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Custom, chicanery and the myth of decolonisation in New Caledonia

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Introduction

This article uses my personal story to expose the sham of so-called decolonisation and provincial autonomy in Kanaky New Caledonia. The frustration and despair I and other Kanak have experienced in trying to obtain justice or legal protection from the customary institutions set up by the French government show that, 14 years after the Matignon Accords of 1988, Kanak remain colonised people. The Matignon Accords were signed between the French Government, the leader of the Kanak independence movement, and the leader of the main right-wing settler party. They were meant to put an end to the political violence over the question of independence that had caused so many deaths—mainly Kanak—during the 1980s. The Accords were supposed to fast-track the economic development of the Kanak people and increase local autonomy but they have done neither effectively.

Like all Melanesians, Kanak were colonised by a European country, in this case France. Other parts of the region were colonised by Great Britain, the Netherlands or Germany. Britain adopted a different approach to colonisation from the other powers, starting in Fiji where Sir Arthur Gordon developed a system to protect indigenous Fijians against exploitation by British nationals. That system was later extended to Britain's other Pacific possessions. It is not my intention to praise Gordon, but at least British colonial subjects had some form of official protection until the onset of decolonisation in the 1970s.

I also do not mean to dissociate the Kanak people from other Melanesians, because ethnically, culturally and geographically we are very close to them. However, politically our situation is different from that of the citizens of the independent nations of the region. New Caledonia is still under the French yoke and Kanak daily face one of the most powerful and sophisticated armed nations in the world.

This colonial political context does not allow us to take responsibility for maintaining good governance in our own country because, while most Kanak are struggling to restore our national freedom, there are always some ambitious people who prefer to lie to serve their own interests and end up serving those of France. Such behaviour suits the French, who are happy to use divisive tactics against Kanak political activists and feminists like myself to try to isolate us.

Although the struggle for independence from French rule is widely supported by Kanak people, these few individuals use trickery and dishonest methods to gain an advantage in the conflicts over land that are a feature of Kanak society today. Such people pervert *la coutume*, or custom, with arrogant French bourgeois values. As one of the main witnesses of and participants in the Kanak struggle since September 1969 (Ounei-Small and Gauthier 1995:41–42), it is my impression that conflicts over land are provoked more often than not by people who have stayed aloof from this struggle.

After the Matignon Accords were signed, such people tried to take advantage of the billions of francs thrown by the French government at New Caledonia in the aftermath of the tragic events at Gossanah, in Ouvéa, when 19 Kanak men were massacred by French military forces. Such people are all too ready to tell lies about who is whom in *la coutume*, and to claim land rights that they know little about in order to access government funding to set up their businesses.

Leadership, land and women in *la coutume*

Many factors have contributed to the destruction of the real freedom that many Kanak have been dreaming about and working towards for more than 50 years. Before and after France annexed New Caledonia and the Loyalty Islands in 1853, the indigenous people had their own indigenous political structures, with chiefs exercising authority over different areas. Though district chiefs rule over the people, they do so in conjunction with the various clans, each of which represents a related group of people. Each clan has its head and its elders, who perform traditional roles long associated with particular branches of the clan. Chiefs and clan heads are mainly men and, in principle, are the first born, designated by their ancestors to take their place in the local hierarchy.

In Kanak society, nobody is worthless and everyone has an honourable role with a reciprocal duty towards every other person, even if it is to open the *bougna* (the traditional meal cooked in an earth oven) for the chiefs, or to chase away flies while the chiefs are eating. In war, the person whose role it was to defend the chief would be honoured to give his own life to save the chief's. Yet the district chief is entirely dependent on the person called *at hnyei*, the 'master of the land or real person of the country', who is well respected and taboo, and whose ancestors are reputed to have been in the land since time immemorial.

All the clans had their own land that was taboo and sacred to them and, until recently, people were frightened to violate another clan's land. If someone violated the land or usurped the rights to land that had belonged to another clan for generations, the people would say, 'The land will eat them. They think they are eating from the land but it is the land that is eating them'. Before the French colonisation of New Caledonia and the Loyalty Islands, there were many wars, but no conquerors of actual territory because the land belongs not to individuals but to the ancestors. During life, we merely look after the land and it is only ours after death when we have joined the ancestors.

A woman has rank according to that of her father, her brothers and her husband. During meetings, women are part of the decision-making process, but indirectly. They do not have the right to stand up and speak publicly in front of everybody. This is the male role. However, in Fayaoué (a French mispronunciation of Fajawe in Iaai, the main language spoken in Ouvéa, the northernmost Loyalty Island), I saw a woman whose husband had died some time previously and whose responsibility it was to speak during customary meetings, even when men were present, since there was no one else to replace him.

In the past and still today in Ouvéa, although a woman does not speak publicly, she represents the land. Her blood is very powerful and taboo through her children. The children's blood must not be seen by their maternal uncles, whether it appears as the result of a serious injury or a small cut. If the maternal uncles do see the blood of their nephews or nieces, a large amount of compensation will have to be given to them, such as cars or boats, together with cloth, money and traditional foods such as yams, taro, pigs, fish, cows and so on. Much land changed hands in the past because a woman's blood was seen by her brothers through her children. A person's maternal uncles include

not only the biological brothers of his or her mother, but the mother's whole clan, which is paired with the person's own clan in a relationship of reciprocal respect and duty.

Manipulating *la coutume* in the post-Matignon colonial state

When a woman married, two of her children, a boy and a girl, would be given to the maternal uncles to replace her in her original clan. This was the case with my older brother and me. Not only were we given to my grandfather at his request to replace my mother in her clan but, because he had only three daughters and no sons, we were also given to him to inherit his land as his direct descendants—and therefore his sons in *la coutume*, even though I am a woman. My adoptive mother, also Susanna, the second daughter of my grandfather, married my adoptive father in Poindimié, on the east coast of the mainland, the Grande Terre in French. My grandfather called her back with her husband and gave them his land to look after because my brother and I were too young. They built their home in the tribe of Ouassadiou (Wasaujeu) in the district of Fayaoué (Fajawe).

In 1995, my adoptive mother died and before her funeral my uncle, who is now dead, discussed with my older brother his desire to call me back to inherit all my mother's belongings, including her *gîte*, a small tourist business situated on our ancestral land. At the time I was working in Suva, Fiji, as assistant director at the decolonisation desk of the Pacific Concerns and Resource Centre. A great deal of pressure was put on me to resign from my job and I was ordered to abandon everything I was doing overseas because I was needed to take over our land. My uncle even telephoned to ask me why I was wasting my time in Fiji or New Zealand, and insist that I come back as soon as possible. He had already informed all the clans and families of his decision.

On 23 December 1995, I landed in Ouvéa with my two children, a boy of eight years and a girl of 21 months. On 5 February 1996, a *palabre*, or customary meeting, was held at the residence of the chief of the tribe of Wasaujeu. In the presence of the syndics, or agents of customary affairs, an official document was signed designating me as the inheritor of all my mother's belongings, including the *gîte* situated on my grandfather's land.

However, on 10 February 1996 a man came from Nouméa, where he had spent most of his life, to make a claim on the land I had inherited. He was supported by his cousin, who had recently settled in Ouvéa for business purposes. They claimed that my grandfather's land belonged to the man from Nouméa on the grounds that his father was the customary brother of my adoptive mother, and that their father had given him the land before he died. Yet there was no blood link between us and neither my brother nor other members of the family had ever heard the story.

We found it strange that the father of this new claimant had never claimed the land when my grandfather and adoptive mother were alive. In fact, the motives of the two men were purely commercial, as they wanted to set up a tourist business and a petrol station on the land using a large grant of money received from France through the Matignon Accords. They saw owning the land as financially advantageous, because it is beautifully situated on a white-sand lagoon beach and is ideal for a tourist development.

For four years and four months after that day, the claimant and his nephews terrorised me and my children, stealing our property, destroying buildings, cutting down trees, using sorcery against us, and setting fires so that we regularly suffocated from the smoke. We were completely failed by the colonial legal system, both French and customary. On several occasions I complained to the gendarmes, but was told they could do nothing as they had to wait for a customary judgment by the chief of the district.

My older brother went to see the district chief who is directly related in custom to my biological father: Ounei is said to be the first occupant of the land and the one who nominated the chief of Fajawe. However, I could get no help from the customary authorities, neither those based in Ouvéa nor the Customary Senate (*Sénat coutumier*) in Nouméa, which the French originally set up as the Customary Council (*Conseil coutumier*) following the Matignon Accords, and which was reinforced by the Nouméa Accord of 1998.

The Customary Senate consists of chiefs from different areas of the country, but many Kanak are critical of it and argue that some of its members are not true traditional chiefs and have no right to make decisions, especially with respect to land. The customary senators are nominated and well paid by the French government. My brother went to see the Senate, but was told that they were very busy dealing with land problems. I personally telephoned the President of the Senate in March 2000, and was asked to be patient as they were aware of the issue and were thinking about addressing it. He asked me if the representative on the Senate from Ouvéa had been to see me, but he had not, though he often drove past my place in his fancy car.

By April 2000, I had had enough and the children were very depressed. I gave the keys to the property to my cousin and his wife and asked them to look after my place and our traditional lands, and to put his own cattle on the land. My cousin was so angry that I had been unjustly forced to leave that he called in other men from the tribe and they surrounded the property with barbed wire to stop the false claimant from moving in. Thus he was 'eaten' by the land he had tried to usurp.

Conclusion: the paralysis of custom and the illusion of autonomy

The lesson of my story is that Kanak have to try to solve their problems in *la coutume* without appealing to the Customary Senate set up by the French, or to other institutions that have supposedly ensured Kanak autonomy following the Nouméa Accord. Other Kanak with whom I shared my experience say that such problems are very common in Kanaky today (see Guiart 2001, Gorodey and Ounei-Small 1995).

This experience has made me think hard about how Kanak are to know who is whom and which land belongs to which person. Following the extension of French control over all land in New Caledonia after 1853, there was drastic expropriation of the land of indigenous people throughout the *Grande Terre*. Even in the Loyalty Islands, where most land remained in Kanak hands, there was severe interference with customary tenure and institutions. It is important to remember that the repression of Kanak in New Caledonia began only 60 years or so after the establishment of the modern bourgeois French state dedicated to the principles of 'liberty, equality and fraternity'. However, the Kanak people were long denied even the limited rights and legal protections available to working-class French citizens.

I don't want to idealise traditional Kanak society, but the French created many divisions amongst Kanak and made existing ones worse. When I complained about my treatment to French officials, they asked me arrogantly if this is what independence would be like. Yet neither the man who wanted to steal my land nor his family was ever involved in the independence movement. At the moment in New Caledonia, it seems that neither *la coutume* itself, nor the institutions introduced by the French state, are acting to protect ordinary people against the manipulation of traditional history by the greedy to suit their individual ambitions. In fact, it looks rather as if such behaviour is surreptitiously supported by the French in order to persecute and isolate political activists of whom they disapprove.

References

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