gusted by Greenpeace; that eighteen months of similar analysis by French military scientists had failed to confirm these findings; and that the Greenpeace announcements included more polemic than reason. They invited the Rainbow Warrior team to visit Moruroa itself. However, this offer was refused on the grounds that a several-day guided visit would accomplish no useful purpose.

MOSHE RAPAPORT

NATIVE HAWAIIAN ISSUES

In my last summary of Hawaiian news in these columns, the massive theft of Hawaiian trust lands called the ceded land deal between the state of Hawai‘i and the Office of Hawaiian Affairs (OHA) was exposed. Although Hawaiians are beneficiaries of half of the ceded lands in Hawai‘i (nearly 750,000 acres), they were being dispossessed of their claims by a deal that would give OHA (a state agency) a flat monetary settlement in lieu of returning land to Hawaiians. Such an arrangement allows the state of Hawai‘i continued use of our trust lands while transferring monies to OHA trustees for individual OHA projects. At this writing, the expected monetary settlement to OHA is a single payment of more than $100 million, with $8.5 million annually thereafter.

In the latter half of 1990 a private development group called Uhaele began working with the chair of the Office of Hawaiian Affairs, Moses Keale, to obtain an exclusive development agreement from OHA. It seems Uhaele linked up with American financiers in Nevada and elsewhere to secure seed funding so that the group would be fully functioning and able to receive monies from the ceded lands settlement. On 14 December 1990 a contract was signed between OHA and Uhaele, including the signature of OHA Chair Moses Keale. The contract gives all decision-making and investment power to Uhaele for eight years, plus 20 percent of the profits from development.

By February 1991 the American financiers of Uhaele began to suspect fraudulent behavior by the Hawai‘i members of the group. The full OHA Board of Trustees was eventually informed by one of these financiers that OHA had been misrepresented by Uhaele, including Keale. The OHA board confirmed they had not authorized any contract with Uhaele, while Keale began saying publicly that his signature was forged. By early May, vigilant members of the Hawaiian community began demanding Keale’s resignation as OHA chair as well as a full investigation and accounting of OHA involvement in the affair. The day after the story hit the Honolulu dailies, Keale resigned. Eventually, the state’s attorney general, the US attorney general, and the State Ethics Commission began separate investigations into criminal misconduct.

While OHA continued to bungle its way through the first half of 1991, reeling from the public humiliation of their chairman’s dealings and confirming the worst fears of the Hawaiian community that OHA was determined to spend native monies on development rather than on Hawaiian needs, the “Hawaiian” governor, John Waihee, planned his “Hawaiian Package” for the 1991 legislature. Included in the package is
his proposal to have a Hawaiian nation under the control, and subject to the laws, of the state of Hawai'i.

Waihee’s proposal is in direct contradiction to US federal policy regarding native nations, of which there are some three hundred within the territorial boundaries of the United States. As “nations within a nation,” Indian peoples have a quasi-sovereign status resulting in independent relationships with the states within which they reside. This status allows Indian nations to deal on a government-to-government basis with states and with the federal government. In political and economic terms, this status gives Indians tremendous power, including the power to tax and administer projects on Indian land, as well as the ability to choose their own form of self-government.

Given that the Hawaiian push for sovereignty is now in its twentieth year, Waihee’s action is predictable. In the hope of circumventing federal recognition of Hawaiians as native nations eligible for the kind of land control Indians now possess, his move is critically timed to coincide with OHA’s ceded land settlement. For the last two years, OHA has been arguing that it should be recognized as the government of the Hawaiian nation, despite the fact that OHA was not created by Hawaiians but was set up by a state constitutional convention in 1978. This creature of the state has adopted a strategy of seeking federal recognition as the governing body of the Hawaiian nation. Such recognition would co-opt the Hawaiian community’s demands to be independently organized as a nation, would give the appearance of fairness and equitable treatment of the native people of Hawai'i, and would avoid the question of true self-determination. If OHA succeeds in its quest, a state agency will be able to masquerade as a native government (with millions of dollars at its disposal) and to circumvent any semblance of democratic native representation. Most important, Hawaiian lands will remain under state control, while a portion of revenues will end up in OHA’s pet projects.

As predicted by myself and other activists some ten years ago, OHA itself has become a land development corporation, unfortunately confirming our worst fears about its intended purpose. Far from reestablishing Hawaiian nationhood, OHA has moved with other American institutions to maintain Hawaiian dispossession and disenfranchisement.

This move within the state of Hawai'i has been paralleled by a similar move to dispossess Hawaiians by President George Bush. Flush with the slaughter of the Gulf War, including thousands of Iraqi children, Bush has turned to the current federal funding of Hawaiian programs. Following the passage of the National Affordable Housing Act of 1990, he issued a statement challenging two provisions in the Bill that provide federal funding for affordable housing projects on Hawaiian Homes trust lands, and, via capital improvement projects, infrastructure (roads, water, electricity) on Hawaiian Homes trust lands.

Bush stated that these sections were unconstitutional under the Fourteenth Amendment of the US Constitution because “Native Hawaiian” is a racial classification. He directed his attorney
general to draft remedial legislation to address this “racial discrimination.”

In practical terms, this move by Bush endangers all federal funding for Native Hawaiian projects, which at present amounts to millions of dollars in aid. Although the congressional delegation from Hawai‘i is opposed to such reclassification, the fight ahead will be strenuous. It is also possible that the question of federal recognition of Hawaiian nationhood will be raised as an alternative to continued federal funding. But such a movement toward justice for the native people of Hawai‘i would be out of keeping with the Bush administration’s policy of dismantling liberal restorative programs like affirmative action, family leave, and child-care funding.

In sum, the year was a bad one for Native Hawaiians. While the state of Hawai‘i continues to abrogate its trust responsibility to Hawaiians, a sinister force moves toward funneling native trust assets into developments unrelated to Hawaiian needs. As we move closer to the one-hundredth anniversary of the American military overthrow of the Hawaiian government in 1893, the Native Hawaiian demand for justice is resisted in ever more devious ways.

HAUNANI-KAY TRASK

MAORI ISSUES

The 1990 sesquicentennial celebration of the signing of the Treaty of Waitangi began in spectacular fashion with the remarkable display of tribal mana in the form of twenty waka taua ‘carved war canoes’ escorting Queen Elizabeth II to the landing at Waitangi. There the pageantry ended when Anglican Bishop of Aotearoa Whakahuhi Vercoe told the Queen that promises entered into under the treaty had been dishonored. The Maori had been marginalized in their own land (NZH, 7 Feb 1990).

The marginalization alluded to by Vercoe was contemporaneous as much as historic. The Labour government had sensed that the path it had taken in giving retrospective power to the Waitangi Tribunal to settle Maori land and fisheries claims was an election loser in 1990. It distanced itself from its earlier policy by turning away from the treaty itself, and focusing on the “principles” of the treaty, which it proceeded to define unilaterally. In the document Principles for Crown Action on the Treaty of Waitangi, primacy was given to the principle of kawanatanga ‘government’ and its right to govern and make laws (Dept Justice 1989, 7).

This interpretation of the first clause of the treaty was in effect an assertion of sovereignty. It promulgated unequivocally the hegemony of the state over the second principle of tino rangatiratanga, the sovereignty of chiefs guaranteed under Article 2 of the treaty. This assertion of principles indicated that the government would not be fettered by the treaty in its allocation of resources and pursuit of economic goals.

While the Maori Council and individual tribes had resisted corporatization of Crown lands and the Individual Transferable Quotas fisheries management regime in the preceding three years, there was a felt need by tribes not party to these events for a more