The unsung reality Behind the Oft

wayward actions of the official colonial structure

inside New Caledonia

This paper is the result of a life of contact, not only with many thousand members and three generations of the Kanak community, in New Caledonia as well as in Vanuatu, but also with numbers of the very white people who still dominate them, at different levels, in all sorts of circumstances. I have been personally either witness to, or actor in, many more or less happy or unhappy events in New Caledonia. I have had the trust of many expatriate civil servants, at all levels, many over the years at the top, who could not speak their mind easily, and had at times recourse to me as a way of seing published what they could not say themselves. Thus could I obtain information which will long remain inside closed files, and participate in events with at times unheralded semi political responsibilities. This has not been all that easy to live.

The results of the analysis proposed here have nothing hypothetical. I have had all the time necessary to check on each of them. The information has been built over the years. Among others things, they show the difference between theory and practice, between official structured institutions and day to day actions, between proclaimed democracy and a colonial world still well alive. I try here to show how the local official

theory of government will constantly twist the reality.

A number of academic authors, English, Australian, American, but *also, if not mostly French*, when dealing with Tahiti and New Caledonia, can be at a loss to explain the details of the French political culture and organisation as applied in these islands over the two last centuries. They sometimes make bad mistakes (a notable exception is Colin Newbury on Tahiti, *cf.* 1980, T*ahiti Nui, Change and Survival in French Polynesia, 1767-1945*, The University Press of Hawai'i, Honolulu), the worst case being Cyril S. Belshaw (*Island administration in the South West Pacific. Government and reconstruction in New Caledonia, the New Hebrides and British Solomon Islands*, VII, 158 p., Royal Institute of International Affairs, London 1950).

The intricacies of the covert system through which the French citizens claim that they live and work inside a democracy of their own, could be easily put in quite another category. But even the French are not really schooled in the minute details of the workings of their own Republic, and ignore many ot the more or less hidden factors which govern their daily lives[1]. They can at times, as now, be justified to think that their leaders are playing games with them, both the political parties of the right as well as of the left being fellow communicants in a State governed in fact outside the control of the elected members of both houses of Parliament.

In this matter, the archives are haphazard, if not helpless. Official reports never dwell on such potentially volatile aspects. All official papers are written in such a way as to popularize and justify the idea that the legal constitutional organisation is always fully respected.

The content of the archives in Nouméa or Tahiti is, if possible, worse.

This has been a constant factor, everywhere in the tropics. No archivial colonial material can be taken at face value, anywhere. Everything must be checked carefully. What is written, registered or published, can be as often completely false, as only partly deformed. Anything dealing with the Kanak or the Polynesians is full of built in cultural misunderstandings. The result is that not only the decision-making process described can be an illusion, but what little useful official information survives in the archives (they can have been wilfully partly destroyed), can easily be given too much prominence or placed where it should not be. Some aspects never studied as such only have as written sources hundreds of small disconnected documents, if they do exist. Personnal experience has taught

much which will not be found anywhere in a written form. History cannot be the indefinitely repeated views ot the conqueror, in a situation where opposing views have been systematically suppressed.

French constitutional problems at islands' levels

The French Republic is governed neither by the deputies and senators (who vote the budget and a smattering of laws, most being introduced in Parliament by the government), nor by the Ministers of the same governement. The latter are surrounded by younger or older and more experienced members of their cabinet, most of these having been designated by the Presidency of the Republic, directly or indirectly. They nearly all come, deputies, senators, ministers and members of the cabinets, from the same truly and highly academic «grande école», the ENA (Ecole Nationale d'Administration), the entrance of which is attained after five years of heavy work and going through a very strict examination. Being programmed to protect and replicate the liberal capitalist society (with a specific tradition of State interventionism), which has reared them, one will find these people, men and women, in the higher ranks of the civil service, in the higher levels of finance and industry, as well as inside the principal parties of the right or the left, never leaning towards anything ressembling an authentic social or economic revolution(*cf.* «Special Report : Old France, New France,The changing of the guard», *The Economist*, November 27th 2004, London, p. 32-26).

They are trained to work inside France, or as future diplomats, and are usually perfectly ignorant of the realities of the French «Overseas Territories». When they come to the Pacific, they believe that they are confronted with formerly warring cannibal societies, living in fear of sorcerers and of

easily cruel chiefs.

How does this affect the French possessions in the South Pacific ? The hard reality is that if the ideal model of the French colonial administration has been thought by many to be the «assimilation» of the earlier population, the governance in the area has had little to do with this idea. It could better be judged here as practicing «indirect rule», except that this rule has been applied through French specialised civil servants and officially designated Kanak chiefs, who most of the time lack any traditional legitimacy. There has in fact never been applied, for most of two centuries, anything but thinly veiled naked force. Nevertheless the veil exists, as a historical fact, taking all sorts of shades. Behind it, the rule of law, although proclaimed, has been the thing least respected. The settler's law has been the real one.

The representative of the French government in Nouméa or Pape'ete was a Colonial Governor, one of the top civil servants trained in a special school, the «Ecole Coloniale», later «Ecole de la France d'Outre-mer», since dissolved, where the teaching prepared its students for Western and Central Africa, Madagascar or Indochina (Laos, Vietnam, Cambodia), never for the Pacific Islands dependencies.

The second governor after the end of the war was designated as High Commissioner. The reason was that the experience of the war had shown that a new necessity had arisen, the one of negotiating technical agreements with Canberra, Wellington or Suva. The High Commissioner had as such this specific power of negociation, and could be authorised to sign the agreements, the French diplomatic personnel in these capitals having been put in each instance at his disposal.

These new High Commissioners are recruited today in

the prestigious corps of the Préfets who administer France's departments and regions (they all come out of the ENA). Before the war or after (under the socialist government and the presidency of François Mitterrand), the government could designate politicians to be High Commissioners. The experience has never really been satisfactory. Keeping law and order overseas, as well as anywhere else, is a specialised job.

Be he Governor or High Commissioner, the highest civil servant in the land, having the control of the police and of the army, has always applied policies designated to give satisfaction to the settler community, its since 1941 always threatened armed revolt being dreaded, and to soothe the Kanak people by promises never carried out.

The sudden registration of 9.000 Kanak men and women on the roll, in 1951, on the orders of the Free French High Commissioner Cournarie, was the first real and deep change in this policy decided locally (other changes, such as the supression of forced labour, had come straight from the Government of General de Gaulle in Paris). The Governor had been clear in speaking to a chosen few of us. He wanted the Kanak to vote, but it was to be done smoothly, with no glitches. In the interior, the Gendarmes and the Catholic and Protestant Missionaries saw to that. In Nouméa, on the day of the vote, the Kanak were told unofficially to come and see me if there was a problem. I would check who they were and give them a chit indicating their name and number, as had been registered on the roll. With this, which prevented more or less volontary fruitless searches by civil officers unaccustomed to the complexities of Kanak naming systems, they were handed their voting card and could vote. They voted for Maurice Lenormand to be deputy, which election changed the way of doing politics inside New Caledonia during the next half of a century I was executing the will of the Governor as well as helping the Kanak on my own decision, but acting within the law. The habit having been taken and the roll better organized, I did not have to play the same role twice.

The next day, the reaction of the settler community was powerless anger. They had not seen things coming. Everything had been organised out of the knowledge of their official leaders. They were confronted, one

year later, with nine elected Kanak representatives at the Conseil Général. Because of the High Commissioner's timely action, these Kanak leaders were moderates, son's of both Christian mission's schools. Nevertheless, they were there, Kanak with equal rights to the white man. The authors of this situation were deemed criminal by a powerful minority of the white inhabitants of the island. The High Commissioner had retired and left a few of us to pay for an until then unheard of initiative. The white, or not so white, settlers felt betrayed. They sought revenge. Thirty years later, they burnt down my wife's house in Nouméa.

One little known issue is that New Caledonia has been from the 1880's a French Colony endowed with an autonomous budget, over which the Governors of before and the High Commissioners of today, had and have no control. This situation has been lately and partly compensated by nominating in Nouméa, in a lesser way in Tahiti, a string of high civil servants, each representing his own Minister in Paris, and who have the privilege of a piece of the national budget not under the direct authority neither of the High Commissioner, nor of the New Caledonia's elected Congress or Tahiti's Territorial Assembly. They can use this financial tool as a means of pressure to bring over the local responsible persons to their own views. Today, the local representative of the European Community plays more or less a similar role. According to circumstance, this can or cannot be as positive as some may have been brought to think. It can be understood as a salami type of policy, replacing a global dependence with the same by bits and pieces. Some Kanak politicians such as Paul Neaoutyne, the present President of the Northern Province, have learnt through experience how to benefit from this state of affairs.

The High Commissioner nevertheless holds reserve powers, which allow him to take over from the elected bodies, be they municipal ou provincial, (there are three provinces :

South, North and the Loyalty islands) or the pan Territorial Congress, the building and the execution of the budget, when and if the so-called obligatory expenses (80 % of the budget : roads, schools, hospitals, etc.) are insuffiently covered by the budget as voted by these bodies, or if the level of debt known has grown to a dangerous level (there is no money to pay for it with the available funds and at the same time paying for normal expenses). This has just happenened at the beginning of 2004, where the High Commissioner in New Caledonia was brought to take over and rewrite the budget of the Loyalty Islands province.

Except in the anomalous case of the 1951 local elections, High Commissioners were held on a tight leash from Paris. If they did not want to execute the policy which, very quickly after 1952, became again the one of appeasing the settler community, they had to ask to be recalled. This was done once, in 1995, by High Commissioner Didier Cultiaux, the Minister in charge, Dominique Perben (later Minister for Public Work, then Minister for Justice), not accepting the policy the Governor had proposed of opposing the costly (to public funds, but also on the social and political field) patronage system put in place by the RPCR.

The ministerial position was constant. Since 1941, Paris has always been panicked at the idea that the order might have to be given of shooting on a European demonstration having crossed the line. Experience shows that shooting on the Kanak was evidently thought of as a lesser evil.

Events immediately after Jean-Marie Tjibaou and Yeiwene Yeiwene's murder show how things can be quite different from what they are meant to be, with the concurrence in a sort of cover up by the local political leaders, the High Commissioner and the Government in Paris.

A demonstration was immediately organised at the Magenta airport against the Ouvea people, accused of having failed Jean-Marie, many quite innocent people being severely manhandled. At the same time, a campaign of vigorous denounciations started against all Kanak who had previously

been in the opposition to Jean-Marie's policies. The Union Calédonienne, devoid of its leaders, was immediately taken over by a group consisting of the Pidjot brothers, nephews of the late Deputy in the French Parliament Rock Pidjot ; Leopold Jorédié, its then Secretary General ; and the former Marist Father François Burck, presently mayor of Moindou (May 20th 1989). This group ruled over Union Caledonienne for nine years. The Kanak rank and file took all that time to become conscious that their principal leaders were disloyal to them. Burck and Jorédié were put on the side by an alliance between Rock Wamytan, the Pidjot brothers and the Lepeu catholic brothers of Poindimié (Wagap) in the North-East of the island. Wamytan was to be also later cut down to size.

Things became clearer when Jorédié and Burck were handed fat jobs with the support of Jacques Lafleur, the then uncontested leader of the RPCR (Burck was nominated president of the innovative Investment Bank controlled by the Territory, and later president of the Society exploiting the beginnings of an expressway between Nouméa and the Tontouta airport). When I went to see the then High Commissioner so as to compare notes and explained my personal analysis that Burck and Jorédié had beeen working all the time for Jacques Lafleur, I was told gruffly that he, the High Commissioner, and the government in Paris, had known all along that Jorédié and Burck were working covertly for the RPCR. I was not told that this situation had been approved of, either by him, or by the responsible Socialist leaders in Paris. Democracy had been made a mockery of, but there was no legal way out of the dilemna from above. The Kanak had to do their home work themselves.

The Police institutions

Anthropologists and historians are little trained to deal with police institutions, tending to describe situations as if they did not exist, when they are the most important tool for establishing foreign domination in any part of the world. Having lived in Nazi occupied France during the last world war, and having spent time to evade, and help others evade, the Gestapo, I have at least learnt about that fact of life.

French governments over the centuries have made a

somewhat vigorous use of their different police corps, often without the ordinary citizens noticing. The harshest repressions have been when the Army was called in, which happened often in New Caledonia. The modern training given today to the officer corps, and to the special troops marked for possible intervention, anywhere, has been in later years to teach them how to act with restraint. But a constant precaution taken is that the troops which would be used inside New Caledonia, if necessary, for law and order operations, would not boast any Kanak member.

The different police institutions are the national and municipal polices (Police Nationale, Police Municipale), the Armed Constabulary (Gendarmerie), the CRS (Compagnies Républicaines de Sécurité), the DST (Direction de la Surveillance du Territoire).

The «Police Nationale» groups both expatriate and local civil servants. Its direction in Nouméa is staffed by expatriates (but this is not by law, local civil servants have been nominated at its head in the past). It depends entirely today on Paris for its budget and personnel, which belongs there to the Ministry of the Interior. It is locally put at the disposal of the High Commissioner and not of the local government. Its history in New Caledonia has been devoid of real problems with the Kanak population, the members of this civilian police force, local or expatriate, being more easily given to handing an equal treatment to the different categories of the population. Contrary to the Gendarmerie, the Police Nationale has never played any political role.

There has been an unfortunate exception, the killing of a French Kanak Navy sailor[2], Theodore Daye, from Belep, visiting his family in

Mont Dore, during the night of January 6th 1980, by two drunken white police officers. The story is rather weird.

The two officers had been annoyed by members of the small Belep islands group established on the coast of Mont Dore, one of them having been beaten by the Kanak whom he threatened with his gun. The two went to the house of one of them, started to drink whisky over whisky, and when they thought themselves fit, took hold of two assault rifles and then went back in their German BMW car, jumping from it as seen in the pictures, acting as a commando on the track and shooting when they were close to the small settlement. They killed the sailor and wounded another Kanak, going then back home to sleep over their heroic action.

The weird part is that this Belep group had been settled on this part of coastal State land by the RPCR party of the colonial right, and that they were asked to throw stones on passing cars and make a general nuisance of themselves as a provocative move imagined by the former white Algerian advisers at the head of the RPCR, the intention being that people would then accuse the nasty independentists.

The area's independentist leaders, instead of organising a mass protest, were chuckling on the next days that the RPCR were so mad and incompetent that they were shooting on and killing their own people.

The Municipal Police is locally recruited. Its members never have the rank of «Officier de police judiciaire». They can arrest, but must immediately hand over any accused person the the National Police. There is no municipal police out of Nouméa.

The National Police has two specialised arms : the «Renseignements généraux», the members of which do political intelligence work inside the French society, and here mostly inside the greater Nouméa ; and the Financial Police (Brigade Financière), which looks after white collar crime. They are both newcomers in the islands' situation and usually very little learned in the way and means of dealing with it.

The Renseignements Généraux have trained some Kanak personnel. Before the murder of Jean-Marie Tjibaou, the Kanak

representative of this police body in Ouvéa had sent in a report advising that unhappy events could be in order. Reinforcements were sent to protect the police post, but neither Jean-Marie, nor his Kanak bodygards, were informed that there was any danger. The report was sent to Paris at the same time as to the High Commissioner. It was suppressed and I only learnt about it recently through a highly placed responsible person in the National Police structure.

The CRS cannot be called to work outside the urban environment. They are sent from France when needed. They are a civilian outfit, with a republican ideology, having been created by Jules Moch, the socialist Minister of the Interior, in 1947, to quell a communist movement which was going over to a fully-fledged insurrection. Its members can be individually recruited by the Police Nationale through a system of exams and by going through the «Ecole Nationale de Police», in Saint-Cyr-au-Mont-d'Or, close to Lyons, France. Their tradition is to adapt the means of force called for to the exact situation. Their officers have been known to refuse some missions which they felt were in contradiction with their legal statute.

The CRS sent to Nouméa in 1985 told my wife that they had been informed in Paris that they were going to protect the white people against the aggression of the nasty Kanak. Instead, they had to protect the Kanak in Nouméa against the nasty white activists (it must be pointed that most of the white population did not participate in the street actions against the socialist High Commissioner and the Kanak), under the orders of the then mayor of Nouméa, Roger Laroque, who died from excessive drinking shortly after he had been found, drunk, inside his car, in the ditch, by Boulouparis Kanak who recognised him, got him out and called in police and medical help.

The CRS protected my wife when she came back in order to rebuild her house, which had been burnt down by a commando of former Algerian white settlers and local Europeans, at which time men were sent at night to try and terrorize her into leaving the country. She would go to sleep early,

waking up at midnight, to cook boiling water, which she held ready to spill over any intruder. She had brought a shrill powered whistle which, when used, brought the CRS from the nearby hotel over to scour the grounds and chase any unwanted person.

Circumstance added to this that the rank and file of the CRS, robust and sporting types, were a huge success with white women in Nouméa. They became the butt of insults and attempts to knock them down piecemeal and had to take the precaution of going around in groups. The then owner of the only daily in Nouméa, *Les Nouvelles Calédoniennes*, started a hate campaign against the CRS because his own daugher had eloped with one of them and gone to France against his will. Since then, due to the constant pressure of the RPCR party and of its leader Jacques Lafleur, the CRS have never been sent back to Nouméa.

The DST (Défense de la Sécurité du Territoire) is the Counter-Intelligence institution. It only deals with foreign infiltration, but retains the power of arrest when facing nationals accused of working for a foreign power. Its personnel is mostly recruited in the Army.

The DST is little talked about. It has been mixed, in an unhappy and quite unclear way, with the murder of Pierre Declerq, the Secretary General of Union Calédonienne, in the Mont Dore, a suburb of Nouméa.

The Secret Service (DGSE) has been mostly concerned with Tahiti and the protection of the Mururoa atomic experimental site. It was cited, in Nouméa, for the immediate backstage part in the organisation of the unhappy *Rainbow Warrior* affair in New Zealand. It may have been mixed also with similar but less publicized actions in Australia. Its known members in Nouméa have been Army officers of high rank.

The Customs Office (Service des Douanes) benefits from extensive autonomous powers, which started well before

the French Revolution. It can inflict heavy fines and confiscate material without going through the courts. Its members wear a specific uniform and can carry arms when and if needed. They have little to do as such with the Kanak, except that they now have a number of them inside their own ranks.

Members of the Police Nationale, of the Gendarmerie, or of the DST, can carry arms in their time of service, be they in uniform or not. The members of the Municipal Police can only do so if allowed by Paris, which has not happened yet, due to pressure from the Police Nationale.

In New Caledonia and Tahiti, we thus have members of the Police Nationale, counting in the Renseignements Généraux, plus the Gendarmerie, all dealing one day or other with the Kanak population. The multiplication of official sources has not brought in better official knowledge of vernacular complex situations.

All the titular rank and file of these different settled corps are under oath, except the members of the Nouméa municipal police and the Tahitian *mutoi*. Only specifically chosen members of the Gendarmerie Mobile benefit also from this privilege. This really is a privilege. It means that the testimony of a Gendarme or of a police or DST officer in Noumea or Pape'ete will be accepted in court, against the one of a Kanak or Tahitian, even if the white policeman is lying. This has always been so.

The Armed Constabulary

The «Gendarmerie» comes straight out of the Middle Ages. It has always been the principal law and order support

of the French Kingdom, before being the one of the Republic. There are two categories of «Gendarmes». They are all classified as military personnel and belong to the Ministry of Defense. They live in special military barracks.

The so-called «Gendarmes départementaux» (Country Armed Constabulary) are the rural police. They are usually married and dispersed with their families in small groups all over the country (the Gendarmes Mobiles leave their families in France and come alone for periods of three months). They cannot act where the Police Nationale is established, which works only inside towns. For larger villages and small townships, it must be the one or the other. This category of the Constabulary now has a growing number of Kanak members (but not the Gendarmerie Mobile). They have played an important role in New Caledonia, due to the fact that the elected members of the very first Conseil Général, immediately after 1878, put the pressure so as to get rid of the naval officers administering the few wide cut districts, from coast to coast, of the time, one of whom being the celebrated Lieutenant Servan, of 1878 insurgency fame. These naval officiers were considered as too easily pro Kanak.

The «Gendarmes Mobiles» always work in companies or battalions. They are called in when there is a danger to the public order, anywhere. They maybe somewhat difficult to use, inasmuch as, outside of their officer corps mostly made of degree holders from the French military schools (Saint-Cyr-Coëtquidan and Polytechnique), the lower ranks may have very little hope of a better career.

Gendarmes mobiles tend to get drunk on week-ends, and should not be called upon before the next Tuesday (this information was given me

spontaneously by a Director General of the National Police in Paris, former Governor of Tahiti). They can be characteristically brutal. Their modern armed encounters with the Kanak people, in New Caledonia proper (Koindé in 1983 ; Koné, Poindimié, Canala and Thio in 1984 and 1988; Pouébo in 1988), have too often left a trail of unhappiness. Under their pre-war name of «Gardes Mobiles», they have been used against the French underground by the Vichy régime. They were called upon in Koindé, La Foa district, New Caledonia, on a Monday morning in 1979 and drama immediately set in (see later).

The higher ranks in the Gendarmerie are made of colonels and generals. But the head of the whole corps, the Director of Constabulary (Directeur de la Gendarmerie) is a civilian, always one of the top civil servants with the best reputation.

All military corps, whichever they are, respond directly to the Presidency of the Republic through the Ministry of Defense. This not the case of the National Police, which are under the operational control of magistrates, designated case by case, and belongs by statute to the Ministry of the Interior.

Being constantly under oath explains why the pre-war Gendarmes Départementaux, outside of Nouméa, could wield such power versus the Kanak, being authorised to inflict small prison sentences (not fines) on French «subjects» (the Kanak were only classified as French «citizens» in 1945). The paramount chief of the Canala district, Waco Bwaghea, told me how the head Gendarme in Canala, before the war, a man called Bousquet, obliged local Kanak chiefs to bring him women at his will. Considering Kanak women as sexual objects has been a characteristic of the day to day workings of the colonial structure.

The exceptional role of the French Gendarmerie in New Caledonia asks for a detailed survey of what they did exactly in their function as being the sole officers to share the day to day control of the native people. The reason of the less than cordial relations ot the Kanak with the Gendarmerie, except

for official Kanak chiefs and their cronies, must be known so as to understand why the people think it is best, either to avoid, either to attempt to manipulate, their officers. The list of the deeds which explain this situation is a long one, starting in the middle of the beforelast century. The description of a few of the more modern instances may suffice.

The Gendarmes Mobiles have been the ones who surrounded — illegally but who minded then ? (any attempt to go to court would have, and has been stalled, getting nowhere) — Eloi Machoro, inside a private property belonging to a Kanak. Two men of the crack group of the Constabulary, the GIGN, had been brough from Paris to «neutralize» the Kanak leader. Eloi and his comrade dead, the executioners were whisked off back to France. Edgard Pisani, the High Commissioner, had made the proposal. The then President of the Republic, François Mitterrand, gave the written orders (information obtained from one of the successive High Commissioners of that time).

Nevertheless, it has happened, at different times, that colonial Gendarmes would do their job thoroughly. In 1917, the Gendarme in Koné wrote a report, which we happily have and published (through a civilian family having had access to it and having kept it for half a century until they gave it to the geographer Alain Saussol), telling the real story of the false attack by the Kanak of the police station in Koné, a story which has since been used against the Kanak population as an argument to require unnecessary harsh repressive measures. The Gendarme was shifted away to another post so as to stop him from wanting to put this matter straight and thus contradict the very imaginary version of events spread by the principal white settlers in Koné («Rapport du brigadier Faure sur les débuts de l'insurrection de 17 en Nouvelle-Calédonie», *Journal de la Société des Océanistes* vol. 39, n° 76, Paris 1983, p. 69-88).

Immediately after the war, the Gendarmes recruited from the French underground and the Free French fighting forces were somewhat pro Kanak for an unhappily too short a number of years.

This should be remembered when looking at the

archives, if and when they have been kept, the Gendarmerie having had often the unhappy habit of burning its archives every five years, when these had accumulated and become a logistical problem.

Some rare privileged as well as rather involved cases bring in, more or less openly, the whole of the French colonial structure at the same time as the Kanak themselves.

On September 7th 1981, a white man named Theodore Guérin, of convict descent, from the European village of Ouégoa, driving a mechanical shovel, went through open bush at midday in an cut out section of the Tiébaghi chrome mine, in Koumac, and used his shovel to cut a niaouli tree. . . and the head of a Kanak, Tein Bouah, who was sleeping there in the shade.

The evident reason for this murder was that this Kanak held the well paid job of driving an engine roller with the Public Works and that this was considered locally as a white man's job. The inquiry by the local Gendarmes was perfectly honest. The file was sent to the General Public Prosecutor in Nouméa who wrote in the margin : «Prosecution would be inopportune.» He was a coloured man from the French West Indies and did not relish the danger of being classified locally as pro Kanak. I had to start the necessary steps, and go and see him, for the widow to receive a financial compensation.

The new engine roller driver was a local white. Carried over by prejudice, some local Europeans can act in an insane way. (The report by the Gendarme is available with the written comment of the Prosecutor General).

It happens that the Guérin family are detested by the Kanak population of nearby Bondé and by a refugee Kanak community, hailing from Bondé, but living in Balade, on the east coast, because the valley of Tendé, close to the large catholic village and Marist mission in Bondé, was taken over by them in 1920, the inhabitants thrown out of the place and the village, even the catholic chapel, burnt down by the local Gendarmerie. This action was quite contrary, even at the time, to the existing laws protecting religious buildings. In 1985, the Guérin family was chased out of the Tendé valley, without any loss of life, by young people from the Bondé

Reservation (I was called in Paris on the same day to the Ministry in charge of Overseas Territory, so as to explain the reasons of this unwelcome brutal act by the younger generation from Bondé).

Later, when the Chirac government in Paris sent in 1987 quite a number of troops to «nomadise» in the mountainous north, a Captain of the Marines asked the older people in a Kanak village of the Balade coastal district what his men could do to be of some help to the local community. The answer was that they badly needed a catholic chapel. This was accepted and the chapel built, to the cost of the French army. When it was being inaugurated, an elderly man got up and offered the Captain a traditional length of shell money, saying : «The Army burnt down our chapel, now it has rebuilt it and we thank it for this and we can make today peace with it.» The Captain was astounded. What did this mean ? Nobody having offered any clue, he came to me in the Musée de l'Homme in Paris, and asked if I had an explanation. I told him the story of the catholic chapel burnt down in the Téné valley in 1920 by the Gendarmerie, which is well known among the Kanak population for being an arm of the French army. In a way, the Captain had been tricked. This village in Balade was the one of the refugees from the Tende valley.

Gendarmes who do not agree to close their eyes to all that the settler imagine to do, may find themselves in dire danger (for a good part of the settler community, any bad trick imagined by one of them against the Kanak should be considered as perfectly lawful, the function of police and magistrates being solely, in their view, to protect the whites against the Kanak).

On November 26th 1980, in the evening, the head police officer in Gomen, up north, close to Koumac, the «Maréchal des Logis chef, Médaillé Militaire», Franz Cabale, was killed in his house with one shot of a powered rifle, by an unknown person waiting behind a bush on the other side of the road. The enquiry was entrusted to the head of the Gendarmerie post in Voh, further south. Nothing ever came out of it.

The protestant Kanak majority leaders of Koumac-Gomèn area had their own version of the event. Their story is, in a way, highly entertaining. They say that a short time after the murder, they heard the noise of a motor

at sea, going south. The Gendarmerie had erected barrages on the road, but evidently not over the lagoon.

The same offer a perfectly rational reason for the murder, on the basis of a confidence to them by the dead Gendarme himself. Franz Cabale had taken to inspect thoroughly all trucks coming and going through Gomèn. He found that a number contained fire arms.

The story is that these arms were surpluses of the Vietnam war, which had been taken from a port in the Philippines by Japanese ore carriers, brought on land at a mine south of Thio on the south east coast, where there was neither police nor customs inspection, carried over to Nouméa by private yacht, and brought from Nouméa to Koumac by truck.

The Gendarme considered he had enough material to write an official report, had finished writing it and was going to send it to the Prosecutor General in Nouméa so as to ask for official instructions. He was killed just before that. I have been informed recently that his widow has kept the text of the report for the time where it might be advisable to make use of it. I published this story at the time in the local press. There was no official denial.

The result of the wooden speak being the constant discourse of all political leaders in Nouméa, the Kanak leaders as much as the whites, but not implying exactly the same ideas, nor the same version of events, is that marginal members of each community can decide to cross the line and act in a way they were not meant to even contemplate.

The two Gendarmes killed in Koindé[4], on Tuesday January 11th 1979, were Gendarmes Mobiles. They had been entrusted, by the then High Commissioner, a socialist former high school teacher nominee lacking experience of law and order problems, and under a strong and vocal pressure by the white, and less white, settlers of the La Foa municipality, with the task of evacuating the bulldozers and tractors belonging to an expatriate forestry entrepreneur.

To be allowed to work the Kanak Reservation and the hills nearby, this Mr Barbou had made wonderful promises, which were never kept (he was to be later declared bankrupt in the Solomon Islands). The jobs promised did not materialise. The more so, wanting to cut his costs, this man did not build the usual forestry dirt roads. He used his tractors to pull directly

on the ground the sliding trunks, which deeply scratched and cut as a result the very fragile soil. The underlying nickel and cobalt ores were brought to the surface and washed into the rivers. The water became poisonous. Kids and women started to show until then unknown skin diseases. When the job was finished, the Kanak blocked the machines and asked for an indemnity.

The Forestry department had closed its eyes to the methods used. Even the Tjibaou government had not managed either to act in any useful way before hand. Visits by Kanak politicians to Koindé did not yield any results.

The Gendarmes had put the machines on trailers and taken to the curveous dirt road going to La Foa. The file of trucks and trailers stopped at a more acute curve, just after the village, which obliged the trucks to take each their turn so as to negociate it. The Gendarmes at the back thought the file has been stopped by an attack by the «nasty» Kanak. The village was established just under the road. The women and children were looking peacefully at the scene. The Gendarmes jumped from their truck and suddenly sent a shower of concussion grenades on the village (of the kind used in law and order operations : they make an awful noise, but are not dangerous to human life), frightening away the women and their kids (the Gendarmes lied later in saying they had only used tear-gas grenades). The men, who did not know the differences between combat and police grenades, thought this was the start of the new colonial war some La Foa settlers had been threatening them with. They went to fetch their guns and shot the Gendarmes, killing three of them, the rest of the convoy getting away as fast as possible in what had become a rout. But the Gendarmes came back in helicopters, arrested all the 15 able men of this small village, tramping on them with their boots on the way back and making a show of dropping them from the air. (This information is a résumé of the court case).

A most recent drama shows how the Gendarmerie can be, as happened in Ouvéa, the victim of events which it is unable to control, being then considered as expendable by all sides of the quarrel.

Some advisers surrounding Jacques Lafleur, the leader of the RPCR, recently imagined another failed manipulation, which ended in the forced

evacuation of the Saint-Louis heights by a large group of Wallisian and Futunian expatriates, although they had been armed by the RPCR. They spent the best part of 2 002 and 2 003 shooting at the Kanak down the river, who would shoot back throughout most nights (the arming of Wallisians by the RPCR and their use inside this political movement's illegal militia was a well known daily fact during the period of the Mitterrand Socialist Governments in Paris).

The RPCR had been directly or indirectly supplying ammunition to both camps. I learned that the RPCR sympathisers having the privilege of an arms permit, had been asked to collect between themselves powder, shot and cartridges for the Wallisians. Special boxes were distributed for that purpose, which I have been shown. The trouble is that the RPCR took the unpublicized initiative of arming also the section of the Kanak population of Saint-Louis which it considered as being its own (the recently created fake paramount Moyatea chieftainship, *cf.* Guiart, J., 1999, *Heurs et malheurs du pays de Numea, ou du péché originel*, Nouméa). The Gendarmerie Mobile had been posted between the two communities, with armoured carriers. The result was one dead on either side, a colonel of Gendarmerie badly wounded in the belly and an Army chaplain wounded in the arm.

The origin of the quarrel was the explosion of numbers in the Wallisian community (it had grown from 30 people to nearly 3.000), which was benefitting from financial aid from the Mont Dore municipality to build strong houses, which aid was not available to the Kanak, and the little known fact that the Wallisians reared great numbers of pigs (600 so I am told), which became a nuisance to the Kanak community downstream.

The whole thing stopped when the Kanak young people found out that with the explosive bullets they were being handed free of charge, they could cut off the aerial power lines supplying the nickel works in Nouméa. They cut them twice in a row. The second time, the «Le Nickel» company brought such strong presssure to bear on the RPCR, that it had then to fold down its unreasonable covert operation. This specific aspect has been little reported, nor commented upon, in the local press.

The political consequences have been that the Wallisians and Futunians switched their votes over from the RPCR in the 2.004 territorial elections, at the same time as part of the white community around Noumea and further north decided to do the same, both votes going to a mostly white splinter group, *L'Avenir Ensemble*, which got the majority in the Southern province, to everybody's astonished wonder. Since then, Jacques

Lafleur, the formerly uncontested leader of the RPCR, lost in July 2.005 his presidency of the movement he had created. The new leader had been careful not to meddle in the Saint-Louis affair.

Moved by the danger of the simmering eventually coming to the boiling point, with more deaths to come, five miles from Nouméa center, I have been the only one to publish this analysis of the Saint-Louis business in the local press, after having first written about it in detail for the benefit of the then Socialist French Government, without any official rebuttal on the part of the RPCR : they were too clearly involved in this unhappy show to protest (*cf*. Guiart, J., 2.004, «Que signifie restaurer l'autorité de l'Etat en Nouvelle-Calédonie : l'affaire de Saint-Louis ?», *in* : *Ça plait ou ça ne plait pas, Essais de bibliographie critique*, Nouméa).

For once there was no military repression of the Kanak village, it would have meant dealing at the same time with the illegal action of the RPCR leaders. This would have been difficult. The Wallissians and Futunians shifted their vote, but they have been since consistently refraining from talking to the police about the details of the happenings. For once, the Gendarmerie would have loved taking hold of some of the white manipulators. They only could nab a very minor European arms dealer (over the two years, the local press has been describing the day to day happenings, but never asking the relevant question of the origin of the tens of thousand costly explosive cartridges being spent nightly over the period by people who, on either side, were among the least prosperous among the general population).

The Justice department

There have been, but are no more, since 1945, administrative kangaroo courts dealing with Kanak.

All the different police organisations are responsible to the normal courts, except as regards terrorism, for which a special court has been instituted in Paris, because of the necessity to protect the judges and because of the capacity of the jury system of being perverted though threats to the families of jury members.

The judicial system is the same as in metropolitan France. The judicial personnel is made of two groups, with possible change over from one to the other : the «sitting» magistrates (la magistrature assise), made of the judges of the different courts, and the «standing» magistrates (la magistrature debout) comprising the General Prosecutor and his assistants. The latter is the Head of the Judicial Service in each country. The «sitting» magistrates are considered as «owners» or their respective charges. They cannot be changed at will. The «standing» magistrates are directly dependant on the goodwill of the Ministry of Justice for their careers.

The real problem is that the magistrates serving in New Caledonia and Tahiti have rarely shown any real sympathy for the Kanak or Tahitians. They are surrounded by local Europeans claiming to know best and talking them everyday into accepting that one must be at all times stern in front of the unreasonable claims and behaviours of the barely civilised Kanak. They thus tend to judge in the interests of those very people they dine in town with, which are never Kanak.

The same magistrates tend to be a wee bit more careful when confronted with the Tahitian Society and the today recognised danger there of political violence flaring up if a bad mistake is made. The relatively lesser Melanesian demographic pressure on the land, and the geographical distance between the principal Kanak communities and Noumea, plus the physical threats to any expatriate civil servant classified as pro Kanak, are an important factor in creating in Nouméa a *de facto* anti Kanak judicial system.

An indirect way of keeping the courts in tow is the organisation of the lists from which are chosen the members of the juries of the Criminal Courts (Cour d'Assises). These lists are established by the Police and the Gendarmerie. Anybody with

known independantist links or left wing ideas is crossed from those lists in Nouméa, which makes for court decisions which have been too often unbalanced (a Kanak murdering a white man will go to jail for many years, a white man murdering a Kanak gets a year jail or is exonerated[5]).

The independantist leaders have up to now left the problem alone, which may be a bad mistake. This situation is well known in Paris, and explains why the Socialist Government chose twice proclaiming a general amnesty to letting everyone go through the courts.

Another problem is that police enquiries may be done by European officers who are easily afraid of the unknown, and dramatize any situation, even coming on the spot too late. This happened with the massacre of Jean-Marie Tjibaou's brothers in December1984. The Gendarmes in Hienghène refused the orders received from their hierarchy in Nouméa and waited a whole morning before finding the courage to go on the spot at the end of the afternoon (their communications with their hierarchy have been listened to by European activists, *cf*. Dijou, Guy, & Wananijë, Joseph, 1994, *Non ! Messieurs les Présidents, ou les mémoires de deux cons*, 221 p. + 11 p. of documents, typescript, Nouméa). The first person there on the spot was an Algerian journalist of the Paris daily *Liberation*. He got there in the early morning and photographed the table full of bottles of whisky downed by the murderers prior to action. He was called back to France, never sent back and was not called in as a witness in court[5]. The journalist's photographs were not asked from him and thus did not play any role in the criminal court case, in which the murderers were let off.

One must add to this, in New Caledonia, a new situation created by the brand new special courts meant to judge the Kanak traditional matters, created by a decision of the socialist government, as a consequence of the Noumea agreement.

These courts have been presented as being a progress in dealing with Kanak matters. In fact, they are the copy of former colonial so called «custom courts» in colonial Africa and in the former French and British

Condominium in Vanuatu. The difference is that the two Kanak assessors inside these courts (one court in Koné and one in Wé, Lifou), have been handed each an equal vote to the one of the white President. The unhappy side is that either these assessors defer to the views of the white man presiding the court, because they have been chosen, not for their competence, but because they were former Kanak civil servants, or school teachers, and were not used to contradict their white superiors. If they are competent, they may tend to play on the ignorance of all matters Kanak by their president so as to manipulate him in favour of their kin and traditional allies when needed, or being nasty to their traditional opponents [6].

Another unhappy problem is the structural link of the Gendarmes with the Justice personnel. Institutionally, and historically, the members of the Armed Constabulary, have been, and are, the principal auxiliaries of Justice. They thus are the principal, if only, recognised informants as regards the Kanak for any member of the judicial order.

They add to this a perfectly unconstitutional (since 1945) function, the one of «Trustee of native affairs» (Syndic des «Affaires Indigènes», later «Affaires Autochtones», today «Affaires Coutumières»).

There is no constitutional way of having a white police expatriate civil servant claiming to represent a fraction of French citizens, that is the Kanak population, thus creating for the Kanak a state of affairs by which they could not act on their own, putting them *de facto* in an inferior category to the white citizens, who would thus enjoy more freedom than them.

Formerly, the Gendarmes were equally «Trustees of Immigration», that is they would be the ones to act as intermediaries beetween the courts and the Chinese, Vietnamese or Indonesian immigrants. This function disappeared in the spring of 1945 with the end of the contracts which formerly governed relations between immigrant workers and their

employers, the Gendarmes playing until then the role of minor Inspectors of Labour, a function which did not yet exist officially.

But the Gendarmerie hung on the Native Affairs Trustee function, even if it had no legal content left, helped in this by the local judicial system which did not want to antagonize them, and was pleased to pursue a state of affairs by which its members were protected from the difficult business of dealing directly with a Kanak society they knew nothing about, and which by and large tends to ignore the expatriate Judicial system. The Kanak are usually persuaded that they can always get away through passive resistance from all that white men can invent so as to maintain their former colonial authority. This also may be a mistake.

The unhappy fact is that the Gendarmes go on dealing with all sorts of cases they should not touch anymore. They organize the consultations for, and recommend candidates, not only to the function of assessors, but to the different charges of petty and paramount chiefs («grands chefs» and «petits chefs»). Most of these charges are artificial, remain essentially colonial, and have nothing to do with the theoretically and constitutionally instituted respect for the Kanak «custom» and tradition in the Nouméa agreement. For the white population, the «authentic» kanak custom is still today represented by these minor colonial servants, the local press expressing forcefully this view.

The districts, with a paramount chief to each district, have all been delineated according to the proposals of the Gendarmerie, in all cases quite a long time ago. Most of them have nothing to do with cultural or customary factors, but much more with the old principle of divide and rule, throwing by force inside the same villages formerly antagonistic groups. Villages and petty chiefs are a white man's invention : Kanak villages are either Christian and built by the Protestant or Catholic missions, or have been the result of an administrative *fiat* (at the time, it was felt that large coastal villages would be easier to administer). There were no village chiefs at a time where there were no villages[6]. Present villages can have more than one traditional chief, or even none at all, the lineage of local tra-

ditional chiefs having been packed off elsewhere.

The result is that court cases being brought in front of the so called customary courts deal with files containing reports by the Gendarmes as trustees of the custom (they know nothing about it and their archives, if kept, are full of quite wrong informations), and testimonies by the interested petty and paramount chiefs, more often nominated today in place of their father, most of them still being interested in staying good colonial servants so as to keep their salaries and maybe some slight benefits of graft. Many are so unsure of their status inside their own society, that they drink heavily, which may make them the more imaginative.

Are included also in these files the deliberations of the so called Councils of Elders (Conseil d'Anciens). I have been responsible for this creation, at a time when these local councils, instituted by the then for the first time part Melanesian «Conseil Général» (1952-1956), was thought to bring into the tense situation (existing in these artificial villages), a means of getting the different parties to talk to each other, that is the former masters of the land, the descent groups already there before the time of the white man, and the refugees from colonial wars or from the different campaigns of land grabbing by white settlers. These refugees can be quite numerous in each of the present villages, if not locally today in the majority on the east coast of New Caledonia proper.

Successive heads of Native Affairs, or the same officers under another name, have tended to take these councils, artificial as they are and devoid of any customary basis, and use them as a new tool to reinvent a form of colonial rule. On the other side, Kanak offically unrecognized groups, and later Kanak pro-independence local representatives, have tried to get rid of their local opposition, through bringing in a decision of the local council throwing so and so out of the village (so as to take over their lands under a pretext or another).

This was to happen at the start in two places in Lifou (Hmelek and Luecila), but I managed at the time to intervene and block the move. It has happened much later in Belep, Témala, Gomèn, Pouébo, Poindimié, Maré, twice with loss of life (Tchambouenne in the Pouébo and Témala in the Voh district). Parallel moves are constantly talked about in Saint-Louis, close to Nouméa. There are many other lesser known cases, even in Hienghène, Jean-Marie Tjibaou's birth place.

The translation of these new so-called custom courts has been, in fact, that the people on the loser's side have usually been pro-independentist's such as the mayor of Voh, Guigui Dunehot, establishing a municipal town-planning development. to try and deflate a particularly nasty land quarrel, already marked by two murders. Or the paramount chief of Gwahma, north-east of Maré island, Nidoish Hnaisilin (Naisseline) boxing a former Gendarme who had established a diving tourist venture and refused to consider asking for permission of the coastal landowners for access to the diving sites[6]. Or a lone Protestant landowner fighting the catholic and RPCR artificial paramount chief of Medu, created at the end of before last century, this man being denied part of his landholdings on the strength of a last century document in the Nengoné language collected at the time by the Father of the Marist mission of La Roche, north-west of Maré, written during the war between catholics and protestants in Maré. After the court's decision, he took to his gun and threatened to shoot anybody trespassing on his land. Etc., etc.[7]

Two new judicial levels have been established, which have been up to now found freer of contamination by local politics : the Administrative Court (Tribunal administratif) and the «Chambre des Comptes» (The financial and budgetary court). They each are an offshoot of a specific judicial structure in France, where the careers of its members could be hurt by a tarnished reputation acquired in Tahiti or New Caledonia.

The first series of administrative courts have as court of appeal the «Conseil d'Etat», the highest administrative institution in France. Its operational reality is that if the Government

is of the right, the majority of the members of the Conseil d'Etat lean towards the left and vice-versa. The explanation is that many externalized members of the court (les Conseillers d'Etat en service extraordinaire) are recruited to be members of the then reigning ministers's cabinets, or are given jobs in the higher ranks of the French governmental structure (for example : director of Constabulary), those members of cabinets in the government just out of power coming back to their titular posts in the Conseil d'Etat.

The court of appeal for the local «Chambre des Comptes» is meant to be the «Cour des Comptes» in Paris, one of the higher administrative institutions in France. But things do not exactly work in that way only, since the «Chambre des Comptes» has the power to hand the cases it deems to smack of corruption to the local judiciary. This has already put some local politicians in a somewhat unhappy position, having been dealt stiff prison sentences (Alexandre Léontieff in Tahiti). Nobody had been ever condemned for corruption, although it was blatant for the last half of a century, neither in Tahiti, nor in New Caledonia[1].

All these complex and interlocked institutions have one little publicised aim, the one of keeping New Caledonia and Tahiti French. In this view, they have been perfectly efficient. The consequence is that, out of an ever increasing political autonomy, but keeping the simmering tensions under the lid, there is little hope for a type of independence handing over political power peacefully to the native people of these islands. They are still today presented with the temptation of open and physical revolt and violence if they want to retrieve entirely their land and their political birthright[8].

Jean Guiart

Notes

1 *Cf.* Jean Chesneaux, «Culture politique kanake et pratique politique française, Réflexions sur la crise calédonienne», *in* : Spencer, Michaël ; Ward, Alan & Connell, John, Nouvelle-Calédonie, ed., 1989, *Essais sur le nationalisme et la dépendance*, L'Harmattan, Paris (translation of Spencer, M. ; Ward, Alan and Connell, John, 1988, *New Caledonia, Essays in Nationalism and Dependency*, University of Queensland Press, St Lucia), p. 75-108. On page 100, Chesneaux explains that the local «Cour des Comptes» (in effect «la Chambre des Comptes») can only explore any accounts allowed her by the High Commissioner and the local governement. This is an error. The «Chambre des Comptes» is independent of the authority of the High Commissionner. It builds it own program, which is submitted to the higher «Cour des Comptes» in Paris. If the High Commissioner, or the local Government, which receives a copy, want to interfere, they must go through Paris. In any case it is impossible to prevent the Chambre des Comptes from checking the accounts of any official institution. This cannot be. Page 95, Chesneaux explains some aspects of the financial privileges which the expatriate civil servants enjoy thanks to a carry over from the military. These privileges stem in fact from the so-called «Lamine Gueye law», both for the civilian and the military, the author of the law being a Senegalese attorney, then socialist member of the French parliament. Chesneaux also forgets to explain that the local titular civil servants benefit in the same way as expatriate civil servants from the indexation of their salary, but not from the other consequences of the Lamine-Geye law.
There are a number of other errors in this paper, although the analysis can be at times brilliant. Page 78, the technical departments did not manage to interest the Kanak in the workings of the «Operation Coffee», a misplaced attempt to develop coffee cultivation on the east coast of New Caledonia. The truth is that they did not even try. The local technicians, some expatriates of long standing locally, built the programme without asking any Kanak what his people could have been interested in. The failure is explained by that. Their aim was to get the French Government to spend the greatest possible amount of money, of which the greater part went down the drain, for more or less clear reasons. Page 78 also, the Kanak society does only exceptionally resort to sentences of exclusion or banishment. The situation is to the exact contrary. Island's societies all over the area resort to the banishment of those men or women, who have violated the rules, which explains why port towns are filled with irregular couples of men and women having run away from an undesired marriage or by those who made themselves a nuisance, by sleeping with too many married women or girls, by stealing food in the gardens or refusing to marry according to the wishes of their kin. Self imposed exile was formerly the way to escape from a death sentence looming over oneself, or to settle a permanent quarrel between brothers (or better, between elder brother and younger brother's wives). Page 84, note 15, the short-lived New Caledonian Communist Party was staffed only by expatriate French. Chesneaux, who has never lived in the place, ignores the

strong Kanak component of this local Communist Party in the lower coastal valley of Houaïlou, in Bourail and in the valley of Kouaoua : he evidently did not have access to the relevant files, *cf*. Kurtovitch, Ismet, *Aux origines du FLNKS, l'UICALO et l'AICLF (1946-1953)*, Histoire, Repères Calédoniens, Ile de Lumière, Nouméa 1998, 144 p.

[2] Mont Dore : *Les Nouvelles Calédoniennes*, December 19th 1980.

[3] Emile Kutu : *Les Nouvelles Calédoniennes*, June 10th and June 11th 1981.

[4] Koindé (Coindé), *cf*. Allard, Guillaume, Maréchal des Logis-Chef de la Gendarmerie de La Foa, Syndic des Affaires Autochtones de la Circonscription de La Foa : *Procès-Verbal de Tenue de Palabre,* 2 typed pp. and : Guiart, J., *Les événements de Coindé, Nouvelle-Calédonie, 10 janvier 1983* (confidential note, typed, 11 pp). *Cf* also : *Les Nouvelles Calédoniennes*, November 25th 1982 ; December 8th 1982 ; n° 3479, December 28th 1982 ; January 11th 1083 ; n° 3491, January 12th 1985 ; n° 3492, January 13th 1983 ; n° 3493, January 14th 1983 ; January 19th 1983 ; January 17th 1983 ; n° 3494, January 15th and 16th 1983 ; and: *L'avenir Calédonien* n° 874, January 14th 1983. Equally : *Au niveau de la coutume politique*, photostat copy of a manuscript open letter signed by chiefs Henri Bula, Lifou; Kawa Berger, Sarramea ; Tchoeau Paama, Bondé ; Bazit, Ouvéa ; Gaspard, Goro; Tein Gomèn ; François, Belep ; and other unrecognisable signatures. Also : Guiart, J., 1983, «L'avertissement de Coindé», *Différences*, n° 21, March 83, Paris, p. 12-13.

[5] The more blatant case is the one of the murderers of the three brothers of Jean-Marie Tjibaou, out of ten Kanak young men killed by settlers in the Hienghène valley, who were exonerated, the justification being self defence, *cf*. Nassib, Selim, «Le récit de l'embuscade» *Libération* Paris Friday December 7th 1984, 3 pp. ; Nassib, Selim, «Retour sur les lieux du massacre», *Libération* Paris Saturday December 8th 1984, 2 pp. ; Kravetz, Marc, «La tribu de Tiédanite enterre ses hommes et ses martyrs», *Libération* Paris Monday December 10th 1984 ; Comité Pierre Declercq, *Procès de l'affaire de Tiédanite, quelques propos entendus en cours d'audience*, Nouméa 3 11 8 87, 3 pp. ; «Non-lieu dans l'affaire de la fusillade de Hienghène», *Libération* Paris September 30th 1986, I pp. ; «Le juge a rendu un non-lieu dans la fusillade de Hienghène», *Les Nouvelles Calédoniennes* Nouméa 30 9 86, I pp. ; «Calédonie, l'un des auteurs du meurtre de dix Kanaks abattu près de Hienghène», *Libération* Paris April 10th 1988. The white murderers of Kanak in Témala and Gomen got one year jail.

[6] The former Gendarme claimed that all the island was French territory and that as a French Citizen he had access to all parts which were not individual closed properties. I wrote to the judge in advance, explaining the Kanak tradition dealing with the ownership of parcelled coastlines, lagoon or close maritime reaches. I was told that he protested, saying that I was trying to influence him, as if the parties to the court case were not doing each exactly the same thing. Magistrates in New Caledonia and Tahiti tend to think of their State function as if it belonged to a closed realm owned by them only.

[7] *Cf*. «Tribunaux Coutumiers en Nouvelle-Calédonie. Doivent-ils être revus et corrigés ?», *in* : Guiart, J., 2004, *Ça plait ou ça ne plait pas. Essais de bibliographie critique, I. Nouvelle-Calédonie*, Le Rocher-à-la-Voile, Nouméa, p. 7-72, & : Lafargue, Régis, 2.003, *La coutume judiciaire en Nouvelle-Calédonie, Aux sources d'un droit commun coutumier*, Presses Universitaires d'Aix-Marseille. Both publications discuss the same court cases. For the religious wars in Ouvéa and Maré, *cf*. Leenhardt, Raymond, 1957, *Au Vent de la Grande Terre, Histoire des Ïles Loyalty de 1840 à 1895*, Paris, and : Howe, K. R., 1977, *The Loyalty Islands, A History of Contacts 1840-1900*, Canberrra.

[8] The rather interesting and useful collective essay published by Michaël Spencer, Alan Ward and John Connell, *op. cit*., misses somewhat the innumerable details which shape, day after day, the inner workings of present islands politics. Giving too much importance to the varied, and so often contradictory, and lately largely ghost written, forms of the late Jean-Marie Tjibaou's public or private expression, tends to hide the real historic transformations of the Kanak people's way of dealing at the same time with their aspirations and the colonial reality. Tjibaou had been duped into signing the Matignon agreement (he dearly wanted an amnesty and the freeing of Kanak prisoners and paid too high a price for this). After his murder, which was written on the wall and could have been prevented, the people who took over the «Union Calédonienne», François Burck and Leopold Jorédié, were working covertly for Jacques Lafleur and the RPCR, with the full knowledge of the French government (Jacques Lafleur was then playing at being a *bona fide* Protestant kind soul for the benefit of a gullible Protestant Prime Minister, Michel Rocard). It appeared in the open later, around the time of the Nouméa agreement discussions.

This adds to another understandable error by the outside observers, their belief in French official numbers as regards the Kanak population (*cf*. Aldrich, Robert, ed. by, 1991, *France, Oceania and Australia : past and present*, Department of Economic History, University of Sydney, 203 p.). For the French State, the Kanak are in the minority versus the general population as well as in the electorate. But the Kanak are counted by statisticians sent from France, who do not know the place and do not understand the specific difficulties of a census in the local situation. The local French administration goes on acting as if the Kanak population still lived in the large villages established by the Christian missions or by colonial administrative *fiat*. The reality is that these villages have exploded and become in great part a Sunday exercise. The rest of the time, people live on their newly acquired lands, maybe leaving school children to be cared for by an aunt or a grandmother. Census petty officials are paid for according to the numbers they have registered. Walking around endlessly along rivers or in the hills is for them a not paying proposition. They stay in the villages and forget about those who are non physically present there. The idea of having the census on a Sunday or on the day of a religious feast has never been envisaged. Everywhere, Pacific islands peoples have always been

partly forgotten in the colonial official censuses. Their numbers have been constantly underevaluated. This is still the case in New Caledonia. Nothing can be done to correct this situation, as this under evaluation has become a primary political factor, unofficial pressures being exercised in Nouméa and Paris for this State official lie to remain unassailable. The Kanak are still in the demographic majority, but nobody will agree to recognize this. The president of the Republic, Jacques Chirac, has issued orders that no ethnic community should be counted in the last census in 2.004, provoking a wide refusal to be counted at all. This was putting the problem under the carpet. The result is that a number of Kanak communities have suddenly seen their official numbers dwindle by 30% (mostly those favouring the Union Calédonienne component of the Independence movement, which refused the Census). Another is that financial allocations being linked to official census numbers, Nouméa and the neigbouring municipalities have seen their 2.005 budget soar, when the mostly Kanak municipalities further north have seen their budget being drastically cut (Frouin, Robert, «Le problème de Koumac, ce n'est pas l'usine du Nord», *Les Infos* n° 150, August 19th 2.005, Nouméa, p. 3).