Kanaky – New Caledonia
S. Graff

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KANAKY (NEW CALEDONIA)
According to the 2014 census, New Caledonia’s population totals 268,767 inhabitants broken down into 39% Kanak, 27% Europeans, mainly French, 8% Wallisians and Futunians, and almost 15% residents of other origins (Tahiti, Indonesia, Vanuatu, Vietnam, other Asiatic origin). 32% of the population is under 20 years of age.

Since its take-over in 1853, New Caledonia has been under French rule although a decolonisation process was started in 1988 with the signing of the Matignon-Oudinot Accords, reaffirmed by the signing of the Nouméa Accord in 1998. These agreements provide for a referendum to be organised between 2014 and 2018, which will define the institutional future of the country, and the transfer by the French State of some of its sovereign powers (yet to be defined) to New Caledonia. This decolonisation process is the fruit of a Kanak nationalist struggle for independence that started in the 1970s. This struggle was based on the Kanak people’s right to self-determination and independence and its will to free itself from the colonial system imposed by France since 1853. The Matignon-Oudinot Accords divided the country into three provinces (North, South and Islands), created an agency in charge of rural and land development (ADRAF), an agency that would develop the Kanak culture (ADCK), and new institutions based on “la coutume” (custom) such as the Customary Council, later to become the Customary Senate (1998), the customary areas and their respective councils. These were reaffirmed by the Nouméa Accord, the preamble to which furthermore recognises the anteriority of the Kanak people in New Caledonia in these terms: “it is now necessary to create the basis for a Caledonian citizenship that allows the First People and men and women living in New Caledonia to become one single human community embracing a common destiny”. This, unfortunately, may well prove difficult to achieve due to the deeply-rooted cultural and socio-economic differences existing between the various communities living in Kanaky/New Caledonia.
New Caledonia is now nearing completion of the Nouméa Accord (1998), which anticipates three consultations on the country’s accession to full sovereignty. The first consultation is planned for the end of 2018.

Self-determination and the right to vote

Just as in 2016 (see The Indigenous World 2017), 2017 was marked by fierce controversy over the issue of the right to vote.8 The main issue of the year for the indigenous and colonised people of New Caledonia, the Kanaks, remained the issue of self-determination and particularly the right to vote in the forthcoming referendum. This consultation on the country’s accession to full sovereignty is due to take place on either 28 October or 4 November 2018. The date has not yet been fixed and the political parties, those both for and against independence, have yet to reach agreement on this.

The pro-independence parties, mainly Kanaks, and the parties opposed to independence were also unable to agree on the constitution of the electoral rolls for future elections of significance to the future of New Caledonia. The last census of 20149 confirms that the Kanak people have become a minority in their own country. Non-indigenous groups account for 61% of the population while the indigenous population makes up the remaining 39%.

There are three electoral rolls in New Caledonia: 1) the “general” electoral roll for French national elections – presidential and legislative, European and local;10 2) the “provincial” electoral roll, more limited, for elections to the provincial assembly and for members of New Caledonia’s Congress; 3) the “exit” electoral roll, also limited, for the referendum on the country’s accession to full sovereignty.11

In relation to the “exit” electoral roll, in 2016 pro-independence political groups denounced the fact that some 25,000 Kanaks were not registered on this special list.12 As the indigenous people of the country, these Kanaks would thus be unable to exercise their right to self-determination and independence.

This situation, considered unacceptable by the pro-independence political parties, was discussed and negotiated throughout 2017. The pro-independence political parties called on the French government to produce accurate figures of the number of customary-status
Kanaks\textsuperscript{15} not registered on the general electoral roll and thus also not on the special electoral roll for the referendum. Alongside this, the non-independence political parties called for the same work to be done to obtain figures of people born in New Caledonia, with common-law status, who were also on neither the general roll nor the special roll for the referendum.

It emerged from this work that around 17,000 customary-status Kanaks were not registered on either electoral roll. To be included on the general electoral roll, they have to be able to prove six months’ residency in New Caledonia. After cross-referencing with the social security files, it emerged that only around 7,000 customary-status Kanaks could be found in these. The pro-independence political parties demanded that the 10,000 Kanaks missing from the social security files also be included on the roll and allowed to exercise their right to vote and their right to self-determination during the referendum to take place at the end of 2018.

During the last Committee of Signatories to the Nouméa Accord, held in Paris on 2 November 2017 under the presidency of the Prime Minister Edouard Philippe, the partners to the Nouméa Accord thus agreed that “[t]he partners affirm their desire to resolve the issue of the absence of Caledonians from the electoral roll for the referendum. [...] [They] agree on the political need to proceed, exceptionally and by virtue of the consultation, to automatically register people living in New Caledonia on the general electoral register, as a necessary pre-condition to their being placed on the special electoral register for the referendum.”

**United Nations missions in New Caledonia**

Following lobbying by pro-independence Kanaks with the United Nations, but also with regional institutions such as the Melanesian Spearhead Group (MSG), several missions have been conducted to New Caledonia in recent years, focusing on the issue of the right to vote.

Two missions were repeated in 2017. These were a mission of the UN Electoral Assistance Division and a mission of the MSG.

From March to July 2016, experts mandated by the UN Electoral Assistance Division were deployed to observe the operations of the special administrative commissions responsible for drawing up and re-
vising the electoral registers. This mission was repeated over the same period in 2017.

In 2013, during the MSG Summit in New Caledonia, Member States reaffirmed their support for the Kanak people through the Nouméa Declaration. This states: “We the Leaders of the Melanesian Spearhead Group (MSG) [...] now declare to renew our commitment on the following: (i) pursue and protect the right to self-determination of the indigenous Kanak people of New Caledonia in accordance with the United Nations (UN) Charter and the International Covenant on Economic, Social and Cultural Rights [...]”

The MSG mission to New Caledonia that took place in April 2017 was charged with assessing progress made in the electoral register with a view to the consultation in 2018.

With regard to the 2017 resolution on New Caledonia adopted by the UN Decolonisation Committee and then by the General Assembly, this states that it: “Notes the concerns expressed regarding the challenges encountered in the provincial elections process with respect to the persistent varying interpretations of the restricted electorate provisions and the voter registration appeal process. It encourages the administering Power and the people of New Caledonia to address in an amicable and peaceful manner the concerns of all stakeholders under the existing relevant laws in the Territory and in France, while also respecting and upholding the spirit and letter of the Nouméa Accord. [...] It considers that appropriate measures for organising future consultations on accession to full sovereignty, including the production of fair, proper and transparent electoral registers, as set out in the Nouméa Accord, are essential to achieving a free and authentic act of self-determination in accordance with the principles and practices of the UN organisation.”

During the above meeting of signatories to the Nouméa Accord, it was further decided that a number of UN missions would take place during 2018. The UN Electoral Assistance Division will thus visit again in 2018 with the same mandate as in 2016 and 2017. A mission of the Decolonisation Committee will need to take place in the first half of 2018, as was the case in 2014. However, the pro-independence parties also asked that UN observers be in place to observe the situation before and during the referendum on the country’s accession to full sovereignty. They also asked that a decolonisation audit be conducted by experts mandated by the United Nations.
The statement of conclusions of the Committee of Signatories sets out these demands in the following terms: “The committee is pleased with the quality of the relationship established with the UN experts in the procedure to revise the electoral rolls, and it agrees that this work must continue under the same conditions in 2018, and likewise for any additional revision periods. The partners are agreed on the need to implement the recommendations of the UN mission reports of 2016 and 2017 […] The partners are also agreed that a mission composed of UN experts will be called on during the consultation process. […] The State informs the Committee of Signatories that the French government will suggest to the Decolonisation Committee, known as the C24, that a further visit be organised in the first quarter of 2018. […] The Caledonian Union asks that a decolonisation audit be sought from the UN. […]”.

Notes and references

1. See https://www.croixdusud.info/geo/nc_dim.php
2. The Matthew and Fearn or Hunter islands are at the heart of a dispute between Vanuatu and France. In 2009, the Kanak and Socialist National Liberation Front (FLNKS) officially recognised that Matthew and Hunter are part of Vanuatu (see http://www.tahiti-infos.com/Les-iles-Matthew-et-Hunter-n-en-finissent-pas-d-empoisonner-les-relations-franco-vanuatuaines_a13518.html). At the FLNKS Congress from 3-4 February 2018, the FLNKS adopted a motion reaffirming its political support for the Matthew and Hunter islands as a natural heritage of the Republic of Vanuatu.
3. This minority group originates from Wallis-et-Futuna, a French island community in the South Pacific, located some 1,861 km north of New Caledonia.
5. Those accords were signed by the French State, the FLNKS (the Kanak National Liberation Movement), and the RPCR (Rassemblement Pour la Calédonie dans la France, a political party opposed to independence).
6. Those sovereign powers include: justice, defence, external relations, public order, currency and credit.
9. See http://www.isee.nc/population/recensement/communautes

10. The “general” electoral roll comprises those people listed in the “general” electoral register. This is anyone over the age of 18 having lived in New Caledonia for at least six months.

11. To be on the special “exit” register for the referendum, you first have to be on the general electoral register. As has been noted, particularly by the UN experts, many young Kanak have missed out on this automatic registration due to elements of their files being missing. Many of them further do not care about French national elections and so do not make any effort to get their names on the general register.


13. There are two different kinds of civil status in New Caledonia: customary, which is the historic civil status of the Kanak majority, and common law civil status.


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The compilation you have in your hands is the unique result of a collaborative effort between indigenous and non-indigenous activists and scholars who voluntarily share their valuable insights and analysis. We thank them and celebrate the bonds, strengths and sense of community that emerge from making this one-of-a-kind documentation tool available.

For 32 consecutive years the purpose of The Indigenous World has been to give a comprehensive yearly overview of the developments indigenous peoples have experienced. Rising tensions between States and indigenous peoples are reaching a tipping point and The Indigenous World 2018 adds to the documented records, highlighting the increase in attacks and killings of indigenous peoples while defending their lands. The 56 country reports and 13 reports on international processes in this edition underscore this trend, which is noted across the continents.

IWGIA hopes that the book will be used as a documentation tool and as an inspiration to raise global awareness of the rights of indigenous peoples, their struggles, their worldviews and their resilience.