

Reviews of American Sāmoa, Hawai'i, Niue, Tokelau, Tonga, Tuvalu, and Wallis and Futuna are not included in this issue.

COOK ISLANDS

The 2008–2009 year began with fallout from a major challenge to the legitimacy of the government from ariki (traditional chiefs). Acting on the advice of Bruce Mita, an Australian-based businessman of New Zealand Māori descent, some ariki openly challenged the country's elected government. The ariki proclamation was read by Vakatini Ariki and Vaeruarangi Ariki and asserted that, as of 12 June 2008, the traditional chiefs would no longer recognize the government (CIN, 13 June 2008), nor would they acknowledge the queen of England as head of state. Reaction to the decree was swift and mostly negative. Rongomatane Ada Ariki, the president of the House of Ariki (HOA), retracted her initial support for the decree, and various other objectors spoke out against it (CIN, 19 June, 13 June 2008). Prime Minister Jim Marurai described the edict by a small minority of Ui Ariki as nonsensical and lacking credibility (CIN, 14 June 2008). One HOA member, Pa Ariki, also expressed disdain at the actions of her contemporaries and challenged government to abolish the House of Ariki (CIN, 14 June 2008). Deputy Prime Minister Terepai Maoate described the proclamation as misguided and wrong (CIN, 17 June

2008), but promoted restraint among his parliamentary colleagues.

Maoate tabled the HOA Amendment Bill, calling for an apology from ariki who had declared that they did not recognize Queen Elizabeth as the country's head of state (CIN, 3 Dec 2008). Queen's Representative Sir Frederick Goodwin summoned eleven ariki in the aftermath of their proclamation, and there was some hope that those ariki who had proclaimed their independence would recant and rejoin the fold (CIN, 13 Dec 2008). Notably, a few ariki boycotted the government meeting (CIN, 19 June 2008), and long-term repercussions are possible.

Political activism by traditional chiefs was not restricted to the national level. Tuki Tepano, Ariki Nui of Rapanui, visited Rarotonga and expressed interest in contributing to an Are Vananga (house of learning), which is being proposed as part of a new center for the University of the South Pacific in Rarotonga. Tepano also spoke of the Te Puna Ariki Tere Moana Nui O Hiva, a concept aimed at strengthening links bounded by the Polynesian triangle of Hawai'i, Aotearoa, and Rapanui (CIN, 22 May 2008). Meanwhile, the assembly of lesser chiefs, known as Koutu Nui, worked closely with the government, anticipating an enhanced role in national customary issues (CIN, 30 June 2008). A cultural milestone was reached as the double-hulled Cook Islands traditional voyaging canoe

Te-Au-O-Tonga set sail from Rarotonga for American Sāmoa to participate in the Festival of Pacific Arts (*CIN*, 17 July 2008).

Observers suggest that a prime motivation for the sudden challenge to national governance on the part of some traditional leaders emanated from the expected seabed mineral wealth of the country. Parliament has always acknowledged the seabed resource, and this year, the government lodged a claim with the United Nations, delineating the boundaries of its extended continental shelf (*CIN*, 18 April 2009). The Cook Islands is claiming 400,000 square kilometers but awaits more rigorous submissions to the United Nations and a four-year waiting period (*CIN*, 17 April 2009). The Commonwealth Secretariat praised the Cook Islands shelf claim, describing it as a major achievement (*CIN*, 27 April 2009). Several overseas-based concerns have expressed interest in the seabed resources of Cook Islands waters, with the most recent involving the Canadian merchant bankers Endeavour Mining Capital, which offered the government NZ\$10 million for a retention license for manganese nodule mining (*CIN*, 22 Aug 2008). (NZ\$1.00 equals approximately US\$0.70.) The proposition was not accepted by the government.

Infrastructural development added to the nation's financial credit liability. For the 2009 financial year, the total government debt is estimated to be NZ\$65.6 million, or 19.7 percent of gross domestic product (*CIN*, 7 Jan 2009). The four prioritized infrastructure projects for 2009 include the restructuring of the Mangaia harbor (NZ\$1.83 million); the upgrading of the Rarotonga water supply

network, involving fifty-two kilometers of pipeline; the upgrading of the Tereora-Tepuka sewage; and the improvement of a Aitutaki powerhouse. The Rarotonga ports expansion will cost NZ\$18.2 million, which will be supported by a NZ\$15.5 million assistance package from Asian Development Bank (ADB) as well as NZ\$2.7 from the Cook Islands Government (*CIN*, 26 Nov 2008). Another project, the Rarotonga International Airport upgrade, is set to cost NZ\$7–8 million (*CIN*, 18 Nov 2008). In addition, the government secured NZ\$26.9 million from the Asian Development Bank for the Avatiu harbor upgrade (*CIN*, 6 May 2009).

Dependency on oil-generated energy has long been a problem for the island administration. Government interest in pursuing the purchase of energy facilities from two companies, Toa Petroleum and Air BP–Juni, ignited a firestorm because of secrecy and a perceived lack of accountability in use of public funds. The country's own audit department alleged corruption in the Ministry of Works (*CIN*, 2 Sept 2008), and pointed fingers at the Secretary of Works Ata Herman. Tangata Vavia defended the government's interest in a fuel farm scheme (*CIN*, 19 June 2009), but TRIAD Pacific Petroleum (a third energy company not included in the government's scheme) challenged the NZ\$5.6 million valuation of Toa Petroleum as being overstated by 75 percent (*CIN*, 11 May 2009). Mike Carr of the KPMG accounting and advisory firm supported the TRIAD argument that the government's valuation was flawed (*CIN*, 14 May 2009). The country's director of audit, Paul Allsworth, also pointed out that the government

had breached its own laws in the fuel farm scheme (*CIN*, 29 May 2009). A challenge in the high court stopped the Toa and Air BP–Juhi deal, but the government continues to pursue other avenues to complete the Juhi part of the arrangement (*CIN*, 11 June 2009).

The telecommunications industry saw several developments this year. Irish telecommunications giant Digicel initially revealed that it was going to buy Telecom but later had second thoughts (*CIN*, 27 Feb, 13 May 2009). Meanwhile, KukiCel, a local company, pushed for changes in policies to allow its entry into the telecommunications market. KukiCel wants to launch a new cell phone network and claimed it could offer 50 percent cost savings in local and international calls (*CIN*, 26 Feb, 29 May 2009).

Much of the development this year focused on the Cook Islands most important industry, tourism. In 2008, twenty-eight cruise ships visited Rarotonga, some with more than 2,000 passengers on board. Apparently, some thirteen ships were unable to berth during that same period because of ocean swells (*CIN*, 3 Jan 2009). The government is looking at constructing a berth for cruise ships on the western side of the island of Rarotonga, which should alleviate this problem. There was also concerted effort by the government to allow commercial flights to Aitutaki Island to fly on Sunday—a prospect resisted by most Islanders living on Aitutaki. When the government forced the flights to take place, protests increased (*CIN*, 1 July 2008). Some activists complained about blacklists and assaults (*CIN*, 12 July, 19 July 2008). With the controversy unsettled, tension continues on Aitutaki over Sunday commercial

flights (*CIN*, 28 March 2009). Meanwhile, Kia Orana Air established itself as a new low-cost domestic airline service (*CIN*, 6 Jan 2009).

The on-again, off-again Vaima‘anga Hilton Rarotonga Resort and Spa continued to experience changes in strategy. One hundred and five self-contained, pre-cut units are now being proposed for the site (*CIN*, 3 Nov 2008). Six weeks of filming in Rarotonga for a UK/New Zealand-produced children’s television series, *Paradise Café*, gave opportunities for about a hundred locals to get jobs as extras (*CIN*, 29 Oct 2008). Acting Secretary of Health Josephine Aumea Herman expressed concern when World Health Organization (WHO) offices in Sāmoa put out a press release saying the Cook Islands was having a dengue fever outbreak (*CIN*, 2 Sept 2008). The WHO office retracted its statement, but by then it had already had some impact on the tourism industry.

The latest effort to attract tourists was to officially declare the Cook Islands as the world’s first “recession-free oasis,” asserting that the country was unaffected by the global economic crisis (*CIN*, 18 May 2009). This novel, government-initiated, tourism-promotion effort is expected to increase tourism by 40 percent (*CIN*, 19 May 2009). Much of that increase, however, still depends largely on Air New Zealand. Tourism Minister Wilkie Rassmaussen expressed concern over an Air New Zealand request for an increased subsidy, from NZ\$3 million to NZ\$8 million a year, for the weekly Los Angeles–Rarotonga flight (*CIN*, 29 Oct 2008).

A major increase in visitors is expected for the 2009 Pacific Islands Mini Games as well as for the inter-

national netball competition. To host the events, the government pursued major construction projects, with the NZ\$15.6 million multi-sports complex being the largest (CIN, 23 Sept 2008). The government initiated a 200 percent tax break for Mini Games sponsors, the idea being that for every dollar contributed to the games, a donor could claim two dollars off taxes owed (CIN, 6 March 2009). The government also sought assistance from donor countries. Chinese Ambassador Zhang Yuanyuan visited Rarotonga to sign off on a NZ\$13 million soft loan (CIN, 3 July 2008), and a further NZ\$50 million in soft loans was secured to assist the hosting of the Mini Games (CIN, 17 March 2009).

The country's developing relationship with China led to the Cook Islands embracing Chinese financiers interested in investment opportunities there (CIN, 11 April 2009). Deputy Prime Minister Maoate sought private sector loans from the government-owned China Eximbank to assist pearl farmers and local growers (CIN, 12 Sept 2008). Cook Islands pearl farmers also bought into a government marketing plan and Cook Islands pearls branding efforts that should increase production. Maoate was hopeful that a recent submission to China for funding would be approved (CIN, 30 March 2009).

A banking bill to abolish offshore banking in the Cook Islands was proposed but placed on hold (CIN, Feb 14 2009). If taken up, the new approach by government would mean that only domestic banks, such as Bank of Cook Islands, Wespac, and ANZ, would be allowed to conduct offshore activities. All other banks would be required to

wind down operations (CIN, 12 Feb 2009). WSB Ltd in particular was described as an offshore bank that was ruining the reputation of the country; it was ordered to pay NZ\$125,000 in costs, stop operations, and leave the Cook Islands (CIN, 27 March 2009).

The government attempted to address consumer complaints about pricing irregularities by wholesalers and retailers with a newly constituted price tribunal. Of particular concern was the high cost of goods despite government removal of levies on basic consumer products such as sugar, milk powder, eggs, and canned foods (CIN, 16 June 2008). The government's other effort to address issues of price gouging, monopolistic behavior, and profiteering came under criticism from the Chamber of Commerce. The proposed Commerce Commission legislation was described by the chamber as an ill-conceived, knee-jerk reaction (CIN, 31 July 2008). Chamber executive member Steve Anderson argued that anti-competitive legislation already exists. He suggested that the government failed to appreciate the difficulties being faced by businesses due to a worldwide global credit squeeze and rising fuel costs. Anderson also highlighted the challenges of "a small island economy, increasing internal and external costs, reduced spending as the population declines, and restrictive immigration and development policy that doesn't encourage economic growth" (CIN, 31 July 2008). The prospect of uncompetitive pricing was further highlighted when the Cook Islands Trading Corporation (CITC) bought Pacific Distribution Limited (CIN, 1 Aug 2008), whose entities include Foodland,

Meatco, and Oasis, as well as shares in the shipping operations of Express Cook Islands Line. The acquisition ensures that CITC is the dominant company in the Cook Islands, which creates a monopolistic situation. CITC Chairman Trevor Clarke alluded to a NZ\$7.5 million price tag that included NZ\$3.4 million as a goodwill payment.

On the fisheries front, the US Coast Guard cutter *Walnut* seized fifteen pounds of shark fins from the San Diego-based fishing vessel *Pacific Horizon* within the Cook Islands Exclusive Economic Zone. The Magnuson-Stevens Fishery Conservation and Management Act of 1996 made it illegal to have shark fins on board, and a bilateral agreement between the United States and Cook Islands allows the US Coast Guard to conduct searches in Cook Islands waters (CIN, 3 Nov 2008). Additionally, rising fuel costs and lack of assistance from partner states caused the Australian government to consider withdrawing much of its funding for the Pacific patrol boat program (CIN, 1 Oct 2008). The Cook Islands government revealed a fishing venture, based in Tongareva, that would allow sixteen Taiwanese long-liners to operate in the Northern Group (CIN, 24 Nov 2008). It was expected that the majority of the catch would be taken to the canning factory in American Sāmoa (CIN, 18 Feb 2009), although threats that the Chicken of the Sea facility there would be closed later in 2009 threw these plans into doubt.

In environmental news, the Greenpeace vessel *Esperanza* visited the Cook Islands during the year (CIN, 22 June 2009). A proposal by the organizing committee of the Cook Islands

Games (as distinct from the Mini Games) to remove coral heads from the Muri Beach lagoon received much public outcry (CIN, 9 April 2009). A 100–150 meter course is reportedly required for the canoe races, but even the local canoeing club distanced itself from the coral-removal proposal because of the serious lagoon damage expected. Local environmentalists and marine conservation also expressed trepidation (CIN, 15 April, 11 April 2009).

In diplomatic developments, the Cook Islands announced the opening of a consular representative office in China in June 2009 (CIN, 3 June 2009). The Cook Islands also maintained its special relationship with New Zealand and other countries. Prime Minister Jim Marurai held bilateral talks with the prime minister of Japan (CIN, 26 May 2009), and received a variety of diplomats throughout the year.

On the legal front, Maara Tetava was named the new Cook Islands police commissioner (CIN, 27 May 2009). Lawyer Tevita Tangaroa Vakalalabure was found guilty of driving a vehicle while drunk and causing bodily harm to two people (CIN, 28 Nov 2008). Carla Davis, the widow of former Prime Minister Sir Thomas Davis, filed a libel lawsuit for NZ\$1.6 million against Cook Islands media and some individuals (CIN, 2 Aug 2008). Convicted African conman Albert Tshabalala tested the Cook Islands government's immigration policies when the administration tried to deport him (CIN, 28 Oct 2008). Eventually, Tshabalala left the country but abandoned and burned his car before disappearing (CIN, 2 Feb

2009). A woman who gave birth to the prime minister's grandson issued a complaint when she had to pay a hospital fee of NZ\$1,000 (the rate for tourists and contract workers) instead of NZ\$26 (the fee for locals and permanent residents) (*CIN*, 29 Aug 2008). Deputy Prime Minister Maoate, in his role as minister of health, promised to look at the issue more closely (*CIN*, 30 Aug 2008). Albert Numanga, former manager of the Cook Islands Tourism office in Auckland, faced four charges of defrauding the Cook Islands government of a total of NZ\$1 million. Numanga spent over ten years working in the Cook Islands tourism sector. Numanga's former boss, Chris Wong, also faced charges of misusing government funds, including using thousands of dollars for gambling in the Auckland Sky casino (*CIN*, 11 Feb 2009).

Members of the Public Expenditure Review Committee resigned as of 1 October 2008 because of a perceived lack of support from the government. Deputy Prime Minister Maoate declared that the committee was still needed, despite the fact that much of its workload had been taken over by the audit department (*CIN*, 26 Sept 2008). The government's audit office revealed that over a million dollars of fundraising activity was going on in public schools, restating the government's concern that there was too much fundraising (*CIN*, 16 July 2008). Such reliance on private initiatives for funding underlines the conflicting priorities that continue between politicians, businesses, traditional leaders, and citizens. Overall, in the rapidly changing social environment, the country continued to spiral into an uncertain future, with depopulation

and high-profile regional-hosting commitments disguising the reality of an overburdening political structure.

Several prominent deaths during the year received national attention. The funeral of Sir Pupuke Robati, former prime minister and longtime member of Parliament for the island of Rakahanga, was held on 1 May 2009 (*CIN*, 27 April, 1 May 2009). Lawyer John McFadzien, who served as Cook Islands solicitor general from 1983 to 1995, died 13 May 2009 (*CIN*, 14 May 2009, 1). Sir Tangaroa Tangaroa, former queen's representative and member of Parliament for Tongareva, was given a state funeral service on 29 May 2009 (*CIN*, 29 May 2009). Professor Ron Crocombe passed away on 18 June 2009 (*CIN*, 19 June 2009), and the nation paid a special tribute to the great scholar (*CIN*, "Salute to Papa Ron," 26 June 2009).

The year ended, as it began, with public uncertainty in the current administration. The government received criticism when it announced a new policy of limiting heads of ministries to three terms (*CIN*, 23 June, 19 June 2009).

JON TIKIVANOTAU M JONASSEN

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FRENCH POLYNESIA

The chronic political instability that has been plaguing the country since 2004 continued, with no fewer than three different governments during the period under review. The surprising

alliance between the two former arch-enemies Oscar Temaru and Gaston Flosse broke apart almost as quickly as it had come to be. With short-term coalitions now possible between each and every political party, political ideologies seem to be increasingly irrelevant, less and less masking the opportunist ambitions of politicians for power and money.

Many important people passed away during the year under review. On 16 August 2008, former Archbishop Michel Coppenrath, the first Tahitian Catholic priest, died at age 84 (*TPM*, Sept 2008), followed on 4 November by his elder brother Gerald Coppenrath, an attorney, legal scholar, and politician who had served as French Polynesia's senator from 1958 to 1962 (*TPM*, Dec 2008). On 4 January, entrepreneur and master navigator Francis Cowan, one of the pioneers of the revival of traditional navigation in Oceania, passed away at age 82 (*TP*, 5 Jan 2009). Alexandre Léontieff, economist and former president (1987–1991), and recently appointed chairman of the Social Contingency Fund (the territorial health insurance), passed away on 2 March at age 61 after a dazzling political career. On 13 March, veteran politician Tino-mana “Milou” Ebb, former mayor of Mataiea and president of the assembly from 1994 to 1996, died at age 75 (*TPM*, April 2009).

The review period began with the arrival of the new French high commissioner, Adolphe Colrat, on 5 July, taking the place of Anne Boquet as the representative of the French government (*TPM*, Aug 2008). Boquet's term had been fraught with controversy, since her attitude toward the local

government had frequently changed from one of respect and reconciliation to one of interference, confrontation, and colonial arrogance.

In mid-July, new French Secretary for Overseas Territories Yves Jégo visited the country and urged the local government to be more accountable. While promising that the annual amount of subsidies from Paris for the country government would remain stable for 2009, he announced that the gigantic new hospital under construction in Taaone (begun under Flosse in the early 2000s) will not receive any French funding for its operation. A week later, High Commissioner Colrat announced the gradual closing down of the remaining French army and air force bases during the next few years (*TPM*, Aug 2008).

While these announcements gave rise to speculations about France's decreasing commitment to the country, local politics entered another round with the upcoming French Senate elections of 21 September. On 10 July, a common ticket was agreed to by the parties of the two historic pro-French and pro-independence leaders Gaston Flosse and Oscar Temaru—Tahoeraa Huiraatira (People's Rally) and Tavini Huiraatira (People's Servant)/Union pour la Démocratie (UPLD)—which were already forming a common caucus in the assembly under the name of Union pour le Développement, la Stabilité, et la Paix (UDSP) (*TPM*, Aug 2008). The two former arch-enemies had reconciled in July 2007 and entered into a coalition in order to fight Gaston Tong Sang, leader of To Tatou Aia (Our Homeland) coalition and president of the country since April 2008, whom they both criti-

cized as being too pro-French. Since Temaru, then Speaker of the assembly, was not interested in a senate seat, attorney Richard Tuheiava was nominated by Temaru's party as the second candidate on the common list with Flosse (*TP*, 8 Aug 2008).

Since 1999, Flosse had been the country's only representative in the French Senate on a nine-year term, in addition to his various local offices. In a reapportionment of seats, French Polynesia had received a second seat in the senate due to its increased population for the 2008 elections, while the term of office for senators was reduced to six years. French senators are elected by the so-called grand electors (ie, deputies of the National Assembly, members of regional assemblies, and delegates of municipal councils). The electoral campaign was therefore mainly limited to the municipal councilors of the forty-eight municipalities of French Polynesia, who make up a large majority of the country's 697 grand electors. Besides the Flosse-Tuheiava ticket, President Tong Sang ran as the official candidate of the French ruling party Union pour un Mouvement Populaire (UMP) on a ticket with Pirae Mayor Béatrice Copenrath-Vernaudo (*TP*, 12 Sept 2008).

Since the majority of the municipal councils were ruled by either Temaru's Tavini or Flosse's Tahoeraa parties, Flosse and Tuheiava won with 372 and 361 votes, respectively. Competing candidates Tong Sang and Copenrath-Vernaudo received only 318 and 308 votes each. Five other tickets of splinter parties received only a few or no votes at all (*TP*, 21 Sept 2008; *TPM*, Oct 2008).

The election clearly showed that, despite massive efforts by the French government in support of Tong Sang, Temaru and Flosse jointly still represented the majority. Even though Flosse had previously lost most of his ideologically pro-French voters to Tong Sang, the majority of Tahoeraa party officials, particularly mayors and councilors of rural municipalities, were still loyal to their old leader. In Flosse's case, the strategy of the new generation of French Gaullists under President Nicolas Sarkozy to neutralize controversial figures of ex-President Jacques Chirac's old guard clearly failed. "Sarkozy succeeded in bringing down Jacques Lafleur and Lucette Michaux-Chevry, but Flosse is his toughest nut to crack," commented a local observer, referring to parallel figures in New Caledonia and Guadeloupe who were recently removed from all positions of power (Tahiti resident, pers comm, 22 Dec 2008).

As Flosse was 77 at the time of his reelection but Tuheiava only 34, French Polynesia's delegation now includes not only the oldest but also the youngest of all 346 French senators. Not only did the French Gaullist UMP party no longer support Flosse, but it also openly opposed him; therefore, he refused to rejoin its caucus and now sits in the ranks of the few independent senators. Tuheiava, on the other hand, joined the caucus of the French Socialist party, following a partnership agreement between the Socialists and Temaru's Tavini Huiraa party. As the first openly pro-independence parliamentarian to represent the country in Paris, Tuheiava promised to raise the issue of

independence in the French Senate. The first initiatives he began working on were the revision of the still legally valid political trial of historic Tahitian leader Pouvanaa a Oopa (sentenced to a long prison term and banishment in France on trumped-up charges in 1959), as well as the classification of the historic temple Marae Taputapuatea on Raiatea island as a UNESCO world heritage site (*TP*, 11 and 19 Oct 2008).

During the months following the senate election, a great controversy arose about the adjustment of pensions, leading to mass protests. Presently, all retired French civil servants resident in French Polynesia (regardless of where they worked before) receive a so-called indexation of 75 percent on top of their pensions. Considering the absence of an income tax in French Polynesia, this essentially represents a doubling of the pension amount they would receive if residing in metropolitan France. This is one of the major reasons for French pensioners to move into the country, thus increasing the French settler population but at the same time contributing to the local economy through their massive spending. The indexation has long been controversial. During a visit to Tahiti in July 2008, French Secretary for Overseas Territories Yves Jégo announced that pensions for retired civil servants whose work was not related to an overseas territory would no longer be indexed (*TPM*, Aug 2008). During another visit to the country in mid-October, Jégo announced a detailed reform plan, according to which all existing indexations will remain in place for life, but the indexation of new pensions will be

gradually cancelled by 2015 (*TPM*, Dec 2008).

The reform plans provoked vocal protests by civil servants unions, supported by local opposition politicians. Senator Flosse accused France of preparing its withdrawal from the territory and breaking previously given promises. Jégo, on the other hand, defended his reform plan as a measure of social justice. The pensioners, he argued, were a privileged class who could handle cuts in their income very well, compared to the majority of the population who work in the private sector, where they have to survive on low wages and receive only minimal social services (*TPM*, Dec 2008). Despite a huge protest march of about 5,000 public servants on 9 October, another one of 1,000 on 27 October, and a roadblock in downtown Papeete by 2,000 protestors on 12 November, the French Senate passed the pension reform law on 18 November (*TPM*, Dec 2008).

While the bureaucratic elite unsuccessfully fought to preserve their privileges, the economic situation of the country continued to deteriorate. The visitor count of 182,556 in 2008 represented another record low, 9.2 percent below the year before, bringing the number of tourists down to the level of twenty years ago. Considering the 2008 world financial crisis, these figures are likely to drop even more in 2009. The economic crisis touched other sectors as well, with notably the pearl industry and agriculture in recession. In 2008, the country imported 35 billion CFP francs (about US\$350 million) worth of agricultural products, accounting for 90 percent of the locally consumed food (*TPM*, Nov

2008, Jan 2009). On 11 June 2009, the Ministry of Finance announced that tax income for the country government would be 30 percent less than that of the preceding year (*TPM*, July 2009).

With the country's economy in serious recession, poverty is an ever-increasing problem. According to a census taken by a French researcher, there are now 321 houseless persons in the city of Papeete alone. The census did not cover the adjacent suburban municipalities, so actual figures are probably much higher (*TPM*, May 2009).

While the economy kept declining, the political instability went into another round. On 26 September, a few days after the senate elections, internal divisions within the government became apparent, as Jean-Christophe Bouissou—the leader of Rautahi (“Unity”), the second largest constituent party within the To Tatou Aia coalition, and chairman of the To Tatou Aia caucus in the assembly—publicly criticized the government for being unstable and advocated an alliance with the opposition parties in order to create a more stable majority, as To Tatou Aia at that time held only a one-seat majority over the combined opposition of UPLD and Tahoeraa (*TP*, 28 Sept 2008). Throughout the latter part of the year, the relations between Tong Sang and Bouissou deteriorated, as did those with other members of the governing coalition. On 8 December, To Tatou Aia lost its majority, as one of its assembly members, Sandra Lévy-Agami, resigned from the coalition to become an independent. The reason given for her resignation was Tong Sang's not respecting electoral

promises concerning the 2009 budget (*TP*, 8 Dec 2008). Without a majority, the government could not pass the budget and was deadlocked.

During the following two months, Tong Sang met several times with opposition leaders Temaru and Flosse in order to find a way out of the political crisis, but the negotiations failed each time to bring about substantial agreement (*DT*, 26 Dec 2008). In late January, Tong Sang was able to convince Lévy-Agami to vote in favor of the 2009 budget so that it could finally be passed (*TP*, 27 Jan 2009), but this was only a temporary move, and she refused to rejoin the ranks of To Tatou Aia in the assembly, leaving the government without a majority.

Multiple negotiations between assembly members followed until 31 January, when Temaru, Flosse, and Bouissou announced that they had formed a new governing coalition. Bouissou stated that Tong Sang had failed to pull the country out of the crisis and had contributed to the division of the political landscape instead of working for unity. Bouissou supported Temaru's candidacy for president, calling Temaru the political leader with the greatest charisma of all, who solely would be able to overcome the political division of the country (*TP*, 31 Jan 2009). This sudden change of discourse by Bouissou surprised many observers, since Bouissou had always identified himself as favorable to France and had denounced Temaru as a divisive, anti-French extremist until a few months before.

Flosse, on the other hand, was slightly angry at Temaru, whom he accused of violating the 2008 part-

nership agreement between the two parties, which promised Tahoeraa the presidency while UPLD would hold the position of Speaker. Consequently, the Tahoeraa assembly members dissolved their common caucus with UPLD, but still agreed to vote for Temaru. Flosse said he and his party had no other choice, since they all wanted to remove Tong Sang from office, but the new organic law of 2007 no longer allowed motions of no confidence but only so-called motions of defiance, which include the automatic election of a new president (*TP*, 2 Feb 2009).

On 4 February, UPLD, Tahoeraa, and Rautahi introduced a motion of defiance against Tong Sang with Temaru as their candidate. However, Tong Sang circumvented this by declaring his resignation on 7 February, thereby enabling the election of a new president in several rounds with multiple candidates (*TPM*, March 2009). Apparently, this move was an attempt to gain time and to divide the new majority.

For the presidential election on 11 February, Edouard Fritch (Flosse's son-in-law) and Sandra Lévy-Agami declared their candidacies as well, in addition to Temaru and Tong Sang. Previously, Bouissou had formed a new caucus in the assembly named *Ia Ora Te Fenua* (Let The Land Live), into which several other members deserted from *To Tatou Aia*, further weakening Tong Sang's position. In the first round, Temaru received 24 votes as expected (the 18 assembly members of UPLD, as well as 6 of *Ia Ora Te Fenua*); Tong Sang received 20 (the remaining members of *To Tatou Aia*); Fritch gathered 12 votes (those of his own caucus, including some

dissidents from *To Tatou Aia*); while Lévy-Agami received her own vote. For the second round, Lévy-Agami and Fritch withdrew their candidacies (they had already made very conciliatory speeches in the first round), and Temaru was elected the new president with 37 votes (including the 12 votes of Tahoeraa and the 1 of Lévy-Agami). One day later, the same majority elected Edouard Fritch to the position of speaker to take Temaru's place (*TP*, 11 and 12 Feb 2009).

After long negotiations among the three parties of the new coalition, Temaru presented his new cabinet on 16 February, mainly comprising former ministers from previous governments. Temaru originally wanted to nominate Bouissou to be his vice president, but Flosse refused to accept this. Finally, the coalition agreed on UPLD member Tony Geros, who had been vice president during Temaru's previous presidency from September 2007 to February 2008. The cabinet consisted of 15 ministers, 7 of whom were part of UPLD, 5 of Tahoeraa, and 3 of *Ia Ora Te Fenua*. Flosse himself did not want any position in the new government (*TP*, 16 Feb 2009).

With 37 of 57 seats in the assembly, the new government held the strongest majority since 2004. For a short while, hope was rising that the chronic instability was finally being overcome.

Meanwhile, the courts continued their inquiries into past wrongdoings of leading politicians, who had previously been virtually immune from justice for decades. On 3 December, for his illegal use of public land for a private party house, Mahina Mayor Emile Vernaudon was sentenced to a suspended one-year jail sentence,

a fine of 3 million CFP francs (about US\$30,000), and one year of ineligibility for public office (*TPM*, Jan 2009). Subsequently, on 22 January, Vernaudeau was removed from the mayoralty of Mahina, a post he had held since 1978 (*TPM*, Feb 2009). On 5 January, Leonard Puputauki, the former commander of the presidential security and aid agency GIP under Flosse's presidency before 2004, was sentenced to a three-year prison term and a fine of 5 million CFP francs (about US\$50,000) for his responsibility in the death of several sailors on the GIP ship *Tahiti Nui*, which had been wrecked on a reef in September 2003 (*TPM*, Feb 2009).

Another affair possibly involving the GIP, the unresolved death of French journalist Jean-Pascal Couraud in 1997, made its way into the headlines once more in January 2009. Couraud, who had been working on a story about a corruption affair potentially involving Flosse and then French President Jacques Chirac, disappeared in December 1997, and his body has never been found. Initially treated as a suicide, the case was reopened in 2004 when Vetea Guilloux, a former GIP member, gave controversial testimony in which he claimed that his colleagues, under orders from their superiors, had kidnapped, tortured, and killed Couraud on a ship and dumped his body into the sea. During a search of Flosse's house in Pirae in September 2008, police found a written statement by Vetea Cadousteau, another former GIP agent who had died under unclear circumstances in 2004, which confirms Guilloux's testimony. The presentation of this document to the public on 29 December (*NT*, 30 Dec 2008) caused Flosse to give a press

conference on 21 January. Since the authenticity of the document has so far not been established, Flosse and his attorneys claimed it to be a forgery produced by his political opponents in order to damage his career. His theory failed to explain, however, how the document ended up in the drawer of his desk, where the police found it (*TPM*, Jan–Feb 2009). While the investigations concerning the Couraud case continued, local journalist Alex Du Prel was sentenced by a Paris court to a fine of €1,000 (about US\$1,400) for slander, because he had in an earlier article accused the local judiciary of inaction in the case (*TPM*, July 2009).

The Couraud case was not the only one possibly implicating Senator Flosse. In another affair involving corruption, the former director of the Postal and Telecommunications Office, Alphonse Teriierooiterai, and French businessman Michel Yonker were arrested and placed in detention on 24 April (*TPM*, May 2009). A few months later, on 12 June, French millionaire businessman Hubert Haddad, a close friend of Gaston Flosse, was arrested during a visit to Tahiti and jailed as well (*TPM*, July 2009).

It was coalition politics, however, that filled the headlines again, as the allegedly stable governing coalition of UPLD, Tahoeraa, and Rautahi broke apart after barely two months of existence. The new political crisis began in mid-March, when President Temaru returned from a working trip to Paris. While Temaru and his ministers presented their negotiations with French government officials as successful, Flosse claimed the trip was redundant and that it had brought no substantial results (*TP*, 8 and 16 March 2009). In the following weeks, Flosse made

similar comments, criticizing the government's lack of action facing the ongoing economic crisis (*TP*, 27 March 2009). While divisions within the governing coalition thus became increasingly obvious, opposition assembly members under their leader Tong Sang behaved suspiciously uncritical toward Temaru. On 31 March, Tong Sang publicly declared to be ready to work together with the president.

Temaru at first attempted to ignore Tong Sang's declaration and downplayed Flosse's critical comments, but in early April, he began to make serious efforts to hold his coalition together. Since the annual reelection of the assembly Speaker was coming up, Temaru gave Flosse an ultimatum to stop his comments and submit himself to the majority, or resign from his mandate as an assembly member; otherwise, UPLD would not reelect Fritch as assembly Speaker (*TPM*, May 2009). At the same time, the president started negotiating with Tong Sang about the possible formation of a unitary government including To Tatou Aia.

Flosse reacted to these moves with outrage and called a special board meeting of his Tahoeraa party on 7 April, at which they decided to leave Temaru's government and join the opposition. At the same time, Flosse heavily criticized Tong Sang, whom he accused of undermining the Flosse-Temaru coalition by order of the French government (*TP*, 7 April 2009).

Temaru nevertheless went ahead in his negotiations with Tong Sang, and they agreed on the formation of a new majority. On 9 April, Philip Schyle of To Tatou Aia was elected the new Speaker with an overwhelming majority of forty votes, against only fourteen for Fritch. However, this change of

coalition partners was not uncontested within Temaru's own ranks. Several leading members of UPLD voiced their concern and declared their opposition to Tong Sang, whom they, like Flosse, accused of being a French puppet. Two UPLD members thus voted for Fritch, and two more abstained (*TP*, 9 April 2009).

During the following days, Temaru tried hard to form a unitary government that included all parties. Unsurprisingly, however, Flosse refused to participate and insisted on remaining in the opposition. On 17 April, Temaru presented his new cabinet; besides the incumbent 7 UPLD ministers and 2 of the 3 incumbents of Bouissou's Ia Ora Te Fenua, it included 5 new ministers of To Tatou Aia, most of them ministers in Tong Sang's previous cabinets (*TPM*, May 2009).

Two Tahoeraa incumbents, Teva Rohfritsch and Frédéric Riveta, refused to follow the directions of their party and retained their ministries. This act of defiance led to the suspension of their party membership by order of a special Tahoeraa board meeting on 20 April. This time, however, the authoritarian handling of their case backfired on Flosse, as one of his closest followers, Bruno Sandras, the mayor of Papara and one of the country's two deputies in the French National Assembly, resigned his party membership in protest and solidarity with Rohfritsch and Riveta (*TP*, 20 April 2009). On 24 April, even Flosse's hitherto most loyal lieutenant, Edouard Fritch, asked his father-in-law Flosse to retire from politics in order to let the party modernize itself and become less authoritarian (*TP*, 24 April 2009).

This most recent episode in the

political drama of French Polynesia was quite significant, as it showed how irrelevant political ideologies have become, since by now, all political parties have at one time been in a coalition with one another, even if their purported ideologies are as different as French Gaullist-affiliated (To Tatou Aia) and pro-independence Tahitian nationalist (UPLD) (*TPM*, May 2009). Since opportunism might soon become the only measurement of politicians' maneuvering, it seems unlikely that a recipe to create political stability will emerge anytime soon.

Another unresolved issue that entered the headlines concerned the consequences of French nuclear testing, which had taken place between 1966 and 1996, on the health of the country's inhabitants. On 23 March, French Minister of Defense Hervé Morin announced the introduction of a bill to grant compensation to all former test-site workers suffering from a number of specific radiation-caused diseases. This would represent a great step forward, as until a few years ago the French government denied that any health damage had been caused by its tests. In the few lawsuits that had been won by test victims in the last few years, the burden of proof of suffering from a radiation-caused disease was on the plaintiff. The draft bill stated that all former test-site workers would have a claim to receive compensation if they suffered from one of the diseases defined in the bill. For the verification of each case, a commission of physicians and lawyers would be created within the Ministry of Defense.

The nuclear test victims associations AVEN (in France) and Moruroa

e Tatou (MeT, in French Polynesia) had mixed reactions to the bill. While AVEN generally approved of the initiative, the organization questioned whether the bill would really help all the victims, since according to its estimates, only a few hundred among the thousands of nuclear-test veterans would qualify for compensation. MeT was even more critical. Its chairman, Roland Oldham, lauded the French government's finally acknowledging health damage due to radiation, but he expressed his doubts about its having a serious commitment to helping the victims. Nuclear-testing expert Bruno Barillot, a collaborator of MeT, mentioned that the amount of money provided for compensation in the bill, divided by the number of potential victims, was far less than the amounts of compensation received by test victims who had recently won individual lawsuits. Barillot furthermore expressed doubt that the compensation commission could act independently if it was operating under the Ministry of Defense, which, he said, would be "as if one asks a torturer to compensate his victims" (*TPM*, April 2009). In a communiqué of 5 April, MeT denounced the bill as "disgraceful" and "fraudulent" because of its lack of transparency, and asked the government of French Polynesia to employ all means to achieve a substantial revision before the bill's introduction into the French Parliament (*TP*, 5 April 2009). After meeting with the leaders of MeT, President Temaru's cabinet council unanimously rejected the bill (*TP*, 29 April 2009).

At the same time, on 27 April, the litigation of a historic case began in the Papeete court, in which eight mem-

bers of MeT had sued the territorial health insurance CEP as well as their former employer, the French Nuclear Energy Commission, because the two institutions refused to recognize their radiation-related health problems as occupational diseases. While the plaintiffs' attorneys were optimistic about their chances to win, President Temaru was rather skeptical, stating that only an international court would have the necessary neutrality to make a fair decision (*TPM*, May 2009). The litigation took several months until the decision was made on 25 June. Only one of the plaintiffs won, with the French Nuclear Energy Commission sentenced to pay him compensation, whereas the lawsuits of the seven other plaintiffs were dismissed (*TPM*, July 09).

The Morin bill was further discussed, and the Assembly of French Polynesia, when asked for advice, gave a "reserved" (ie, neither for nor against) opinion on 14 May (*TPM*, June 2009). A Tahitian delegation met with Minister Morin in mid-June to urge improvements (*TPM*, July 2009), but on 25 June, the Morin bill was adopted by the French National Assembly without major modifications (*TP*, 25 June 2009).

Meanwhile, an issue of cultural preservation and spiritual heritage attracted attention. On 21 March, 1,500 activists gathered at Tataa Point (the northwestern cape of Tahiti Island at the boundary between Faaa and Punaauia municipalities) in order to hold a traditional religious ceremony and thereby confirm the sacredness of the place. In traditional Tahitian religion, Tataa Point is the gathering point for the souls of the dead

before their departure to the other world, making it one of the most important sacred places of the entire island. Similar beliefs are held all over Polynesia. For example, Fatuosofia Point on Upolu (Sāmoa), Ka'ena Point on O'ahu (Hawai'i), or Cape Reinga on the North Island (Aotearoa/New Zealand) have a comparable function. Whereas these places are protected as natural parks or historic sites, the land of Tataa Point was recently bought by a hotel company, which has been operating a luxury hotel in immediate proximity to the sacred place for many years and is now planning to extend the hotel complex onto the Tataa property. In the course of a general renaissance of traditional Polynesian religion, an association was formed the previous year in order to protect the sacred site. The participants of the ceremony reiterated their demands and asked the government to declare Tataa Point a protected site immediately in order to prevent its desecration and stop the construction plans (*TP*, 21 March 2009).

While this and many similar initiatives to protect and perpetuate the country's cultural heritage are continuing, the related issue of customary leadership came up again in late May. Joinville Pomare, heir of the royal family that ruled Tahiti until the French annexation in 1880, was proclaimed king of Tahiti under the style of Pomare XI in a ceremony attended by about a hundred of his followers in Pirae. In addition, high chiefs were appointed for Tahiti's districts as well as some of the outer islands. The coronation was part of a campaign for the recognition of traditional chiefly titles that Pomare has been leading for sev-

eral years. In a communiqué, Pomare stated that France broke its promise to respect the king, the district chiefs, and the traditional land tenure system in the treaty of annexation signed with his great-great-granduncle Pomare V in 1880, and that the restoration of these institutions was the first step to ensure the respect of the treaty (*TP*, 28 May 2009; *TPM*, May 2009).

While Pomare's coronation and related initiatives represent an interesting alternative to party politics, the latter were once again filling the headlines as the European elections approached. French Polynesia is represented in the European Parliament as part of the three-seat French Overseas constituency, but voting turnouts are usually very low. Nevertheless, the preparation of the elections had some impact on the political life of the country. In late May, five candidates from French Polynesia presented themselves on various French party lists, including former Temaru government minister and independence supporter Keitapu Maamaatuaiahutapu on the Socialist party list supported by UPLD; equipment minister Tearii Alpha of To Tatou Aia on the list of UMP, who was also supported by Jean-Christophe Bouissou's Rautahi party and ex-Tahoeraa deputy Bruno Sandras (*TP*, 22 and 25 May 2009); as well as Nicole Bouteau on the list of French centrist party Mouvement Démocrate (MoDem). Most striking was the absence of a Tahoeraa candidate. The party had overcome its latest internal divisions when Edouard Fritch had retracted his criticism and once more supported Flosse as the unquestioned party leader (*TP*, 5 May 2009). To everyone's surprise, Tahoeraa then invited Alpha to a party convention

and announced that it would support the UMP ticket (*TP*, 2 June 2009). Following this most recent return of Tahoeraa to its former pro-French Gaullist stance, rumors spread about the formation of a new "autonomist alliance" of all anti-independence parties ("autonomist" meaning pro-French, in local political discourse) in order to topple Temaru. Flosse clarified that the alliance was for the European elections only, making the rumors seem to be unfounded, at least for the time being.

The elections on 6 June had the usual low turnout (a little more than 20 percent). Despite the supposed rallying of all "autonomist" parties behind the UMP ticket, the latter scored second with only 32.7 percent, slightly behind the UPLD-supported Socialist ticket, which won the majority with 33.25 percent of the votes. The MoDem list scored third with 17.83 percent. Since neither Maamaatuaiahutapu nor Alpha were on leading positions on their respective lists, neither of them won a seat in the European Parliament (results from French Ministry of the Interior Web site).

The European elections were not the only occasion for political ideologies to create divisions within the Temaru–Tong Sang coalition. Shortly thereafter, tensions arose again, this time around the issue of independence. At the opening of the "Etats Généraux de l'Outre-Mer," a workshop on the future of French overseas territories initiated by the French government, Temaru used the term *Maohi Nui* (Greater Maohi) instead of *French Polynesia* and stated that independence should be where the country is heading (*TP*, 11 and 16

June 2009). The following day, Tong Sang insisted that the French presence was beneficial for the country and should be maintained (*TP*, 17 June 2009). A few days later, Tong Sang signed an agreement in Paris, making his To Tatou Aia party the official French Polynesia chapter of the UMP (*TP*, 18 June 2009). During an assembly session the following week, Flosse severely criticized Temaru's pro-independence position, which he had previously tolerated if not encouraged (*TP*, 26 June 2009).

At the annual "autonomy holiday" of 29 June, commemorating both the signing of the 1880 annexation document and the enactment of a 1984 statute of internal autonomy for the territory, one could see Flosse once more together with Tong Sang and Bouissou celebrating autonomy within the French Republic. As usual, President Temaru boycotted the festivities while honoring Tahitian resistance to colonization at a monument in Faaa (*TPM*, July 2009). The previous year, Flosse had participated in Temaru's ceremony for the first time, but this year, he was absent again. The political leaders thus symbolically reaffirmed their respective ideologies, while those ideologies have become virtually meaningless in their actions.

LORENZ GONSCHOR

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MĀORI ISSUES

For the first time since I began writing these reviews on Māori issues in 1994, I can provide a report that in total has more positive aspects than negative. The highlight has been the influence the Māori Party has been able to have on the new National-led government. There were also the benefits that are finally starting to flow to Māori after the Labour government, in its dying days, set out to win back Māori support through Treaty of Waitangi claims settlements. New Zealand still has a very long way to go before Māori are accorded the respect owed us as the country's first nation. That includes recognizing and upholding our sovereignty as guaranteed by the Treaty of Waitangi and reversing the shocking statistical trends in all socio-economic areas. Nevertheless, this past year looked like a good start in that direction.

The November 2008 election resulted in a landslide victory for the conservative National Party, which won 58 seats in the 120-seat Parliament. With support of the right-wing ACT Party's 5 seats, the National Party had sufficient numbers to form a government. However, the new prime minister, John Key, announced that he would lead a National minority government with confidence-and-

supply support from the ACT, United Future, and Māori parties. Although both major parties had been courting the Māori Party in the lead-up to the elections, it came as a surprise that National sought to include them when there was no need to do so. It was also in marked contrast to the Labour Party treatment of the Māori Party after the 2005 election when former Prime Minister Helen Clarke referred to them as “the last cab off the rank” (*NZH*, 2 April 2008). The Māori Party won 5 of the 7 Māori seats in the 2009 elections, with Labour’s ministers of Māori affairs and local government each retaining their Tairāwhiti and Hauraki-Waikato seats (*NZMJ* 2008). The election delivered 6 members of Parliament who acknowledge their Māori descent to each of the Labour and National parties, and 1 to the Green Party, making a total of 18 members of Māori descent in the House. However, the only parliamentarians who represent Māori are those in the Māori seats. The rest represent their parties.

Within days of the election, the Māori Party announced that it was prepared to consider John Key’s invitation to become part of his government, but that it would only do so after consulting Māori throughout the country. Forty hui (gatherings) were convened, and within the week, the party reported overwhelming support for its entering into an agreement with the National Party (Māori Party 2008a). The agreement covered many issues raised by the Māori Party in the previous Parliament (Māori Party 2008b), and calls for both parties to act in accordance with the Treaty of Waitangi. Although the National Party

had sought to abolish the Māori seats in Parliament, under this agreement, it could not do so without the consent of the Māori people. Māori have long sought to embed the Treaty of Waitangi in a written constitution for the country. Under the new agreement, a group will be set up by early 2010 to consider constitutional issues, including Māori representation. The Māori Party was initially created to fight the confiscation of the foreshore and seabed by the Crown, and has a clear mandate to repeal the Foreshore and Seabed Act of 2004. Under the agreement, a review of the act was to be conducted before December 2009 and in the event that its repeal becomes necessary, protection would be put in place to ensure all New Zealanders have access to the foreshore and seabed. In reality, the review was completed in June 2009, six months early, and did recommend that the act be repealed (Durie, O’Regan, and Boast 2009). A government decision on how to proceed with the matter is now being awaited.

The most important outcomes of the agreement were the ministerial roles assigned to the leaders of the Māori Party. The consultation hui had indicated that maintaining Māori independence in Parliament remained paramount, and that the Māori Party must continue to hold the government accountable even though it was now part of that government. Thus, Dr Pita Sharples and Tariana Turia became ministers outside the cabinet. Dr Sharples is minister of Māori affairs, associate minister of education, and associate minister of corrections. Mrs Turia is minister for the community and voluntary sector, associate minis-

ter of health, and associate minister of social development and employment.

Within two months, the Māori Party was challenging the government to allow the flying of a Māori flag on the Auckland Harbour Bridge on Waitangi Day, a request that had been denied repeatedly by the previous government. John Key answered that he was happy to see the flag not only on the Harbour Bridge but also at Parliament, provided Māori could agree which flag was to be flown (*NZH*, 15 Jan 2009). As soon as the Foreshore and Seabed hearings were completed in June 2009, the minister of Māori affairs started conducting a series of hui around the country to ascertain what Māori wanted. The Māori Party also challenged the government when it announced in April 2009 that it would not follow the recommendations of the Royal Commission on Auckland Governance to reserve three seats for Māori on the proposed Auckland Super City Council. The Māori Party organized a protest march against the government decision that tied up the inner-city area for several hours (*NZH*, 25 May 2009). It also kept needling the government to agree to the United Nations Declaration on the Rights of Indigenous Peoples (UN 2007), when signs appeared indicating that the United States and Canada were moving closer to doing so. In the event of those two nations agreeing to the declaration, New Zealand would be the only country to remain opposed to the international recognition of the human rights of indigenous peoples.

On the Treaty of Waitangi claims settlements, the pace set by the deputy prime minister in the last government,

Dr Michael Cullen, was maintained until the elections. The National government has promised to maintain this momentum. Iwi (tribal groupings) throughout the country, who had suffered interminable delays over several decades at the hands of government officials, found themselves thrown into intense negotiations, with the pace becoming very demanding in the last days of the Labour government. In its Four Monthly Report for July to October 2008, the Office of Treaty Settlements reported an unprecedented level of activity with respect to processing the settlement of historical Treaty of Waitangi claims (OTS 2008a). Legislation settling the long-running Te Rōroa claim passed through Parliament. Deeds of Settlement were signed with the Wellington-based iwi Taranaki Whānui ki Te Upoko o Te Ika, with Waikato-Tainui in respect of the Waikato River, and with Ngāti Apa. Agreements in principle were reached with Ngāti Kahu, Ngāti Manawa, Tūrangānui-a-Kiwa, Ngāti Pahauwera, Ngāti Makino/Waitaha, Ngāti Maniapoto, Ngāti Raukawa, and Te Pūmāutanga o Te Arawa (OTS 2008b).

In June 2008, Taranaki Whānui ki Te Upoko o Te Ika of Wellington signed a deed of settlement for the return of several small pieces of land including three islands in Wellington Harbour, NZ\$25 million with which to buy more of their own lands still held by the Crown, and a NZ\$5 million contribution toward their costs in pursuing the settlement (Bennion 2008, Aug, 4). (NZ\$1.00 equals approximately US\$0.70.)

In July 2008, Āti hau-Whanganui Incorporation signed an agreement

with the Crown for a NZ\$24.6 million cash payment to settle a claim for the misuse of its lands in the central North Island. In 1902, 40,894 hectares of its lands had come under the control of the Aotea District Land Board. Pākehā (non-Māori of European descent) managed to take control of the board and leased the lands to Pākehā at rates and under conditions severely detrimental to its Māori owners, resulting in their having to pay substantial amounts to those Pākehā once the leases expired. Financial arrangements to resume as many leases as possible when they come up for renewal have cost the incorporation over NZ\$30 million, and the settlement will be used mostly to service the incorporation's debts (Bennion 2008, July, 4).

In August 2008, Waikato-Tainui signed a deed of settlement for the country's largest, badly polluted river, the Waikato River. The settlement aims to enhance the relationship and partnership between the Crown and Waikato-Tainui regarding the management and use of the river. The main features of the settlement are focused on the co-management and collaborative protection of the river. A body made up of iwi and Crown members will have oversight of the cleanup of the river, with the Crown contributing NZ\$7 million annually for thirty years. A Waikato River Statutory Board made up of iwi and district council appointees will support the iwi and their relationship with the river (Bennion 2008, Aug, 5–6), with the Crown contributing NZ\$50 million for river initiatives, and a further NZ\$1 million per year for thirty years to fund Waikato-Tainui participation in the co-management process. The Crown

will also pay NZ\$20 million to the Sir Robert Mahuta Endowment (OTS 2008b). The Office of Treaty Settlements Web site does not indicate that the Crown recognizes that Māori own the river, although a quote from the late Sir Robert Mahuta is included, stating, "The River belongs to us and we belong to the River. The Waikato tribe and the River are inseparable. It is a gift left to us by our ancestors and we believe we have a duty to protect that gift for future generations." Even so, the settlement appears to give Waikato-Tainui only a limited say in the management of the river.

In September 2008, Ngāti Kahu in the Far North signed an agreement in principle for the return of 5,095 hectares of their lands and control over a further 5,000 hectares through a statutory board made up of equal Ngāti Kahu/Crown membership, chaired by Ngāti Kahu, and with all its business conducted according to Ngāti Kahu customary law. A cash contribution of NZ\$7.5 million to rebuild and repair fifteen marae and their associated housing has also been included in the agreement. In 2007, Ngāti Kahu had been forced to repossess parts of its lands when the Crown tried to sell them off. All these lands are now being returned to Ngāti Kahu (Mutu 2009, 166).

In October 2008, the Crown signed an agreement in principle with iwi of Hauraki and the South Island over resolution of their aquaculture interests. A one-off NZ\$97 million cash payment is to be made to settle the Crown's obligations to Māori under the Māori Commercial Aquaculture Claims Settlement Act 2004. The act obliged the Crown to provide the

equivalent of 20 percent of existing aquaculture space for Māori.

Two days before the elections, on 6 November 2008, the government announced that it had reached agreement with Ngāti Porou to pay a cash sum of NZ\$90 million plus interest for up to two years to settle its historical grievances, to gift five properties and possibly a sixth, and to afford Ngāti Porou the right to purchase Crown forest lands and land under schools. The agreement also includes considering Crown support for retention and development of Ngāti Porou language, knowledge, and customary practices; marae development grants; and the use of conservation land to protect and develop Ngāti Porou culture (Te Haeata 2008).

Despite the pace of the settlements, they remain neither just nor fair, delivering only a small fraction of what was stolen from each iwi and providing little or no compensation for the extensive damage done to Māori throughout the country since 1840. Two young Ngāti Kahu men reminded the country of this on Waitangi Day at Waitangi when they jostled the prime minister and warned him that the vast majority of the injustices perpetrated against Māori remain unaddressed, and Māori grievances remained unresolved. They were arrested but in court had overwhelming support from their whānau (extended family) and iwi, with numerous kaumātua (elders), including their local member of Parliament, speaking in their defense (Harawira 2009). It was clear that what the young men had said to the prime minister was correct. The community service sentence they received was served among their

own Ngāti Kahu iwi, where their past record of extensive voluntary work for kaumātua meant their service was completed in record time (Te Rūnanga-ā-Iwi o Ngāti Kahu 2009).

MARGARET MUTU

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RAPA NUI

The principal event on Rapa Nui during the period under review was the end of the fourteen-year “reign” of Mayor Petero Edmunds, and the election of Luz Zasso as his successor. The reform of the island’s political status is still waiting to be completed, while the tourism industry is booming more than ever, leading to serious debates on sustainability.

The organic law bill to transform the island from a province within the Chilean continental region of Valparaíso to a territory with special political status was introduced in Congress on 2 July 2008 (SUBDERE, 2 July 2008; for detailed discussion of the bill see Gonschor 2009) and was set on the agenda for debate on the congress floor in mid-July (SUBDERE, 14 July 2008). In late August, a Chilean government delegation visited the island and met with Governor Carolina Hotu to discuss amendments, including possible measures to control Chilean immigration (GIP, 29 Aug 2008). In November, Governor Hotu traveled to Santiago to discuss the bill directly with the legislators (GIP, 3 Nov 2009). At the end of the review period, however, the bill was still in the first stage of parliamentary procedure and had not yet left the Chamber of Deputies for the Senate (Congress of the Republic of Chile Web site, accessed 5 Aug 2009). The entire process of legislation will probably take at least two years. The preceding constitutional amendment bill, which enables the currently pending legislation, took from 2005 to 2007 to pass.

From 19 to 30 July 2008, a Rapanui delegation consisting of the internationally famed band Matato‘a and several dancers participated in the 10th Festival of Pacific Arts in American Sāmoa. As with other such festivals, the event provided an opportunity for Rapanui to meet other Pacific Islanders and thereby to reintegrate into Oceania, from which they had been alienated due to more than a century of Chilean colonialism (GIP, 17 July 2008; *RNJ*, Oct 2008). However, for the time being, this reintegra-

tion seems to be limited to the cultural field. Unfortunately, even under the upcoming new political status of “special territory,” there appears to be no prospect of a political reintegration, such as membership in the Pacific Community and the Pacific Islands Forum, in the near future.

On 9 September, the 120th anniversary of the island’s annexation by Chile, Rapa Nui received a high-level visit by Chilean Minister of the Interior Edmundo Pérez Yoma and Sub-secretary for Regional Development Claudia Serrano. The commemoration included a large gathering, featuring a cultural show by local schoolchildren. In an attempt to mitigate what was clearly an act of colonialism, Pérez stated that “more than a territorial annexation of the island to continental Chile,” the event commemorated “an encounter between two peoples, one ancestral, the other nascent.” The minister furthermore promised that Chile would grant the islanders more self-government and provide them with the technical means for it, citing the administrative reforms and infrastructural investments currently underway (GIP, 9 Sept 2008; SUBDERE, 9 Sept 2008).

On 11 October, Rapa Nui lost another of its most revered koro (elders), when singer and cultural expert Luis Avaka Pate Paoa passed away at age eighty-two. Known as “Papa Kiko,” Pate was famous for his knowledge of ancient Rapanui traditions as well as for his talented voice. Throughout his long life, he performed and recorded countless ancient songs and chants as well as more contemporary church-influenced hymns, collaborated with various

ethnomusicologists, and often went abroad with his ensemble to share Rapanui music with people of other parts of the Pacific (GIP, 16 Oct 2008; RNJ, May 2009).

By far the most important event on the island, however, was the municipal election in late October, in which the succession of incumbent Mayor Petero Edmunds Paoa was to be determined. Edmunds, who had headed the municipality since 1994, had earlier in 2008 decided not to run for office again, a decision possibly influenced by his decreasing popularity. During the last few years, Edmunds’s style of political leadership had become more and more controversial, not the least because some of his statements had come across as erratic and contradictory. Edmunds deserves credit for his efforts during his long years of local leadership to help his community progress economically, as well as his advocacy for more political autonomy and recognition of Rapanui culture. However, he was at times criticized by the local opposition for being too close to the Chilean political elite, while others pointed out that he sometimes seemed to lack initiative and tended to blame all of the island’s problems on the Chilean government.

After Edmunds decided not to run for mayor again, the Christian Democratic Party of Chile, of which Edmunds used to be the local candidate, nominated Luz Zasso Paoa, a municipal employee and one of the newly elected members of the Easter Island Development Commission (CODEIPA, a representative organization with responsibilities separate from the municipality). During the campaign, opposing candidates attempted

to present Zasso as Edmunds's handpicked successor and to carry over their critique of Edmunds to her. However, Zasso succeeded in creating her own image by advocating reforms of the municipal services and promising to employ all available municipal resources for the resolution of local issues.

In the 26 October election, Zasso won a relative majority of 46.0 percent, and thus became Edmunds's successor as mayor of the "Illustrious Municipality of Easter Island," as the office is officially called. Her main opponent, schoolteacher Akahanga Rapu Tuki—himself without party affiliation but running for Alianza, the alliance of Chilean right-wing opposition parties—received 37.1 percent. Two other candidates, Pascual Pakarati Gonzales (independent) and Hugo Edmunds Paoa (Humanist Party) lagged significantly behind, with 11.4 percent and 3.4 percent, respectively.

Concurrently with the mayor, the members of the municipal council were elected as well, in a complex system counting both party and individual votes. Of the six elected municipal councilors, two each belong to the Christian Democratic Party (PDC) and the Party for Democracy (PPD), both part of Concertación, the center-left Chilean governing coalition, and two are members of the Independent Democratic Union (UDI), a party within the right-wing opposition Alianza. Alberto Hotus Teave (PPD)—the incumbent long-serving municipal councilor, former mayor (1992–1994), and contested president of the Rapanui Council of Elders—was reelected, as was opposition councilor Amelia Olivares

San Juan (UDI). Newly elected were Ximena Trengove Vallejos and Marta Hotu Tuki for PDC, Carlos Mardones Riroroko for PPD, and Julio Araki Tepano for UDI. The four incumbent councilors Marcelo Ika Paoa (PDC), Marcelo Pont Hill (PPD), Hipólito Ika Nahoe (Humanist Party), and Nicolas Haoa Cardinali (independent in alliance with UDI) failed in their reelection bids. Pro-independence opposition leader Mario Tuki Hey, who had been elected into the CODEIPA in 2007 with the largest majority of all candidates, was another candidate for the municipal council who was not elected (Te Rapa Nui Press, 30 Oct 2008).

Following the law on regional administration, the newly constituted municipal council then confirmed the two representatives of Easter Island Province in the Regional Council of Valparaíso: incumbents Maria Cristina Pizarro Velásquez of PDC and Enzo Muñoz Fariás of UDI (Te Rapa Nui, Jan–Feb 2005; Regional Council of Valparaíso Web site, accessed 8 Aug 2009). Since their offices will become obsolete as soon as the special status bill is passed and the island's ties to the Valparaíso Region will be dissolved, the two representatives have received little attention during recent times.

A striking feature was the election of two Chilean settlers as councilors (Trengove and Olivares), compared to only one (Olivares) in the last election in 2004. This reflects the massive increase in the Chilean settler population over the past few years, during which time they have come to outnumber the native Rapanui on the island (RNJ, June 2006); their numbers are increasing annually by 7 percent

(GIP, 19 Feb 2009). One of the reasons why Rapanui nationalist leaders like Mario Tuki only have a chance at running for CODEIPA but not for the municipal council might lie in the fact that the CODEIPA elections are limited to ethnic Rapanui, while the municipal elections are open to any Chilean citizens living on the island. Earlier in 2008, Erity Teave and Santi Hitorangi, representatives of the Rapanui Parliament, a forum of pro-independence Rapanui leaders, had delivered a paper at the Permanent Forum on Indigenous Issues at the United Nations in New York, urging a stop to Chilean immigration to their island (Teave and Hitorangi 2008).

Besides Zasso's obvious popularity, the election results also showed that the current local power structures are very well established, and clearly not dependent on Edmunds's personal charisma. Given Rapa Nui's present dependency on monetary subsidies from the Chilean government, a vote for those affiliated with the ruling parties in Santiago was the logical choice for most voters. Since the Concertación coalition had held power continuously since 1990, it is hard to predict how the island community would react to a change of government in the metropole. For the time being, both the local politicians affiliated with the Alianza and the pro-independence Rapanui nationalists allied with them in a somewhat awkward way seem to be far from any prospect of winning a municipal election.

The newly elected Mayor Zasso was born in 1972 of a Chilean father and a Rapanui mother. She studied civil engineering at the University of Viña del Mar, obtaining her degree

in 2000 with a thesis on reforming local planning on her home island. She subsequently worked in different positions on Rapa Nui or in relation with the island. Prior to the election, she had been the director of the municipal construction office for several years (SUBDERE, 12 Nov 2008).

Zasso is the first elected female mayor of Rapa Nui, but not the first woman to serve in that office. The first female mayor of the island was Lucia Tuki, who served from 1985 to 1989 during the military dictatorship of General Augusto Pinochet, but like all public officials at that time, she had not been elected but was appointed by the junta (RNJ, Spring 1988). With Zasso's election, however, not only half the municipal councilors and the mayor, but also the officials above her are now female, including Governor Hotu, Subsecretary Serrano, and Chilean President Michelle Bachelet.

Shortly after the election, the new mayor traveled to Santiago, together with her predecessor Edmunds, to meet with Subsecretary Serrano and Natalia Piergentili, chairwoman of the Interministerial Committee for the Development of Extremely Remote Zones, to discuss the collaboration between her municipal administration and the authorities of the central government (SUBDERE, 12 Nov 2008).

With the elections over, the rest of the review period was rather calm as far as politics were concerned, and the news concerned mainly economic data, cultural events, and day-to-day administrative business.

In spite of the world financial crisis, Rapa Nui's tourism industry continued to boom. There were more than 50,000 visitors in 2007, 20 percent

more than in the previous year. If this annual increase in rate goes on, the number of visitors is expected to rise to 200,000 by 2020. Due to tourism, the local economy is in full expansion, with an astonishing number of new hotels, car rentals, souvenir stores, and similar facilities being built all over Hanga Roa, the capital and only settlement. In 2007, 3.85 billion pesos (US\$7 million) were invested in the tourism sector, which accounted for about 90 percent of the island's economic activity. Urged by the local government and Chilean tourism officials, Chilean national airline LAN agreed to increase the frequency of its flights from Santiago to the island, and the government plans to rebuild the airport runway and terminal by 2012. While the boom provides locals with an opportunity for a prosperous future, questions of ecological sustainability are becoming more and more evident. Edgard Hereveri, president of the local Chamber of Tourism, expressed his concerns and thinks that it is questionable whether a small and fragile island with only about 4,000 inhabitants can sustain hundreds of thousands of tourists (*Santiago Times*, 23 Sept 2008; GIP, 11 June 2009).

In order to keep up with the increasing population, the Chilean government is massively investing in public services and infrastructure. A new hospital is currently under construction, financed by the government with more than 5.5 billion pesos (US\$10 million) (*Santiago Times*, 23 Sept 2008), and there are plans to build new port facilities (GIP, 15 Dec 2008).

In late October, Rapa Nui hosted an international scientific confer-

ence on organic waste residue treatments, and propositions were made to restructure the island's waste management system (GIP, 23 Oct 2008). Even more problematic than organic waste are environmentally hazardous materials like used car batteries, given that there are now almost 2,000 automobiles on the island. In May, the government unveiled a plan to ship this type of waste off the island (GIP, 15 May 2009).

Another aspect of the island's changing economy was raised when the Chilean minister of agriculture visited the island in February. Issues discussed included the mass immigration, spread of invasive species from Chile, and the lack of infrastructure in rural areas of the island, all contributing to making the agricultural sector insufficient (GIP, 19 Feb 2009). In a pattern that parallels Hawai'i and French Polynesia, most locally consumed food on Rapa Nui is currently being imported from outside, primarily from Chile.

The impact of the tourism boom is not limited to the economic field alone. In early November, the Day of the Rapanui Language was celebrated with large open-air performances (GIP, 7 Nov 2008). In spite of this and other initiatives, the language is in decline, and most of the younger generation tend to converse in Spanish rather than Rapanui, a trend that mirrors the spread of French at the expense of Tahitian in French Polynesia.

Language loss, however, is not the only social problem the island community is facing. Mass tourism, immigration, and economic growth are also beginning to show other downsides, including increasing problems of

alcoholism, drug abuse, domestic violence, and street crime. In order to tackle these problems, in mid-November 2008, the governor's office held a conference on public security and created a task force against crime (GIP, 13 Nov 2008).

The tourism boom is also creating increasingly visible class divisions on the island, with some families profiting enormously while others continue to live in poverty. Prices on the island have reportedly doubled within the past year (*RNJ*, Oct 2008), and while this might have the positive effect of keeping the numbers of tourists and settlers in check by dissuading the less affluent from coming, it also hardens life for the Islanders.

In January, new Chilean social legislation came into effect on the island, providing a method of identifying the neediest families and making welfare programs available for them (GIP, 14 Jan 2009). By early June, there were 350 persons qualifying for one of the programs (GIP, 3 June 2009).

Another problem, more directly related to mass tourism, is its impact on Rapa Nui's historic monuments—the very reason most tourists come to the island in the first place. During previous years, various acts of irresponsibility or even outright vandalism by individual tourists significantly damaged some sites. In January, the local authorities unveiled a new strategy of educating all visitors prior to their landing about the fragility of the monuments and their responsibility in their protection (GIP, 16 Jan 2009).

In 1995, the island had been declared a UNESCO world heritage site (GIP, 11 Feb 2009). In mid-February 2009, UNESCO Director General

Koichiro Matura visited the island, inspecting the restoration of some of the monuments, especially Ahu Tongariki, which was restored with Japanese funds.

Economic growth has also increased the need of the Islanders for a good education. On 2 March, the governor's office and the municipality signed an agreement with the University of Santiago and the Pontifical Catholic University of Chile, in order to facilitate access of Rapanui students to those universities. Currently, there are more than 200 Rapanui attending various educational institutions in Chile (GIP, 2 March 2009).

Rapa Nui received two distinguished foreign visits during the review period, each of them referring to the island's historical connections across the Pacific. In February, the French ambassador to Chile visited the island and met with the local authorities (GIP, 12 Feb 2009), and it was later announced that France would establish a branch of the Alliance Française, an organization promoting French language and culture abroad, in Hanga Roa (French Embassy in Chile Web site, 1 July 2009). To this day, many Rapanui have ties to France, due to strong connections of the island to Tahiti, Mangareva, and other islands of French Oceania in the late nineteenth century, prior to the Chilean annexation of 1888. The ambassador's visit also represents an improvement in Franco-Chilean relations. Until the 1990s, the relationship between the two Pacific colonial powers concerning Rapa Nui was rather antagonistic, as Chile had often accused France of laying claims of sovereignty or property on the island.

On 20 April, the island received one of its highest-ranking visitors in recent history, when the king of Malaysia, Sultan Mizan Zainal Abidin, and his wife, Raja Nur Zahirah, visited the island and met with the governor and the mayor (GIP, 20 April 2009). The visit provided a rare instant for the Islanders to encounter what a local news editor called the “Ariki o te henua roa roa,” that is, king of the very distant land (TRN, undated article), who was nevertheless a relative, coming from the other end of the geographically most extended language group in the world (Austronesian).

During the last months of the review period, the island community worried about the health of the eighty-year-old community leader Alberto Hotus, municipal councilor and one of the claimants to the presidency of the Rapanui Council of Elders, a key and controversial political figure. Suffering from a heart attack, Hotus was flown to Santiago where he underwent bypass surgery. Fortunately, he recovered and was seen once more actively involved in local politics a few weeks later (TRN, undated article)

Anticipating the expiration of her term in early 2010 following the upcoming election of a new Chilean president in December 2009, Governor Hotu presented a report on her administration's activities in July, recapitulating her initiatives to increase citizen's participation in government, achievements in the fields of environment, education, culture, public security, health, infrastructure, land issues, social welfare, and various events her office had been involved in (TRN, July 2009). With the Chilean presidential and congressional elections upcoming and the special status bill pending in

Congress, the coming year will most likely be eventful as well.

LORENZ GONSCHOR

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SĀMOA

The opposition to the Road Transport Reform Act 2008 continued during the current review period. In July 2008, Minister of Works, Transport and Infrastructure Tuisugaletaua Sofara Aveau announced that sections 4 to 7 of the act would come into force on 7 September 2009. Currently, vehicles are driven on the right-hand side of the road. Sections 4 to 7 provide for changing the driving side of the road to the left, including prohibiting the use of left-hand drive vehicles unless they were in Sāmoa before the law stopping their importation was brought into effect. The government also declared 7 and 8 September 2009 as public holidays in order to “allow for familiarization with the change” (Ah Mu and Lesa 2008).

The protest movement People Against Switching Sides (PASS) took court action against the government, filing a claim against the prime minister, cabinet, and the Transport Control Board arguing that the act was constitutionally invalid. PASS’s statement of claim was later discontinued by consent, and its motion withdrawn. However, PASS was granted leave to file a second amended motion by 19 January 2009 (*Samoa Observer*, 20 Dec 2008). PASS has thus far achieved some measure of success with its court case against the government. On 26 June 2009, Judge Vui Clarence Nelson ruled in the supreme court that the constitutionality of the act deserves to be examined in court. He overruled a submission by the attorney general, Aumua Ming Leung Wai, that there was no case for the government to answer. The two sides, PASS and the government, are set to reappear in

court on 6 July 2009 to determine the date for the hearing (Sioa 2009a). The groundswell of opposition to the reforms spawned a new political party, the People’s Party, which was officially launched in October 2008. Those involved in PASS were influential in its creation, and the PASS chairman, Maposua Toleafoa Punafelutu R S Toailoa, was elected the party president (Ah Mu 2008e).

The opposition to the Land Titles Registration Act 2008 also continued in the current review period. In July 2008, the leader of the Samoa Democratic United Party (SDUP), Asiata Sale’imoa Va’ai, vowed to challenge the law on the grounds that it was unconstitutional (*Samoa Observer*, 3 July 2008). By the end of the current review period, the case had not reached the courts. A number of nongovernment organizations (NGOs): O Le Siosiomaga Society (OLSSI), and Samoa Umbrella for Non-government Organisations (SUNGO), continued to publicly voice their opposition to the act. OLSSI went even further and held consultations with villages in Savai’i who wanted to oppose the implementation of the act (Rose 2008). The letters to the editor section of the *Samoa Observer* continued to carry letters of opposition to the act, from people in both Sāmoa and New Zealand. Despite the opposition, the government announced that the new act and new registration system would come into force on 2 March 2009.

The government’s decision to proceed with the act is significant given the sensitive nature of land issues, which was evident in a number of land disputes that took place during the current review period. In September 2008, the court of appeal dismissed

an appeal by the matai (traditional leaders) of the village of Vailoa in Palauli against a supreme court ruling that denied them ownership of an area of land in their village. Despite the fact that the land under question was customary, the supreme court ruled that ownership of the land had been legally transferred to various other parties, including the current owner, O F Nelson Properties Ltd of Apia (*Sia'aga v O F Nelson Properties Ltd* [2008] WSCA 14, 19 Sept 2008). Vailoa respected the court's ruling in this case.

A number of land disputes involve customary lands that the government wants to utilize. For example, tensions brewed between the government and the Manuleleua family of Vaimoso over the failure of the government to respect the family's customary land practices. The problems occurred when the Ministry of Natural Resources and Environment failed to appropriate land compensation payments to all relevant members of the family. Members of the family claimed that the payments for land that the government wanted to use for a road-widening project were made to only one branch of the family, and the rest were not consulted (Ah Mu 2009c). A spokesperson for the family highlighted the customary principles that the government ignored: "These lands are not owned by an individual. . . . It's owned by whoever the extended family decides to be the sa'o [the head matai of a family]" (Lesa 2009b). At the time, the family had not selected a sa'o. The government made little effort to address the problem and argued that the redistribution of payments was not its concern but the responsibility of the family (Ilalio 2009a).

Tensions also mounted in the village of Lepea at the beginning of 2009. A standoff ensued when Minister of Women, Community and Social Development Fiamē Naomi Mata'afa dismissed Lepea's pulenu'u (mayor), Ai'i [or A'i] Vavao, because the village refused to give up some of its malae (sacred ground) for the same road-widening project (Lesa 2009e). The village refused to recognize the dismissal, arguing that the pulenu'u is elected by them although paid by the government. However, the village did try to compromise by offering the government an area of land in a different part of the village (*Samoa Observer*, 11 Feb 2009).

The village of Satapuala's land dispute with the government, which has been ongoing for many years, continues. In early 2009, they held talks with the government in relation to land near the Faleolo airport, over which both parties claim ownership. Part of the dispute involves the government's plans to relocate graves from land it intends to use. People in Satapuala are strongly opposed to this. Currently, both sides have agreed not to use the disputed areas until a suitable arrangement is reached (Ilalio 2009f).

Government plans to use land in the Savalalo area to build a multimillion-dollar government complex were halted by opposition from a local business, the Laumei Faiaga nightclub. The nightclub is only into its third year of a twenty-year lease of the site, but the government is keen on evicting the business in order to proceed with its project (Ah Mu and Ilalio 2009). Despite holding the lease, the nightclub reportedly received a threatening letter from the government stating that the club's occupation of the area

in question was “unlawful” (Ah Mu 2009h). The project manager for the new complex reportedly stated that the government assured him that the Laumei Faiaga would be removed shortly after construction began (Ilalio 2009d). The nightclub owners’ failed attempts to negotiate with various ministers and government departments have forced them to take matters to court, but the case has yet to be heard.

These land cases provide a number of important insights into government conduct in relation to customary land. The government’s apparent failure to recognize the Manuleleua family hierarchy in both its consultation process and compensation payments raises the question of whether it will respect customary ownership principles and traditional governance institutions in its land transactions. The government’s failure to acknowledge its role in creating division within the family, through its selective allocation of payments, indicates a measure of insensitivity to these matters. It was surprising given that all members of the government are themselves matai and should know what custom requires. Whether its actions or lack thereof were results of oversight or deliberate disregard is uncertain. Regardless, the government’s failure to properly account for the Manuleleua family hierarchy, in both consultations and compensation payments, complicated its own plans.

Both the Lepea and the Laumei Faiaga nightclub cases raise the question of how far the government will go in the pursuit of its land-related projects. To dismiss a pulenu‘u over his village’s reluctance to play ball seems harsh and unfair. The pulenu‘u is not a traditional institution, and, within the

traditional village hierarchy, it does not command significant influence over village decisions. The position is a product of colonialism and is currently government funded; the incumbent acts as a go-between in government-village relations. The decision to punish the pulenu‘u might be an indication that the government views it as an institution to do its bidding and through which it can influence the village. The attempted eviction of the Laumei Faiaga nightclub raises the question of what will happen to landowners or lessees who get in the way of government plans. Despite the fact that the nightclub’s lease with the government is official, the government has shown little reluctance to renege on their agreement.

The passing of the Road Transport Reform Act 2008 and the Land Titles Registration Act 2008 amid considerable public opposition and controversy raises questions about the state of political accountability. The two PASS protest movements, the petition it submitted opposing the change, and the numerous public meetings it organized to rally opposition against the reform appear to have had little impact on government policy. Protest against the Land Titles Registration Act 2008 might have influenced the government in some respects, as additional provisions were incorporated into the act shortly before it was passed (Tait 2008). However, the provisions that had been the focus of criticism were left unchanged.

Whatever the state of political accountability is, the demise of a parliamentary political opposition over the last several years, including the current review period, has not helped. Under the Westminster style

of democracy, Parliament is a key institution for achieving accountability. It is where irregularities in government policies and behavior can be made public through discussions and debates. The presence of an organized political opposition in Parliament is an important part of this process. Under section 20 of Parliament's Standing Orders, political parties must have a minimum of eight members of Parliament in order to be officially recognized in Parliament. Currently, no political party meets this qualification except the ruling Human Rights Political Party (HRPP). Since the number of members of the Samoa Development United Party (SDUP) fell below this threshold in 2007, there has been no official opposition in the legislative assembly. The absence of an official opposition party in the assembly can undermine its ability to hold the government accountable.

The decline of parliamentary opposition is likely to be related to some of the difficulties that opposition political parties face in Parliament. Some of these were evident in the experience of the Tautua Samoa Party (TSP), which formed outside of Parliament in April 2008. This party, which was formed by independent members of Parliament and some former SDUP and HRPP members, was officially launched in December 2008 (Netzler 2008c). TSP was formed out of discontentment over the enactment of a number of controversial acts (the Road Transport Reform Act 2008, the Water Resources Management Act 2008, and the Land Titles Registration Act 2008), and one of its primary objectives is the strengthening of political opposition (Netzler 2008c). So far, it

has struggled to unite the opposition (Lesa 2009a). In fact, it has struggled to keep itself united. One of its dilemmas is that if it is officially registered in Parliament, its members must stand in by-elections (Parliamentary Standing Orders, No 20). TSP has wanted to avoid this and has even considered the possibility of registering as a nongovernmental organization as a means to organize without having to formally register (Ah Mu 2008b).

The issue of registration, and in particular pressure by the Speaker of the House for TSP to register, contributed significantly to its partial disintegration. TSP began with twelve members. Several months after its formation, one of its members, Tuia Logoiai Pu'a Leota, resigned, citing his desire to follow the wishes of his constituency, and the lure of obtaining benefits by supporting the HRPP as key factors for his decision (Ah Mu 2008g). One month after this resignation, Muagututi'a Siaosi Meredith also resigned, and in June 2009, Toluono Feti resigned. Although it is not a requirement under Samoan law for a party that forms outside of Parliament to formally register itself, the Speaker has consistently put pressure on TSP to clarify its status. This pressure ostensibly played a role in Meredith's and Feti's resignations. Meredith stated that his resignation was done out of respect for the wishes of his constituency; however, it came a day after the Speaker of the House ordered TSP to formally declare its status (Ah Mu 2009g, 2009l). Similarly, Feti's resignation occurred shortly after the Speaker annulled the seats of TSP members and called for by-elections (Ah Mu 2009m). TSP has begun court

proceedings against the Speaker over his decision to annul its members' seats and call for by-elections in their constituencies. By the end of the current review period, this case has yet to be decided.

In 2005, the leader of the SDUP, Asiata Sale'imoa Va'ai, was suspended from Parliament without pay for four months. In April 2008, Asiata began court proceedings against the current Speaker of the House, Tolofuaivalelei Falemoe Leiataua, and his predecessor, Toleafoa Apulu Fa'afisi, over the legality and fairness of his suspension (Ah Mu 2009i). An attempt to strike out Va'ai's legal action was dismissed in the supreme court by Justice Murray Bryon Kellam, who ruled that the case should proceed to a hearing (Ah Mu 2009k). In January, a heated argument between Prime Minister Tuilaepa Sailele Malielegaoi and Va'ai resulted in the latter being ordered out of Parliament (Ah Mu 2009a). When TSP's treatment is considered alongside these events, it raises questions about whether opposition members receive fair treatment in Parliament.

In other political matters, Associate Minister of Trade Hans Joachim Keil was arrested and detained in the United States in September 2008. He was charged with "false claim of citizenship." In December, all charges against him were dropped (Weber 2008). China and Sāmoa continued to strengthen their relationship along social and economic lines. In September 2008, China's ambassador to Sāmoa, Yan Jungi, was bestowed the Samoan chiefly title of Salamasina (Netzler 2008e). In the following month, the Export-Import Bank of China Bill 2008 was rushed through

Parliament in order to give the government authority to borrow from the Bank of China. Malielegaoi reportedly stated that the loan was for the building of a conference center (Ah Mu 2008c), most likely the one planned for the land leased by the Laumei Faiaga nightclub. While Sāmoa-China relations strengthened, Sāmoa-Fiji relations weakened. In August 2008, Malielegaoi launched a verbal attack against Fiji's Commodore Frank Bainimarama for boycotting the Pacific Islands Forum summit (*Samoa Observer*, 24 Aug 2008). Initially, Bainimarama did not respond to the comments, but after repeated attacks by Malielegaoi, expressed his disappointment at what he perceived as conduct that was "unpacific" (*Samoa Observer*, 25 Feb 2009). This sentiment resonated with former Solomon Islands Prime Minister Manasseh Sogavare, who publicly condemned Malielegaoi's criticism and argued that it did not reflect the feeling of other Pacific Islands Forum members (*Samoa Observer*, 28 Feb 2009). Malielegaoi's hard-line approach was also criticized at home by the TSP, who argued that Fiji's internal matters should remain as such (Ah Mu 2009j).

The government was also involved in a controversial legal matter during the current review period. In September 2008, the government became embroiled in a controversial gun-smuggling case involving Police Commissioner Papali'i Lorenese Neru. Again, there were issues of accountability. Neru was alleged to have received an illegal shipment of firearms from former American Sāmoa Police Captain Papali'i Marion Fitise-manu. A commission of inquiry was

subsequently formed to investigate the matter. The case was controversial in a number of ways. The commission issued an order that restricted the media from reporting on matters discussed in the hearing other than the material provided in a daily press release from the council assisting the commission (Lesa 2008). At the conclusion of the inquiry, Neru and the captain of the ship that brought the cargo, Logoitino Filipo, were found to be in breach of duty. The commission recommended that the attorney general oversee a criminal investigation against both men. However, after their report was submitted to the cabinet, Malielegaoi only announced that Logoitino would be demoted and Neru censured (Polu 2009). The police commissioner is appointed by the cabinet, but whether this played any role in the cabinet's decision is unclear.

The police commissioner's case tops a number of what might be considered "sensational cases" involving the police. In September 2008, New Zealand-based lawyer Iuni Sapolu was arrested after her family became involved in a dispute with police over allegedly cultivating illegal drugs on their property. The saga, which unfolded in the village of Vaiala, was intertwined with a land dispute between the village and the Sapolu family, who are residents there. Both parties claim ownership over an area of land in the village. When marijuana plants were found on Sapolu family property, police were called in, and Iuni Sapolu was arrested for obstruction when she intervened to stop the police investigation (Netzler 2008b). Sapolu claimed that she did not knowingly obstruct police; she

assumed they were not police because they were in plain clothes and did not have a search warrant. During her arrest, Sapolu claimed that she was verbally abused, forced to ride in a prison van with male prisoners, and told to strip in the presence of male police officers (Fairfax Media 2008a). Sapolu was released after twenty-four hours and was found guilty of one count of obstructing police and one count of using insulting and abusive words (RNZI 2009b). She was later discharged without conviction (RNZI 2009a).

A week after Iuni Sapolu was arrested, another New Zealand-based lawyer, Leulua'iali'i Olinda Woodroffe, was threatened with arrest by the police while in Sāmoa. Woodroffe allegedly used insulting language against an employee of the Ministry of Justice and Courts Administration (Ah Mu 2008f). Woodroffe claimed that five men, in plain clothes but claiming to be policemen, entered her property on 3 October 2008 and requested that she accompany them. She also claimed that they did not produce any identification or arrest warrant, and only later found out they were in fact policemen (Fairfax Media 2008b). Woodroffe, fearing that she would be treated like Sapolu, took refuge at the New Zealand High Commission, which later helped her leave the country. Later, the police issued a summons for Woodroffe, which they intend to serve her when she returns to Sāmoa (Ah Mu 2008d). The Ministry of Justice and Courts Administration (MJCA) also filed a complaint against Woodroffe with the Samoa Law Society. At the time of the incident, Woodroffe was involved with a supreme court

case, which had to be adjourned as a result (Fairfax Media 2008b).

In economic matters, the 2009–2010 national budget raised some eyebrows. The overall budget deficit is SAT\$189,432,048 (Government of Samoa 2009), which represents an SAT\$85,258,702 increase from the previous year's overall budget deficit of SAT\$104,173,346 (Government of Samoa 2008). Perhaps more concerning is the fact that the 2009–2010 overall deficit has increased more than sixfold since the 2007–2008 budget, which had an overall deficit of SAT\$30,302,010 (Government of Samoa 2007). (Currently, one Samoan tala [SAT\$] equals approximately US\$.39.) The government plans to finance the deficit largely through “highly concessional borrowings and grant funding” from development partners (Government of Samoa 2009). This might also be worrying, given that in the minister of finance's 2006 budget address, he noted that the UN Committee on Development Policy had decided to graduate Sāmoa from the category of least developed countries by 2010, and that this would have significant implications on the cost of future borrowing and debt servicing in particular (Government of Samoa 2006).

Education and health fared poorly in the budget. The allocations for education and health are reduced by 11.0 percent and 14.9 percent, respectively. The large reduction in the health budget is somewhat untimely, coinciding with the swine flu epidemic and the September change of the driving side of the road, which many predict will lead to more accidents. It is also a little surprising given complaints

about insufficient staff numbers, poor service (Ilalio 2009i), and substandard hygiene and health care issues at the Tupua Tamasese Meaole National Hospital (*Samoa Observer*, 6 Oct 2009). The government, however, has confirmed plans to build a new hospital in 2010 (Salei 2009).

The downturn of the Samoan economy over the last several years continues. According to the Ministry of Finance Quarterly Economic Review for October–December 2008, real gross domestic product declined by 7.3 percent from the same 2007 period, and employment dropped by 5.4 percent from the comparable period in 2007. However, the major problems appear to be in the area of trade, where exports earnings declined by 28.7 percent from the corresponding 2007 quarter, while imports increased by 29.6 percent. The trade deficit expanded by 33.8 percent from the same period in 2007.

Beyond the official figures, the increasing cost of living also signals problems in the economy. People complained that prices for basic goods and services, such as bread, tinned fish, bus and ferry tickets, were increasing while their wages remained unchanged (Jackson 2009; Ilalio 2009g). There was an increasing presence of children selling goods on the streets of Apia during school hours, eking a living for their families (Ilalio 2009c). Fuel prices increased again in May 2009, although the government was quick to argue that they were lower than other countries (*Samoa Observer*, 3 May 2009). What the government did not point out was that it had converted the overseas currencies to Samoan tala before making the comparison. One

observer astutely pointed out that the price per liter of fuel is higher than the minimum wage per hour in Sāmoa (*Samoa Observer*, 6 May, 9 May 2009).

Compounding people's hardships were a number of infrastructural problems. Between September and December 2008, the island of Upolu suffered from a protracted series of power cuts (Radio Australia 2008). This coincided with a government row with the village of Magiagi, who rejected the Electric Power Corporation's (EPC) plans to install cash power meters in their homes. Magiagi signed an agreement with the government in the 1980s, which grants them free electricity in return for the government using the river that flows through their lands to fuel a hydropower plant (Ilalio 2009e). The issue remains unresolved. Poor water supply was also a problem throughout the country, with people complaining of intermittent and often dirty water supplies (Ilalio 2008, 2009j), and no running water supply for periods of up to several months (*Samoa Observer*, 23 May 2009) and in some cases several years (Ilalio 2009h). There might be some relief in the near future. In November 2008, the Samoa Water Authority announced an increase in water rates, reportedly to fund the maintenance of infrastructural developments designed to supply quality water (Netzler 2008f; *Samoa Observer*, 17 April 2009).

Despite the statistics and obvious signs of hardships, the government remained optimistic about the country's economic future. It touted the possibility of a stimulus package, but noted that there was no urgency

to have one (Sioa 2009b). It even suggested a non-financial stimulus package. Malielegaoi reportedly stated, "The stimulus package then is to re-awaken people to go and work, and not live as dependents." He acknowledged the challenging cost of living but noted that the cure was for people to "get up in the morning and go grow talo and grow bananas" (Ah Mu 2009d). Critics did not share the government's enthusiasm for economic recovery, or its proposed stimulus package. Va'ai accused the government of killing the economy. Malielegaoi's "don't be lazy, go and grow a banana tree" philosophy was also slammed as being insensitive to hardworking farmers who simply could not find markets for their products (Lesa 2009c).

These economic challenges reignited an old debate concerning the government's scrapping of agricultural boards. There was no disagreement from Va'ai that the foundation for Sāmoa's road to recovery lies in agricultural production. However, he criticized the government for eliminating copra, cocoa, coconut, and marketing boards, which he considered pivotal in selling Sāmoa's agricultural products abroad. In his estimation, farmers are now growing mainly for personal consumption because there is little incentive to produce for commercial purposes (Lesa 2009c). Malielegaoi reportedly responded to Va'ai's claims by stating that the boards "were of no use." Staying with his banana theme, he stated, "Why continue the banana board when there were no bananas, they were all sick." Malielegaoi strongly asserted that if the boards had been useful, the government

would have retained them. Additionally, he noted that there was too much focus on overseas markets, when “the local market is big” (Ah Mu 2009b). The debate continues.

Sāmoa’s economic problems, ostensibly, were not helped by some dubious government financial management and spending. In September 2008, SAT\$2,634,620 of Samoa National Provident Fund (SNPF) money was unaccounted for. When opposition member Levaopolo Talatonu questioned Minister of Finance Niko Lee Hang about this discrepancy, Hang reportedly said that he would explain outside of Parliament. Despite Talatonu’s appeal for transparency in Parliament, and by default, in public, Hang did not reveal why the SNPF report lists this figure simply as “other expenses” whereas other expenditure items were explained (Ah Mu 2008a). Also of concern was the fact that there were some other anomalies in the report but it had already been approved by Parliament’s finance committee (Malifa 2008). In a separate incident, a government CEO reportedly attended two overseas meetings, one in Vietnam and another in Dubai during March 2009, with a combined expense budget of SAT\$65,000. When contacted for a response, the CEO reportedly did not dispute the amounts involved, but argued that the person who leaked the information did not appreciate the importance of attending conferences and “sharing of knowledge and skills and best practices” (Lesa 2009d). Apart from the fact that these trips took place in the middle of Sāmoa’s economic downturn, what is concerning is that this kind of spending is unlikely to be atypical.

Negotiations under the Pacific Agreement for Closer Economic Relations (PACER) progressed during the current review period with negotiations for the PACER-Plus trade agreement. PACER-Plus is likely to promote regional economic integration, including Australia and New Zealand for the first time in a regional free-trade agreement. Despite the possibility that Sāmoa’s local industries would be threatened by a free flow of goods from larger and more developed countries, the government threw its support behind New Zealand and Australia’s efforts to promote PACER-Plus (Ah Mu 2009f). Although the specifics of PACER-Plus are unclear, Deputy Prime Minister Misa Telefoni did clarify that consumers would continue to pay tariffs while merchants would be exempt from these (Ah Mu 2009e).

Finally, in traditional political matters, there were several village banishments, for a variety of reasons. A woman and all her descendants were banished from the village of Vaiusu for allegedly selling marijuana (Netzler 2008d). The family of a fifteen-year-old boy, who was charged with the murder of a missing ten-year-old girl, was banished for life from the village of Tafua tai. In addition, the family was ordered to provide one hundred sows (Ripine and Netzler 2009). In the village of Safua, the family of a lady involved in a title dispute was ostracized (Ilalio 2009b). The continued use of this form of punishment, despite the constitutional guarantee of freedom of movement and residence, indicates that villages have not fully accepted the constitution, or at least some parts of it, as having superior authority to their own. It is an issue that remains

unresolved. In July 2008, the Land and Titles Court overturned an earlier decision by the village of Apolima uta to banish a resident matai and former member of Parliament, Leva'a Sauaso (Netzler 2008a). Whether Sauaso returned to the village is uncertain. In the village of Leauva'a, the village council overturned an earlier decision to banish families of four men charged by police for murder (RNZI 2008).

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