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Special Issue

France and the Blue Pacific

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Abstract

Under the concept of the ‘Blue Pacific’, island nations are placing increased priority on the oceans, seeking to integrate policy on climate change, maritime security, fisheries and ocean biodiversity. This agenda however affects France, one of the remaining colonial powers in the Pacific, which controls a vast maritime domain in the region. The 2016 decision to incorporate the French dependencies New Caledonia and French Polynesia as full members of the Pacific Islands Forum raises a series of diplomatic challenges for Forum island countries. This article outlines France’s interest in the Blue Pacific, in areas such as exclusive economic zones, security, research, climate and maritime boundaries. It then details problems facing Forum member countries arising from France’s ongoing control of its three dependencies in the region, including uncertainty over legal standing in the Forum; the capacity to sign treaties; policy making on security in the Forum; policy issues on fisheries and climate in other member agencies of the Council of Regional Organisations of the Pacific; relations with other Forum dialogue partners; resource exploitation by the colonial power; and disputes over maritime boundaries.

Key words: France, New Caledonia, Pacific Islands Forum, blue economy, oceans

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1. Introduction

Pacific island nations are placing increased priority on the oceans, integrating policy on climate change, maritime security, fisheries and ocean biodiversity. This broad agenda has been grouped under the umbrella of ‘the Blue Pacific’, the theme of the 48th Pacific Islands Forum, held in Samoa in 2017.

At the opening ceremony, host Prime Minister Tuilaepa Sailele Malielegaoi stated:

The Blue Pacific provides a new narrative for Pacific regionalism and how the Forum engages with the world. It will require a different way of working together, that prioritises the Blue Pacific as the core driver of Forum policy-making and collective action. [Malielegaoi, 2017]

Forum member countries are prioritising action on the Blue Pacific. Dame Meg Taylor, Secretary General of the Pacific Islands Forum, serves as Pacific Oceans Commissioner, coordinating a regional oceans alliance. The Forum has developed a ‘Framework for a Pacific Oceanscape’ as a guiding document for ocean governance.

In a major coup, Small Island Developing States (SIDS) intervened in the UN debate over Sustainable Development Goals, lobbying successfully for a new Sustainable Development Goal 14 on oceans and seas. In June 2017, Fiji and Sweden co-hosted the first global summit on the oceans, mapping out a pathway for international action. In September 2017, Fiji’s former Ambassador to the United Nations Peter Thomson was appointed as the first ever UN Special Envoy for the Ocean by UN Secretary General Antonio Guterres. Slow-onset threats to the marine environment and reef

ecology (such as ocean acidification and sea-level rise) have led to increased SIDS action during global climate talks under the UN Framework Convention on Climate Change.

But what does the Blue Pacific agenda mean for the Forum's engagement with France, one of the remaining colonial powers in the Pacific, which controls a vast maritime domain in the region?

France is actively re-engaging with Forum members in the twenty-first century, following the end of nuclear testing in 1996 and the signing of the Noumea Accord in 1998. The new engagement seeks to overcome decades of hostility to French policy amongst Pacific governments and citizens.

In the 1970s and 1980s, Australia and New Zealand joined other Forum member countries to criticise French colonial policy in the Pacific. Canberra and Wellington perceived France as an impediment to the general strategic position of the 'West' in the Pacific, fearful of actions that might push island nations closer to the Soviet Union. There was particular concern over French support for the secessionist movement in Santo (1979–1980), designed to impede the New Hebrides' path to independence; the 1985 Rainbow Warrior affair; France's militarisation of New Caledonia in the mid-1980s; and French nuclear testing at Moruroa and Fangataufa atolls until January 1996 (Maclellan & Chesneaux, 1998).

In Australia, there were significant changes in outlook with the arrival of the conservative Howard government in 1996, which downgraded the importance of Pacific countries compared with relations with 'traditional' western powers such as France. From 1996 to 2001, before security crises in the early 2000s brought a further shift of policy, the Howard government perceived island states as a potential financial burden for Australia. France's interest in retaining sovereignty over its Pacific territories, and paying richly for them, was a welcome presence. At the turn of the century, Australia started to accede to French initiatives to strengthen defence and other policy ties in the Pacific—a trend amplified by global concerns over terrorism, economic reform and nuclear proliferation.

This Australian shift coincided with a desire by island leaders to transcend old colonial boundaries and engage more with non-self-governing territories (NSGTs) in the region. A Pacific Islands Forum Special Leaders' Retreat, held in Auckland in 2004, agreed to 'encourage closer contacts with non-sovereign Pacific territories, through progressively guaranteeing them observer status at Leaders' meetings and associated meetings of the Forum Officials Committee. New criteria for participation should be developed, grounded in the region's interests' (PIFS, 2004).

New Caledonia (1999) and French Polynesia (2004) both gained Forum observer status but were both upgraded to 'associate membership' at the 2006 Forum meeting in Apia. Wallis and Futuna gained observer status in 2006, which Paris is currently seeking to upgrade to associate membership.

In the twenty-first century, governments in Australia and New Zealand have supported this integration, as part of a strategic decision to reinforce France's presence in the region (Carroll & Ell, 2017). Pacific island nations are also re-engaging with France through bilateral and multilateral agreements. This continues under French President Emmanuel Macron, who presents himself as a champion on climate and oceans policy, at a time of international uncertainty after Brexit and the election of US President Donald Trump. France's technical expertise in areas of high priority for Forum countries (such as reef ecology) may deliver benefits for the region, even as they bolster France's strategic interests.

All these policy shifts came at a time of major geopolitical change in the region, with increasing influence from so-called 'non-traditional partners' such as China, Indonesia and India (Maclellan, 2015a). French officials are eager to highlight France's role as a force for security and stability in the region and thus reaffirm French sovereignty over the Pacific dependencies.

From its founding in 1971, the Pacific Islands Forum was an organisation of independent and sovereign nations and supported decolonisation for the remaining island colonies. But the 2016 decision to

incorporate two NSGTs—New Caledonia and French Polynesia—as full members is a momentous change, which raises a series of new diplomatic challenges for Forum island countries.

Because France continues to control key legal and political powers over its Pacific dependencies, their membership of the Forum amplifies the capacity of the French Republic to intervene in debates about the Blue Pacific. This raises concern amongst some Forum island countries, which are already critical of the disproportionate influence of Australia and New Zealand over Forum policy-making.

The decision also comes at a crucial time, as New Caledonia moves to a referendum on self-determination in late 2018. The result of this vote will have vital implications for the other two dependencies. France's active diplomacy is raising concern in the Kanak and Maohi independence movements, who fear that France's charm offensive is weakening Forum support for the right to self-determination for colonised peoples (Maclellan, 2016b).

Beyond this, the French State has security and economic interests that do not always coincide with the interests of the governments in Noumea, Papeete and Mata'Utu, even as France promotes 'shared diplomacy' with these local administrations.

While there are a range of issues related to France's evolving role in the region (Maclellan, 2015b, 2016c), this article will focus on France's interest in the Blue Pacific. It outlines areas such as exclusive economic zones (EEZs) and maritime boundaries, security, research and oceans.

The second part of the article will detail a number of questions facing Forum member countries arising from the renewed French engagement with the region. France's ongoing control of three dependencies in the region throws up many new challenges, including uncertainty over legal standing in the Forum; the capacity to sign treaties; complex issues of policy-making in regional institutions; relations with other Forum dialogue partners; resource exploitation by the colonial power; and disputes over maritime boundaries.

2. France as An Ocean Power

2.1. *The Blue Pacific and Sovereignty*

During the 2017 French Presidential election, Emmanuel Macron angered conservative opponents by denouncing French colonialism in Algeria as a 'crime against humanity' (Roger, 2017).

It is commonplace for French politicians to condemn the sins of history without accepting that colonialism is still a core element of the twenty-first century French Republic. Under longstanding decolonisation principles, the UN General Assembly recognises France as an administering power, controlling NSGTs. Successive French governments have been reluctant to accept this description (Regnault, 2013). This was highlighted in 2013 when French diplomats exploded in anger as Pacific ambassadors supported French Polynesia's re-inscription on the UN list of NSGTs (Maclellan, 2013a).

In the Pacific, French policy is driven by strategic interests as a mid-sized global power, but also long-term access to strategic resources (Fisher, 2015). France has a key interest in maintaining its global standing through its 'overseas collectivities' (the term now used for the former DOM-TOM network of overseas departments and territories). The commander of French forces in New Caledonia has noted: 'The ultra-marine dimension of France is inseparable from its identity' (Perron de Revel, 2015, p. 61).

Across the political spectrum in France, there is little sign of a commitment to withdrawal from Empire (despite a fresh new generation of politicians entering the National Assembly in 2017).

On the Right, conservative President Nicolas Sarkozy used his annual address to overseas citizens in 2010, clearly stating that France's overseas territories 'are French and will remain French'. For French Polynesia, there is 'one red line that I will never accept should be crossed: that of independence' (Sarkozy, 2010).

His Socialist Party successor, President François Hollande, travelled to French Polynesia and Wallis and Futuna in February 2016. In

Tahiti, Hollande told the Assembly of French Polynesia:

That's another reason for my visit here: to show that there are no far-off territories of the French Republic—there is only the Republic You are not far from France, because you are France, because I am here in France. [Hollande, 2016a]

The French State contributes significant funding to the three Pacific dependencies, amounting to nearly €2.5 billion per annum for New Caledonia, French Polynesia, and Wallis and Futuna. In comparison to neighbouring island nations, these collectivities maintain high levels of gross domestic product per capita. However, the costs and benefits of Empire are unevenly shared, and there are significant structural inequalities in these societies (Ris 2013).

Most metropolitan citizens have limited awareness of the overseas collectivities, so institutions that benefit from the maintenance of colonialism play a disproportionate role in policy formulation: the Overseas Ministry bureaucracy and the French military (who benefit from highly remunerated employment in warmer climes); local business elites who benefit from import/export monopolies; transnational corporations involved in resource exploitation; and a range of government and private research organisations.

Most politicians and officials in Paris still believe that the costs of maintaining a colonial empire are ones that must be borne. A 2014 report from the Overseas Commission of the French Senate noted:

The exercise of our sovereignty over these vast stretches and the international competition we face are certainly a difficult cost to bear in this period of crisis. But this is an investment for the future, an historic opportunity for growth and expansion. France, with its overseas territories on the front rank, must seize this opportunity and bet on the blue economy. [Senate, 2014, p. 13]

2.2. *The Blue Pacific and Exclusive Economic Zones*

For France, with its far-flung colonial empire, the UN Convention on the Law of the Sea

(UNCLOS) provides significant advantages. Metropolitan France has only 340,290 km² of EEZ in Europe, but its overseas dependencies add 11 million km² of EEZ worldwide. A French Senate report on 'Maritimisation' noted that without these territories in the Pacific, Caribbean, Indian and Atlantic Oceans, France's EEZ would rank 45th in the world, instead of second (Senate, 2012).

This was echoed in a further 2014 Senate report on the importance of the maritime zone for France as a member of the UN Security Council:

Thanks to its overseas possessions, France is one of the countries affected—indeed the most affected—by this revolution in sharing the oceans. Its EEZ is in fact the second largest behind that of the United States and beyond this, the most diverse. Present in both hemispheres and at all points of the compass, the French EEZ is the only one on which the sun never sets. [Senate, 2014, p. 13]

Of France's 11,000,000 km² of overseas EEZ, more than 7 million are located in the Pacific. French Polynesia has an EEZ of over 5,030,000 km², while New Caledonia adds 1,740,000 km² and Wallis and Futuna a further 300,000 (United Nations, 2018). Even uninhabited Clipperton Island—located near the vast seabed resources of the Clipperton-Clarion fracture—has a greater EEZ than metropolitan France.

As countries look to the 'blue economy', French policy-makers are clearly aware of the economic significance of the EEZs' maritime resources: fish, seabed minerals, deep water oil and gas reserves, and the biological diversity of reef ecologies. During his 2016 visit to Tahiti, President Hollande reaffirmed the importance of French control of the Pacific EEZ:

We have to protect the EEZ. We have to ensure our presence so that no one can come to exploit the EEZ without our consent or authorisation. It's our common heritage—it's yours, it's ours and we share it. So we must ensure that other people can't interfere with part of our territory. [Hollande, 2016b]

The EEZs take on a geo-political as well as an economic role for France and the European Union (EU), as the Senate report noted:

These are spaces which involve both the reaffirmation of the role of France's overseas territories, but also the place of France and Europe in global governance in the 21st century ... the 11 million km² of EEZ and their potential resources pose an opportunity both for France and for Europe in the economic competition on the international stage. Furthermore, by their specific characteristics, France's overseas possessions bring Europe an opportunity for opening unequalled in the world. [Senate, 2014, p. 13]

2.3. *The Blue Pacific as Security Sector*

One of the challenges facing the French Pacific dependencies is to expand the surveillance and management of the vast EEZs, promoting maritime security.

The signing of the France–Australia–New Zealand (FRANZ) agreement in 1992 promoted joint humanitarian and maritime surveillance operations in the South Pacific. Since the end of nuclear testing in 1996 and the signing of the Noumea Accord for New Caledonia in May 1998, France has boosted defence cooperation with the ANZUS allies, although with many stops and starts.

According to Australia's 2017 Foreign Policy White Paper, one of three priorities for the Pacific is 'tackling security challenges, with a focus on maritime issues ... In support of these efforts, Australia will continue to cooperate closely in the Pacific with New Zealand, the United States and France on maritime surveillance and disaster preparedness and response' (Australian Government, 2017, p. 103). But cooperation on disaster response has expanded to more complex joint planning and increasing purchases of French armaments by the Australian Defence Force.

To this end, France has participated in the Quadrilateral Defence Coordination Group alongside the ANZUS allies. Australia, New Zealand and France have expanded defence cooperation in the Pacific, through port visits, joint military exercises, arms deals and meetings between senior military officers. The *Croix de Sud* (Southern Cross) military exercises held every 2 years in New Caledonia are a key part of regional military cooperation.

Under the Australia–France Defence Cooperation Agreement, both countries have agreed to provide logistics support between their defence forces, although long-running negotiations for a Mutual Logistics Support Arrangement have yet to be finalised (MacLellan, 2009). Under the Defence Cooperation Agreement, Canberra can also share intelligence information with the French military, such as the geospatial mapping of Pacific island countries undertaken by the Australian Geospatial-Intelligence Organisation (MacLellan, 2013b).

The 2013 French Defence White Paper highlights the importance of the link with Australia:

In the Pacific, France fully assumes its responsibilities as a political and maritime power with a presence in the region. It signed a strategic partnership agreement with Australia in 2012, which marks the growing convergence of the two countries' interests on a great many international and regional matters relative to the Pacific and the Indian Oceans. [Government of France, 2013]

In 2016, the Turnbull government announced that the French corporation Naval Group (formerly DCNS) had won the \$50 billion contract to build the next generation of submarines for the Royal Australian Navy. The decision to buy French is a major turning point, given interest by Japanese and US corporations to sell submarines to the Australian Defence Force and an ongoing lobby by defence analysts for the purchase of nuclear-powered submarines from the United States.

Under the March 2017 Statement of Enhanced Strategic Partnership between Australia and France, the relationship is increasingly global rather than regional, dominated by North Korea's nuclear proliferation, military deployments in Iraq and Syria, counter-terrorism and G 20 economic reforms (Carroll & Eil, 2017). The concerns of the Kanak and Maohi peoples in the Pacific rank relatively low in the twenty-first century relationship.

France is also engaging with East Asian, South Asian and South East Asian nations on defence policy (Rigaud, 2016). Defence

Minister Jean-Yves Le Drian has placed the Australian submarine contract in the context of global strategic cooperation in the Indo-Pacific region rather than just the South Pacific, noting:

We need to think of a three-way partnership that includes India if we want security in the Indo-Pacific region. France is a Pacific nation through New Caledonia and French Polynesia. It is also an Indian Ocean nation through the island of La Reunion and our military presence in Djibouti and the United Arab Emirates. [Nicholson, 2016]

But conflating 'Indo-Pacific' to France's presence in the South Pacific is misleading. Proposals for joint Australia–France operations to the South China Sea (ABC, 2017) are constrained by the vast distance between bases in Noumea and Tahiti and potential hotspots in East Asia (a quick look at the map shows that Papeete is 11,587 km or 6,256 nautical miles from Beijing). Forces in New Caledonia are primarily deployed for domestic rather than regional roles.

The notion that the French Pacific collectivities are a bulwark against Chinese expansionism (du Chéné, 2002) is undercut by the lack of military capacity in the islands region. France deploys very few military assets in the South Pacific—after the 2008 global financial crisis, there was a significant draw down of forces based in the region, including a 50 per cent reduction in French Polynesia. Vessels transiting the South China Sea are mostly based in France, not Tahiti.

At the same time, governments in the French Pacific collectivities are eagerly seeking Chinese grants and investment in tourism, fisheries, infrastructure and New Caledonia's nickel industry (Maclellan, 2014, 2016a).

In contrast to Australian enthusiasm for Pacific security cooperation with France, a US analyst has highlighted Washington's reluctance to rely on French military deployments:

First, France's Pacific colonies are isolated from primary US concerns in the region—too far away from the United States' territories and associated states to the north, too stable to engender concern, and historically too detached from the rest of the region. Second, France lacks significant strategic

resources in the region, particularly since most of the French military presence left the Pacific once nuclear testing ceased. And third, engaging too closely could shine a light on the United States' own controversial history of nuclear testing and relations with its Pacific territories.

[Larsen, 2012]

2.4. The Blue Pacific as Laboratory

For 30 years, the Pacific islands served as a laboratory for France's nuclear testing program at the aptly named *Centre d'Expérimentation du Pacifique*. Today, many French agencies continue to view the Pacific as a laboratory, for initiatives in energy, climate geo-engineering, pharmaceuticals and aqua-business, with potential benefits for island populations as well as French corporations.

The French State subsidises an array of government and private research organisations that have extensive programs across the region in the social, natural and environmental sciences. These include the *Centre national de la recherche scientifique* (National Centre for Scientific Research—CNRS); the *Institut Français de Recherche pour l'Exploitation de la Mer* (French Research Institute for Ocean Exploitation); the mining research institute *Bureau de recherche géologique et minière*; and medical research centres such as the *Institut Pasteur*. The *Institut de recherche pour le développement*, located next to the Secretariat of the Pacific Community (SPC) in Noumea, coordinates a range of environmental research projects.

Institut de recherche pour le développement's director in Noumea Georges de Noni highlights the political importance of this work:

Science can be considered as a strategic level for dialogue and action between states, occupying a significant place in foreign policy. ... scientific diplomacy constitutes a true soft power lever for France. [de Noni, 2015, p. 95]

The French government looks this research network as a source of policy innovation. In a 2014 parliamentary debate, then Overseas Minister George Pau-Langevin stressed:

France has been a world leader in the strategic domains of nuclear power, nuclear weapons, aeronautics and space technology, and telecommunications. It must be, and the government shares and promotes this ambition, a leader around oceans policy. I'm convinced that France can be a world leader in the global development of sustainable growth—"blue growth" As well as traditional economic activities (fisheries and aquaculture, maritime transport), other activities can take place in the same domain: renewable offshore energy, offshore exploration for hydrocarbons, deep water sea-bed mineral resources, blue biotechnologies and more. [Pau-Langevin, 2014]

In turn, researchers have eagerly promoted their role, as seen in submissions to recent parliamentary inquiries, such as a January 2013 seminar on France's vision for the twenty-first century in the Pacific or the February 2014 Senate Overseas Commission report on France's EEZs (Senate, 2013, 2014).

2.5. *The Blue Pacific as Coordinating Framework*

In recent years, France has sought to institutionalise this focus on the 'blue economy' at the political level.

In January 2011, the French government established the *Comité pour les Métaux Stratégiques*—a committee on seabed and strategic minerals. In June that year, the government also established the *Comité interministériel de la Mer* (CIMER)—a ministerial committee for the oceans chaired by the Prime Minister. Former High Commissioner to New Caledonia Vincent Bouvier has been appointed Secretary General for the Oceans, reporting to the Prime Minister.

In December 2013, CIMER launched an inter-ministerial research program on accessing deep seabed minerals, involving French government ministries along universities, private companies and government research centres. The focus on strategic minerals and the oceans is complemented by renewed interest by French corporations such as Technip, which have invested in research on seabed mining.

Secretary General Bouvier notes that the government placed 'the blue economy' at the heart of the debate at the November 2016 CIMER meeting:

In the era of maritimisation, states must address five principal challenges: geopolitical, with the emergence of new maritime powers; security, with the development of threats capable of constituting a brake on development such as piracy, trafficking or terrorism; economic, where access to maritime resources will lead to competition and strong tensions between differing powers; environmental, where the oceans and seas require indispensable protection but are also capable of integrating economic interests from the major maritime actors; and finally the challenge of creating plans for the maritime space which will allow the necessary conciliation between these competing interests. [Bouvier, 2017, p. 43]

3. Problems for Pacific Regionalism

Sébastien Lecornu, Secretary of State to the Minister for the Ecological and Inclusive Transition in the Macron administration, led the French delegation to the 2017 Post-Forum Dialogue. In an interview, Lecornu stressed the significance of improved relations between France and Forum member countries:

If the door to the Forum is open, it's because the policies taken up by the President of the Republic Emmanuel Macron, the head of State, have created a longing for France. This is because there are a number of large nations which address the issue of climate change and global warming, but without as much enthusiasm, as much energy and maybe even courage as France. [Lecornu S 2017, unpublished data, interview]

The decision to incorporate New Caledonia and French Polynesia as full members of the Forum before any decision on their final political status raises a series of diplomatic and legal challenges for Forum island countries. While Pacific leaders made a 'political' decision at the Pohnpei Forum in 2016 to upgrade the membership of two of the three French collectivities (Maclellan, 2016c), members of the Council of the Regional Organisations of the

Pacific (CROP) are now living with the consequences. Some Pacific politicians and officials are openly wondering whether France is now effectively part of the Forum, joining Australia and New Zealand as a big brother in the regional family.

3.1. Legal Standing in the Forum

The admission of French territories as full members overturns the longstanding position that the Forum could not admit them until the decolonisation process was complete. For New Caledonia, this meant the completion of the self-determination referendum process created by the 1998 Noumea Accord, which may extend beyond 2022.

While the Forum has long accepted membership of other countries that do not meet the threshold for UN membership under international law (such as Cook Islands and Niue), it has established minimum benchmarks for membership. These include the capacity to direct a country's own foreign policy, enter into international agreements and sign treaties, notwithstanding the existence of shared governance arrangements or free association with other states.

It has been the practice of the Forum to include states 'which demonstrate a sufficiently high degree of autonomy and self-governance to reassure Forum Leaders of their complete independence and effectiveness in their participation of the Forum' (PIFS, 2015). However, New Caledonia and French Polynesia are not sovereign entities and lack control of key sovereign powers, including defence, foreign policy, courts and security.

A further complication arises because the three Pacific dependencies all hold a different legal and constitutional status within the French Republic. The 1998 Noumea Accord is entrenched as a *sui generis* section within the French Constitution, unlike French Polynesia's 2004 autonomy statute and the 1961 statute for Wallis and Futuna. The Noumea Accord creates a clear, legally binding pathway to a referendum on self-determination in New Caledonia—French Polynesia has no such pathway to a referendum and does not

exert 'clear and near-sovereign agency' (Christnacht, 2004).

Another key distinction is that—unlike the Noumea Accord—French Polynesia's autonomy statutes are not irreversible. Powers transferred to Papeete from Paris under an autonomy statute can be taken back by future governments (this has happened already since the 2004 statute was introduced, during a debate over control of territorial waters). In contrast, the transfer of legal and administrative powers from Paris to Noumea since 1998 cannot be revoked, whatever happens with the looming referendum in 2018.

A Forum Ministerial Mission was sent to Tahiti in 2015 to assess French Polynesia's application for full membership. Its final report noted:

While France has given French Polynesia greater control over some aspects of foreign affairs, these however do not include the ability to form foreign policy or to participate independently in the full range of external relations issues covered in the Pacific Islands Forum. Most of the concessions granted by France pertaining to foreign affairs are subject to either the formal notification of France or the approval of France [PIFS, 2015, p. 3]

Despite French Polynesia's autonomy statute, the French State (not Papeete) controls key sovereign and administrative powers. Decolonisation expert Carlyle Corbin has documented the many provisions of the 2004 statute where France can override French Polynesia's autonomy (Corbin, 2013). Semir Al-Wardi of the University of French Polynesia confirms that

French Polynesia certainly has autonomy but this does not give it full legislative power nor allow it to fully control its international relations. France remains master of the game. [Lacroux, 2017]

France's former ambassador for the Pacific Hadelin de la Tour du Pin has argued that control over defence and foreign policy is not an important issue:

New Caledonia today, through its organic law, has 98 percent of the powers of a sovereign state. What it lacks in reality is the powers of sovereignty: defence, currency, foreign affairs. If

you look at the members of the Pacific Islands Forum, many of them have neither their own money (the Marshall Islands uses the US dollar), nor their own defence (the Marshall Islands relies on the US forces while the Cook Islands are defended by New Zealand), nor their own effective diplomacy, as they lack embassies around the world. [de la Tour du Pin H 2013, unpublished data, interview]

The notion that defence, currency, foreign affairs and policing amount to just 2 per cent of sovereignty has not persuaded members of the Melanesian Spearhead Group and smaller island states group, which have long provided diplomatic support to independence movements in New Caledonia and French Polynesia.

At the peak of armed conflict in New Caledonia in 1986, Australia and New Zealand supported Forum island countries with the re-inscription of New Caledonia on the UN list of NSGTs (Regnault, 2013). Nearly two decades later, in 2013, Australia and New Zealand both refused to support the re-inscription of French Polynesia through the Forum. Smaller island states like Nauru, Tuvalu and Solomon Islands (backed by Papua New Guinea and Fiji), then took the initiative that led to the re-inscription of French Polynesia, a diplomatic initiative met with fury from the French government (MacLellan, 2015b).

3.2. *Capacity To Sign Treaties*

Even as full Forum members, both New Caledonia and French Polynesia are still listed as NSGTs with the UN Special Committee on Decolonisation. Their lack of international standing creates some constraints to engage as equal partners with other states or adopt key international treaties on oceans and climate. The ability to implement Forum-related agreements is also contingent on authorisation by the French State.

New Caledonia has certain advantages over the other two collectivities. Under the Noumea Accord, diplomacy is 'a shared competence', although the local government in Noumea must always comply with France's international obligations. While New Caledonia's government has established an external affairs

office, it has been led by French officials answerable to the French State. New Caledonia has the power to negotiate regional and international agreements in areas of its authority, but they must always be ratified by the President of France or the French Parliament, giving Paris significant control.

This French authorisation of treaty-making includes the Forum's core establishing treaty, the *2005 Agreement Establishing the Pacific Islands Forum*. In order for the membership of New Caledonia and French Polynesia to be fully effective, their accession applications have to be accompanied by an international agreement between the Pacific Islands Forum Secretariat and the French Republic, on behalf of its dependencies.

While it can negotiate treaties in some defined areas in its own right, the Government of New Caledonia lacks the international legal standing to accede to key treaties that are a priority on Forum agenda. This includes key trade agreements such as the Pacific Island Countries Trade Agreement and the Pacific Agreement on Closer Economic Relations (PACER-Plus). For Blue Pacific priorities on the oceans and climate change, the problem is even more significant. New Caledonia and French Polynesia are not signatories to the United Nations Framework Convention on Climate Change. Their governments have no legal standing to sign the Paris Agreement on Climate Change or apply in their own right to the Green Climate Fund.

3.3. *Forum Political and Security Policy*

The active engagement of NSGTs in an organisation of sovereign nations poses new dilemmas in Forum political and security policy. This comes at a time the regional organisation has launched a dialogue on a new 'Biketawa-Plus' security framework, looking to issues of maritime security, illegal fishing and people trafficking.

French forces in the region—army, navy, air force and gendarmerie—are under the control of Paris, not Noumea and Papeete. Even under the Noumea Accord, the French State is legally responsible for defence, customs and policing.

This raises significant questions over French participation in the Forum Regional Security Committee and the South Pacific Defence Ministers Meeting. France is currently an observer at the South Pacific Defence Ministers Meeting, but Canberra will no doubt push for an upgrade to full membership.

With Paris retaining legal control of security powers, will the Government of France or the Government of New Caledonia drive policy?

The Kanak independence movement Front de Libération Nationale Kanak et Socialiste (FLNKS) is a full member of the Melanesian Spearhead Group. In contrast, the President of the Government of New Caledonia represents his territory in the Forum (since 1999, this position has always been held by an anti-independence politician). With the potential for differing perspectives on a rapidly evolving security crisis in Melanesia, this unique combination may pose significant challenges for Pacific leaders.

Could the Forum use the Biketawa powers to intervene in a security crisis in the French collectivities—in the manner of Operation Quickstep in Tonga or RAMSI in Solomon Islands—when Paris rather than Noumea controls security? It is inconceivable that France would allow forces from a Forum member country like Papua New Guinea to intervene in the French collectivities. Beyond this, Melanesian governments are unlikely to welcome the prospect of French forces participating in future Forum interventions (in Bougainville, for example), with the potential for popular backlash across Melanesia.

One example of the differing political positions of France and the territorial governments is the issue of self-determination in West Papua. There are already differing perspectives between the French State and FLNKS members of New Caledonia's government over support for the United Liberation Movement of West Papua (MacLellan, 2015c). In an interview, French High Commissioner Thierry Lataste acknowledged the difficulties:

It's true that on West Papua, there is a French position while New Caledonia hasn't set its position. Will they stick to the French position?

Will they express nuances? This is an ongoing process. On matters such as regional security, one could imagine a local President could be given the mandate as France's spokesperson. [Lataste T 2017, unpublished data, interview]

High Commissioner Lataste says that France would be open to local politicians representing Paris' views on security within regional organisations, especially as the 2018 referendum in New Caledonia may not quickly end the current division of authority between Paris and Noumea:

In the current context, which risks being extended if people vote "no" in the referendum, it's true that there's a link between New Caledonia as a member of a political organisation like the Forum and the responsibilities exercised by the French State in New Caledonia. But the Noumea Accord and the law provide quite a few tools: France could make [NC President Philippe] Germain its spokesperson, could provide him with a defined mandate, could support him with high-level French officials who were specialists in the topic at hand.

That wouldn't curb his right to speak, but it's a way he could carry the views of the State. The local President could sign agreements on behalf of France, could speak on behalf of France etc. If he were to take positions contrary to the national policies of France, that could become complicated! But I think the politicians here—above all the loyalists, by definition—are not desirous of creating conflict or disorder in the region. [Lataste, 2017, interview]

Lataste's comments confirm what many island leaders have feared: the French state sees its role as providing the policy on security for the local representatives to espouse. Political leaders from New Caledonia and French Polynesia can act on behalf of the French State when they advance policies supported by Paris—but will not be given the same leeway if they are advancing initiatives contrary to the policies of the French state.

3.4. Relations with Forum Dialogue Partners

As the Forum develops its 'Blue Pacific' agenda, it engages with—and sometimes

challenges—its diverse range of Forum Dialogue Partners, including France, China, Japan, the United States and the EU.

At the 2017 Forum Foreign Ministers Meeting in Suva, ministers agree to ‘convey to Forum Dialogue Partners that French Polynesia and New Caledonia are full Forum members and therefore should be treated as such’ (PIFS, 2017). Wishing does not make it so. The colonial status of New Caledonia and French Polynesia as NSGTs under international law poses significant dilemmas for United Nations agencies and some Forum partners.

As one example, the Pacific Area Leaders Meeting (PALM) summit has traditionally involved the Prime Minister of Japan and his Pacific island counterparts, meeting as leaders of sovereign states. New Caledonia and French Polynesia were not invited to the PALM Third Ministerial Interim Meeting in January 2017, and the Japanese government is debating whether to invite them to the next full PALM summit, which has a core focus on Blue Pacific topics like climate, oceans and fisheries policy.

Relations with the EU are also evolving, after the Brexit vote created uncertainty over the future role of the United Kingdom as a gateway for Commonwealth island states to the EU. In an interview, Secretary of State Lecornu said:

Brexit will create something new in the Pacific. France, which is a large Pacific nation, will henceforth be the only member nation of the European Union in the region. The three overseas collectivities French Polynesia, New Caledonia and Wallis and Futuna—the *pays et territoires d’outre-mer* (PTOM) as we call them—are the incarnation of Europe in this part of the world after Brexit. [Lecornu, 2017, interview]

To EU partners, France presents its Pacific dependencies as a gateway for EU engagement with the Pacific. In turn, Paris tells the Forum that its collectivities provide an opening into Europe. In a 2016 interview, French Polynesian President Edouard Fritch said:

‘Many countries see New Caledonia and French Polynesia as a pathway to France and to Europe, for Europe is present here in the Pacific’ (Fritch E 2016, unpublished data, interview).

But it is not clear how the membership of French Polynesia and New Caledonia in the EU’s network of Overseas Countries and Territories (OCT/PTOM) provides a mechanism for sovereign island nations to engage with Europe. Why should independent states channel their bilateral and multilateral relations with the European Commission and EU member states through the EU’s OCT Group, alongside the confetti of empire like Pitcairn, St Helena and the Falklands/Malvinas?

There is already a regular dialogue between the European Commission and the Pacific Islands Forum Secretariat. EU representatives come to the annual Forum Dialogue and other EU member states Germany, Italy, Spain and (for the moment) the United Kingdom are Dialogue Partners in their own right. The EU resident representative in Suva meets regularly with Forum Secretariat staff. There is also dialogue between the EU and Pacific members of the African, Caribbean and Pacific group over trade policy, development assistance and the potential successor to the 2000 Cotonou agreement. What value adding comes from using the OCT mechanism?

On the Blue Pacific, France has long claimed the EU–Pacific connection for its own strategic interests. France is a major contributor to the European Development Fund, a focal point for EU–Pacific relations, providing 19 per cent of its budget. But Paris has openly used EU processes for its own benefit in the Pacific, as then Overseas Minister George Pau-Langevin told the Senate in 2014:

The French government has been particularly active in European institutions within the framework of the new programming of EDF funds for the period 2014–20, in order to obtain the maximum support for the economic development of our EEZs. [Pau-Langevin, 2014]

3.5. Policy-making in the CROP Agencies

France and its three Pacific dependencies have long been members of some CROP technical organisations. As a founding member of the SPC and the Secretariat of the Pacific Regional Environment Program, France provides more

than 10 per cent of core funding to these regional technical organisations. SPC Deputy Director Cameron Diver travelled to France in late 2017 to discuss an enhanced relationship with French institutions.

The 2016 decision on Forum membership has however raised significant issues for other CROP agencies where France is not a member, such as the Forum Fisheries Agency (FFA). Some fisheries officials have raised concern that confidential positions on the management and conservation of tuna have been compromised with the effective inclusion of France—through its Pacific collectivities—into FFA membership. Dr Transform Aqorau, the founding CEO of the Parties to the Nauru Agreement, has expressed concern over France's new influence over tuna negotiations:

I know that the FFA membership is deeply concerned about the implications of sharing the same room with France in Pacific Island tuna discussions, and this issue was discussed at great lengths at the recent [2017] Pacific Fisheries Ministers' meeting in the Gold Coast. So you can see that there is now a perception that the FFA's position has been compromised, prompting the view that perhaps the time is right for PNA to step up and become the lead agency in regional tuna management. [Pareti, 2017]

At the 2017 Forum in Apia, FFA Director General James Movick responded that

Any country that is member of the Forum has the right to automatically accede to the FFA convention. In this case, it appears that New Caledonia and French Polynesia may have the right to automatically accede the convention.

The issue for the Pacific Island countries for any new member coming in is the degree of compatibility and coherence between the general fisheries framework which is applied by the FFA member countries—which is one of the very strong zone rights-based management and of the rights of coastal states to have allocation rights with regard to that resource. What we are trying to ascertain now is the extent to which fisheries management laws and regulations that apply in French Polynesia and New Caledonia would be compatible with the general FFA approach. [Movick, 2017, interview]

This highlights the tension between the France that proclaims itself as a Pacific state and the France that is a core member of the EU. In most cases, EU solidarity overcomes support for Pacific island policies, as shown with the French government's silence over illegal fishing by Spanish boats.

Since his election in 2017, President Macron has presented himself as a champion of climate change, in comparison to Anglophone countries with strategic interests in fossil fuels (coal in Australia, tar sands in Canada and Trump in the United States). But given the central importance of climate policy for Pacific island nations, the Forum will face significant problems when France advances policies that clash with the priorities of its Pacific dependencies.

Even under Macron's Socialist Party predecessor, there were clear examples of Paris opposing policies advocated by SIDS. At the December 2016 board meeting of the Green Climate Fund in Apia, France actively opposed the call by SIDS and other developing states to increase funds allocated to the Green Climate Fund's Readiness and Preparatory Support program, a crucial mechanism that helps smaller nations with the costs of feasibility studies and preparing funding proposals.

3.6. Resource Exploitation by the Colonial Power

With the French state controlling sovereignty over the Pacific EEZs, maritime resource exploitation will become a major battleground in the twenty-first century. Independence movements in New Caledonia and French Polynesia are actively asserting their rights over marine resources under international law, and this looms as a tension for Blue Pacific policy within the Forum.

Former Senator for French Polynesia Richard Ariihau Tuheiava has told the UN Special Committee on Decolonisation:

We have continually emphasised the critical nature of the resource question as a core issue for our future development. Whether or not these resources are considered in Paris to be "strategic"

is irrelevant to the applicability of international legal decisions which place the ownership of natural resources with the people of the non-self-governing territories. [Tuheiava, 2016]

Successive resolutions of the UN General Assembly have highlighted the rights of colonised peoples to their natural resources, on land and in the oceans:

Any administering power that deprives the colonial people of Non Self-Governing Territories of the exercise of their legitimate rights over their natural resources ... violates the solemn obligations it has assumed under the Charter of the United Nations.¹

The rights of people living in NSGTs are reaffirmed in Resolution III of UNCLOS and resolutions of the UN Special Committee on Decolonisation such as the 2017 statement that ‘the inalienable rights of the people of French Polynesia to the ownership, control and disposal of their natural resources, including marine resources and undersea minerals’.

In June 2017, Richard Tuheiava told the UN Special Committee:

Although the current French organic law allows for the administrative “competencies” of management and exploration of the natural resources to be monitored by our local elected Government, Provision 2 § 2 of UNCLOS appears to acknowledge that full right of sovereignty over our EEZ remains with France as the State party. Provision 2 § 2 of UNCLOS also extends the right of sovereignty of the administering Power over the undersea and seabed resources, as well as the aerial zone above our EEZ. [Tuheiava, 2017]

Despite this, France is developing exploration and investment initiatives with Forum member countries. Australia and France have worked on joint projects looking for potential offshore oil and gas provinces. Geoscience Australia has worked with French research agencies to find deep sea hydrocarbons in waters between Queensland and the New Caledonian basin, providing evidence of potential deep sea oil

resources in the Capel and Faust basins. French Research Institute for Ocean Exploitation and French corporation Technip have explored for rare earth off Wallis and Futuna in a joint public–private venture (Senate, 2014).

Under Article 14 (9) of French Polynesia’s autonomy statute, the French State—and not the Government of French Polynesia—controls a range of legal powers related to maritime policy (Corbin, 2013).

France was a major contributor to the EU-funded regional project coordinated by the SPC on frameworks for deep-sea mining (DSM). The project encouraged independent Pacific countries to develop national legislation for DSM industries, even as there was widespread citizen concern over controls the development of the DSM industry—an issue with vital implications for independent states as well as the French Pacific dependencies.

3.7. Disputes over Maritime Boundaries

One tension in French-Forum cooperation on oceans policy arises from territorial disputes over sovereignty within overlapping EEZs. These boundary disputes have economic implications, given the potential to exploit undersea resources or the revenues from foreign fishing fleets operating in Pacific EEZs.

To support its claims, France maintains an extensive program of undersea mapping and oceanographic studies. The French government program ‘Extraplac’ coordinates scientific research and prepares submissions to the United Nations, in order to extend its zones to the limits of the underwater continental shelf.

France’s bid to extend New Caledonia’s continental shelf has been used to justify its claim to Umaenupne (Matthew) and Umaeneag (Hunter) islands. These uninhabited volcanic islands, located to the east of New Caledonia and the south-east of Vanuatu, are claimed by Vanuatu. There were colonial disputes over the islands, even before the joint French–British condominium of New Hebrides gained independence in 1980. Since then, repeated French assertions of sovereignty have angered governments in Port Vila.

1. UNGA Resolutions 48/46 of 10 December 1992; 49/40 of 9 December 1994; Resolution 67/126 of 18 December 2012.

The Kanak independence movement FLNKS supports Vanuatu's position in the territorial dispute. With the 2009 Keamu Agreement, the FLNKS acknowledged that the islands belong to ni-Vanuatu customary leaders from Tanna. FLNKS spokesperson Victor Tutugoro joined customary leaders from Tanna in 2009 to state that 'the indigenous Kanak people do not have a traditional history on these islands', in contrast to customary authorities from Vanuatu's Tafea province. For Tutugoro, the signing of the Keamu Agreement 'is a solemn commitment between the Kanak people and the people of Vanuatu that whatever the political and institutional future of New Caledonia, Matthew and Hunter Islands will remain the property of the people of Vanuatu' (MacLellan, 2010).

4. Conclusion

There are a wide range of areas of potential cooperation on the Blue Pacific between anglophone and francophone nations in the region. Independent island nations have plenty to learn from New Caledonia's interest in marine protected zones and World-heritage listing for its reef ecology. French Polynesia and New Caledonia have joined Cook Islands, Palau and Vanuatu to work towards integrated ocean management of their maritime zones.

But the integration of NSGTs into an organisation of independent and sovereign nations poses new problems for Pacific regionalism. France has its own strategic interests in the region and enhanced strategic partnership between France and Australia—the largest Forum member—raises questions over the priority given to self-determination for France's Pacific colonies at a time when a referendum is about to take place in New Caledonia.

There are ominous signs in the wind. No pro-independence Kanaks attended the 2016 and 2017 Forum leaders meeting as part of the New Caledonia delegation, despite being members of the government. Fijian statesman Kaliopate Tavola has asked

Will the incorporation of France in Pacific regionalism mark the death of decolonisation efforts? Or will it signify an historic change in the approach to decolonisation? If the latter, then how can we balance the French interests against those of the Kanaks and the Maohi people (and the West Papuans)? [Pareti, 2017]

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