acknowledging that the islands of Wallis could never again accommodate the whole of the Wallisian population living in New Caledonia, the new party considers that the future of the Wallisian and Futunan community in New Caledonia can only be associated with that of the Kanak people, and has announced its support for the independence movement.

FRANÇOIS SODTER

WESTERN SAMOA

During the year under review, the Lona village execution, antigovernment march, allegation of national bankruptcy, charges of nepotism, and mismanagement in government departments captured the local headlines. The Lona execution bared Samoa's social conscience and the anti-goods and services tax demonstration tested the relevance of indigenous political institutions. The underlying theme is the double moral standards engendered in the constitutionally sanctioned dual system of authority. In a nation of over three hundred villages, 87 percent of Samoans live wholly or partly under the rule of a matai-cleric alliance and the remainder, mostly mixed-race Samoans, are classified as Individual voters who live wholly or partly under the rule of law. In reality the ambiguous milieu of custom and law is everyone's lot.

Since independence, several constitutional court cases have exposed the dilemma of balancing custom with western concepts of authority. An increasing number of cases demonstrate that the Village Fono regard their customary powers—under the fa'alupega, not the constitution, as ultimate pule 'authority'. In 1992, a villager was trussed up and paraded through Neiafu before being laid beside an ominously burning umu as the Fono pondered his fate (SO, 29 Sept 1993). Manono villagers extracted higher fees from tourist operators for village visitation, and in Lona, a villager was shot to death and his property torched for challenging the village fono (PIM, Nov 1993, 17). When his wife, Italia, testified at a subsequent trial hearing, the main reason she gave for their withdrawal from fono-controlled activities was that the fono had earlier banished the senior matai of their aiga. Twenty-eight Lona villagers appeared before the Magistrate Court, all pleading guilty for their part in Nu'utai's death (PIM, Dec 1993). But their defense lawyers argued that they acted within their rights, as prescribed by the Village Fono Act. The Act reads like a rushed piece of legislation, in eleven brief sections (4 pages in English and 5 in Samoan); cloaked in Victorian and Christian prudishness, customs, and usages, it was widely criticized as a principal threat to human rights (Maiava 1991, 210).

Another clash between custom and law was played out when an antigovernment demonstration was held on 2 March 1994 against the unpopular goods and services tax. Matters were compounded when the new 10 percent tax and a 15 percent general price order were introduced simultaneously on 1 January 1994, increasing the cost of living by as much as 40 percent. By the end of the first week of 1994, Trade, Commerce and Industry Secre-
tary Tunaimatia Frank Chan Tung had withdrawn the 15 percent price order because of "errors and compounded miscalculations" and lack of communication with the Inland Revenue Department charged with implementing the goods and services tax. Two days later, an amended price order effective from 4 January was issued, amid allegations of inconsistencies between Price Control Board notices and public advertisements (So, 5 & 7 January 1994). Since January 1994, the price order has been amended and re-issued four times.

Having been visited by cyclones in 1990, 1991, and 1993, Western and American Samoa experienced a cyclone of another kind in 1993. A taro leaf blight decimated the country's million-dollar taro industry (NZ$4 million annual export and WS$20 million local). The leaf blight, a relative of the one that caused Ireland's catastrophic potato famine last century, is known to have almost wiped out taro in Papua New Guinea and the Solomon Islands. Spraying programs were having little effect and Agricultural Minister Misa Telefoni Retzlaffe warned that the fungus will be a permanent feature in the country—it can be controlled but not eradicated—and urged growers to seriously reconsider diversifying again. On the plus side, banana shipments to New Zealand wharfs resumed after a visit by Cyclone Lin in 1993 destroyed 90 percent of supplies (ST, 13 Aug 1993).

In the wake of debilitating cyclones, the taro leaf fungus, and dwindling remittances from aiga overseas, the opposition Samoa National Develop-
the supreme law, with parliamentary procedures as the forum for redressing grievances. In a charged setting, the march leaders conveyed their oral petition to the Head of State through lauga ‘oratory’ and settled themselves outside the new government buildings. One certain demonstrator was Joseph Churchward, designer of the gold medals for recipients of Samoan Orders of Merit in 1993, whose commissioned services remain unpaid by the government (so, 25 Feb 1994). A hurried meeting of the Executive Council, made up of the Head of State and Cabinet, was called and as a result the goods and services tax legislation was enforced, but several essential goods and services—rice, flour, meat, pharmaceuticals, soap, baby food, and others—were exempted or tariffs reduced. Other exemptions were made on government and corporation services, such as electricity, water supply, boat fares, and airport departure taxes.

At a special session of parliament on 7 March, Tofilau countered the claim that the marchers represented Pule-Tumua by pointing to similar representation in the government. Tofilau claimed with some validity that the Goods and Services Tax Act was first introduced under the Coalition government of Va‘ai in 1986, in which Tui Atua was deputy prime minister. Tofilau accused Tui Atua of absenting himself at the time the bill was tabled in late 1992. A vote of confidence in Tofilau was passed with 29 votes, but boycotted by opposition parties. Although the government and the opposition are organized along party lines, the public demonstration seems to have revived indigenous political institutions under the fa‘alupega (and lotu). Fa’amatuainu Tala Mailei was appointed president of the newly constituted Pule and Tumua association with offers of resources and assistance from Cardinal Taofinu’u and Auckland-based historian Malama Meleisea.

Perhaps the most disturbing effect of living under the paradox of dual authority is the toll on young Samoans. For a small country of just 170,000 people, the incidence of suicide is alarming. By mid-April 1994, deaths by suicide for the year numbered 13, compared to 16 for the corresponding period in 1993. On a per capita basis, Western Samoa in 1981 led the world with 79 suicides. The number dropped to the thirties in 1983, largely through the efforts of a Suicide Awareness Association. But ten years later, the numbers are climbing, with 39 for 1992, and 37 for 1993. According to the Health Department, the majority of victims fall in the 14-24-year-old age group, and the most common methods used are paraquat, shooting, and hanging, in that order. Family dispute is the common reason given.

Two recent reports have painted an intensely grim profile of the economy. In May 1994, Financial Secretary Sala Epa Tuioti reported to Finance Minister Tuilaepa Sa’ilele Malielegaoi that Polynesian Airlines’ mounting debt totaling ws$45.2 million was likely to force the country into bankruptcy. Polynesian Airlines is losing approximately ws$370,000 to $425,000 a week, including interest costs. The current operating deficit of ws$7.9 million, plus ws$37.3 million of existing
nonoperating debt from government loans and government-guaranteed loans, is equivalent to about 26 percent of the total budgeted government receipts for the 1993–94 fiscal year. Sala indicated that Polynesian Airlines is also seeking additional government guarantees of W$16.5 million for an existing debt to Air Canada, and W$10.9 million for the basic lease cost of the Kuwait 767 aircraft. If granted, the total amount of government guarantees and advances provided over the last thirteen months to Polynesian Airlines will be W$48.2 million, nearly half the country’s total foreign exchange reserves.

Sala’s report indicated that under Ansett, the airline was able to return a profit, but inept management and misplaced notions of regional grandeur led to more debts. “Profits are promised at some elusive future point, but no practical steps are taken to ensure they are achieved.” Netzler told the House that Ansett had left Polynesian Airlines with a debt of W$13 million in 1992. However, the controller and chief auditor reaffirmed that under Ansett the “loss was nil” from 1987 to 1992 (so, 15 July 1994). Action of a sort was not long in coming. The *Samoan Observer* reported that Le’aupene Sanerive Mulai‘aumaseali’i, a Polynesian Airlines consultant, was promoted to chief executive officer, eclipsing but not replacing General Manager Papali’itele Steve Percival (29 May 1994). Le’aupene, a former attorney-general, was found guilty in a New Zealand court of professional misconduct over clients’ trust accounts at his Auckland law practice (Tuimaleali‘ifano 1994, 199). He is barred from practicing in Western Samoa, but without extradition agreements between Western Samoa and New Zealand, Le’aupene escapes conviction. By the end of July, Polynesian Airlines Board Chairman and Aviation Minister Jack Netzler had resigned as chairman but will remain as minister.

A long-time confidant of Prime Minister Tofilau, Netzler had earlier resigned the Shipping portfolio in 1992 after he denied a report of mismanagement and fraud by top executives of Western Samoa’s Shipping Corporation by Controller and Chief Auditor Su’a Rimoni Ah Chong. Netzler’s successor, Misa Telefoni Retzlaff, a businessman-lawyer and former attorney-general, subsequently confirmed the report. The two executives were dismissed, but Misa refused to lay criminal charges against Fiaola Gustaf Chu Ling, brother of former Lands and Survey Minister Sifuiva Sione, and Hori Ainu’u (so, 22 Jan 1993).

The latest auditor’s report exposed more irregularities and illicit activities in government departments, the Public Works Department in particular. The pressures facing the auditor are painfully clear. When the lawful powers of his office are applied to his inquiries, on numerous occasions, he is presented with the argument, particularly by those affected most adversely by his inquiry, that his investigation is against “Christian principles, customs and usages of fa’a Samoa” (so, 15 July 1994).

In the Customs Department, the controller and chief auditor disclosed that W$4.1 million is owed to the government in unpaid duties. There is
serious concern about record-keeping, with records either missing or destroyed through negligence, as well as the release of container goods with neither import entries, duty payments, nor checks of contents against invoices.

The auditor reserved his most scathing remarks for the Public Works Department, where Minister Le'afa Vitale, Director Isikuki Punivalu, and senior officers are alleged to be involved willingly or otherwise in wide-scale fraud, complicity, and nepotism. The auditor documents a racket involving Punivalu, his brother Lilo Peter Punivalu, and Mechanical Plant Engineer Sauliutoga Kupa over government cement and fuel. The officers allegedly either lent, exchanged, or sold bags of government cement and pocketed the proceeds. Cement lost to the government totaled US$127,432, while fuel lost totaled US$25,283. Other cases include missing building materials for a Public Works Department residence in Salelologa. Damaged by Cyclone Val in December 1991, the rotten and unsafe structure was repaired, against regulations and conventional wisdom, in September–October 1992. Four months later, in February 1993, the building was demolished, but 76 percent of materials remain unaccounted for. At about the same time, departmental employees, including a building superintendent, were deployed by the director and his brother to build their private homes during working hours at government expense.

The most chilling discovery was the unauthorized and unlawful “hire” of government plants and machinery to a sawmilling timber company run by Harry Cain to pull logs out of village forests. Using Public Works Department plants, logging was conducted in Faleasi'u-uta and Si'umu villages for seven months. Public Works Department Parliamentary Under-Secretary Leota Lu commandeered one of the plants for three days for his private use at Tapapatapao. The discovery was made when the auditor ordered an inspection of all Public Works Department plant and machinery in 'Upolu from 10–12 November 1993. He subsequently uncovered a last-minute cover-up attempt by the department’s plant pool superintendent, Mati Amerika Lene, and sawmiller Harry Cain, two days after the inspection.

On further investigation, Minister Le'afa instructed that the plants be taken to Si'umu, ostensibly to build a village access road, but they were subsequently diverted to Cain’s logging company, New Samoa Industry, for almost seven months, from March until audit inspection. The plants were never reported missing during that period. According to the auditor, the New Samoa company is owned by Vaitele Holdings, with 50 percent shares, and the other 50 percent held by Marutani Company of Japan. Documents filed with the Registrar of Companies revealed that the majority shares of Vaitele Holdings are registered under names of children and relatives of three ministers, Le'afa Vitale (Public Works Department), To'i Aukuso Cain (Post Office), Vui William Wallwork (Labour) and Fa'asalele'aga MP Unasa Mesi, all
Human Rights Protection Party government members. The controller and chief auditor also revealed that without cabinet approval, Minister Le'aafa authorized the hire of plants from private companies to work on the Si'umu village road while retaining Public Works Department plants for logging by Vaitele Holdings. In addition to his ministerial vehicle, Le'aafa appropriated and deliberately converted a departmental vehicle for personal use (so, 15 July 1994).

This is just the beginning. Auditing has yet to be completed on the Civil Works section responsible for roads and infrastructure, the largest section. In mid-1993, the Public Works Department awarded a contract worth US$1.17 million to a Hawai'i-based company for resealing 26 miles of the airport road at US$45,000 per mile, with the department providing labor, machinery, and materials. The twisted logic of this deal was not lost on the media. While the department could not pay US$100,000 to repair the machine, it could pay US$1.17 million. At the rate of US$45,000 per mile for 26 miles, the machine could have been repaired, the money retained in the local economy, and there would still have been a saving of about US$1 million. Nepotism reared its ugly head again. The contract was signed by Le'aafa and Punivalu, while a company director and Le'aafa's brother signed for the Hawai'i company (so, 9 June 1993). Parliament has agreed to a Commission of Inquiry to scrutinize the 94-page audit report. Already, the question of who should serve as commissioner(s) has diverted attention from the report, Opposition Leader Tui Atua urging, and Tofilau rejecting, that members be drawn from overseas.

At the National University of Samoa, Bursar Mulitalo Penaia resigned in the middle of 1993, less than five months into the job, after Vice Chancellor Tauialo Lanu Palepoi upheld acting Vice Chancellor Professor 'Aiono Fanaafi Le Tagaloa's decision to open a separate bank account for visiting Hawaiian students instead of depositing funds into the overdrawn existing university account. According to Mulitalo, who has since found work at the Public Trust office, this breached school policy, a claim denied by Vice Chancellor Tauialo Palepoi (so, 30 July 1994).

Samoa Land Corporation was created in 1990 by Western Samoa Trust Estates Corporation to lease out land, mainly 10-acre blocks for 49 years, as part of government efforts to use idle land and to generate sorely needed revenue for WSTEC. Offers attracted considerable interest from nonresident Samoans as well as local “heavyweights.” Contrary to lease provisions that the land must be developed within three months of signing, many holders are alleged to have done little except collect and sell coconuts (ST, 27 July 1993).


The feats of Manu Samoa in Hong Kong, New Zealand, and Australia
provided convenient diversions from the issues. A holiday for winning the 1993 prestigious Hong Kong Sevens was perhaps justified, but another one (with luncheons at taxpayers’ expense) was not, for losing against the All Blacks in their New Zealand tour (so, 30 July 1993). Another holiday was declared just after Christmas to commemorate Head of State Malietoa’s eighty-first birthday (so, 5 January 1994). Despite good wins from their early matches (including one against Queensland) during their 1994 Australian tour, Manu Samoa’s first encounter with the Australian Wallabies proved disastrous. They were annihilated by 73 to 3, with Australia registering the highest score in international test rugby. Another holiday might be needed, not only to mourn Manu Samoa’s humiliation, but also to reflect on reports of nepotism and suicide at home.

A society whose young increasingly kill themselves in private cannot be functioning properly. Youth are expected to make their contributions, but they are blocked by increasing restrictions on overseas migration, and the tangled web of fa‘alupega and lotu versus the personal liberties engendered in the constitution. Given the unlikelihood of constitutional changes, Cluny and La‘avasa Macpherson have suggested two possibilities:

Youth may adjust their aspirations downwards to levels which are more realistic. . . . Secondly, those who currently control power may accept the need to re-distribute that power and opportunity in ways which accommodate youth’s aspirations. (1987, 326)

A. MORGAN TUIMALEALI‘IFANO

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