

FRANCE - NEW CALEDONIA \*

EXCERPT FROM THE COMMUNIQUE ISSUED FOLLOWING THE MEETING OF THE  
COUNCIL OF MINISTERS OF 24 AUGUST 1988.

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The Minister for the Overseas Departments and Territories reported to the Council of Ministers on the conditions under which, on 20 August 1988, he had signed in the Government's name a joint declaration with the members of the two delegations from New Caledonia's principal political groupings.

At the end of the talks held at the Ministry for the Overseas Departments and Territories, the signatory delegations had taken the view that the preliminary draft bill providing for statutory measures in preparation for New Caledonia's self-determination in 1998 was in accordance with the momentum and spirit of the Matignon agreements, leading to a forthcoming consultation of the French people by referendum.

The preliminary draft on which agreement has been reached sets down the terms and conditions for the organisation of a self-determination poll in New Caledonia in 1998.

It provides for an organisation of the Territory's administration based on a wide measure of decentralisation to three provinces. These will receive substantial financial grants from the State and the Territory. A territorial customary council will provide representation for the eight Melanesian cultural areas. An economic and social council, composed of representatives of the trade and social organisations, will give its opinion on the economic, social and cultural proposals submitted to it. The State will be represented, as hitherto, by a High Commissioner who will also be the Territorial Executive.

The preliminary draft defines the framework for accompanying economic, social and cultural measures which will be set out in detail in development contracts to be concluded between the State and the three provinces. These measures will mainly concern training, the opening up of isolated regions, improvement of the situation with regard to health and social protection, and the enhancement of cultural heritages.

A system of compensation will be worked out for damage caused by acts of violence that have occurred since 16 April 1986 in connection with the determination of New Caledonia's status. Persons who broke the law before 20 August 1988 in connection with the determination of the territory's status or land system will be amnestied, with the exception of those who, by their direct personal actions, committed the felony of pre-meditated murder.

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\* [This document, and the Agreements on the future of New Caledonia of 26 June 1988 and 20 August 1988 were provided by His Excellency Roger Duzer, Ambassador of France in Australia.]

## 2.

Thus, through the dispatch to New Caledonia of a team of men of goodwill, and then the discussions held in June under the Prime Minister's authority, the partners have been able, thanks to the sense of responsibility displayed by the leaders of the territory's principal political groupings, to resume the interrupted dialogue and make a start on reconciling the New Caledonian communities, in accordance with the guidelines drawn by the President of the Republic during the Presidential election campaign.

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AGREEMENT ON THE FUTURE OF NEW CALEDONIA SIGNED IN PARIS ON  
26 JUNE 1988.

The New Caledonian communities have suffered too much in their collective dignity, in the integrity of persons and property, from several decades of lack of understanding and violence.

Some of them consider that only in the framework of the institutions of the French Republic will evolution towards a harmonious New Caledonia be possible.

Others take the view that a way out of this situation is thinkable only through an assertion of sovereignty and independence.

The clash of these two opposing beliefs has led until recently to a situation bordering on civil war.

Today the two parties have acknowledged the imperative necessity of contributing towards the establishment of civil peace, in order to create the conditions enabling the populations freely to choose, with confidence in their future, how to take their destiny in hand.

This is why they have agreed to administrative authority over the Territory being resumed by the State for the next twelve months.

The Prime Minister will therefore present a proposal to this effect to the Council of Ministers on 29 June 1988.

The delegations have also undertaken to present to their respective authorities and ask them to agree to the Prime Minister's proposals regarding the future evolution of New Caledonia.

APPENDIX 1:

The opening of new prospects for New Caledonia, securing lasting peace based on coexistence and dialogue, based also on common recognition of the identity and dignity of every community living in the Territory, resting on balanced economic, social and cultural development throughout the Territory and on the training of and assumption of responsibility by all its human communities, calls in a first twelve-month stage for a

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strengthening of the State powers.

The strictest impartiality on the latter's part, together with security and protection, will be afforded to everyone, as will a better distribution of public and administrative services in all the regions.

Consequently, the 1989 Territorial budget will be prepared by the High Commissioner. Furthermore, if the appeals currently brought before the Conseil d'Etat against the regional elections of 24 April were to place the Congress in the position of no longer being able to exercise the budgetary and fiscal powers vested in it by Act No. 88-82 of 22 January 1988, the High Commissioner would settle the budget, without the existing fiscal provisions being open to modification.

To that effect, a bill to be presented by the Government on 29 June will provide for the exercise by the High Commissioner of the powers of the Territory's Executive Council, as defined by Act No. 88-82 of 22 January 1988. The High Commissioner will be assisted in his duties by an eight-member advisory committee representative of New Caledonia's principal political families, its members to be appointed by order. The Committee will also be consulted on bills and draft orders affecting the Territory. Its composition will be made public at the same time as the bill.

This unification of the State and Territorial services under the High Commissioner's authority for a period limited to one year must signal the start of a distribution of public money and jobs allowing for the development of New Caledonia's underprivileged regions, coupled with a policy to encourage private-sector investments. It will pave the way for a genuine training policy, in order to make good inadequacies and correct the imbalances reflected in the insufficient involvement of the Melanesians in the various sectors of activity within the Territory, particularly in the public service.

Advantage will be taken of this intermediate phase, which will take effect as soon as the Act is promulgated, to formulate the definite provisions of the bill setting the seal on the Territory's new geographical, institutional, economic and social balance, drafted on the basis of the principles spelt out in this document.

At the start of the autumn parliamentary session, the Government will propose to the President of the Republic, in accordance with article 11 of the Constitution, the submission of the bill to the French people for ratification by referendum.

The new institutional measures will apply as from 14 July 1989. Elections to the new provincial authorities will be held on the same day as those to all the municipal councils in metropolitan France and overseas. The bill to be submitted

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to a referendum will therefore set the date of 14 July 1989 as the expiry date of the mandates of the present regional councils, and hence of the Territorial Congress.

Those elections will take place after an overhaul of the electoral rolls. The Centre of Civic Information will be asked to organise an information drive with a view to young electors registering on the electoral rolls.

In January 1989 the National Institute of Statistics and Economic Studies (INSEE) will launch the planned operations in New Caledonia in the framework of the general population census.

In the fourth quarter of 1988 the High Commissioner will set in train the studies and negotiations prior to the signing of contracts between the State and the Provinces.

These will put the accent in particular on training schemes required for the exercise of the new responsibilities. They will provide for major works to rebalance the Territory's economic development and improve its inhabitants' day-to-day living conditions.

For instance, studies for the construction of the Koné/East Coast cross-country road, of the Houailou/Canala coast road junction and of the deep-water port at Nepoui will be undertaken or pursued.

In addition, a sum of 32 million French francs will be released for 1988 and 1989 to enable the communes to carry out the development tasks entrusted to young people under schemes of work for community purposes.

The High Commissioner will set in train the reorganisation of State and Territorial services necessitated by the new provincial structures and will determine the means and infrastructures this redeployment demands.

Finally, to provide for the expression and fulfilment of the Melanesian personality in all its forms, a sustained policy will be applied to ensure that everyone has access to information and culture. To this end, a public establishment, the Kanak Cultural Development Agency, will be set up.

The National Commission for Communication and the Freedoms will be briefed by the Government with a view to compliance, in the schedules of obligations of the public service communication media, with the requirements of pluralism and programme variety consistent with the Territory's difference communities.

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APPENDIX 11:

1. The administration and development of the Federal Territory of New Caledonia are organised into three provinces: Loyauté Islands, South, North. Each Province freely administers itself through an Assembly elected for six years by proportional representation and its own Executive.
2. Their common affairs are run by a Territorial Congress, composed of the three Provincial Assemblies meeting together. The number of members comprising each Assembly is determined in proportion to its population. The Executive of the Congress is entrusted to the State representative, who heads the Territorial administration.

Territorial Powers:

3. The powers are divided between the State and the Territorial authorities on the following bases:
  - (a) The State wields power in the following areas: external relations; control of immigration and foreign nationals; external communications (navigation); management of the maritime economic zone; currency; Trésor; foreign trade; defence; law and order; nationality; ordinary-law registration of births, marriages and deaths; justice; State civil service; civil law; criminal law; trade law; governing principles of labour law; verification of the legality of communal administration; administrative and financial supervision of local authorities and their public establishments; secondary and higher education; audio-visual communication; sovereignty and ownership of the public maritime and air estates.
  - (b) The Territory retains the coordinating powers and the matters that cannot be transferred to the Provinces: taxation and Territorial budget; equipment and infrastructures for the Territory as a whole (Territorial hospital and road network, waterworks serving the whole Territory); adaptation of national elementary school programmes.
  - (c) Each Province exercises the powers that do not lie with either the State, the Territory or the communes, in particular: Provincial budget; Provincial development blueprint and related infrastructures; economic development; training; teaching of vernacular languages; promotion of local cultures; health and social policy; support to the communes for elementary education; youth, sport and leisure; cultural activities; land reform and land planning.
  - (d) The communes hold the powers vested in them under the Code of Communal Administration.

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- (e) Consultative organs: the Provincial Customary Consultative Council is made up of the major Chiefs of the Province's customary areas. It is consulted by the Provincial Council on draft or proposed resolutions concerning special civil law and land law issues. It may be consulted on any other matters on the initiative of the President of the Province, who, also on his own initiative, can refer to the Provincial Council any question or proposal concerning the special civil law statute or the Melanesian land reserves statute.

Distribution of funding:

- 4 To meet both the specific requirements of each Province and the objectives covered by the rebalancing policy, three-year contracts (1990, 1991, 1992) will be concluded between the State and the Provinces during the third quarter of 1989. They will be extended by contracts to be implemented over five years (1993, 1994, 1995, 1996, 1997), which will be drafted and signed in 1992.

During the phase of direct administration and until the end of 1989, the investment and running expenditure of the State and Territorial authorities will be provided for according to the terms and procedures currently in force.

The State will have the possibility of increasing its grants to provide for operations bound up with the measures to be decided on for New Caledonia.

State investment financing in the Territory will be distributed as follows: three quarters for the Northern and Island Provinces and one quarter for the Southern Province, on the basis of the 1988 budget.

Territorial budget funding for running expenditure will be allocated as follows: one fifth for the Territory, two fifths for the Southern Province.

5. Training: in order to rebalance the share-out of responsibilities, a major programme to train Melanesians in particular for senior positions will be launched as soon as possible.

To this end, a study will be undertaken on the High Commissioner's initiative to determine objectives, with a view to the new training programme getting under way in 1989. It should concern about 400 senior and middle-ranking executives, most of whom will be trained in colleges in metropolitan France over the next ten years.

Training for clerical staffs, which is less demanding, will be provided locally with the existing resources increased as necessary.

6. A self-determination poll will be organised in New Caledonia in 1998.

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Safeguards:

All these provisions will be set out in a referendum bill. At the beginning of the autumn session the Government will propose to the President of the Republic its submission to the French people.

The New Caledonian electors called upon to vote on that referendum, together with their descendants on attaining their majority, make up the populations concerned by the Territory's future. Therefore, they alone will be authorised to take part until 1998 in the polls which will determine that future: elections to the Provincial Councils and self-determination poll.

The referendum bill will also provide for State compensation for exactions and, restored calm permitting, for amnesty measures relating to offences committed in the course of the recent disturbances, with the exception of serious crimes involving bloodshed.

Boundaries of the Southern and Northern Provinces:

The Southern Province consists of the communes of: Ile des Pins, Mont-d'Or, Nouméa, Dumbéa, Paita, Boulouparis, Lafoa, Moindou, Sarramea, Farino, Bourail, Thio, Yaté and the part of Poya commune lying south of the river Creek Amick.

The Northern Province consists of the communes of: Belep, Poum, Ouegoa, Pouebo, Hienghène, Thouo, Poindimié, Ponerihouen, Houailou, Canala, Koumac, Kaala-Gomen, Voh, Koné, Pouembout and the part of Poya commune lying north of the river Creek Amick.

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