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THE INSTITUTIONALISATION OF 'KANAK IDENTITY' IN THE NEW CALEDONIAN CUSTOMARY SENATE AND KANAK CUSTOMARY LAW

Rowena Dickins Morrison

*SOGIP, Ecole des Hautes
Etudes en Sciences Sociales*

Visiting Fellow, ANUCES

Centre Visitor, CAEPR

This event is co-hosted by the Centre for Aboriginal Economic Policy Research (CAEPR) and the ANU Centre for European Studies (ANUCES). ANUCES is an initiative involving four ANU Colleges (Arts and Social Sciences; Law; Business and Economics; and Asia and the Pacific) co-funded by the ANU and the European Union.

Colonised by France in 1853, New Caledonia is currently engaged in a process of 'decolonisation', as defined by the 1998 Noumea Accord. In 2014, one or more restricted-electorate self-determination referendums will be held. This period will be crucial, not only for the definition of the country's relationship to France, but also for the country's internal institutional structure and the balance established between the country's Indigenous People and its non-indigenous communities. The current balance purports to be founded on the 'full recognition of Kanak identity', which is identified in the Noumea Accord as the necessary precondition for durable peace and stability, and the construction of a 'common destiny' shared by all citizens.

One of the means through which the Noumea Accord purports to realize the full recognition of Kanak identity is the transformation of the New Caledonian Customary Council into a 'Customary Senate'. The Senate has a broad range of functions in relation to matters concerning Kanak identity, but remains subordinate in key respects to the New Caledonian Congress and Government. This seminar traces the genealogy of the Customary

Senate and explores the political issues associated with its functions and legitimacy. It discusses some of the issues surrounding the Customary Senate's current focus on legal pluralism and its project to write down, and thus (further) institutionalise, Kanak customary law. What questions does this project raise in terms of the cross-cutting political and legal processes of institutionalising 'Kanak identity' in contemporary New Caledonia? And what potential socio-political implications might these processes and the growth of legal pluralism have for the Noumea Accord's pluri-ethnic 'common destiny' project?

Friday 29 November 2013

12.30 – 2.00 pm

**ANU Centre for European Studies
1 Liversidge Street (Bldg 67C)
The Australian National University**

Please RSVP by 28 November to
caepradmin.cass@anu.edu.au

Enquiries: 6125 0587

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