “les Événements” (the Events). Two political and economic agreements resulted: the Matignon Accords in 1988 and the Nouméa Accord in 1998. Since then, the French overseas territory has for the most part embraced an ongoing process of “decolonization,” the term used in the Nouméa Accord (Fisher 2022 forthcoming; Gagné 2015). The first paragraph of the Accord recognizes the shadows of the colonial period and notes that New Caledonia was not a “terra nullius”. France thus recognized Kanak cultures and languages and traditions, which were previously denied in the early land grabs and violence of the late 1800s and early 1900s. The form of decolonization that the territory could follow would give Kanak the right to self-determination, and should allow new relations to be established between the different communities living in New Caledonia, which includes other Pacific peoples today, with their own political parties and institutions, as well as a substantial population of European descent (Chauchat 2007). In addition, the Nouméa Accord contributed to

the recognition of the cultural identity of Kanak people by establishing a customary senate (Forrest and Kowasch, 2016). The Customary Senate, created on the base of linguistic spheres, must be consulted on draft laws of the country where they concern or are related to Kanak identity (Garde 2001).

Covid-pandemic and mourning traditions

In the pre-referendum period in 2021, pro-independence representatives argued that the timeframe of the election campaign and the date of the referendum itself did not respect Kanak cultural traditions. Firstly, they called for a postponement of the referendum until after August 2022 – i.e. after the French presidential and parliamentary elections – as had been promised by former French Prime Minister, Edouard Philippe (Belhôte and Merle 2021). Despite protests from Kanak politicians and communities, the French government refused a postponement – the independence referendum was scheduled and held on Saturday 12th December. The December 12th deadline was indeed problematic for a second reason (and highlighted as the main reason) – the severe impacts of the Covid-19 pandemic. At the end of



Source: Theo Rouby (Hans Lucas Photography).

Figure 3: Campaign posters for the second referendum in October 2020.

August 2021, New Caledonia was virtually Covid-free. But a fierce outbreak of the virus resulted in nearly 300 deaths in just three months, particularly in Kanak communities – out of a total population of 271,000. Compared to other countries, the infection rate was not high, but the sudden epidemic was a stunning shock that Jean-François Merle, veteran negotiator of both the Nouméa and Matignon accords, compares to a plane crash, which seems to be more dramatic than “regular” illness and deaths over a year (in September ISEE recorded an 81% increase of mortality, compared to an average September). The pandemic halted almost all political campaigning among Kanak communities, with no large-scale rallies or meetings held in each Kanak village with time for deliberation and exchange, as occurred with the previous referenda. There was, instead, traditional mourning. Kanak people accompany their losses to their final resting place, and the funerals that are attended by hundreds of family members continue for several weeks. The funerals thus represent important cultural events that bring together Kanak communities to mourn their loss and to transmit traditional knowledge to the younger generations. Mourning rituals are important for well-being, for

social cohesion, and they have social meaning. Due to the high number of deaths and because many Kanak people lost or continue to lose at least one family member, the customary senate declared a one-year mourning period to commemorate the deceased. The French government and the loyalist political representatives, however, dismissed these cultural issues. Therefore, Kanak communities saw the holding of the December 12 referendum as a sign of contempt for their culture – not only by the French government but also by the loyalist proponents across the territory.

Moreover, given the restrictions and measures imposed, democratic frameworks for fair and legitimate electoral campaigning became extremely difficult. In previous votes, the independence movement had mobilised strongly, with large political rallies. From September 2021 onwards, such gatherings were no longer possible. People also rightly feared the possibility of contagion at polling stations. A “fair” online election campaign was always an illusion, because New Caledonia has a digital divide, with better internet connection in the capital Nouméa than in outlying regions and particularly in Kanak communities.

New Caledonia as an issue of French internal politics

The reference to the words of Edouard Philippe, and his announcement that the third referendum should be kept out of the period from September 2021 and August 2022, refers back to a statement after the Matignon Accords when then Prime Minister Michel Rocard stated in June 1988: “I do not know where each of us, we are in 3, 5 or 10 years, but we should make a solemn commitment. New Caledonia never should again become an issue of French internal politics” (ART19, Interview with Jean-François Merle, former adviser of Michel Rocard). New Caledonia has indeed suffered negative experiences where French metropolitan geopolitics have influenced political election campaigns. Such an instrumentalizing effect led to the Ouvéa tragedy in April 1988 where, in between the two rounds of the presidential elections, independence fighters attacked and occupied a French police station and took 26 police hostage. The killing of four policemen in a panic situation during the attack and the hostage-taking led to a forceful French counter-strike on May 5, resulting in the deaths of 19 Kanak and two military personnel. Eye-witness accounts and human rights

organizations noted the excessive brutality, including torture and executions, exercised by French army forces (Fisher 2022 forthcoming). Prime Minister Jacques Chirac, who was a French presidential candidate at the time, used the hostage-taking to show determination and to dissent from the position taken by French President François Mitterrand. For more than thirty years since, the promise not to imbricate New Caledonia affairs with French internal politics has been respected.

Although the French state presents itself as the arbiter, rather than being deeply implicated in the decolonization process, it is historically the coloniser and remains the colonial power. In 2021, the Macron government broke the “neutrality” promises established in earlier decades and that it had observed for the previous 2018 and 2020 referenda. In early 2021, the French government commissioned a study to shed light on the effects and consequences of possible New Caledonia independence (Ministère des Outre-Mer 2021). This 104-page study was hardly objective, in the sense that it focused on the financing granted by France over the last 30 years and offered only historical reminders (now rather dated) to illustrate the effects of independence in its most visible aspects, for example on nationality. The effort to account for transfers to the territory deserves to be made. Many researchers and economists have indeed tried to clarify the effects of these transfers, but the exercise turns out to be very complex with a lot of difficulty in accessing the data (Bouard et al., 2016). Nevertheless, the “neutrality” of the document could have been supported with more attention to renegotiating interdependencies between the archipelago, its Pacific neighbours, and France, and the symbolic importance of self-determination. In an August 2021 speech in Tahiti, Macron announced that France would be “less beautiful” without New Caledonia, but stopped short of further geopolitically charged statements at that time.

The calls for a postponement of the referendum date were supported worldwide. Some 64 academics from France, Australia and other countries published an open letter in the French newspaper “Le Monde” (Trépiéd et al. 2021): France should respect the right to self-determination for colonised peoples. The French government, with its

political decision to stick to the date of December 12, has led New Caledonia into a political impasse and deepened the political gulf between pro-independence and loyalist proponents (Batterbury and Kowasch 2021).

A referendum on independence without the indigenous Kanak people?

In the aftermath of the third referendum, loyalist politicians have expressed satisfaction with the referendum results and declared that the Nouméa Accord has now run its course. In their view, a page has been turned, and it is now time to imagine and plan for a new future for New Caledonia within the French state. Contrary to their electoral arguments, however, the Nouméa Accord remains in force (Belhôte and Merle, 2021; Calédonie 1ière 2021). To avoid any risk of a legal vacuum, the Accord indeed stipulates the maintenance of the political organisation in place pending a new status. And 170 years of colonial history will not disappear from one moment to the next, with an agreed “final political status”. Moreover, the question that loyalist politicians and the French government have not answered is, how can the referendum be considered legitimate when almost half the eligible subjects either refused to or could not vote? The political and moral legitimacy of this independence referendum on changing the terms of government for a colonial territory is negligible in our view, without the participation of the colonised peoples themselves. The French state, with the support of its loyalist proponents in New Caledonia, undermined the decolonisation process started 30 years ago and the construction of a “destin commun” (common future) that was widely expressed as a conciliatory form of political discourse from that time.

Future prospects

The dialogue between the supporters of independence on the one hand and the French state and loyalists on the other, has been interrupted. New compromises, and other ways of decolonisation – for example the creation of an associated state – have yet to be explored in the fragile and shell-shocked political environment. The antagonism between independence proponents and their opposition within in the territory seems to have increased. This binary

opposition of Kanak versus non-Kanak feeds local and neighbourhood conflicts. In an interview on Radio ART19 on December 19, 2021, Jean-François Merle stated that the real problem for France is that it has never imagined another colonial vision than the binary of “I possess” or “I do not possess”. Other forms of partnership have never been discussed.

New Caledonia is currently in a situation of uncertainty. The 3rd referendum was wasted: it lacked legitimacy. To revive the discussions on decolonisation and a “common future”, the French government would be well advised to imagine new forms of partnership, and to re-negotiate face to face, at eye level, and with humility. In Kanak and other Pacific cultures, things cannot be pushed through with force and haste. Back in 1981, charismatic Kanak leader Jean-Marie Tjibaou highlighted that the matter is not to return to the past, but to take from the past the strength and references that will support “our words in the present and in the future” (1981: 82).

Neighbouring countries such as Vanuatu and Fiji are observing closely what is happening in this French overseas territory. Like other Pacific powers, Australia aside, they have always supported the self-determination and independence claims of Kanak people. France’s ambition, embraced by President Macron, to keep a presence in the Pacific region and to direct potential revenues from its vast Exclusive Economic Zone (EEZ) with unknown seabed and hydrocarbon resources must not involve renegeing on earlier commitments to decolonization and the development of new political visions for New Caledonia. Similarly, the large mineral resources of Grande Terre, the main island with around 25% of worldwide nickel reserves¹ (Batterbury et al. 2020), should not become geopolitical pawns in the Presidential election campaign, or captive to the aspirations of that regime in metropolitan France. The military, political and economic influence of France is historical, but it has been reasserted in recent months in a Pacific Ocean that is almost wholly decolonised and politically independent, with just a few nations and territories retaining colonial links by choice. The fact that China is investing heavily and trading with neighbouring countries has been used all too often to justify a continued French presence in

New Caledonia, without due consideration of how a future independent government might actually choose to direct its foreign relations. In particular the expressed wish of independence leaders has been to continue to associate with France rather than China (Interview with Roch Wamytan in Oct. 2020, NC la 1^{ière} 2020; see also Batterbury and Kowasch, 2021).

The dialogue between France and independence parties in New Caledonia is currently interrupted. To imagine new forms of partnership in the future, it is probably most appropriate to look at social, economic and environmental issues as priorities. This requires implementing policies now that will make it possible to address an increase in social inequalities, to better share the benefits of major nickel resources, and to innovate socially and technically to deal with the climate crisis. Only on this basis will the process of decolonization be able to take shape in the daily lives of the inhabitants of New Caledonia and in the texts that will form the basis for governance of a future partnership.

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Endnote

¹ Becoming important for e-mobility, with commitments by Tesla to purchase it for battery manufacturing (NYT 2021).

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Figure 4: Independence supporter.

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Source: Theo Rouby (Hans Lucas Photography).

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