

Jauvert, Vincent. 1998. *Nouvel Observateur*, 5 February.

Strokirch, Karin von. 1998. French Polynesia in 1996–97. *The Contemporary Pacific* 10 (1): 198–205.

TP, *Tahiti Pacifique*. Monthly magazine.

MĀORI ISSUES

The second half of 1997 was a time of great sadness for Maoridom as some of its finest leaders died. Sir Hēpi Te Heuheū of the central North Island Tuwharetoa people was one of a rapidly dwindling number of traditional paramount chiefs. Although he was a conservative within the Pākehā political spectrum, he commanded great respect within Maoridom, having the mana and ability to draw everyone together. In the last few years of his life he convened several national *hui* to discuss government policies that were to negatively affect Māori. At these *hui* Māori self-determination and sovereignty were debated at length, and a large number of proposals about how constitutional change could take place were considered. Despite his conservatism, Sir Hēpi carried Maoridom's uncompromising message to the government and withstood the prime minister's criticism with calm dignity. His funeral ceremonies in August brought thousands from all parts of Maoridom. Non-Māori government representatives also attended.

At the opposite end of the political spectrum was Tuaiwa (Eva) Rickard, who died in December. Eva had campaigned fearlessly against the confiscation of lands from Māori and led many public protests against different gov-

ernments and their anti-Māori policies. Her effectiveness was demonstrated with the return of her own *hapū's* lands at Raglan after a ten-year battle. She was a strong supporter of Māori women and younger Māori and spent much time in her later years actively encouraging and mentoring a large number of potential leaders.

Eva was also a forthright critic of those Māori, and particularly Māori men, whom she considered had sold out to the government on various issues. She was highly critical of those who negotiated the national settlement of all Māori fisheries claims with the now infamous Sealords Deal. The negotiators included past Minister of Māori Affairs Matiu Rata, who died tragically in July as a result of injuries sustained in a car accident. He had been responsible for introducing the legislation that set up the Waitangi Tribunal in 1975. Although the tribunal was slow getting started, since 1982 it has been unsurpassed in its ability to ensure that Māori receive at least some measure of justice for their ill-treatment at the hands of successive governments since 1840.

In his later years, Matiu Rata led one of the larger claims to the tribunal, which resulted in the Sealords Deal. Although this brought him into bitter conflict with his own and several other *iwi*, he never lost hope that the deal would eventually bring benefits to all Māori. Yet the final settlement and distribution of the proceeds of the deal has now been tied up in the courts for more than five years. Māori have little confidence in the courts being able to resolve the multiplicity of issues the deal has spawned, given that the judges are invariably non-Māori.

There is also mounting criticism about the amount of money being spent on litigation and the fact that lawyers rather than Māori are benefitting from the settlement.

In the most recent action, which was heard in March, the High Court was asked to determine the meaning of the word *iwi*. Māori academics and other experts from around the country were brought in to give evidence. The dispute has arisen because of the massive dislocation of Māori from their traditional territories to the cities, with many no longer actively participating in their traditional social structures. The proceeds of the Sealords Deal are to be distributed to *iwi*, which can mean either a traditional tribal structure where descent from one particular ancestor determines membership, or people in general. Some urban nontraditional groupings filed court proceedings after a decision was made to allocate only to traditional *iwi*. The judge's decision had not been released by the end of June.

The Sealords Deal was the first major settlement of Māori claims. It laid the groundwork for the conservative national government's "fiscal envelope" policy for settling claims. Despite Māori unanimously rejecting that policy in 1995, the government continued to pursue the settlement of major claims in terms of the policy. One agreement, which had been negotiated by the East Coast Whakatohea *iwi* with somewhat indecent haste before the 1996 general elections, fell through because the *iwi* rejected it. The much larger Ngai Tahu claim in turn reached agreement stage in September 1997, although opposition

to the agreement has slowed progress toward ratifying and finalizing it.

The Ngai Tahu negotiators agreed to settle the *iwi*'s multibillion dollar claims against the Crown for \$170 million in cash plus the return of various parcels of land, several islands, lake beds, greenstone deposits, and statutory recognition of the *iwi* in conservation, food gathering, and areas of cultural, historic, and spiritual significance. It is the longest-running claim against the Crown, with Ngai Tahu having first lodged a petition in 1849. In announcing the agreement the *iwi*'s chief negotiator, Sir Tipene O'Regan, noted that the offer could not deliver justice for their grievances, but rather, "we will no longer be a deeply disadvantaged people who have lost their land, their assets and culture." A poll of registered *iwi* members showed strong support for the proposed settlement even though the largest *hapū* strongly opposed it.

Settlement of the long-running customary fisheries disputes did not fare as well. For three years negotiators appointed by Māori had been trying to reach agreement with the government on regulations for Māori customary fishing. In December the negotiators resigned, citing frustration at the government's refusal to abide by its own legislation in drawing up the regulations, and obstructive tactics being used by officials. The minister of fisheries seized the opportunity to attack Māori customary fishing rights and attempted to bring in draconian regulations essentially curtailing all Māori fishing rights. He was supported in his attack by several right-wing amateur fishing enthusiasts. Individual Māori were targeted by the Ministry of Fish-

eries wanting to make examples of Māori customary fishers.

Māori reaction was predictably swift and angry. The minister was warned that any attempt to curtail Māori customary fishing rights would simply lead to large-scale civil disobedience by Māori. They were already very angry that the Sealords Deal had removed their commercial fishing rights and reduced the remaining non-commercial rights to regulations. Any further reduction in their rights simply would not be tolerated.

For the first time, the presence of three Māori in cabinet had a significant effect on the outcome. As a result, the minister of fisheries was unable to introduce his preferred regulations and was restricted to only minor amendments to current legislation. A national *hui* of representatives of all tribes was convened. It clearly instructed the minister that Māori would determine what Māori customary fishing regulations would be, and any regulations that did not have Māori support would not be accepted. The prime minister instructed the minister to sort the mess out properly and bring in regulations that had Māori support.

Refusing to accept the position the Māori negotiators had developed after their own extensive consultation with *iwi*, the minister then embarked on his own consultation round with Māori throughout the country. The overwhelming response in *hui* was to simply confirm what the Māori negotiators had already told him. However, he also consulted widely with non-Māori in an attempt bring pressure on Māori to give up their rights. Although he was instructed to complete the job

by April, the results of the consultation round had still not been announced by late June.

In the meantime the media have carried various reports of coastal *hapū* and *iwi* around the North Island in particular, imposing their own traditional management methods over their sea territories by banning commercial fishing until the stocks are sufficiently recovered. Every ban has been imposed because of severe depletion of the *hapū* or *iwi*'s traditional fish stocks. Compliance with the bans has been difficult to monitor, and it is not known how effective they have been. Apart from the minister of fisheries saying that these *rahui* have no legal standing (because they are not mentioned in any legislation) but conceding that they are not illegal, there has been remarkably little public opposition to them. Some *iwi* have reported considerable support, particularly among local communities. Various letters to editors have praised Māori for taking charge where government ministers, under pressure from the fishing industry, have been unable to restrict commercial fishing activities and hence prevent continued depletion.

MARGARET MUTU

NIUE

With a new general election approaching in 1999, the government of Premier Frank Lui is in a far healthier position than at a comparable point during its previous three-year term. In 1995, the Niue Assembly was deadlocked, the government was unable to pass legislation, the opposition Niue People's Party (NPP) unable to topple it