

# 3-HISTORY - INSTITUTIONS

The presence of Lapita pottery dating back to 1 300 BC is the earliest proof of Melanesian population in New Caledonia. The country was then inhabited by **Melanesians**.

The archipelago was discovered and named "New Caledonia" by English Captain James Cook on September 4, 1774. For nearly 70 years, between 1774 and 1840, little contact with the archipelago was recorded. From 1840, seafarers and traffickers established a few trading centres, and then from 1843 British Protestant **missionaries** first, then French Catholics, settled.

On September 24, 1853, by order of Napoleon III, Rear-Admiral Février-Despointes officially took possession of New Caledonia. The first convicts landed in 1864, marking the beginning of the penal colony and the penitentiary administration, which remained until 1897, when the convoys stopped arriving, bringing about the slow extinction of the **penal colony** over a quarter of a century. Even if, from 1895, colonials from Metropolitan France were encouraged to settle in New Caledonia, the climate, land and human factors led to the gradual abandonment of the **free colonisation** policy.

Discovered by the engineer Garnier in 1864, nickel mining began in 1874, and led to the introduction of imported labour. During the Second World War, the territory served as a military logistics base for American troops.

In 1946, New Caledonia chose to become an overseas territory, a status confirmed with the advent of the Vth Republic of France, but this was nevertheless the beginning of a period of institutional instability, characterised by the adoption of ten different statutes through until 1998.

The **Matignon Accords** and the referendum law of November 9, 1988 enabled the territory to regain stability for the ten following years. In 1998, a referendum was organised in order to approve the Nouméa Accord, which defined a new statute for New Caledonia, and attempted to clarify some of the unspoken aspects of its history.

▶ **Melanesians.** *The groups of Melanesians living in the archipelago when Europeans arrived constituted a very diverse population, divided into small linguistic and political areas. This population, that remains little known today, was the result of various and successive migration waves coming from Southeast Asia, from the end of the second millennium BC, with the arrival of Oceanian populations speaking Austronesian languages.*

▶ **Missionaries.** *In the 1830-1840 period, the political and confessional rivalry between English and French that was in full swing in Europe, was also playing out in the Pacific between Protestant and Catholic evangelists.*

▶ **Penal colony.** *75 convoys of convicts landed in New Caledonia between 1864 and 1897, to carry out three types of sentences : transportation, deportation and banishment. The most common sentence was transportation, those sent to the colony to serve hard labour ; deportees or "communards" were condemned political insurgents from the Paris commune ; lastly, the banished were delinquents condemned in the criminal courts for repeat offending.*

▶ **Free colonisation.** *Desire to populate New Caledonia with "free" Metropolitan as opposed to convicts in forced exile. This policy however ran contrary to the penal colony powers governing the country. After the penal colony was closed, there were further attempts at colonisation, among them the "Feillet" plan, which also failed, marking the end of all colonisation attempts.*

▶ **Matignon Accords.** *Generic term encompassing the Matignon accord and Oudinot accord, signed by the delegations of "RPCR" and "FLNKS", and then French Prime Minister Michel Rocard, bringing an end to a tense political situation through the establishment institutional stability.*

## SOURCES

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## Major dates in the history of New Caledonia [1 to 4]

Date	Event
<b>1300 BC</b>	<b>First traces of human presence in New Caledonia, confirmed by the presence of Lapita pottery</b>
<b>4 Sept. 1774</b>	<b>"Discovery" of New Caledonia by James Cook</b>
<b>1840-1854</b>	<b>First settlements</b>
1840	1840 Missionary settlement (English Protestants and French Catholics) ; Presence of whalers and traffickers (sandalwood) and seamen (English and French).
24 Sept. 1853	France takes possession, settlement.
25 June 1854	Founding of Nouméa.
<b>1853-1877</b>	<b>Colonisation</b>
1853-1877	Pioneer colonisation.
1864-1897	Penal colonisation.
1874	Discovery of nickel by Jules Garnier and beginning of mining operations.
1878	Kanak revolt.
1895-1903	Feillet Colonisation (penal colony abolition, free immigration, economic revival).
1903	End of rural immigration.
1910	Renewed mining activity begins.
1917	Kanak revolt.
1925	Immigration projects renewed.
1940	New Caledonia rallies to "France Libre" under General De Gaulle.
1942-1945	American troops presence (major military base outside the USA).
1946	Suppression of indigenous status, the right to vote will be progressively given to Melanésians.
<b>1946</b>	<b>New Caledonia becomes an Overseas Territory ("TOM"), no longer a colony</b>
1958	After the advent of the Fifth Republic, the Territorial Assembly chooses to maintain Overseas Territory status.
1976	New statute providing for controlled authority; elaboration of "long term economic and social development plan for New Caledonia".
July 1983	Round table on developments in the Territory, at Nainville-les-Roches.
<b>1984-1988</b>	<b>The "Civil Strife". Confrontations oppose "pro-independence" supporters and pro-France "loyalists".</b>
6 Sept. 1984	Internal autonomy statute for 5 years (Lemoine Statute).
23 August 1985	"Fabius-Pisani statute" established regions in New Caledonia.
17 July 1986	Legislation on evolution in New Caledonia (interim regime).
13 Sept. 1987	Referendum in which interested populations are consulted with regard to the Territory's accession to independence or it being maintained within the French Republic. 59% of registered electors turned out at the polls.
22 January 1988	"Pons Statute" based on autonomy of management and regionalisation.
<b>26 June 1988</b>	<b>Signature of the Matignon Accords</b>
20 August 1988	Rue Oudinot Accords approve the statutory law proposal.
6 Nov. 1988	National referendum on statutory and preparatory dispositions for self-determination in New Caledonia in 1998, dispositions compiled under law n°88-1028 of November 9, 1988, also called "Referendum law" or "Rocard-Le Pensec statute".
July 1988 - July 1989	Direct administration of New Caledonia by the State.
<b>14 July 1989</b>	<b>Implementation of provinces</b>
1 January 1990	Transfer of authority assigned by the referendum law to the provinces.
1990 - 1992	1990-1992 First period of application for State-Provinces development contracts and State-Territory agreements.
<b>5 May 1998</b>	<b>Signature of the Nouméa Accord</b>
20 July 1998	Review of the Constitution by a constitutional law, which now includes an eighth title : "transitional dispositions relating to New Caledonia".
8 Nov. 1998	New Caledonian referendum approves Nouméa Accord.
19 March 1999	Change of New Caledonia's status by the organic law instituting in particular a local executive "the government of New Caledonia", allowing the congress to pass "local laws" and planning a progressive transfer of authority until the consultation by local referendum with regard to accession to full sovereignty, which will be organised during the congress mandate starting in 2014.
9 May 1999	Provincial elections initiate the implementation of new institutions.
1 January 2000	First transfers of authority from the State in favour of New Caledonia.
9 May 2004	Provincial elections open the second congress mandate within Nouméa Accord.

# 3-HISTORY - INSTITUTIONS

Subsequent to the referendum law of November 9, 1988, and stemming from the organic law of March 19, 1999, New Caledonia's new statute defines the implementation of new institutions and a progressive transfer of authority, as well as a public consultation with regard to accession to full sovereignty to be organised between 2014 and 2018.

New Caledonia became a territorial collectivity with specific status within the French Republic (*sui generis* collectivity). The new institutions of New Caledonia comprise the congress, government, economic and social council, the customary senate and **customary councils**. The **3 provinces** and **33 municipalities** are territorial collectivities of the French Republic. A high commissioner represents the Republic government.

The **congress** is made up of 54 members called "councillors of New Caledonia", from the provincial assemblies. Each year it elects the members of its executive, **standing committee**, and **internal committees**.

34

The executive of New Caledonia is the government, whose number of members, between 5 and 11, is set by the organic law. The members are elected by congress by proportional ballot from party lists. The government's mandate ends when the mandate of the congress that elected it comes to an end. The **president of the New Caledonian government** is chosen from and elected by its members. This president represents New Caledonia, is responsible for the administration and appoints civil servants of New Caledonia.

The economic and social council comprises 39 members, including 28 representatives directly involved in economic, social and cultural activities designated by the provinces, 2 members designated by the customary senate and 9 personalities designated by the government. It is completely renewed every 5 years.

The customary senate comprises 16 members ; 2 members being designated by the customary councils from each of the customary areas. A new president is designated each year, in accordance with the system of rotating presidency among the 8 customary areas.

▶ **Customary councils.** *Their constitution is dependent on customary traditions specific to each customary area. All administrative authorities may consult them in the interpretation of customary regulations.*

▶ **Provinces.** *Members of the provincial assemblies are elected for 5 years on a proportional ballot from party lists. The first elections held under the new statute took place on May 9, 1999, the second elections on May 9, 2004. The assembly elects, by majority vote, its president then its executive comprising three vice-presidents. The assembly sits in the provincial capital at least once every two months when congress is not in session.*

▶ **Municipalities.** *See 3.5.*

▶ **Congress.** *New Caledonia's deliberating assembly elected for 5 years, established for the first time under the new statute on May 28, 1999. Sitting in Nouméa, capital of New Caledonia. Two ordinary sessions that cannot exceed two months in duration bring members of the congress together, in June for the administrative session and in November for the budget session.*

▶ **Congress executive.** *Responsible for the institution's operations. The president is elected by majority vote, the other members by proportional ballot from party lists. The executive comprises 8 vice-presidents, 2 secretaries, and 2 questeurs, as set down within congress' internal rules.*

▶ **Standing committee.** *Ensures continuity in congress work when not in session. Comprising from 7 to 11 members of the congress (currently 11) elected annually by proportional vote from groups of elected members, it designates its president, vice-president and secretary from among its members.*

▶ **Internal committees.** *There are 12, each with its own area of authority, comprising 11 members designated by co-optation, each member being eligible for several committees.*

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[2] Règlement intérieur du congrès, délibération n°9 modifiée du 13 juillet 1999 portant règlement intérieur du congrès de la Nouvelle-Calédonie, JONC n°7395 du 20 juillet 1999, Imprimerie Administrative, Nouméa.

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## SEE ALSO

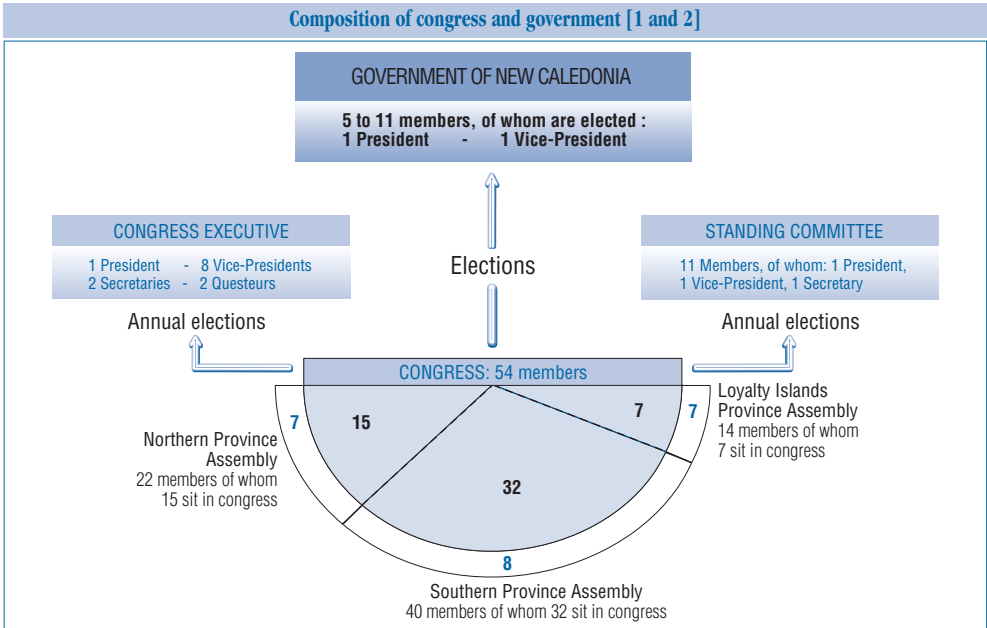
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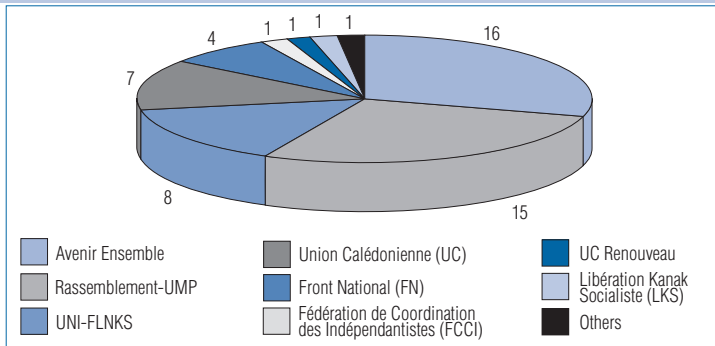
# 3.2 INSTITUTIONS (1)



**Composition and organisation of the government elected by the congress in 2004 [3 and 4]**

- Marie-Noëlle Thémereau, *president of government*, responsibility and oversight of social welfare and solidarity sectors
- Déwé Eperi Gorodey, *vice-president of government*, responsibility and oversight of culture, women's welfare and citizenship sectors
- Pierre Frogier, responsibility and oversight of foreign trade, and for following through matters relating to international relations and relations with the European Union
- Didier Leroux, responsibility and oversight of the economy, taxation, sustainable development, mines, air transport and communications sectors
- Gérald Cortot, responsibility and oversight of land and maritime transport, road safety, infrastructure, energy sectors and responsible for New Caledonia's development and expansion programmes
- Marianne Devaux, responsibility and oversight of health and handicap sectors
- Alain Song, responsibility and oversight of education sector, and following through matters relating to research
- Charles Washetine, responsibility and oversight of education sector and following through matters relating to research
- Jean-Claude Briault, responsibility and oversight of finance and budget sectors
- Éric Babin, responsibility and oversight of agriculture, farming and fisheries sectors
- Maurice Ponga, responsibility and oversight of youth and sport sectors

**Apportionment of the seats in congress subsequent to provincial elections of May 9, 2004 [5]**



# 3-HISTORY - INSTITUTIONS

Major innovations in the new statute are, on the one hand, the establishment of an executive elected by congress in the form of the government, replacing in this role the high commissioner, and, on the other hand, the ability for congress to legislate under local laws.

The **high commissioner** oversees the legality of acts by local authorities in New Caledonia. A link between national and local authority, he consults congress or government on national undertakings applicable in New Caledonia.

Congress is the deliberating assembly and exercises **authority** in New Caledonia, with the exception of those areas under the authority of the national government and its president. Special deliberations called **local laws** can only be implemented with regard to those matters defined under article 99 of the organic law of March 19, 1999. They have force of law in New Caledonia upon proclamation by the high commissioner and publication in the Official Gazette of New Caledonia ("JONC").

The **government** prepares and executes congress deliberations, and with congress authority adopts the regulatory decrees required for the implementation of its decisions. Decrees are signed by the president and countersigned by the member responsible for overseeing execution. These decisions are made by majority vote. Initiatives for laws and deliberations come from both the government and members of the congress.

The **economic and social council** is consulted with regard to bills or local law proposals and deliberations of congress of an economic, social or cultural nature, by the president of government and president of congress respectively. The provincial assemblies or customary senate can also consult the council.

The **customary senate** is consulted with regard to bills and law proposals relating to symbols of identity, customary civil status and customary land issues. It can also express an opinion on all bills and proposals, whereas consultation is obligatory in questions pertaining to Kanak identity.

▶ **High commissioner.** Appointed by decree of the President of the Republic as deliberated in cabinet. Delegate of the government and guardian of Republican powers, he represents the State and directs its departments. He is also responsible for surveillance of local authority budgets, with the assistance of the territorial accounting office.

▶ **Authority.** See 3.4.

▶ **Local laws.** Local law bills are forwarded by the government whereas local law proposals come from congress. Local law bills and proposals are submitted to the council of State for opinion. Once a law is voted by congress, a new deliberation then submission to the constitutional council, can be requested.

▶ **"JONC".** Official Gazette of New Caledonia.

▶ **Government.** The government operates on a collegial basis, it is "collectively and jointly responsible for matters falling under its authority", each of its members is responsible for, and oversees an area within the administration, corresponding to their specific portfolios.

▶ **Economic and social council (CES).** Formerly the economic and social committee, its composition was modified under New Caledonia's new statute, but its mission remains unchanged. It represents the interests of economic, social and cultural actors. Members elect an executive and form internal commissions. In 2005 CES handed down 12 opinions and expressed 4 wishes.

▶ **Customary senate.** It can consult customary councils with interests in questions submitted to it. In the area of Kanak identity, it can refer to government, congress or a provincial assembly regarding all proposals. The high commissioner may consult it on questions regarding State authority.

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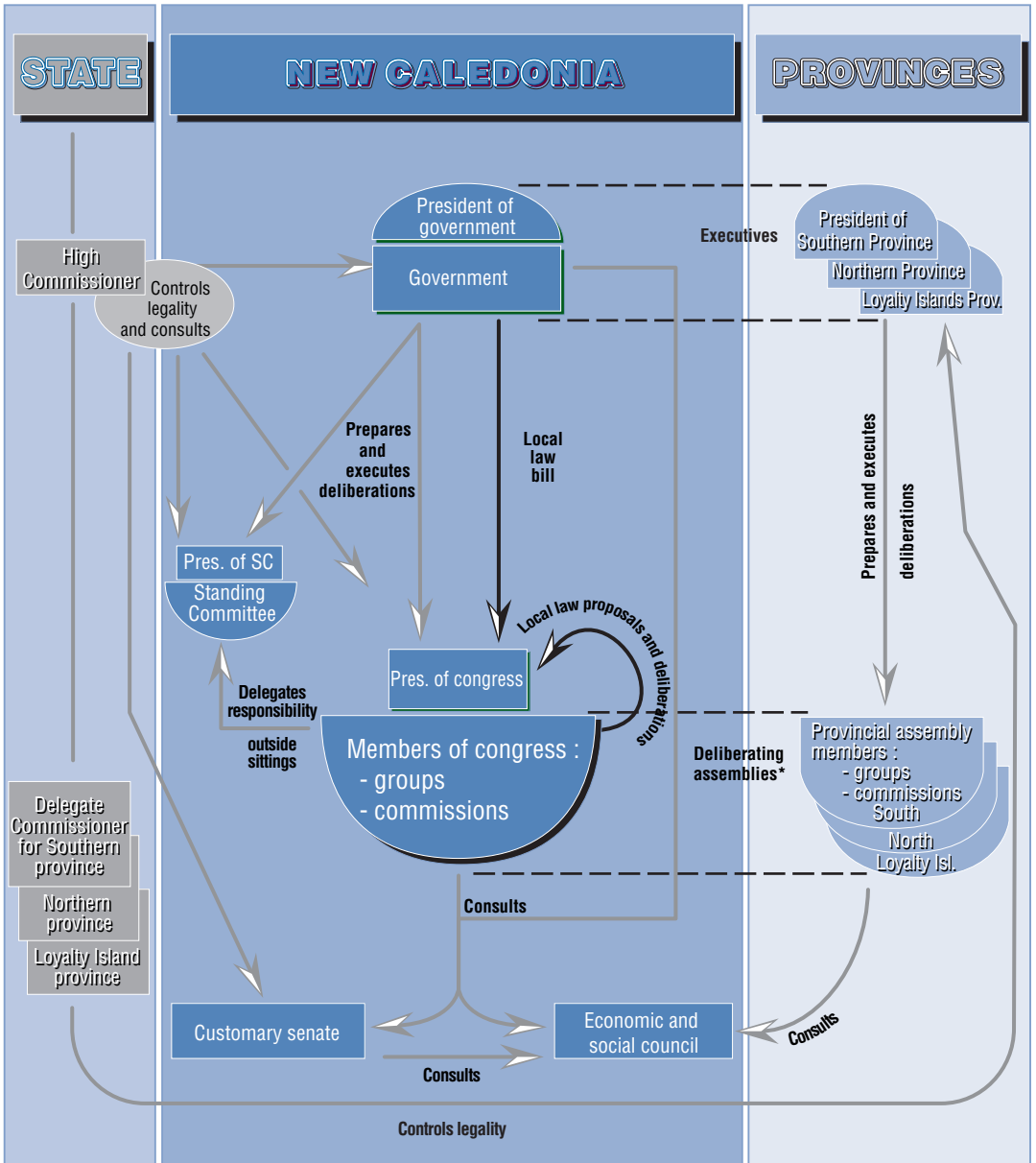
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# 3.3 INSTITUTIONS (2)

Operations of institutions in New Caledonia arising from the organic law of March 19, 1999 [1 to 5]



\* Provincial assemblies form congress. See 3.2.

# 3-HISTORY - INSTITUTIONS

The **referendum law** of November 9, 1988, in establishing the provinces, instigated extensive decentralisation of powers. The **organic law** of March 19, 1999 reinforced the transfer of authority from the State in favour of New Caledonia.

Within the new statute, and notwithstanding municipal authority, provinces have **authority under common law**, the State and New Caledonia have authority of attribution. In relation to the referendum law, the organic law barely changed the areas of authority of the provinces, mainly reallocating authority from the State to New Caledonia.

A first transfer of authority occurred on January 1, 2000, as provided for by the organic law. A second series of transfers of authority, during the congressional mandates commencing in 2004 and 2009, may be established by a local law to be adopted by 3/5<sup>th</sup> majority of members of congress. However, the congress elected in 2004 did not request any transfers of authority. Another series of transfers may occur through a resolution in congress and an organic law during the congressional mandate that commences in 2009. Lastly, during the fourth mandate of congress, in respect of the result of the consultation on accession to full sovereignty, the last of the State's **regalian authority**, may be exercised by New Caledonia. The organic law also makes provision for **shared authority** in specific areas.

The State compensates each collectivity for the costs of exercising new powers by way of a global compensation grant included in the national budget. Movable and fixed assets used in the exercise of transferred State authority are assigned free of charge to the collectivity receiving the new powers. In the same manner, State employees working in a transferred State department are made available to the collectivity. An agreement is drawn up between the State and New Caledonia or the province to define the details for the transfer of each department.

▶ **Referendum law.** Law passed by the French people after consultation by referendum. In New Caledonia, the referendum law of November 9, 1988, also called "provincialisation law" was the first law to regulate the distribution of authority, stated in article 7 : "each province has authority over matters which are not attributed, either under this very law, to the State or the territory, nor to the municipalities under current legislation". The organic law uses the same principle in article 20.

▶ **Organic law.** Voted by the French Parliament to clarify or complete dispositions contained in the Constitution. The 1958 Constitution limits recourse to organic laws and subjects them to specific conditions of adoption and control. In 1992, it was decided that the "TOM" (overseas territories) statutes should be established under organic law, this is the reason why New Caledonia's new statute required the vote of an organic law on March 19, 1999.

▶ **Authority under common law.** The areas of authority for provinces encompass all matters that are not under the authority of another collectivity. Thus, provinces may, as can the municipalities, be designated an area of authority by congress to take individual measures in application of regulations it imposes.

▶ **Regalian authority.** Fundamental State authority and sovereign power, that in general terms cannot be shared. The main areas are justice, defence, currency and foreign affairs.

▶ **Shared authority.** Sharing is in the form of designated attributions between the State and New Caledonia in a same area of authority, or in the form of consultation or partnership between New Caledonia and the State with regard to an area of State authority.

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[1] Loi organique modifiée n°99-209 et loi ordinaire n°99-210 du 19 mars relatives à la Nouvelle-Calédonie, JONC n°7363 du 24 mars 1999, Imprimerie Administrative, Nouméa. Disponibles sur [www.juridoc.gouv.nc](http://www.juridoc.gouv.nc)

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## Calendar and distribution for transfers of authority arising from the organic law of March 19, 1999 [1 to 6]

	State	New Caledonia
<b>Nationality, Immigration, Public safety</b>	Nationality ; guarantee of civil liberties ; civil rights ; electoral regime ; birth, marriage and death registration rules.	Customary civil status.
	Public safety. (1) Civil order. (3)	Information about measures taken regarding civil order. (3)
	Conditions of entry and residency of foreigners. (3)	Consultation and information about entry and residency of foreigners, and issuing of visas residency longer than 3 months. (3)
<b>Defence</b>	Defence, weapons of war regime, arms and ammunition, powder and explosive substances.	
<b>Justice, Law</b>	Civil law. (1)	Insurance law.
	Criminal law. (3)	Cooperation and mutual fund laws. Possibility to punish infringements of local laws and regulations with fines and prison sentences, subject to certain conditions. (3)
	Justice, organisation of the judiciary and of legal practitioners (attorney, barrister, lawyer...) ; criminal and administrative justice expenses ; Criminal and administrative disputes procedures, court appointments of barristers and public prison service.	Civil procedure, legal aid, and administration of departments responsible for legal protection of children. Rules for public service officers and members of the legal profession.
<b>Education and Research</b>	Private and public secondary education, private primary education, school health. (1) Conferment and issuing of titles and diplomas. (3)	Primary education syllabuses ; primary teacher training, teaching supervision. Vocational training and awarding of diplomas. (3) Consultation on creation or suppression of secondary education courses in New Caledonia.
	Tertiary education and research. (2) (3)	Partnership and consultation on contract proposals between the State and research institutes established in New Caledonia ; creation of a research advisory board.
<b>International relations</b>	International relations subject to those devolved to New Caledonia. (3)	Negotiation and signing of agreements with States, territories or regional organisations of the Pacific or regional bodies depending on the UN special institutions. (3) Partnership or participation in negotiations and signing of agreements within the French delegation. (3) Participation or partnership in negotiations between the European Community and New Caledonia. (3) Possibility to be member, associate member or observer of international organisations. Possibility to have a representative in other Pacific States or territories. (3) Possibility to sign decentralised cooperation agreements with local or foreign collectivities, their consortium, or public establishments. (3)
<b>Communication</b>	Audio-visual communication (2) (3)	Consultation, in particular by National Broadcasting Council for decisions of interest to New Caledonia. (3)
	Government liaisons and communications when in defence and security of mail services and telecommunications ; radio frequency regulation.	Mail services and telecommunications.
<b>Transport, Infrastructure</b>	Sea services between New Caledonia and other locations within the Republic's territories, status of vessels.	Maritime services of territorial interest ; vessel registration.
	Air services between New Caledonia and other locations within the Republic's territories, aircraft registration.	Domestic and international air services (subject to State authority for liaisons between New Caledonia and other locations within the Republic's territories).
	Policing and security of domestic air traffic and sea traffic in territorial water. (1) Air safety. (3)	Port and airport infrastructure within New Caledonia's domain.  New Caledonian road network, traffic and road transport.
<b>Energy</b>		Production and carriage of electric energy. Regulation relating to hydrocarbons.
<b>Meteorology</b>		Meteorology.
<b>Currency and taxation</b>	Currency, lending, exchange, overseas financial relations ; Treasury.	Taxation (collection, creation and appropriation of contributions, rates and taxes).
<b>Administration and Finances</b>	State civil service.	New Caledonia's and municipalities' civil service.
	Procurement contracts and delegations of State public services and State public establishments.	Regulation of procurement contracts and delegations of public services.
	Control of legality and rules relating to the management of provinces, municipalities and their public establishments ; accounting and finance regime of public collectivities and their public establishments. (2)	Organisation of New Caledonia's public services and establishments.
	Budgetary control of provinces, municipalities and their public establishments.	Statistics of interest to New Caledonia.
<b>Commerce and Investment</b>	Commercial law. (1)	Foreign trade, customs regime ; regulation of direct foreign investments. Regulation of liberal and commercial professions.
		Regulations of weights and measures ; competition and fraud repression. Tobacco trade. Price control and market organisation.
<b>Employment and Vocational Training</b>		Labour law (fundamental principles), union law ; vocational training and awarding of diplomas in this regard ; labour inspection.
		Regulation of liberal and commercial professions, and public service officers and members of the legal profession.
		Protection of local employment. Foreigners' eligibility to work.
<b>Welfare, Work and Health</b>		Social welfare, health, public hygiene ; health and biosecurity border control. Hospitals.
<b>Sport, Tourism and Culture</b>		Sport and socio-educational activities regulation ; sport and cultural infrastructure and events.
<b>Mines</b>	Mining regulation with regard to the mineral substances mentioned in the 1st paragraph of article 19 of decree 54-1110 of November 13, 1954, including relevant infrastructure.	Regulation of hydrocarbons, nickel, chrome and cobalt. Mining resources development plan.
<b>Natural resources, Environment</b>	Exercise of authority, outside territorial waters, resulting from international agreements. (3)	Regulation and exercise of rights of exploration, exploitation, management and conservation of natural biological and non-biological resources in the exclusive economic zone. (3) Zoonosanitary and phytosanitary regulations ; abattoirs.
<b>Land, Property</b>	Property rights and titles.	Land law in New Caledonia.
		Customary lands and palavers regimes, customary areas boundaries.
<b>Urban development &amp; Housing</b>		Guiding principles of urban development ; property registers.

Transfers in effect since January 1, 2000. (1) Transfer possible from 2nd or 3rd congressional mandate. (2) Possible Resolution in congress from 2009 requiring a transfer under organic law. (3) Shared authority.

# 3-HISTORY - INSTITUTIONS

Apart from Nouméa, established on March 8, 1879, other municipalities were established under law 69-5 of January 3, 1969. Poya later was separated from Koumac (1977) and more recently Kouaoua from Canala (1995).

In virtue of the March 19, 1999 organic law, New Caledonia's 33 municipalities are territorially attached to one of the 3 provinces, with the exception of Poya, whose territory has been shared between the Northern and Southern provinces since their establishment in 1989.

The great decentralisation reform initiated by the law dated March 2, 1982 in Metropolitan France was not immediately implemented in New Caledonia, where the administrative and financial control over the municipalities was only suppressed under law n°90-1247 of December 29, 1990. Since, the municipalities of New Caledonia have had the same rights and responsibilities as Metropolitan municipalities, with the exception of two important areas : economic development as well as urban development and building law, which come under the authority of the provinces, and autonomy in terms of public finances.

Municipalities can intervene in matters regarding :

- municipal policing in general : security, safety and health (except keeping the peace), traffic policing within the urban agglomeration ; bathing patrols.
- primary education : infrastructure (schools, cafeterias, teacher accommodation) and operating expenses (excluding teaching staff).
- networks : communal roads, drinking water supply, waste water and sewerage, electricity and telephone.
- additional taxes proportional to the territorial taxes, local taxes provided for under the municipal code.
- management of municipal staff.
- municipal sport and cultural infrastructure.
- issuing individual acts relating to urbanism.

Under law n°99-210 of March 19, 1999, dispositions in the code for municipalities adopted and applicable to New Caledonia became the "Code for New Caledonian municipalities", whose statutory and legislative articles were published in 2001.

► **Municipality.** Territorial collectivity of the Republic, a municipality is freely administered by an elected municipal council that elects its mayor and deputies. The mayor is also an officer of the State and exercises certain powers relating to births, deaths and marriage registers, and military affairs. In the exercise of their duties, mayors consult State representatives in their administrative constituency. Legal entity in public law, a municipality has its own budget, lands and assets ; it can finance work, purchase, sell, borrow...

► **Administrative and financial control.** The suppression of the administrative and financial control laid down by the law of 1990 means the State no longer controls municipal activities a priori, but a posteriori. Thus, in New Caledonia the high commissioner of the Republic and the New Caledonian administrative tribunal control the legal aspect of those actions while the territorial accounting office controls the budget, finance and accounting aspects.

► **Urban development and building.** Even though urban development and building law come under provincial authority, article 50 of the organic law specifies that the town planning document initiative belongs to municipalities "in respect of the guiding principles of urban law determined by the congress, the provincial assembly approves the municipal planning document upon submission by municipal councils. The document is considered approved if the assembly has not reached a decision within a year". Thus, provincial assemblies continue to approve urban development documents but upon submissions by municipal councils. Municipalities are therefore co-authors of these documents, which can no longer be imposed upon them by the provinces.

► **Public finance (of municipalities).** See 15.5.

## SOURCES

- [1] INSEE-ISEE, Recensement général de la population, 1976, 1983, 1989, 1996 et 2004.
  - [2] Loi organique n°99-209 et loi ordinaire n°99-210 du 19 mars 1999 relatives à la Nouvelle-Calédonie, JONC n°7363 du 24 mars 1999, Imprimerie administrative, Nouméa. Disponibles sur : [www.juridoc.gouv.nc](http://www.juridoc.gouv.nc)
  - [3] Décret du 26 avril 1989 portant répartition du territoire de la commune de Poya entre les provinces Nord et Sud de la Nouvelle-Calédonie, JONC n°6629 du 16 mai 1989, Imprimerie administrative, Nouméa
  - [4] Décret du 25 avril 1995 portant création de la commune de Kouaoua en Nouvelle-Calédonie, JONC n°7065 du 9 mai 2005, Imprimerie Administrative, Nouméa.
- Garde F., *Les institutions de la Nouvelle-Calédonie*, Éditions l'Harmattan, avril 2002.

## SEE ALSO

INSEE, Code officiel géographique, 1999, rectificatif annuel n°7 à la 13<sup>e</sup> édition, mis à jour au 1<sup>er</sup> janvier 2006.  
Décret n°2001-579 du 29 juin 2001 portant publication du code des communes de la Nouvelle-Calédonie (partie législative) et relatif à la partie réglementaire de ce code.  
Institut de la Statistique et des Études Économiques (ISEE) : [www.isee.nc](http://www.isee.nc)  
Gouvernement de la Nouvelle-Calédonie : [www.gouv.nc](http://www.gouv.nc)  
Association des maires de Nouvelle-Calédonie et association française des maires de Nouvelle-Calédonie.

# 3.5 MUNICIPALITIES

Population by municipality according to various censuses\* [1]

	1956	1963	1969	1976	1983	1989	1996	2004
Belep	529	573	551	624	686	745	923	930
Boulouparis	483	635	846	925	1 139	1 456	1 591	2 089
Bourail	2 212	2 312	2 433	3 149	3 410	4 122	4 364	4 779
Canala (a)	2 816	3 097	3 559	3 884	3 842	3 966	3 374	3 512
Dumbéa	284	463	1 304	4 191	5 538	10 052	13 888	18 602
Farino	142	172	161	194	253	237	279	459
Hienghène	1 940	2 109	1 846	1 932	1 729	2 122	2 208	2 627
Houaïlou	2 241	2 808	3 475	3 853	3 995	3 671	4 332	4 537
Île-des-Pins (L')	674	930	978	1 095	1 287	1 465	1 671	1 840
Kaala-Gomen	1 161	1 228	1 296	1 425	1 231	1 549	1 787	1 881
Koné	2 037	2 340	2 557	2 479	2 919	2 919	4 088	4 500
Kouaoua (a)	///	///	///	///	///	///	1 524	1 586
Koumac (b)	2 759	2 059	1 907	2 481	1 405	2 194	2 647	3 003
La Foa	934	1 407	1 333	1 993	2 094	2 155	2 502	2 903
Lifou	5 594	6 082	6 837	7 585	8 128	8 726	10 007	10 320
Maré	3 104	3 240	3 410	4 156	4 610	5 646	6 896	7 401
Moindou	272	392	291	387	378	461	568	602
Mont-Dore (Le)	1 288	2 640	4 809	10 659	14 614	16 370	20 780	24 195
Nouméa	22 235	34 990	41 853	56 078	60 112	65 110	76 293	91 386
Ouvéa	1 199	1 363	1 323	1 514	1 468	1 881	2 034	2 114
Ouvéa	2 180	2 087	2 001	2 777	2 772	3 540	3 974	4 359
Païta	1 397	1 903	2 522	3 407	4 834	6 049	7 862	12 062
Poindimié	2 152	2 519	2 481	3 010	3 644	3 590	4 340	4 824
Ponérihouen	1 840	1 853	1 948	2 065	1 932	2 326	2 691	2 726
Pouébo	1 294	1 388	1 472	1 782	1 503	2 242	2 352	2 381
Pouembout	482	577	587	734	692	854	1 189	1 471
Poum (b)	///	///	///	///	816	1 038	1 320	1 390
Poya (c)	1 066	1 019	1 281	2 915	1 961	1 862	2 522	2 600
Sarraméa	255	307	331	357	483	400	486	610
Thio	1 776	2 253	3 176	2 894	3 019	2 368	2 614	2 743
Touho	1 332	1 373	1 474	1 667	1 901	1 963	2 234	2 274
Voh	1 328	1 475	1 424	1 656	1 586	1 686	1 942	2 240
Yaté	1 474	925	1 113	1 365	1 387	1 408	1 554	1 843
<b>Total</b>	<b>68 480</b>	<b>86 519</b>	<b>100 579</b>	<b>133 233</b>	<b>145 368</b>	<b>164 173</b>	<b>196 836</b>	<b>230 789</b>

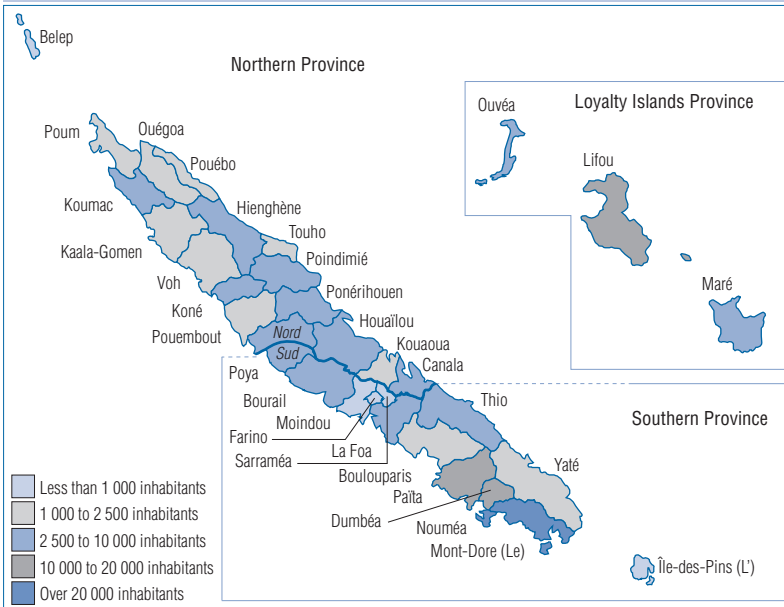
\* Population without double counts

Unit : inhabitant

(a) Canala and Kouaoua until the establishment of Kouaoua in April 1995. (b) Koumac and Poum until the establishment of Poum in January 1977.

(c) Part of Poya is located in the Southern province (94 inhabitants in 1996 and 122 in 2004).

Municipalities of New Caledonia [2 to 4]



# 3-HISTORY - INSTITUTIONS

In New Caledonia, as in Metropolitan France, elections are organised in accordance with the electoral code. Laws pertaining to incompatibility between electoral mandates and **parity** that have been made applicable have modified the organic law.

The electoral system also has some particularities : since the referendum law n°88-1028 of November 9, 1988, participation in certain ballots is dependent on specific conditions restricting the electorate. Accordingly, only those voters resident in New Caledonia from November 6, 1988 were called upon for the ratification of the Nouméa Accord on November 8, 1998. This principle of a **restricted electorate** has also been retained for the **accession to full sovereignty** ballot scheduled for between 2014 and 2018.

Further innovation came with the Nouméa Accord, which extended the use of the restricted electorate to **provincial elections**. To be eligible to vote in these elections, voters must be admitted onto the special roll, established by the **special administrative commission**.

The additional lists on the opposite page illustrate the difference between the two rolls, i.e. those voters not admitted onto the special roll. The interpretation of this notion of **special electorate for provincial elections** is the subject of political debate (sliding or fixed). The current understanding tends towards the sliding electorate.

As well as local voting, New Caledonia participates in Republican elections and elects representatives to parliament : a senator elected by universal indirect suffrage of "grands électeurs" (members of parliament, Councillors of New Caledonia and representatives of municipal councils) and two parliamentarians elected by universal direct suffrage : one for the district of Nouméa, isle of Pines and Loyalty Islands, and the other for the remaining district covering the other municipalities.

Disputes arising from general, senatorial and presidential elections, and referendums are ruled on by the constitutional council ; disputes arising from all other elections come under administrative jurisdiction.

► **Parity.** The parity law implies that the difference between the number of candidates of opposite gender on a party list cannot be higher than one.

► **Restricted electorate for the accession to full sovereignty.** Comprises individuals meeting one of the following condition :

- was eligible to vote on November 6, 1998, and includes their descendants,
- shows proof of 20 years permanent residency at the date of consultation, at the latest on December 31, 2014,
- parents born in New Caledonia and for whom one's material and moral interests lie in New Caledonia,
- has customary civil status,
- born before January 1, 1989 and resided in New Caledonia from 1988 to 1998.

► **Provincial elections.** Designate members of the provincial assemblies, some of whom also sit in congress. The elections are by proportional ballot from party lists following the rule of highest average : the congress members' seats are the first to be allocated by list order then the seats of the provincial assembly members are distributed. Party lists obtaining less than 5% of votes are eliminated.

► **Special administrative commission.** Comprising a magistrate, a representative of the administration, the mayor and two voters from the municipality, it examines applications for enrolment on the special roll, each year from the beginning of March to the end of April.

► **Special electorate for provincial elections.** To be admitted into this electorate, voters must satisfy one of the following condition :

- meet the conditions of participation in the November 8, 1998 consultation,
- be enrolled on the additional lists and have been a resident in New Caledonia for ten years at the date of the congress and provincial assembly elections,
- have reached the age of 18 after October 31, 1998 and show proof of 10 years residency or have a parent who satisfies both preceding conditions.

## SOURCES

[1] Fichier général des électeurs de Nouvelle-Calédonie, ISEE, Nouvelle-Calédonie.

[2] Données relatives aux élections provinciales du 9 mai 2004, service des élections et des libertés publiques, DIRAG, Haut-Commissariat de la République en Nouvelle-Calédonie.

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Chrisnacht A., *La Nouvelle-Calédonie*, Les études, Documentation française, Paris, 2004.

Faberon J.-Y. et Postic J.-R., *L'accord de Nouméa, la loi organique et autres documents juridiques et politiques de la Nouvelle-Calédonie*, Île de lumière, Nouméa, 2004.

Faberon J.-Y. et Garde F. (ouvrage collectif sous la direction de), *101 mots pour comprendre les institutions de la Nouvelle-Calédonie*, Île de lumière, Nouméa, 2002.

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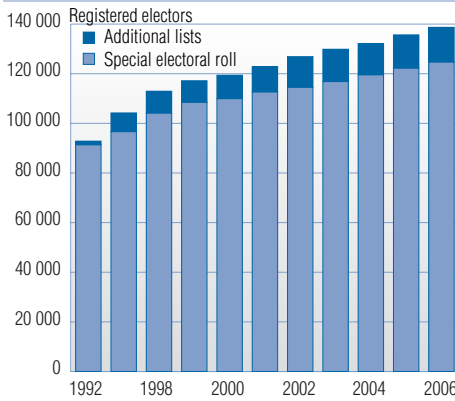
# 3.6 ELECTORAL SYSTEM

Electoral rolls at April 16, 2006 [1]

	Special electoral roll (1)	Additional lists (2)	General roll (1 + 2)		Special electoral roll (1)	Additional lists (2)	General roll (1 + 2)
Lifou	9 178	260	9 438	Touho	1 578	27	1 605
Maré	5 562	53	5 615	Voh	1 682	24	1 706
Ouvéa	3 743	91	3 834	<b>Northern province</b>	<b>30 063</b>	<b>801</b>	<b>30 864</b>
<b>Loyalty islands province</b>	<b>18 483</b>	<b>404</b>	<b>18 887</b>	Boulouparis	1 668	84	1 752
Belep	743	3	746	Bourail	3 101	157	3 258
Canala	2 714	31	2 745	Dumbéa	9 136	1 190	10 326
Hienghène	1 796	17	1 813	Farino	398	23	421
Houaïlou	2 819	48	2 867	Île-des-Pins (L')	1 238	37	1 275
Kaala-Gomen	1 174	27	1 201	La Foa	2 245	169	2 414
Koné	2 615	139	2 754	Moindou	522	16	538
Kouaoua	926	17	943	Mont-Dore (Le)	12 155	1 661	13 816
Koumac	1 802	151	1 953	Nouméa	35 692	8 717	44 409
Ouvéa	1 617	21	1 638	Païta	6 352	727	7 079
Poindimié	3 209	112	3 321	Poya Sud	113	3	116
Ponérihouen	2 033	33	2 066	Sarraméa	422	18	440
Pouébo	1 838	13	1 851	Thio	1 714	14	1 728
Pouembout	849	41	890	Yaté	1 359	16	1 375
Poum	988	12	1 000	<b>Southern province</b>	<b>76 115</b>	<b>12 832</b>	<b>88 947</b>
Poya Nord	1 680	85	1 765	<b>New Caledonia</b>	<b>124 661</b>	<b>14 037</b>	<b>138 698</b>

Unit : number of registered electors

Evolution of electoral rolls\* [1]



\* Each year, at the closing of the lists revision

General data on the provincial elections of May 9, 2004 [2]

	Loyalty Islands province	Northern province	Southern province
<b>Registered Electors</b>	<b>18 043</b>	<b>28 875</b>	<b>72 623</b>
<b>Voters</b>			
Number of votes	14 266	20 876	56 237
% of registered electors	79.07	72.30	77.44
<b>Recorded votes</b>			
Number of votes	14 191	20 559	54 811
% of registered electors	99.47	98.48	97.46
<b>Blank or nul and void</b>			
Number of votes	75	318	1 426
% of registered electors	0.53	1.52	2.54

Units : number, %

Results of the provincial election of May 9, 2004 by party\* [2]

	Loyalty islands province			Northern province			Southern province		
	Number of votes	Recorded votes, %	Number of seats	Number of votes	Recorded votes, %	Number of seats	Number of votes	Recorded votes, %	Number of seats
Avance	///	///	///	///	///	///	652	1.19	-
Avenir Ensemble	///	///	///	1 754	8.53	1	18 573	33.89	19
Calédonie Mon Pays	///	///	///	703	3.42	-	1 205	2.20	-
Construire Ensemble l'Avenir (CEA)	1 010	7.12	-	///	///	///	///	///	///
Fédération des Comités de Coordination des Indépendantistes (FCCI) (a)	1 256	8.85	2	1 182	5.75	-	426	0.78	-
FLNKS pour l'indépendance	///	///	///	///	///	///	2 097	3.83	-
Front National (b)	///	///	///	549	2.67	-	6 135	11.19	5
Libération Kanak Socialiste (LKS) (c)	2 222	15.66	2	353	1.72	-	///	///	///
Mouvement Chiracien des Démocrates Chrétiens (MCCDC)	164	1.16	-	385	1.87	-	1 071	1.95	-
Mouvement des Citoyens Calédoniens (MCC)	///	///	///	///	///	///	1 140	2.08	-
Patrimoine et environnement avec les Verts	///	///	///	///	///	///	861	1.57	-
Rassemblement UMP	2 440	17.19	2	2 346	11.41	3	17 094	31.19	16
Rassemblement Océanien dans la Calédonie (ROC)	///	///	///	///	///	///	430	0.78	-
UC Renouveau	1 587	11.18	2	///	///	///	///	///	///
Union Calédonienne (UC)	3 199	22.54	4	5 576	27.12	7	1 848	3.37	-
Union Nationale pour l'Indépendance (UNI) avec le FLNKS (d)	2 313	16.30	2	7 711	37.51	11	2 530	4.62	-
Union Océanienne (UO)	///	///	///	///	///	///	749	1.37	-
<b>Total</b>	<b>14 191</b>	<b>100.0</b>	<b>14</b>	<b>20 559</b>	<b>100.0</b>	<b>22</b>	<b>54 811</b>	<b>100.0</b>	<b>40</b>

\* Party lists having obtained less than 5% of the number of registered electors are eliminated from the attribution of seats (article 192 of the organic law).

(a) In the islands, it is called FCCI-FULK. (b) In the North, it is called Entente Française du Nord (EFN) with the Front National banner.

(c) In the North, it is called LKS KAP identité Nord; in the islands, it is called LKS KAP identité Îles. (d) Palika banner.