Another agreement could be reached at a third Ho’omalu ma Kualoa to be held in October 1997. Issues such as cultural rights, land trusts, and different forms of sovereignty needed to be addressed at their own conferences. After a base of understanding of legal terms and arguments has been created, then the various groups will reconvene to decide how best to proceed toward political unification in order to fight for control over the Hawaiian Trust Lands.

Ka Lâhui Hawai‘i has proposed a confederation of all groups, perhaps similar to that formed by the Alaska Natives in their struggle with the American government over their lands. The Māori Congress is another model that could be considered. The Hawaiian Sovereignty Elections Council prefers a Hawaiian constitutional convention, which they estimate will cost $8 million to be paid from three sources: the Hawai‘i State Legislature, oha, and private fund-raising. Other Hawaiians prefer some measure of autonomy and no state interference. Ka Lâhui Hawai‘i is reluctant in the extreme to relinquish its own constitution, and is wary of the state plan for selecting delegates for an HSFC constitutional convention.

Without a doubt, Hawaiians would come to agreement faster if the State of Hawai‘i would withdraw from the issue and leave it for the Natives to decide. The state contends that it is only trying to help the Hawaiian people. However, if the state truly wanted to support Hawaiian self-determination it would abolish wardship and let the Hawaiian people retake control of their ancestral homelands. The state is precluded from such action by its own self-interest, insofar as most “state” land is actually Hawaiian Trust Land, and when Hawaiians regain that land base it will be the State of Hawai‘i that must beg permission from Hawaiians to use the land.

LILIKALĀ KAME‘ELEIHIWA

MAORI ISSUES

The year 1996 saw major and historic changes for Māori on the political scene. The mixed-member-proportional-representation election system was used in New Zealand for the first time in the October general elections and delivered 15 Māori members of parliament out of a total of 120. It more than doubled the number of Māori that have ever been in the House, but is still less than the 15 percent of the population that Māori make up.

The reaction from Māori was one of unrestrained delight and outpourings of hope for a better future. But there was little comment in the mainstream media, although one of the more perceptive commentators noted that it was a “major Maori political assertion which left this supposed colonised community holding the balance of power, something which had remained beyond their grasp since the mid-1850s despite both armed and passive resistance. . . . Now there are 15 rather than the traditional four Māori MPs [and] they are spread across all parties in Parliament. This represents a shift of revolutionary proportions” (Brooking 1996).

Māori success in the polls further
exposed the fear of some of the non-Mâori population of Mâori having any say in the affairs of the country. Public attacks on Mâori have increased in frequency and vehemence, fueled by an often hostile, unsympathetic, and uninformed mainstream non-Mâori news media. Mâori were not unmoved by the attacks, and in March the prized yachting trophy, the America’s Cup, was badly damaged when a young Mâori protester attacked it. He was highlighting the ongoing injustices borne by Mâori, including increasing Mâori poverty and deprivation. In June 1997 the reality of Mâori poverty was brought starkly into focus when three Mâori children were killed in a fire that destroyed their home in a remote Mâori settlement. Their home was a temporary shelter, and the fire was caused by a candle used for lighting.

The elections resulted in all five Mâori electorate seats being taken by the New Zealand First party. This was a major swing away from the Labour party, which Mâori had supported for over sixty years. The only other Mâori to gain an electorate seat was the New Zealand First party leader and later deputy prime minister and treasurer, the Honourable Winston Peters. The remaining nine Mâori members of Parliament all gained their seats as a result of the number of seats their party won in the House.

No party received a clear majority. With National and Labour holding the great majority of seats between them, it fell to the third-ranking New Zealand First party to determine which party it would enter a coalition with to form a government. Mâori were strongly in favor of a coalition with Labour, for although they had deserted that party during the elections, it was still far preferred over the conservative National party, whose Mâori policies had caused much upheaval in recent times. Given that 6 of the 17 New Zealand First members, including the leader, are Mâori, there was some confidence that the Mâori wish would prevail.

In the event, Mâori were stunned when New Zealand First chose to form a coalition government with the National party. However the coalition agreement appeared to address at least some major Mâori concerns with National party policies, and in particular included an undertaking to abandon the loathed “fiscal envelope” policy for settling Mâori land claims. As such, there was no angry outburst, but rather a philosophical wait-and-see reaction. After all, there were now five Mâori electorate representatives on the government benches, with an unprecedented three Mâori in cabinet, one of them the deputy prime minister and treasurer. Furthermore the Mâori cabinet members included a Mâori minister of Mâori Affairs who would be much more inclined to dedicate himself to making that portfolio work for Mâori rather than against them as had been the case with the previous minister.

Once the government was announced, and new members started making their maiden speeches, the mainstream news media embarked on a campaign of discrediting each Mâori member of the House, both new and old. They were baying for Mâori blood, and every whiff of it sent them
into a frenzy. For 12 of the 15 Māori members of Parliament it was their first time in the House, and many of them fell easy prey to the hypercritical and strongly eurocentric press gallery. It also ensured that they were diverted from learning and carrying out their jobs as members of Parliament.

It started with the very experienced leader of New Zealand First, Winston Peters, soon after the elections in October 1996, for a disturbance in a nightclub. In November, it was the deputy leader, Tau Henare, for speaking out of turn during the coalition negotiations. From January to April 1997 it was Tuku Morgan for his role in the establishment of a new Māori television station. In February, Winston Peters again, this time for bumping into another member of Parliament a little harder than necessary, and Tau Henare for wearing wrap-around sunglasses in public. In March, it was Tuariki Delamare for problems with his children, and Donna Awatere for unpaid parking fines from several years ago. Tariana Turia came in for a sustained blasting for daring to articulate Māori aspirations of self-determination in her maiden speech and referring to non-Māori as *tauiwi* or foreigners. The backgrounds of both Alamein Kopu and Ron Marks were too humble, and Dover Samuels had problems with his people at home. In May, it was Tutekawa Wylie for not declaring NZ$1,350 in election expenditure (while others under investigation were not named). By breaking an unwritten rule between Māori members of Parliament about not publicly attacking each other, Sandra Lee managed to attract prominent media coverage that only served to display her own lack of understanding of Māori protocol and politics.

To date, the one Māori member of Parliament to be spared public ridicule by the media has been the only Māori in the National party caucus, Georgina Te Heuheu, a naturally unassuming and quietly hardworking person. A lawyer by training, Mrs Te Heuheu was a member of the Waitangi Tribunal until she entered Parliament.

The nature of the attacks became quite ridiculous, with one particular Māori member, Tuku Morgan, himself a journalist, steadfastly refusing to compromise the Māori right to be Māori both in and outside Parliament. His perceived arrogance toward the Pākehā domination of the House and the country turned his former colleagues into a virtual lynch mob against him. They identified his role in a new and struggling Māori television station, and successfully hounded the station out of existence. For weeks they created headlines out of the fact that Morgan had paid NZ$89 for an item of underwear while working for the station. The government asked the Serious Fraud Office to investigate, and the media frenzy finally fell silent when they returned a decision that Morgan had done nothing illegal. In May he auctioned off the item of underwear to help raise money to assist a young cancer sufferer.

By comparison, events such as the auditor-general being jailed for fraud, a judge pleading guilty to fraud, another being charged with the offense, and a third being charged with child molestation, a multimillion-dollar bungle by a government depart-
ment trying unsuccessfully to eradicate a moth threatening ornamental trees in a wealthy Auckland suburb, the dismissal of the heads of the Serious Fraud Office and the Department of Conservation, and a member of Parliament spending NZ$29,000 on taxi fares were all relegated to the inner pages of the major daily newspapers, while Māori members of Parliament were attacked on the front page. Television and radio were little better.

While the news media were openly antagonistic toward Māori, the Waitangi Tribunal and the courts continued to deliver decisions and findings in support of them. In December the Privy Council ruled that the courts could not decide on matters of Māori social structure, and overturned a Court of Appeal decision that had declared recently formed urban Māori corporate bodies to have the same status as traditional iwi (tribes). In March the District Court upheld the customary rights of Māori to fish their ancestral fishing grounds in rivers without having to obtain a license to do so. Soon after, the long-awaited report on the Muriwhenua land claims was released by the Waitangi Tribunal. It signaled a whole new approach to the consideration of land transactions between Māori and Pākehā last century and has major implications for land claims throughout the rest of the country.

The Muriwhenua Land Report found that through a myriad of dishonorable and illegal acts, the Crown had deprived Muriwhenua Māori of the Far North of nearly all their lands before 1865. The report was the first to consider the Māori interpretation of early land transactions between Māori on the one hand, and English missionaries and Crown agents on the other. The Crown had always assumed and argued vehemently before the tribunal that the transactions were English custom land sales that extinguished the Māori title to them. The claimants argued equally vehemently that the notion of “land sale” did not exist in Māori culture at the time and that the transactions were Māori custom tuku whenua, which gave usufructuary but not proprietary rights to the land. The weight of evidence produced by both parties strongly favored the claimants, and the tribunal found accordingly, concluding that Māori title to their lands had never been extinguished.

However, the tribunal went further and examined the social and economic circumstances of the Muriwhenua tribes that resulted from this landlessness. They reported that the tribes were reduced to “penury, powerlessness and eventually state dependence” and that “Muriwhenua Māori became and still are, a people at risk.” It also said that the transactions “point to clear breaches by the Crown of treaty principles, including those of protection, honourable conduct, fair process and recognition” and that profound social and economic consequences resulted, with hapū suffering physical deprivation, poverty, social dislocation, and loss of status. The tribunal reported that recommendations should be made as soon as possible to give the tribes relief, and that for the first time since they were empowered to do so in 1988, they would use their powers to order the return of Crown forest and state-owned enterprise lands.
The government’s only reaction was to strongly condemn the tribunal for daring to say it might use its only power to make order and to warn Muriwhenua Māori that they should put aside any hope of being delivered justice as a result of their successful claims. That apart, its reaction was very similar to that for the 1996 Taranaki Report: muted, urging everyone to read the report but not subsidizing its publication so that the NZ$100 price tag would ensure that only a few people would read it. In the meantime the government was desperate to get Muriwhenua claimants to settle without getting orders from the tribunal. This had less to do with the NZ$60 million dollars in compensation and approximately 50,000 acres of land the tribunal could order to be returned to the Muriwhenua tribes, and more to do with the precedent it would set for other much larger Crown forests, where the compensation alone is worth between NZ$7- and- 8 billion. That would completely blow apart the ridiculously low NZ$1 billion budgeted to settle all Māori claims, even though it is less than two years of the budget for the Social Welfare Department.

The government refused to provide either funding or resources to assist the tribes to prepare for entering into negotiations. Then in June the three children died in the fire in Muriwhenua, and the conditions of poverty in the area were put on display for the whole country to see. The government was severely criticized for allowing such conditions to continue to exist, but remained unmoved. The Muriwhenua tribes announced that they were returning to the tribunal and would be demanding that urgent steps be taken to alleviate the poverty in Muriwhenua.

MARGARET MUTU

Reference

Brooking, Tom. 1996. Article in New Zealand Herald, 31 December.

NIUE

Following its victory in the 1996 elections, the government of Premier Frank Lui had little difficulty maintaining its majority in the Niue Assembly. This stability contrasted with the previous term’s internal bickering, which led in turn to dismissals of cabinet ministers, challenges to the premier, the formation of the opposition Niue People’s Party (NPP), and the lengthy deadlock in the Assembly (Levine 1996, 191–193). With only a small majority in the Assembly, however, the government’s position remained precarious.

The death in October 1996 of Toeono Tongatule, one of the six Assembly members elected on the islandwide “common roll,” gave the Lui government an opportunity to enlarge its majority. Tongatule had been an NPP supporter, and the party initially indicated that it would be supporting his widow, Mrs Tiva Tongatule, in its bid to retain the seat. If she had been successful, she would have been the second woman in the twenty-seat Assembly and the first woman NPP member.

As Niue’s only political party, the