land and government for the native people onto a very public platform. When fifteen thousand people peacefully demonstrated their support for sovereignty on the centennial day, OHA suddenly endorsed the concept of a “nation within a nation.” Feeling overshadowed by Ka Lāhui, whose enrollment of citizens had soared to 15,000, OHA suddenly began speaking about “nationhood.”

Sensing that the Democratic Party and OHA were losing control of the tide of public opinion, Governor Waihe'e and the OHA trustees teamed up with state politicians to submit a bill to the Hawai‘i legislature calling for a state-controlled sovereignty constitutional convention (Con-Con). Praised by local media as a victory for Hawaiian self-determination, the bill actually placed the entire process in the hands of the governor, who is empowered to appoint nineteen sovereignty-committee members to determine all procedures for the Con-Con.

Since the bill created an undemocratic, top-down structure in which all authority rests with the state, Ka Lāhui Hawai‘i and other sovereignty groups opposed it. Despite what the native people wanted, the bill passed into law and the governor selected commission members in August 1993.

While the state moved to foreclose native self-determination, international organizing by Hawaiians continued. Ka Lāhui joined with other independence groups to host an international tribunal in Hawai‘i to bring charges of human rights violations against the United States. Experts on international law, including lawyers and scholars, aided Hawaiians in drafting submissions to international forums to register human rights complaints against the United States.

Meanwhile, Hawaiian sovereignty leaders traveled to Vienna and Geneva to attend human rights conferences to present the case for self-determination. Finally, Ka Lāhui continued to inform the public about the latest Democratic Party efforts to short-circuit Hawaiian self-determination. Despite a racist press and massive state opposition to real native autonomy, critical Hawaiian voices were heard, if not heeded.

It is a supreme irony that after nearly two decades of organizing for self-government, the drive for Hawaiian sovereignty should have been stunted by a Hawaiian governor, Hawaiian legislators, and an all-native Office of Hawaiian Affairs. At this stage in our history, sell-out Hawaiians are everywhere. As if taking their cues from “government” Indians in the continental United States, Americanized Hawaiians have begun to sing the song of collaboration. In a year’s time, Hawaiians will be faced with yet another obstacle to self-determination: a state-called constitutional convention.

HAUNANI-KAY TRASK

MAORI ISSUES

The most momentous political event for Maori in 1992 was the signing of the Sealords deal in September between the Crown and Maori leaders. The Maori Fisheries Act 1989, which established the Maori Fisheries Commission, and returned 10 percent of the fishing quota to Maori, was only a partial settlement of the Maori fisheries
claim to 50 percent of the quota. The battle for the remaining 40 percent continued out of public view.

In a memorandum to the Cabinet Strategy Committee, minister of justice Douglas Graham recommended a change of approach in dealing with Maori treaty claims (New Zealand 1992, 11–15). Previous governments were unwilling to concede that breaches of the Treaty of Waitangi had occurred. This saw the Crown losing a succession of ten major court cases. With the inclusion of treaty clauses, or references to the treaty, in twenty-one general statutes, litigating treaty claims would more than likely cause further embarrassment to the Crown, as well as incur unnecessary legal expenses for both parties.

Instead of resisting treaty claims in court, the minister advocated a policy of “chiefs meeting with chiefs.” The minister of justice, supported by an “A team” of chief executives and top officials, would meet with the principal claimants to work out agreements for settlement. In the case of the fisheries claim, the four chief litigants were designated by the government as Maori negotiators. This precluded other leaders, irrespective of their mana or tribal claims, from the fisheries negotiations. The Tribal Congress was also precluded, thereby creating potential division in Maori ranks.

The Maori negotiators knew the government wanted to win electoral favor by resolving Maori treaty claims before the turn of the century. To this end a global settlement was needed. When corporate giant Carter Holt signalled the sale of its Sealord subsidiary for NZ$375 million, the negotiators struck a deal with the Crown. The government agreed to put up NZ$150 million to finance Maori into a joint venture with Brierly Investments to purchase Sealords. With the deal went 20 percent of the quota on all new species. In return, Maori would make no more commercial claims to fisheries under the Treaty of Waitangi. Written into the Deed of Settlement between iwi ‘tribes’ and the Crown was a clause whereby the government would repeal Section 88(2) of the Fisheries Act 1983 which recognized Maori fishing rights guaranteed by the Treaty of Waitangi.

The Sealords deal exemplified the politics of power, pragmatism, and political expedience. For the government, NZ$150 million was a small price to pay for regaining control over the threat to national stability posed by Maori treaty claims. When an agreement in principle was reached, the negotiators went around the tribes seeking a mandate for what was in effect a fait accompli. The agreement was characterized by one negotiator as “the only deal in town.” The issues raised by tribes opposed to the deal were not fully debated because of the desire to avoid losing the opportunity to another bidder. Instead, tribal leaders were invited to the Beehive (Parliament) to sign the Deed of Settlement. They were given an hour or so to read the 26-page deed, understand its political and economic implications, and sign it on behalf of their iwi. This procedure was a complete negation of tribal decision-making by consensus.

There were ninety-three signatures on the Deed of Settlement. This was a long way short of the 540 signatures on the Treaty of Waitangi, a part of which
the deed would supersede. For an official document, the method of signing was not rigorous or systematic. The deed was between the Crown and iwi, but the six leading signatories are designated Maori negotiators. The iwi that they represented did not appear beside their names. Six other signatures appeared without iwi designations.

There were also multiple signings of the deed by three signatories. One man signed twice, once as a negotiator, and once on behalf of the Tribal Congress. This paralleled the action of Chief Te Rauparaha, who signed the original Treaty of Waitangi twice. But the deed goes one better by collecting the signatures of two men three times. One signed on behalf of his tribe, and on behalf of two others who were not represented. Sir Graham Latimer signed as a Maori negotiator, president of the Maori Council, and litigant in the Maori fisheries claim.

Eighteen signatures were designated plaintiffs in the fisheries claim. Others signed on behalf of waka 'canoe confederations', tribal trust boards, and runanga 'multi-tribal councils'. Two signatories were wrongly classified as negotiators. There were twenty-one illegible signatures, indicating a lack of precision in the execution of the deed. In other cases, the names were specified in print script beside the signatures. One of the signatories identified himself as Tuwharetoa, a tribe with no access to the sea.

Given the flaws identified in the deed, and minimum time for debating it on tribal marae, it was not surprising that thirteen tribes, including the Moriori of the Chatham Islands, opposed the deed. They took out an injunction in the High Court against it. Justice Heron denied the injunction on the ground that the deed cast obligations only on those who signed it. The case went to the Appeal Court where it was dismissed by Sir Robin Cooke, who ruled that Parliament was free to enact legislation on the lines envisaged in the deed (New Zealand Herald, 4 Nov 1992).

Chair of the Tribal Congress Api-rana Mahuika sided with the dissenting tribes. He warned that the issue would come back to haunt the government. It happened sooner than expected. Six Maori members of Parliament, two of them on the government's side, opposed the Sealord's Settlement Bill when it was introduced in the house. There was further embarrassment when Tamati Reedy, a member of the Tribal Congress, pleaded at the United Nations for an investigation into violations of indigenous rights by the New Zealand government.

RANGINUI WALKER

Reference


NIUE

The dominance of Niue's politics by Sir Robert Rex came to an end with his death on 13 December 1992 after a prolonged illness. Leader of Government Business prior to self-government, he served as premier from 1974 until his death. He had attended the first meeting of the South Pacific Forum in 1971,