

lenged the legality of the government, since the territorial assembly had not been consulted about the November and June ministerial resignations and dismissals. The Administrative Court annulled the appointment of the five ministers involved. Braun-Ortega then asked Léontieff to resign because the remaining five ministers fell short of the minimum of six required by the 1984 statute. Fortunately for the government, the high commissioner ruled that an assembly vote on the ministers would be satisfactory. During the following session, the assembly confirmed the presidential choice of ministers, narrowly preserving the Léontieff government.

Two important issues emerged during the administrative session of the territorial assembly in June 1989. First, the statutory constraints and ambiguities that had diverted the government from implementing its economic and social initiatives, led to increasing resentment between Léontieff, the administrative court, and the high commissioner. At the same time, mounting concern was expressed over an expected invasion by foreigners once the European Community opened its borders to free movement of people and capital in 1993.

If political problems interfered with the implementation of economic programs during 1988–1989, social issues were no less problematic. Concern was mounting over urban unemployment, drug use, crime, and widening ethnic and economic divisions. Many of these issues are linked to the profound destabilization of the traditional economy during the past two decades. Consequently, the administration directed a

very serious effort at youth problems, particularly in Papeete. The programs being developed included specialized education, job training, short-term public employment programs, and cultural events.

Meanwhile, Paris continues to control international migration, defense, and other areas. French Polynesia is important to France, not only because of its role in the nuclear testing program, but also because it is a critical link in a strategic chain of departments and territories that stretches across the Caribbean, the Pacific, and the Indian Ocean, and includes potentially valuable exclusive economic zones. Despite its small size compared to the superpowers, France remembers its vulnerability in past wars, feels that its international role has been insufficiently acknowledged, and sees no reason to confine its activities to mainland Europe.

Nuclear testing has continued in both Moruroa and Fangataufa, but opposition in both Tahiti and the region has been muted by increased spending on aid projects, a successful international relations program by the new socialist government, and scientific reports that identify no short-term environmental hazards. However, budgetary constraints have resulted in a decline in the number of nuclear tests in the Tuamotus.

MOSHE RAPAPORT

NATIVE HAWAIIAN ISSUES

Although community outrage over billion-dollar Japanese investments in residential, commercial, and resort properties throughout the Hawaiian Islands

attracted the most media attention during the year under review, the major political story was the push for sovereignty by Native Hawaiians.

A culmination of two decades of land struggles, the sovereignty movement can be traced to the 1893 American military invasion of Hawai'i, the subsequent overthrow of Queen Lili'uokalani and installation of an all-white puppet government, and forcible annexation by the United States in 1898. Since 1900, portions of the Native Hawaiian community have agitated for various forms of self-government ranging from an autonomous land base within the American system to complete secession. Statehood in 1959 seemed to end these dreams, but now, thirty years later, sovereignty is in the air.

Strong resistance to self-government has emanated from predictable quarters. State agencies and officials that manage or use Native Hawaiian lands and waters have been the most opposed, including the Office of Hawaiian Affairs, the governor, and various other government departments with access to Native Hawaiian resources. The tourist industry, including the airlines and major resort developers, is opposed to Native Hawaiian control of land because hotel development might be endangered. Finally, the federal government has never admitted culpability in the nineteenth-century extinguishment of the Hawaiian nation, thus preventing an equitable settlement of the issue of self-government for Native Hawaiians.

Although the push for sovereignty has been consistently resisted in the modern period, the number of organi-

zations seeking sovereignty has mushroomed. By the end of 1988 there were at least a dozen identifiable groups with varying positions on the land base of the future Hawaiian nation, the structure of its government, and strategies for its achievement.

What the mechanism of self-government will look like is still unclear, but the level of Native Hawaiian consciousness is so high that when Senator Daniel Inouye's Indian Affairs Committee came to Honolulu in the summer of 1988 to hear testimony on reparations for the overthrow and annexation, Hawaiian groups argued for self-government, not merely reparations.

The most compelling argument for sovereignty was put to the senator in terms of an extension of current American policy regarding native peoples within its borders. In the 1970s President Nixon changed the central principle of native policy from wardship to self-determination. The policies of termination were to be replaced by a commitment to tribal self-government. Part of this policy meant recognition of tribes by the federal government. Today, the United States government recognizes over three hundred Indian nations. Under existing policy, relations between the federal government and these Indian tribes are described as "nation-to-nation."

In the Hawaiian case, there has been no federal recognition of native claims to self-government. The trust lands of the Hawaiian people are controlled by the state and federal governments, not the Hawaiian people. Presently, Hawaiians do not even have access to state and federal courts to bring claims

of land abuse because they are officially classified as *wards* of the state, without litigation rights. Recognized Indian nations, by contrast, have this right, among others.

Inouye was stunned by this argument. He could not fail to see the injustice of federal recognition of one group of native people but not another. Pressured by Hawaiians calling for self-government, and cornered by the press at the hearing, Inouye finally acknowledged that "if native American Indians have sovereignty, it's difficult to argue Hawaiians do not."

That he could make this statement was a recognition of how far the sovereignty movement has progressed. For years, the debate was stuck at the question of American restitution for the overthrow of the monarchy and illegal annexation. But a groundswell from within Native Hawaiian communities has changed that.

After Inouye's hearings, a Hawaiian rights conference in August 1988 was followed by an unprecedented public forum on sovereignty at the Hawai'i State Capitol in early December. Six Native Hawaiian organizations presented positions on the structure and land base of the proposed Hawaiian nation. After two days of intense discussion, two major strategies emerged. First, there would be direct negotiations with Inouye for federal recognition; second, an effort would be made to prevent the Office of Hawaiian Affairs from assuming the role of sole representative of the Hawaiian people.

Predictably, the Office of Hawaiian Affairs attacked the sovereignty movement and claimed that it could become the governing structure of the Hawai-

ian nation. Negotiations involving the Office of Hawaiian Affairs, the governor's office, and Inouye's staff were planned. In order to squelch the drive toward self-determination that has sprung up throughout Hawaiian communities, an obvious strategy would be to federalize the Office of Hawaiian Affairs, making it a Hawaiian version of the federal Bureau of Indian Affairs.

Meanwhile, land struggles continued on every Hawaiian island: against resort complexes with golf courses, hotels, and marinas; against polluting geothermal developments on trust lands; against leasing of trust lands and waters for military and other illegal uses; against disinterment of Native Hawaiian burial grounds to make way for development; and against grotesque cultural commodification by tourism.

In modern Hawai'i, tourism has joined state abuse of trust lands to form the single greatest cause of Native Hawaiian land dispossession. Over the last year, Hawai'i was inundated by six and a quarter million visitors consuming precious water, clogging highways, crowding beaches and parks, and demanding all manner of services from fast foods to golf and ocean recreation. In their native land, Hawaiians find themselves outnumbered by tourists in a ratio of thirty to one.

In the context of this tidal wave of non-natives, the push for a land base and some form of self-government is the only sane response to loss of control. Beyond this, the terrible socioeconomic profile of Native Hawaiians—highest unemployment, highest prison population, lowest educational attainment, worst health conditions, and

largest outmigration from the islands— confirms the need for a resumption of Hawaiian control. A land base under exclusive jurisdiction of Native Hawaiians is the most intelligent answer.

In the next year, public confrontations between the Office of Hawaiian Affairs and sovereignty groups will escalate. The governor, meanwhile, is likely to use this as a ploy to continue state control of native resources. The senator will probably be looking for an easy way out. Hanging in the balance are over a million acres of Hawaiian trust lands and untold millions of dollars in potential revenues.

HAUNANI-KAY TRASK

MAORI ISSUES

The attempt to settle tribal claims to New Zealand's coastal fisheries was the most important issue affecting Maori interests during the year under review. The government agreed to concede 50 percent of the total fishery to the Maori over a twenty-year period, but withdrew the enabling legislation in the face of mounting public opposition. However, the tribes did regain control of 10 percent of the fishery, and the balance of their claims remained before the courts in June 1989. The nature and development of the Maori claim are discussed here.

Under Article II of the Treaty of Waitangi, 1840, the British Crown guaranteed the Maori people of New Zealand "the full, exclusive, and undisturbed possession of their Lands and Estates, Forests, Fisheries, and other properties which they may collectively and individually possess." Within eight years of the treaty being signed, the

Crown took steps to extinguish native title to the land by "fair purchase." But no such measures were taken to extinguish the Maori property right to the fisheries that was recognized and guaranteed by the treaty. With the establishment of the New Zealand Parliament in 1854, the government simply arrogated to itself both the freshwater and marine fisheries, and controlled them by the issuance of licenses for domestic and commercial use. Exploitation of the marine fishery was small-scale and benign until the 1960s.

Thereafter, government encouragement of joint ventures with transnational fishing corporations in the interest of economic growth put the inshore fishery under stress. In 1986 the government introduced the Quota Management System to reduce the number of fishers, and to control the level of catch. Fishers and fishing companies were issued Individual Transferable Quotas to catch specified amounts of designated species of fish. The quotas were treated as individual property, tradable on the open market.

In 1985, before the quota system became effective, the Muriwhenua Incorporation, on behalf of the Maori tribes in the far north, lodged a claim with the Waitangi Tribunal that the individual quota fisheries management system contravened Maori fishing rights guaranteed by the Treaty of Waitangi (Norman 1988, 184). That guarantee was incorporated in Section 88(2) of the Fisheries Act of 1983, which stated that nothing in the act shall affect any Maori fishing rights (Waitangi Tribunal 1988, 6). Since Maori fishing rights were not defined in the act, the tribes of Muriwhenua