

Reviews of American Sāmoa, and Wallis and Futuna are not included in this issue.

COOK ISLANDS

The shrinking economy was the crucial issue in 1996–97. The government's budget policy statement accepted that the economy shrank a further 4.1 percent during the year, following an 8 percent drop the previous year. The present government, in power since 1989, outdid its predecessors in efforts to make voters dependent on them and to politicize more forms of power. It achieved this largely by borrowing far beyond the country's capacity to repay, using the money to bring more people onto the government payroll with little to do, and giving cash grants and perquisites to politically useful actors—including all the main churches.

With insurmountable debt, and bankruptcy only one payday away, the Asian Development Bank was called on and a “structural adjustment package” devised. Cook Islands currency was abolished because it became discredited after the government “mined” the reserve fund on which it was based. New Zealand currency was adopted in its place.

The public service staff was cut nearly sixty percent from a peak of 3,600 to 1,593—still relatively large for a resident population of 18,000. Those who lost their jobs were offered three months' pay if they joined “Transition Services” and trained for

private-sector work or self-employment. But the head of Transition Services, Nga Pierre, said that many would not even attend interviews for jobs. Many private-sector jobs were advertised but not filled, because private-sector jobs involve regular attendance and effort, which government jobs in most cases did not. Motivation was low, as people had become accustomed to wide-ranging dependence, including being paid without significant work. A few set up their own enterprises, but most were left ill equipped for initiative, responsibility, or self-reliance. Many people have some land or family they can fall back on in emergency, and all have the right to live in New Zealand and Australia and earn much higher amounts (which become a benchmark at home), whether from work or welfare grants.

The staff of the Ministry of Agriculture was cut from 280 to 70. Few had realized that the ministry itself was a major constraint on agricultural productivity, and those who knew had a vested interest in not telling. For decades, successes in agriculture have resulted from individual initiatives; almost every government scheme has failed. By the end of the year under review agricultural production was already much improved.

However, the political superstructure remained untouched. As the publisher of the *Cook Islands Press* observed on 26 January, “Ministers run the country into the ground, everyone loses their jobs except them.” Despite public calls for reductions to

the 9-person cabinet and 25-person parliament to run a community of 18,000, their posts and privileges have been preserved.

Levels of integrity have also been tarnished. The newspaper article spoke of ministerial improprieties that are general knowledge such as “[Minister] Tom Marsters . . . ordering tax-paid workers to his private pig farm”—and to his taro plots. The same minister contracted the mowing of the international airport to his campaign manager and supplied him with a government tractor to do it with. Minister for Marine Resources the Honourable Tepure Tapaitau granted a license for a pearl enterprise in which his family are the major Cook Islands beneficiaries. Such conflicts of interest and misuse of power are common. Former Minister of Marine Resources and then Cook Islands Commercial Consul in New Zealand Ben Toma was being sought by creditors and police for money he owed to all three banks in the Cook Islands (among other debts), and for his island’s church funds, which “disappeared” while in his care. Toma went into hiding in Australia, using a diplomatic passport. The New Zealand government was so keen to get the passport back that it refused to renew any Cook Islands diplomatic passports until it was returned. The public complains about widespread incidents like these involving politicians and public servants, and the *Cook Islands Press* editorial of 22 June 1997 observed that “Money, cement, cars, boats, computers, video cameras and decks, and many millions in office supplies and food have gone missing over the years as those in power have

helped themselves to overseas aid.” No one dares to take ministers to court, for the network of power in a small community is too pervasive. Not all is gloom. The much-respected Minister for Justice the Honourable Tiki Matapo has often challenged his colleagues and public servants over conflict of interest and misuse of power.

There is little confidence in today’s political leaders. A newspaper poll in March revealed that an overwhelming 86 percent of respondents were not satisfied with the government. Nor did they have faith in the opposition. Prime Minister Sir Geoffrey Henry received only 9 percent support (compared to 17 percent last year). The highest approval rating was achieved by the Honourable Tiki Matapo, but at only 15 percent. Leader of the Opposition the Honourable Norman George rated only 10 percent (and all members of his party together only 19 percent). George’s 10 percent rating seems not to have been changed by his public “apology to the nation for my past business failures. . . . I’ve hurt some people [but] I’ve learned from my mistakes.” Given the scale and nature of the “mistakes,” however, and the number of people hurt, the poll suggests that few were moved by his request for forgiveness. Sixty percent of those polled want a new field of politicians, suggesting that a credible new party may get public support.

In April a new Public Expenditure Review Committee was established, but the minister of finance (who is also prime minister), selects the chairman and the cabinet selects the other mem-

bers. Justice Minister Tiki Matapo's recommendation for an independent review committee was rejected. He wanted a committee with a much wider brief, including hearing complaints about corruption by members of parliament and cabinet. The new committee is concerned only with public servants.

The government decided to delegate more financial and administrative responsibility to local governments on each island. The principle of devolution is good if there is a local input, but how it will work in practice remains to be seen, as the government will give the Island Councils the money, and they are highly politicized.

Since the government dissipated savings (including people's money in the Post Office Savings Bank, the superannuation fund, and the reserves of public utilities) and minimized incentives for people to save, the country is excessively dependent on foreign aid, investment, and initiatives to create infrastructure, employment, and income. However, the present government's eroded credibility and reputation for low quality management have reduced the volume of both aid and quality investment. Whereas overseas suppliers used to give sixty days' credit, they now give many Cook Islands businesses thirty days or less because of the country's deteriorating image abroad in the past three years. Many local firms have ceased giving credit and deal only in cash.

After years of heavy losses, the government decided last year to sell its four hotels. The Akitua was sold to

Tahitian interests. A sale agreement was signed for the Rarotongan, with the transfer to take place on 26 November 1996. However, the government revealed that their arrangements to shift the mortgage on it to other government assets by the government of Nauru (as security for the loan to build the Sir Geoffrey Henry Cultural Centre) had not been finalized as promised. They therefore advanced money to proceed with renovations, to be repaid once they were able to transfer the title. This has been delayed by five changes of president in Nauru. Public criticism of the government's actions was strong. The Vaimaaga resort lies incomplete, empty, and without a definite buyer. The Rapae is in the process of being sold.

The government liquor supplier (which had the monopoly on all liquor imports) had a history of corruption and mismanagement. One former manager is still in jail for fraud; some ask why he is the only one there. The business was sold, and outstanding debts of NZ\$400,000 written off. The result of the broken monopoly was a reduction in alcohol prices as multiple outlets competed for the market. The competition has also led to suppliers being much more generous in giving to sporting and other community events.

The radio and television service that the government sold last year has been losing money (although only a fraction of the losses when it was run by the government), but hopes to become viable by adding cable television. The government dental clinic and one outpatient clinic were priva-

tized with some government subsidy.

The Rarotonga and Aitutaki airports and shipping ports, power, water, and waste management services, and the development bank, have been advertised for sale, but the policy remains contentious and no sales have been made. The government has offered to return the land to the former traditional landowners, who would rent it to the investors who buy the assets and operate the services.

The Mangaia ostrich farm closed, with the loss of one hundred jobs, after being for three years the main source of private employment on that island. A proposed alpaca quarantine station (for alpaca en route to Australia) never opened, following long and acrimonious debates. The owners established it on neighboring Niue. Copra production, which ceased some years ago, recommenced on the atolls. It is exported to Sāmoa. There is scope for more agricultural exports, but Mangaia stopped exporting taro in September as they had not been paid for up to seven months.

A lands commission, set up to ameliorate problems of fragmented title, absentee ownership, backlogs in the land court, and so on, presented its report during the year. Action to be taken by the government has not yet been decided.

A private Internet casino opened. Cook Islanders cannot play, and there has been criticism of the fact that the business was given tax-free status.

The South Pacific Forum holds its annual meeting in a different country of the region each year. This year the Cook Islands' offer to host the meeting

was accepted, but there has been public pressure to postpone the invitation for several years until the economy is in better shape. Hosting the Forum in the Sir Geoffrey Henry Cultural Centre will cost NZ\$500,000 according to government estimates, and \$1 million according to some others. This is a lot of money for a country with a national budget of only about NZ\$50 million, and in financial crisis. But the prime minister is determined to "showcase" the "reform" program and rehabilitate his image among fellow heads of government. Once one of the most positive images, it has been badly shattered in recent years.

Despite high rates of natural increase, the population remained static due to emigration, particularly in the 15–44 age group. The national total of 18,617 in 1991 rose to only 18,904 by the December 1996 census. It rose considerably in the early 1990s, but dropped markedly in 1996 and early 1997 following the collapse of the "bubble economy" that had been built on reckless borrowing and non-maintenance of national assets. The proportion of non-Cook Islanders in the population has grown, as Cook Islanders emigrate and foreigners immigrate to set up commercial services. Most of these services could be set up by Cook Islanders, but the government's dependency-creating practices, plus cultural priorities, have sapped their initiative and confidence. If the hoped-for economic upturn takes place there will not be enough staff for the hotels and other enterprises and an inflow of Filipino and other Asian workers is likely—as is apparent

throughout much of Melanesia and Micronesia.

The shrinking economy, and the higher fees set by the University of the South Pacific in Suva, was reflected in enrollments of extension students being less than one third of what they have been. The whole education system is currently being reexamined.

The prime minister rode a self-generated wave of "Cook Islands culture," which the first head of government (his cousin Albert Henry, who led the country from 1965 to 1978) had likewise used to political advantage. Sir Geoffrey's goals of enhanced cultural integrity were supported, but once filtered through his ego and political goals, they ended up being expressed in such initiatives as bankrupting the nation with the Sir Geoffrey Henry Cultural Centre. Its main hall is empty ninety-nine percent of the time and in the one percent of time it is used, ninety percent of the seats are usually empty. The National Library, which is part of the centre, was built in an unsuccessful attempt to force the closure of the voluntary, long-established, and successful Cook Islands Library and Museum Society, which was chaired by former prime minister and political foe Sir Tom Davis. The island of ten thousand people now has three libraries side by side—the third being that of the University of the South Pacific Extension Centre. None is adequately staffed or equipped. Interest payments on the loan for the construction of the Sir Geoffrey Henry Cultural Centre are in arrears, and the zero-coupon bond, donated by the founder of the Cook Islands tax haven to repay the capital

at the end of the fifteen-year term, was cashed early, leaving the government with another unmanageable debt.

A Polynesian Song Quest, which was to have been an annual event, fizzled after the first session, at which the government lost considerable funds. The rhetorical importance given to the Cook Islands language is faced with the reality of a deteriorating language situation. Nongovernment cultural initiatives, on the other hand, have in many cases been successful. Voluntary expressive arts flourish, sponsored mainly by the sources of income, travel, and other rewards for performance and product—the tourist industry, the airlines, and the banks.

The international commercialization of rugby, league, and soccer began in 1996 to provide external funds for full-time and part-time Cook Islands staff, training in country and abroad, equipment, and fares for Cook Islands teams to compete in games in several different countries each year. The Olympic Movement also provides funds for in-country and overseas training of Cook Islands athletes and for equipment and financial support to compete abroad. These are valued experiences.

Permanent-residence status in the Cook Islands is very difficult to obtain, and Sir Geoffrey Henry stated publicly in 1989 that no more permanent residence certificates would be issued while he was prime minister. The Cook Islands constitution states that only the High Court can revoke permanent residence status. That would require very good reason, and no such case has ever been brought. Nevertheless, the prime minister and other ministers from time

to time threaten to “deport” any permanent resident who annoys them. Their bugbear during the past couple of years has been Jason Brown, publisher of the *Cook Islands Press*, whose investigative reporting (along with that of his equally vigorous Cook Islands partner, whom the government cannot touch) has hurt the government more than any other. It was they who uncovered the Letter of Guarantee scam and various others.

In September the government tabled a constitutional amendment in parliament, giving the minister the right to deport permanent residents at his discretion. The New Zealand government did not comment, but several New Zealand backbenchers called for a review of the automatic right of Cook Islanders to enter and remain in New Zealand (where there is no deportation, even through the courts), while New Zealanders have no right to enter the Cook Islands. There are two and a half times more Cook Islanders in New Zealand (over 50,000) than in the Cook Islands, but only a few hundred New Zealanders in the Cook Islands. Cook Islanders both there and at home value the access privilege highly, and the possibility of loss of it led them to apply pressure on their politicians at home. In response, the Cook Islands government withdrew the proposal for ministerial deportation and provided for a maximum of 500 permanent residents at any one time. There were then 315. For the first time since 1989, a new intake was permitted in 1996.

In April the government issued the prime minister’s “Vision 2005,” the basic goal of which is “to achieve a

standard of living better than any in the region, and in harmony with our culture and environment.” That had been achieved by Sir Tom Davis’s government in the 1980s, with the then exception of Nauru among the independent nations and the stark exception of the French and American territories in which levels of income, education, health, and so on are much higher. If Sir Geoffrey is to attain his goals, it will mean a radical change of policy and practice from those he applied during his first seven years as prime minister. He admitted in the *Parliamentarian* (January 1997), as he has publicly at home, “I finally came to realize who caused the problem: we did—my government and past administrations.” Nevertheless, the public will take some convincing. Henry’s commitment to repaying his government’s debts will take time to achieve, even if expenditure is reduced. The key goals in Vision 2005 are to lift economic growth through tourism, agriculture, marine resource developments, offshore financial services, and local industries and services. It aims, between 1997 and 2005, to get government revenue and expenditure below 30 percent of gross domestic product, net debt (liabilities to current assets) down to 30 percent, and to build a national reserve of at least NZ\$50 million. The Cook Islands remains in a trough, but if the reform program is maintained, future prospects could be much brighter.

RON CROCOMBE

MARJORIE TUAINEKORE CROCOMBE

FRENCH POLYNESIA

In the year 1996–97, territorial President Gaston Flosse exerted renewed efforts to promote a favorable impression of the French presence in the region. His mission was helped by the fact that any fears the French testing center might reopen for business are dissipating as the site's facilities are being completely dismantled. Regrettably, territorial political life is still rife with corruption, most notably with the dismissal of eleven territorial councillors for electoral fraud. The national assembly elections in Tahiti held few surprises, with candidates from the conservative ruling coalition winning both seats. The government's continuing popularity is in part assured by its launching of a splendid range of major public works projects subsidized by the postnuclear funds from France. This review concludes with a brief tribute to the life of Francis Sanford.

In the wake of the final series of French nuclear tests in the Pacific, Gaston Flosse continued his diplomatic campaign to redeem France's image among island governments and raise the territory's (and his own) profile in regional affairs. To this end, at the fifth Pacific leaders' conference held by the Pacific Islands Development Program (PIDP) in Suva in July, Flosse promised US\$200,000 on behalf of French Polynesia and France to ensure the financial viability and continuation of the conference. The PIDP meeting represents one of the few opportunities for Flosse to participate as an equal among island leaders, given that Tahiti is ineligible to be a member of the South Pacific Forum.

Flosse has thus become a passionate advocate of the meeting.

In another move designed to endear the territory to regional leaders, Flosse bestowed honors on three heads of government in mid-1996. The French Organic Law of April 1996, granting expanded autonomy to the territory, conferred the right for Tahiti to freely determine its own distinctive symbols. The new statutory law allowed the creation of a territorial system of honors, entitled Order of Tahiti Nui, which was passed into legislation by the Territorial Assembly in June 1996. The first recipients of the new honors were Fiji's Sitiveni Rabuka, Vanuatu's Maxime Carlot Korman, and the Cook Islands' Sir Geoffrey Henry.

After the end of the nuclear test series, Flosse took it upon himself to announce that a conference would be held in Paris in September for Pacific leaders to discuss the postnuclear role of France in the Pacific. The hasty choice of date proved ill advised, as it was scheduled only ten days after the meeting of the South Pacific Forum, which had still to decide whether to readmit France into the Post-Forum Dialogue after its suspension the previous year because of the final test series. As a result of this poor timing, in July Flosse announced that the Pacific leaders' meeting in Paris would be deferred until an undetermined date in 1997.

At the Forum meeting itself, held in Majuro on 2 September, a Tahitian delegation caused a minor diplomatic incident when a territorial minister and an adviser to President Flosse arrived uninvited to press the case for France's readmission to the Post-Forum

Dialogue. Although the Tahitians were politely excluded from the Forum's deliberations, ultimately on 3 September the leaders did decide to readmit France, effective immediately. As a result, at the Dialogue meeting held a few days later France was represented by the French minister for European Affairs, Michel Barnier, and Gaston Flosse.

While progress is being made in Tahiti's relations with its Pacific neighbors, the same cannot be said for its attitude to the European Union (EU) with which it is associated as an overseas territory. In early February, Flosse launched into a passionate diatribe against the European Union. "Be European, yes. But not at any price!" He invoked the dangers of an invasion of European immigrants to the territory in view of new directives that, if applied, would allow EU citizens easy access to set up residence and seek employment in the territory. He also accused Europe of giving the overseas territories only 10 percent of the financial aid granted per capita to overseas departments.

On 20 February, Flosse moved and passed a resolution in the Territorial Assembly that "the obligations imposed [by Europe] on FP largely outweigh the advantages that she gets . . . she demands immediately that the power granted by her statute be recognised and protected from all incursions by European law. [The Territorial Assembly was] convinced that the free installation of Europeans would pose a grave risk of social disequilibrium. . . ." Flosse further warned that "if at the outset of negotiations we do not get satisfaction, I think we will be driven

to sever all links with the EU" (*Tahiti Pacifique*, March 1997, pp 8, 53).

An earlier vote by the French Senate in July had provoked concern along similar lines. The Senate voted in favor of a bill that abolished the requirement of a return airfare for metropolitan French traveling to overseas French possessions. This move revived fears in Tahiti that there would be an uncontrolled influx of people seeking work and residence in a territory that is already struggling to combat high unemployment.

The dismantling of facilities at the Moruroa test site has been progressing slowly. Virtually everything will be destroyed, except for five blockhouses used to monitor the atmospheric tests, the airport runway, and port facilities. French Atomic Energy Commission authorities predict it will take two years to complete the process. This time frame will allow for the gradual voluntary separation of some four hundred employees of the test center. President Flosse confirmed that France would maintain a permanent laboratory for radiological surveillance and several technicians to run it. Flosse also reported that Moruroa is unsuitable for any commercial enterprises, such as tourism, because of the high costs of transporting goods and services to the isolated atoll.

The remaining medium- and low-level nuclear waste at the test sites has been interred in deep shafts and covered with concrete. According to a French military spokesman, General Michel Boileau, the atoll will be returned to its "original state" following a program of revegetation. Boileau insists that no radioactivity remains on

the surface of either Moruroa or Fangataufa. The extent of any surface radioactivity and the likelihood of future leakage from radioactive substances underground should be clarified in a forthcoming report by the International Atomic Energy Agency, due to be released early in 1998.

As part of France's new policy of transparency, in October a press delegation, and later a delegation from the French parliament, were invited to inspect the dismantling of facilities and cleaning up at the atolls. The parliamentary delegation represented the three major parties and included a specialist on nuclear wastes, Mr Bataille. He sought guarantees that France would fulfill its responsibilities and ensure that monitoring of the test sites continued not just for ten years, but for several generations. The delegation also noted that the French parliament has a right to call for independent verification of radioactive monitoring at Moruroa in addition to that undertaken by the French Atomic Energy Commission and the military, though whether it will exercise this right is unclear. (For more on nuclear issues, see the Region in Review, 1996 [*Contemporary Pacific* 9:448-457; 1997].)

Territorial political life was as colorful as ever in respect to corruption allegations and continuing court cases. During the year, a number of mayors were convicted for corruption and forced to pay fines and give up their public offices. In November, a corruption case implicating Flosse and the former Pape'ete mayor-cum-national deputy, Jean Juventin, was sent to the Correctional Tribunal in Paris by the

Court of Appeal. Flosse will be judged for passive corruption and complicity relating to clandestine casinos in his municipality of Pirae in 1991 and 1992. Juventin must face similar charges concerning casinos in Pape'ete in 1988. The casinos were managed by Julien Li Lem, alias Hombo, who is facing charges of active corruption and running illegal casinos. Hombo has publicly declared that Flosse and Juventin accepted bribes for their personal gain and for their respective political parties in return for turning a blind eye to the casinos' operations. As in the past, concluding these court cases has proved painfully slow.

In a shock move on 25 March, the state-run Administrative Tribunal annulled the election of eleven territorial councillors from the last election held in May 1996. Their alleged electoral fraud involved the misuse of funds designated to assist the outer islands to facilitate the election of members of the government majority, that is, the Tahoeraa party of Flosse. The commission deciding distribution of these funds, presided over by a Tahoeraa member, had provided housing benefits to inhabitants of the Leeward Islands just prior to the 1996 territorial elections to influence voting preferences. Flosse was named in connection with dubious practices in the Marquesas, where he gave his approval for the construction of a football field and provided materials and labor for the project from the territorial public works service. These incidents led to the dismissal of eleven Tahoeraa councillors, three from the Marquesas and eight from the Leeward Islands.

The tribunal's move to rein in electoral fraud comes after many years of allegations that public funds, services, and jobs have been routinely used to influence voters, particularly in favor of parties incumbent in government. The standing down of more than a third of the governing majority is unprecedented. Moreover, by-elections for eleven members of the forty-one-seat assembly could tip the balance of power if voters turn against Tahoeraa due to its implication in fraud. In view of the dire consequences the government faces as a result of by-elections, on 1 April Flosse launched an appeal to the Council of State in France to overturn the Administrative Tribunal's decision. At the time of writing the outcome of this appeal was not known. New elections are scheduled for these electoral districts in late 1997, though the pro-independence leader, Oscar Temaru, has called for new elections to be held throughout the territory.

In a separate development, for the first time the courts judged that the French Overseas Radio and Television network, RFO, had exhibited bias in its allocation of air time to different political parties prior to the territorial election. The court condemned the fact that in the first four months of 1996, RFO had provided five times as much coverage to the governing Tahoeraa party as it had to opposition parties, including the pro-independence party of Oscar Temaru. Subsequently, in April, RFO came under fire again for its partial treatment of politics. Flosse had accused Temaru on RFO TV of having been responsible for the riots that led to the destruction of the airport in

September 1995. When Temaru sought the right of reply on RFO, his request was refused.

In another blow to the Tahoeraa majority, its parent party and metropolitan ally, the *Rassemblement Pour la Republique*, was toppled from power in May. The governing conservative coalition in France made a tactical error in deciding to hold early elections for a new National Assembly. A backlash over unemployment, immigration policy, and relations with the European Union saw the conservatives ousted, and a coalition dominated by the socialists came to power. It remains to be seen whether the territorial government will have stormy relations with the socialists as it has done in the past, although President Chirac can be expected to continue protecting the interests of his protégé and friend, Gaston Flosse.

The national election results were somewhat different for the two candidates chosen to represent French Polynesia. As the poll was held a week earlier there than in metropolitan France, voters were unaffected by the tide of discontent that turned against Jacques Chirac's *Rassemblement Pour la Republique*. Instead, conservative candidates from the territory's governing coalition won majorities in the first round without having to contest a second run-off. In the eastern electorate, Emile Vernaudeau, the mayor of Mahina and leader of the *Ai'a Api* party, which is allied to Tahoeraa, won comfortably with 58.9 percent of the votes cast. In the western district, Michel Buillard, a Tahoeraa minister and mayor of Pape'ete, won with a narrower margin of 51.5 percent.

Nevertheless, Buillard was given a run for his money by Oscar Temaru, the pro-independence leader and mayor of Faaa, who gained a strong vote of 41.6 percent.

Overall, the pro-independence party Tavini made solid gains throughout most of the archipelagoes, especially in the Windward Islands, but Tahoeraa kept its grip on the Marquesas. As always though, it is difficult to draw firm conclusions from trends in national elections held in Tahiti. Knowing that the outcome will not have a direct impact on local politics, voters can use these elections as a protest vote against the incumbent government without necessarily supporting independence or transferring their votes to opposition parties when it comes to territorial and municipal elections. The real extent of support for Tavini and other opposition parties will be demonstrated in the forthcoming territorial by-elections.

The problem of disposing of Tahiti's waste remained unresolved and was a source of contention throughout the year. In mid-1996, for the third time in as many years, the date for the closure of the over-full Faaa municipal dump came and went in the absence of alternative rubbish sites being developed. SITOM, the public company charged with resolving the waste issue, proved incapable of fulfilling its mission. In February, the government established a new semipublic company to deal with the urban waste problem, the Polynesian Environment Society, in which the territory would retain a majority share.

A site in the valley of Papenoo was identified to host the new waste disposal facility. The choice of location

has provoked considerable opposition from local residents, mayors, and environmentalists. Apart from a not-in-my-backyard attitude, reasons for this opposition include that Papenoo is subject to the highest rainfall level in Tahiti, the site is close to a river system, and the long road servicing the site would need to undergo constant repairs to accommodate the heavy traffic of garbage trucks.

In the year under review, the territorial government decided on several major public works projects and other socioeconomic initiatives, to be largely financed by the special postnuclear era funds granted by President Chirac. These projects are meant to improve infrastructure and social services, create jobs, and generally boost the ailing economy. On the health front, there will be a new hospital to replace the one in Mamao, a new psychiatric hospital to replace the old institution in Vaiami, and a cardiology clinic. With regard to public housing, the government made a commitment to building seven thousand new lodgings over the coming decade. A new building to house the Territorial Assembly's administration will be constructed at a cost of 1.2 billion FCFP, and the presidential office will move to a historic building, Caserne Broche, to be refurbished at a cost of 600 million FCFP.

In September, President Flosse revealed an ambitious plan to build a tunnel under the lagoon to connect the Faaa airport with Pape'ete's seaport. This was proposed to alleviate the chronic traffic congestion in the capital. The tunnel is estimated to cost 12 billion FCFP. The idea is for the tunnel to be constructed privately and eventu-

ally recoup its costs via a toll of 100 FCFP each time a vehicle uses it. It is hoped that by a year after its opening, 25,000 cars will travel via the tunnel each day. However, considerable doubts have been aired in the public domain about whether it is feasible for an island that accounts for only 40,000 vehicles to recoup the costs of the tunnel.

On 31 October, Flosse launched another grand project, this time to establish the territory's own international airline. The decision to proceed was based on three years of feasibility studies. Initially called Tahiti Airline, it later underwent a name change to Air Tahiti-Nui with a view to removing the anglophone connotations. The first plane to be acquired will be an Airbus 340-300 with a passenger-carrying capacity of 380. The first airbus will be delivered in April 1998. It will mainly service routes connecting Tahiti with the United States, Japan, and Korea.

The Territorial Assembly has voted to contribute 10 percent of the initial capital for the airline to encourage private investors to take the plunge. It is expected that the airline will post a loss of 250 million FCFP in its first year of operation, but that it will produce profits of 300 million and 1 billion FCFP in the subsequent two years. If all goes according to plan, another plane will be acquired. The government is confident that Air Tahiti-Nui will promote tourism and generally fare better than many of the unprofitable airlines run by neighboring Pacific microstates.

Yet another project, supported by the territory even though it is not

directly involved in the execution, is the forthcoming debut of a new luxury cruise ship. The Paul Gauguin luxury liner of 16,000 tonnes will carry 320 passengers and is destined to cruise mainly around the Society Islands. It is presently under construction, with plans for a launching in January 1998. Though Tahiti will benefit from the visiting tourists, the liner will be registered in Wallis and Futuna and managed by an American company. An additional project to stimulate tourism is the planned construction of a new hotel of 252 rooms in Arue. This hotel will be targeted at an older clientele, principally retired metropolitan French civil servants.

In September, the government implemented legislation to create a youth employment initiative. The new measure is directed toward low-skilled, unemployed young people of 17 to 26 years of age, with a view to subsidizing their employment in the private sector for up to eight months and providing them with supplementary training. This policy was in part prompted by the large involvement of unemployed youth in the September 1995 riots. Concern over unemployment was shown to be warranted once official figures were released by the Territorial Institute of Statistics (ITSTAT) in October.

The latest statistics on employment were collected in 1994. At that time there were ostensibly 9,320 unemployed out of an active population of 79,120 people, which translates into an official unemployment rate of 11.8 percent. However, the real rate has been estimated to be in the vicinity of 16,000 unemployed. The public and

private sectors account for 17,876 and 26,864 jobs respectively, with an additional 5,000 in the liberal professions, leaving the remaining 30,000 workers (or 44 percent) in the traditional sector of subsistence agriculture and fisheries. Ninety per cent of people of working age are resident in the Society Islands, which confirms the inexorable exodus of people from the outlying islands to the urban areas.

In December, provisional results from ITSTAT's census of the territory's population in September were released. A total of 219,521 inhabitants were divided among the archipelagoes as follows: Windward Islands (including Tahiti) 162,686; Leeward Islands 26,838; Marquesas 8,064; Tuamotu-Gambiers 15,370; Australs 6,811. The island of Tahiti, where the capital, Pape'ete, is situated, accounts for 68.6 percent of the territory's population. In French Polynesia, 94,651 of the inhabitants (or 43 percent) are less than twenty years of age. Population growth since the last census eight years earlier has been at a rate of 16.3 percent, or 1.9 percent per year. This represents a decrease compared to the previous census period of 1983-1988, which registered a growth of 2.6 percent per year.

Fiscal reform to reduce the territorial government's dependence on import duties, which account for 70 percent of collected revenue, has been a long-standing source of contention in territorial politics and also in the territory's relations with the French state. The territory has to date had no form of income tax. After years of to-ing and fro-ing over constitutional issues, the French National Assembly finally

approved territorial legislation for a modest Contribution to Territorial Solidarity tax in March that is meant to cover increased public health costs.

In February the Territorial Assembly also adopted legislation to implement a value added tax to take effect in January 1998. A report by ITSTAT (Jan 1997), assessing the pros and cons of such a goods and services tax, noted several potentially negative outcomes. First, the tax would not be egalitarian because it was likely to have a greater impact on poorer households. Second, it is likely to provoke inflation, which would in turn deter investment and tourism. Inflationary pressures could also be brought to bear on salaries, especially those of the public service, which are indexed to the cost of living. The end result could thus be a redistribution of wealth in the territory from the private sector to the public sector.

Several categories of goods and services will be exempt from the value added tax, including medical services, education, cultural activities, financial services, water, and goods sold by farmers and fishermen. Key categories to be subject to the tax include the sale of new products, port and airport services, telecommunications and computers, energy distribution, and transport. The standard rate of tax will be 3 percent, while some goods and services, including food, nonalcoholic beverages, publications, hotel services, and interisland transport, will be subject to a lower tax of 1-2 percent. The government's plan is not to add to the total tax burden, but to substitute the value added tax for existing duties on imports, which will be phased out over five years. However, given that the

value added tax will still weigh heavily on new products imported from abroad, it is unlikely to make a huge difference to the current reliance on import duties.

With sadness I report the passing of Francis Ariioehau Sanford, who died at his home in Faaa on 21 December at 84 years of age. I had the good fortune to interview this key player in Tahitian politics during my last visit to the territory. His career spanned a diverse range of roles in the public service and politics. He worked first as an administrator in the Tuamotus, and later in Bora Bora throughout the Second World War. After a period of teaching, he became secretary to the French governor in 1963. His foray into politics began with his election as the first mayor of Faaa in 1965, a position he held until 1983. He was elected to the National Assembly in 1967 and held this office until 1978. Sanford was the driving force behind the *Ai'a Api* party, which he cofounded in 1965. He led the territorial government in coalition with the *Here Ai'a* party from 1967 to 1972, and again from 1977 to 1982. He fell from power after his party was decimated in the 1983 elections.

From 1967 onward, Sanford became known for his relentless opposition to the French nuclear testing program, a campaign he took to the French National Assembly and even to the United Nations. His strategy of collaborating with the French and global antitesting movement certainly hastened France's decision to cease atmospheric testing in 1975. He also fought long and hard for an expansion of the territory's autonomy in relation to France. Sanford's linkage of the two

goals of ending the tests and expanding autonomy meant that for many years the French state would not budge on either. At one point he became so frustrated in his quest that he threatened to push for independence, but eventually settled for a limited statute of autonomy in 1977. Sanford retired from politics in 1985, yet, as a respected elder statesman, he remained in great demand as an adviser to the new generation of politicians.

KARIN VON STROKIRCH

HAWAIIAN ISSUES

A heated debate erupted in Honolulu in the summer of 1996 regarding the State of Hawai'i-sponsored plebiscite on the question of Hawaiian sovereignty. The plebiscite was the state's response to the "taro roots" march of seventeen thousand Hawaiians on 'Iolani Palace (former governmental seat of the Hawaiian Kingdom) in January 1993 demanding sovereignty, or political control over Hawaiian Trust Lands, and denouncing the hundred-year-old illegal American presence in Hawai'i.

In November of the same year, the United States Congress serendipitously passed what has become known as the Apology Bill (US Public Law 103-150) that gave additional support to the return of lands to Hawaiians. The 1993 Apology Bill, signed by President Clinton, admitted that in 1893 America illegally invaded Hawai'i and illegally overthrew the democratically elected Hawaiian government. The Apology Bill further stated that "the indigenous Hawaiian

people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their monarchy or through a plebiscite or referendum." The bill ended with a vague call for a process of reconciliation. Hawaiians responded with a proposal for Hawaiian control over Hawaiian Trust Lands as the central part of any reconciliation.

At stake is the control of two million acres of Hawaiian Trust Lands, so designated by American law, and presently controlled by the State of Hawai'i. Hawaiian Trust Lands are demarcated by two trusts: 200,000 acres of Hawaiian Home Lands, established in 1921 to provide homesteads for Hawaiians, and 1.8 million acres of Ceded Lands Trust, set up in the 1959 Statehood Admissions Act, to benefit social conditions of Hawaiians.

Since 1959, Hawaiians have been legally defined as wards of the State of Hawai'i, along with children and mentally incompetent adults. As a result of wardship, the state has a legal right to control Hawaiian Trust Lands, which make up 90 percent of the lands held by the state. Clearly, the State of Hawai'i has a conflict of interest with regard to Hawaiian Trust Lands.

The State of Hawai'i uses Hawaiian Trust Lands for airports, harbors, universities, elementary schools, hospitals, and public housing projects, as well as leasing large tracts to non-Hawaiian settlers for sugar and pineapple plantations and for industrial uses. Hawaiians receive not a penny of revenue from these lands, although 20 percent is given to another state agency, the Office of Hawaiian Affairs (OHA).

OHA has decided it is better to invest the money in various portfolios rather than dispense it to Hawaiians in need.

However, until the "inherent sovereignty" issue, raised by the Apology Bill, is resolved, there continues to be a cloud on title to a portion of the trust lands, making it impossible for the state to sell such lands. To resolve the situation, the State of Hawai'i organized a plebiscite vote. The state-sponsored plebiscite, which was held from 1 July to 15 August 1996 by means of a mail-in ballot, was the sort of plebiscite mentioned in the Apology Bill, intended to compromise Hawaiian sovereign rights to land and resources. It would be that "plebiscite" by which Hawaiians would relinquish "their claims to their inherent sovereignty as a people over their national lands to the United States." The plebiscite would thus undermine the Hawaiian sovereignty movement's legal challenges for control of Hawaiian Trust Lands.

The 1996 plebiscite asked the question, "Shall the Hawaiian people elect delegates to propose a Native Hawaiian government?" Since the Hawaiian sovereignty group Ka Lāhui Hawai'i had written a constitution in 1987, held democratic elections, seated a government-in-exile, and presented interventions at the United Nations, citizens of Ka Lāhui Hawai'i saw the state-sponsored constitutional convention as an obvious attempt to co-opt Hawaiian self-determination.

Moreover, in the state legislature's bill that established the plebiscite, specific language cautioned that "Nothing arising out of the Hawaiian convention provide[d] for in this Act

... shall be applied to supersede, conflict, waive, alter, or affect” the government structures and land management of the state. Hawaiians asked why they should vote at all if there was no land to be gained from such a vote.

Under international law, whether Hawaiians voted yes, or whether they voted no, so long as they voted in the state-sponsored plebiscite, their vote would mean that they had accepted the State of Hawai‘i’s jurisdiction over such an election, and by extension, that Hawaiians condoned the status of state wardship. Under international law, the United Nations should oversee such a plebiscite, but only after Native Hawaiians had been availed of the right to consider and choose among many different forms of government as their favored option.

In actuality, the state-sponsored plebiscite was a demonstration election, akin to those sponsored by France in Kanaky and in French-occupied Polynesia, or American-backed regimes in Nicaragua and El Salvador. Demonstration elections have been held by colonial governments to give the appearance of native agreement to a colonialist-controlled political process.

In opposition to the state-sponsored plebiscite, Ka Lāhui Hawai‘i was joined by a coalition of Hawaiian groups, including the Ahupua‘a Action Alliance, the Hawai‘i Coalition Against Nuclear Testing, the Hawai‘i Ecumenical Council, the Kanaka Maoli Tribunal Komike, Ka Pākaukau, Kūikalāhiki, Nā Mamo o Hawai‘i, Noa, Nuclear Free and Independent Pacific, Pacific Women’s Network, and

the Pro-Hawaiian Sovereignty Working Group. The coalition was opposed to the plebiscite because they saw it as a state attempt to deny self-determination to Hawaiians and to undermine gains made in the Apology Bill.

The plebiscite debate was further embittered by the governor of the State of Hawai‘i who appointed a nineteen-member commission of Hawaiians to conduct the mechanics of the vote and supposedly oversee the subsequent “Hawaiian” constitutional convention. State officials insisted that Hawaiians were too divided among themselves to proceed on the question of Hawaiian sovereignty without the aid and direction of the legislature, or a council beholden to the state legislature. The commission was named the Hawaiian Sovereignty Elections Council (HSEC) and was given \$2.2 million to pay for the plebiscite and conduct an advertising campaign to induce the public to vote. These Hawaiians, often referred to as “Vichy Hawaiians,” recalling the French who collaborated with German invaders during World War II, were not elected by any Hawaiian body and thus were not representatives of the Hawaiian people. Many were affiliated with various state agencies; many were also related by blood to those who vehemently opposed the plebiscite.

The anti-plebiscite campaign was conducted by Hawaiians who had very little money; perhaps five thousand dollars was spent in total. Most efforts were made without funding, except what people took from their own pockets. Their rallying cry was for all Hawaiians to “Boycott the Ballot,” and their campaign included door-to-

door leaflet distribution, sign holding, protests, press conferences, community workshops, and free spots on public television channels.

From January to May 1996, a team from Ka Lāhui Hawai'i lobbied and presented testimony at the state legislature against the plebiscite bill. They managed to kill the bill in April, only to have it resurrected in May as an attachment to another unrelated bill. Fearing the results of a grassroots campaign, at the last minute the Hawaiian Sovereignty Elections Council changed the name of the plebiscite to "Native Hawaiian vote" and revised how ballots would be counted. In the original bill, the plebiscite's determination would be made by a "majority of qualified voters," but in the final wording it became a "majority of ballots cast"; technically six out of ten votes could decide the outcome.

The opposition coalition then held a one-week vigil with daily demonstrations in front of the governor's mansion, urging him to veto the bill. Overwhelming public support, by way of cars honking in rush-hour traffic, carried a direct message to the governor. However, on 19 June 1996, the last day possible and only two weeks before the mail-out of ballots was to begin, Governor Cayetano signed the bill.

On 1 July 1996, as ballots were being mailed out, a delegation from the Unrepresented Nations and Peoples Organization (UNPO) arrived in Hawai'i "to look at the current political, social and economic status of the Kanaka Maoli in Hawai'i; to understand the possible effects of the US Public Law 103-150 (the Apology

Bill); and to learn about the events leading up to and the implementation and the possible impact of the State of Hawai'i's initiative to hold a Native Hawaiian 'Plebiscite' or 'Vote'." They had been invited by Mililani Trask, the *kia'āina* (governor) of Ka Lāhui Hawai'i.

The UNPO delegation was headed by Mr Lodi Gyari, from Tibet, who is chairman of the Peace Action Council. Other members were Dr Michael van Walt, general secretary of UNPO, Mr Menelaos Tzelios, representative of the Greek Minority in Albania and assistant general secretary for United Nations Affairs, and Mr Robin Sluyk, head of the Pacific and North America Desk of the UNPO Secretariat.

After hearing several days of testimony by the community, as well as interviews with the Hawaiian Sovereignty Elections Council, the UNPO delegation concluded that the plebiscite or "vote, as it is currently being conducted, does not satisfy international standards for a 'free and informed choice,' which are also adhered to by the United States" (UNPO Preliminary Report).

As a result the UNPO mission urged "the Government of the State of Hawai'i and the HSEC (Hawaiian Sovereignty Elections Council) to cancel the vote, even at this late stage. The delegation believes that before the people are presented with an opportunity to vote on a process leading to sovereignty, Native Hawaiian organizations should be encouraged and independently funded to conduct education programs on all options for sovereignty. They should also be afforded the opportunity to develop

consensus among the Native Hawaiians on a process to exercise their right to self-determination.”

On 15 July 1996, Ka Lāhui Hawai‘i sent their delegation (Keali‘i Gora and Kealoha Piscioti) to Geneva, Switzerland, to the United Nations Working Group on the Rights of Indigenous Peoples, and subsequently the Sub-Commission on Human Rights. Gora and Piscioti presented interventions protesting the state-sponsored plebiscite, and distributed copies of the US Apology Bill. Dozens of countries’ representatives flocked to their table to get copies of their interventions and US Public Law 103-150.

The Pro-Hawaiian Sovereignty Working Group also sent a delegation consisting of Jose Morin and Nalani Minton. Both delegations met with American government representatives to formally protest the state-sponsored plebiscite, and every important nation’s representative was informed of the situation.

At the same time, back in Hawai‘i, the Hawaiian Sovereignty Elections Council was running an expensive television and radio campaign in Hawaiian and English, urging Hawaiians to vote in the plebiscite, or what they renamed the “Native Hawaiian Vote.” The HSEC video used OHA interview clips with respected Hawaiian elders on the topic of sovereignty, but not on the topic of the plebiscite, to promote their cause. When elders who opposed the plebiscite discovered that they were being used in this manner, many actively joined the anti-plebiscite campaign and directed their families to “Boycott the Ballot.”

The opposition coalition also hit the

airwaves, giving guest interviews on radio talk shows and on free public television venues like *O‘ahu Speaks*. Haunani-Kay Trask (sister of Mililani Trask) used her monthly political analysis television show *First Friday*, with a viewing audience of fifty thousand, to interview international law experts like Jose Morin. Morin explained how plebiscites were used in Puerto Rico and other places by colonizers to undermine native self-determination.

The HSEC video used the Hawaiian phrase *nau no e koho*, meaning “the choice is yours.” Since *koho* also means to vote, Ka Lāhui Hawai‘i citizens used the slogan *Koho Hewa*, or “illegal vote,” as *hewa* carries a double meaning of bad luck or disaster. Citizens got a grant of \$1,000 to make a video explaining the State of Hawai‘i’s conflict of interest and urging Hawaiians to “Boycott the Vote.” The *Koho Hewa* video was shown extensively on public television on O‘ahu, and it was sent to Ka Lāhui Hawai‘i outposts on the neighbor islands to be aired on their own public television stations. The tape was also sent to Ka Lāhui Hawai‘i outposts on the North American continent, including Anchorage, Seattle, Portland, San Francisco, Los Angeles, San Diego, Salt Lake City, and Las Vegas.

Ballots were due to be returned by mail on 15 August 1996. Before they could be unsealed and announced, Clara Kakalia, a Ka Lāhui Hawai‘i *kupuna* (elder) and her cohorts, filed a suit against the state-sponsored plebiscite as a misuse of state funds. Ultimately, Judge David Ezra ruled against them, declaring that the State

of Hawai'i had the right to run an opinion poll, but announcement of the vote results was delayed until mid-September.

About 82,000 ballots were mailed to Hawaiians in the state and wherever known throughout the world; of these only 30,423 ballots were returned, proving that the boycott campaign was overwhelmingly successful. A vast majority of Hawaiians, 52,000, boycotted the state-sponsored plebiscite. Of the 30,432 ballots returned, 8,129 voted no in response to the question, and many said they voted no because they didn't want the State of Hawai'i to control the process.

Meanwhile HSEC members, assisted by the local anti-Hawaiian newspapers, insisted that the 22,294 Hawaiians who voted yes represented 72 percent of Hawaiians, or at least of the "majority of ballots cast," as called for in the last version of the plebiscite bill. They thereby declared a mandate to continue with a state-sponsored Hawaiian Constitutional Convention that would form a "Hawaiian Nation" under state auspices. As the state was experiencing a severe economic recession and could provide only a portion of the funds required, the Hawaiian Sovereignty Elections Council formed a nonprofit corporation called Ha Hawai'i (Hawaiian Breath) to receive funds from private sources.

Since many state legislators were unimpressed with the results of the plebiscite, the Hawaiian Sovereignty Elections Council decided to call for a Hawaiian convention to be held in Honolulu on 14 December 1996 to gain additional public support for their convention proposal and the nonprofit

status of Ha Hawai'i. The Office of Hawaiian Affairs offered to pay for Hawaiians on the outer islands to fly in to the meeting, especially if they represented a larger group. Ka Lāhui Hawai'i directed its neighbor island people to apply for the ticket as representatives of their own *'ohana*, or family.

On 14 December 1996, hundreds of Ka Lāhui Hawai'i representatives and their coalition allies flooded the HSEC convention. Ka Lāhui Hawai'i Kia'āina Mililani Trask had been denied permission to speak, and participants were warned that unruly behavior would be met with eviction from the hall. However, chanters representing Ka Lāhui Hawai'i were allowed to make a *ho'okupu* (ceremonial presentation) to the house, whereupon all of their supporters stood at their seats chanting en masse in Hawaiian as their representatives delivered copies of the Ka Lāhui constitution to the Hawaiian Sovereignty Elections Council.

As each HSEC member rose to speak in favor of a state-funded Hawaiian Constitutional Convention, the opposition silently flipped up bright chartreuse placards that read "A'OLE! NO! HA HAWAI'I = STATE CONTROL." Not only did this become increasingly disconcerting to HSEC speakers, but the brightly colored placards made clear that the audience was quite divided on the issue and no consensus would be reached that day.

Finally, Mililani Trask was allowed to speak, and she pledged Ka Lāhui Hawai'i to seek unity and self-determination among all Hawaiians, outside the state process, in order to strengthen the struggle for control of

Hawaiian Trust Lands. After much behind-the-scenes lobbying during the lunch break, former OHA trustee and HSEC member Kina'u Kamali'i acknowledged that consensus could not be obtained, and instead brokered a deal between various factions to hold a unity conference in February at the sacred land of Kualoa, O'ahu.

What caused bitter enemies to agree to a unity conference? The deciding factor was movement on another front of federal legislation in Washington, DC, that would redefine Hawaiians as an Indian Tribe, and make Hawaiians subject to the restrictive laws that govern Native American Indians.

Under a frequently discussed plan, America would recognize a puppet state agency, the Office of Hawaiian Affairs, as the new Hawaiian government, as it has done in similar instances with Native Americans. It is likely the American government will further diminish the Hawaiian land base to two hundred thousand acres of third and fourth class lands (one part of the Hawaiian Land Trust known as Hawaiian Home Lands), and create a new OHA nation.

The other 1.8 million acres of well-watered land would be reclassified and given to the State of Hawai'i. As is consistent with American policy on Natives, only those 7,000 Hawaiians currently living on Hawaiian Home Lands would be recognized as the citizens of the new nation, thus disenfranchising the other 200,000 Hawaiians who want access to land. The time had come for Hawaiian political leaders to unify against the common threat of loss of lands.

The first *Ho'omalua ma Kualoa*

(Peace and Sanctity at Kualoa) Unity Conference was held on the campground of Kualoa for the three days of 7, 8, and 9 February 1997. *Ho'omalua* was attended by many Hawaiians from all walks of life, some members of larger groups, some individuals, and many small family representatives. All agreed to seek agreement where it was possible, and to delay debate on areas of disagreement for another time.

Ka Lāhui Hawai'i citizens and many members of the coalition attended, as did the usually conservative groups like the Association of Hawaiian Civic Clubs and the State Hawaiian Homesteaders Association. Bumpy Kanahele's Nation of Hawai'i came, as did some HSEC appointees. Those calling for complete independence from America, such as Ka Pākaukau, and Kaona came. It was perhaps the first time that many middle-class Hawaiians listened to what "taro roots" Hawaiians had to say.

It was a historic moment, for although there were many debates, arguments, signs of mistrust, and threats of withdrawal, on the final day all who remained (the State Hawaiian Homesteaders Association left in protest the day before) agreed on several important principles. The foremost of these was that Hawaiians wanted all two million acres of Hawaiian Trust Lands returned to their control and not a single acre less. There would be no deal made to diminish the trust lands by any Hawaiian present; even HSEC representatives agreed.

A second *Ho'omalua ma Kualoa* was held in April 1997 and agreed that a series of educational workshops must be presented to the people before fur-

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

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

Without a doubt, Hawaiians would come to agreement faster if the State of Hawai'i would withdraw from the issue and leave it for the Natives to decide. The state contends that it is only trying to help the Hawaiian people. However, if the state truly wanted to support Hawaiian self-determination it would abolish wardship and let the Hawaiian people retake control of their ancestral home-

land. The state is precluded from such action by its own self-interest, insofar as most "state" land is actually Hawaiian Trust Land, and when Hawaiians regain that land base it will be the State of Hawai'i that must beg permission from Hawaiians to use the land.

LILIKALĀ KAME'ELEIHIWA

MAORI ISSUES

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

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

Māori success in the polls further

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

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

No party received a clear majority. With National and Labour holding the great majority of seats between them, it fell to the third-ranking New Zealand First party to determine which party it would enter a coalition with to form a government. Māori were

strongly in favor of a coalition with Labour, for although they had deserted that party during the elections, it was still far preferred over the conservative National party, whose Māori policies had caused much upheaval in recent times. Given that 6 of the 17 New Zealand First members, including the leader, are Māori, there was some confidence that the Māori wish would prevail.

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

Once the government was announced, and new members started making their maiden speeches, the mainstream news media embarked on a campaign of discrediting each Māori member of the House, both new and old. They were baying for Māori blood, and every whiff of it sent them

into a frenzy. For 12 of the 15 Māori members of Parliament it was their first time in the House, and many of them fell easy prey to the hypercritical and strongly eurocentric press gallery. It also ensured that they were diverted from learning and carrying out their jobs as members of Parliament.

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

coverage that only served to display her own lack of understanding of Māori protocol and politics.

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

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

By comparison, events such as the auditor-general being jailed for fraud, a judge pleading guilty to fraud, another being charged with the offense, and a third being charged with child molestation, a multimillion-dollar bungle by a government depart-

ment trying unsuccessfully to eradicate a moth threatening ornamental trees in a wealthy Auckland suburb, the dismissal of the heads of the Serious Fraud Office and the Department of Conservation, and a member of Parliament spending NZ\$29,000 on taxi fares were all relegated to the inner pages of the major daily newspapers, while Māori members of Parliament were attacked on the front page. Television and radio were little better.

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

The *Muriwhenua Land Report* found that through a myriad of dishonorable and illegal acts, the Crown had deprived Muriwhenua Māori of the Far North of nearly all their lands before 1865. The report was the first to consider the Māori interpretation of

early land transactions between Māori on the one hand, and English missionaries and Crown agents on the other. The Crown had always assumed and argued vehemently before the tribunal that the transactions were English custom land sales that extinguished the Māori title to them. The claimants argued equally vehemently that the notion of “land sale” did not exist in Māori culture at the time and that the transactions were Māori custom *tuku whenua*, which gave usufructuary but not proprietary rights to the land. The weight of evidence produced by both parties strongly favored the claimants, and the tribunal found accordingly, concluding that Māori title to their lands had never been extinguished.

However, the tribunal went further and examined the social and economic circumstances of the Muriwhenua tribes that resulted from this landlessness. They reported that the tribes were reduced to “penury, powerlessness and eventually state dependence” and that “Muriwhenua Maori became and still are, a people at risk.” It also said that the transactions “point to clear breaches by the Crown of treaty principles, including those of protection, honourable conduct, fair process and recognition” and that profound social and economic consequences resulted, with *hapu* suffering physical deprivation, poverty, social dislocation, and loss of status. The tribunal reported that recommendations should be made as soon as possible to give the tribes relief, and that for the first time since they were empowered to do so in 1988, they would use their powers to order the return of Crown forest and state-owned enterprise lands.

The government's only reaction was to strongly condemn the tribunal for daring to say it might use its only power to make order and to warn Muriwhenua Māori that they should put aside any hope of being delivered justice as a result of their successful claims. That apart, its reaction was very similar to that for the 1996 *Taranaki Report*: muted, urging everyone to read the report but not subsidizing its publication so that the NZ\$100 price tag would ensure that only a few people would read it. In the meantime the government was desperate to get Muriwhenua claimants to settle without getting orders from the tribunal. This had less to do with the NZ\$60 million dollars in compensation and approximately 50,000 acres of land the tribunal could order to be returned to the Muriwhenua tribes, and more to do with the precedent it would set for other much larger Crown forests, where the compensation alone is worth between NZ\$7-and-8 billion. That would completely blow apart the ridiculously low NZ\$1 billion budgeted to settle all Māori claims, even though it is less than two years of the budget for the Social Welfare Department.

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

were returning to the tribunal and would be demanding that urgent steps be taken to alleviate the poverty in Muriwhenua.

MARGARET MUTU

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NIUE

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

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

As Niue's only political party, the

Niue People's Party pinned its hopes in the by-election on its ability to remain united. Unfortunately for the party, Terry Chapman—its former president, who had been an unsuccessful candidate in the general election—also contested the seat. In all, the 15 February 1997 by-election attracted ten candidates (as well as most of the island's voters) and was won by Billy Talagi, a former NPP candidate who had defected to the government weeks before the by-election. His majority over Mrs Tongatule was only 81 (275 votes, against her 194), and 9 votes less than Chapman's 90-vote total.

The Niue People's Party's numbers in the Assembly slipped further following the by-election. Common roll member Fisa Pihigia also left the party, and by mid-1997 its numbers in the Assembly had been reduced to 6 (Robert Rex, Jr, and five supporters), against the government's 14 seats.

Although the government's victory in the by-election was influenced by various factors, including family and personality considerations, its performance at the polls also reflected its activities since retaining office in the 1996 election. The government proceeded with efforts to upgrade Niue's telephone system, installing a cell-phone system around the island (paid for in part by drawing on the government's reserves). The cellphone network provides a better communications system, particularly for those living in villages on the eastern side of Niue. The cellphone system required the erection of two 60-meter-high cellphone towers, one at Makefu and the other at Avatele. To help pay for the project, Niue Telecoms had been hop-

ing to increase phone charges. At present, however, a mobile phone costs more than NZ\$500, and the telephone company already has its difficulties with outstanding accounts.

The program for sealing the cross-island road also continued, arguably of some relevance in the by-election, since the late Mr Tongatule had lived at Hakupu. The government was able to complete the paving of roads from the capital, Alofi, to Lakepa, Liku, and Hakupu (about 30 kilometers), making for a considerable improvement from the potholed coral it was replacing.

Perhaps the most important—certainly the most expensive—economic development during the 1996–97 year was the opening of the new 24-room Matavai Resort. Built with New Zealand financial assistance, the NZ\$3 million project (including cost overruns) was completed in September 1996. However, Niue's tourist industry remains weak; the week that Matavai opened, there were only six tourists on the island and the government-owned 32-room Niue Hotel stood completely empty. With both the Niue Hotel and the Matavai Resort, the Niue government could be said to be competing with itself: it holds 51 percent of the shares in Matavai. The resort was officially opened by the governor-general of New Zealand and of Niue, Sir Michael Hardie Boys, in April. Within two months, directors were describing the resort as facing financial problems, which they attributed to the high airfares charged by Royal Tongan Airlines (which has now been appointed Niue's national carrier).

For its part, Royal Tongan Airlines made possible the resumption of direct service between Niue and New Zealand, inaugurating Auckland–Niue flights in October, with air links to Niue through Tonga also being continued. An additional air service to Niue is being provided by Samoa Air, with flights from Pago Pago, American Samoa.

With completion in recent years of two major special projects (the airport resurfacing and extension, to accommodate 767 and fully-loaded 737 aircraft, and the Matavai Resort) large-scale funding from New Zealand was bound to be reduced. Budgetary aid to Niue was cut in mid-1996 by NZ\$250,000, to NZ\$4.5 million, with further funding available for special projects. At the same time, the government's budget predicted a deficit in 1997 of NZ\$329,000, despite major reductions in government spending (from NZ\$25.8 million in 1995–96 to NZ\$19.9 million in 1996–97). Most of the shortfall can be attributed to funding the cellphone system (requiring loan finance), a NZ\$250,000 subsidy to Royal Tongan Airlines, and supplementary funding for the Matavai Resort. The budget for 1997–98 anticipated spending of NZ\$20.5 million and revenue of NZ\$20.3 million. The prospect of another deficit (NZ\$200,000) comes at the same time as New Zealand continues to slice roughly the same amount from its annual aid package, which is expected to fall further, from NZ\$4.5 million to NZ\$4.25 million (with special-project funding remaining at NZ\$2.57 million). Attempts to trim the government's deficit at the expense of the

public service have been challenged. The president of the Niue Public Service Association, Maru Talagi (the director of Public Works), was suspended by the Public Service Commission after suggesting that members would discuss direct action if there were reductions in either staff numbers or salaries.

Niue's population has apparently continued to shrink—according to unofficial estimates—dropping to around 2,000 (from more than 2,300 in the last census, a drop of about 5 percent per year; Guest 1997, 3). Several families from Tuvalu have moved to Niue following an agreement between both governments. The families have been settled in Vaiea, following government refurbishing of homes left abandoned after the mass exodus of villagers in the 1970s. It is not expected that an intake of Tuvaluans will resolve Niue's chronic population problems.

While further improvements have been made at the airport—extensions to the international terminal, new check-in and baggage-handling areas, a more spacious and comfortable exit and entry to Niue—these are of little value if the tourists are not coming to the island. This failure to come is despite a considerable investment being made to attract them: comparing the amount spent by the tourist authority with the number of tourists, it appears that Niue is spending about NZ\$300 per visitor (Guest 1996, 4). In a typical week there are more consultants and volunteer workers on Niue than tourists. Between January and April 1997, only 137 tourists visited Niue (according to Niue's Department

of Statistics): enough to fill the government's two hotels for about a week. In an effort to place Niue more conspicuously on the map, the Niue Tourist Authority decided to change the island's slogan, "Discover Tranquility," to the more dynamic "Discover Adventure." Somewhat ironically, but in a show of integrity, the island's tourist operators objected, arguing that Niue's activities (apart perhaps from the dive shop) were not accurately portrayed in the new emphasis. Subsequently the Niue slogan—at least for tourist purposes—was changed to "Niue—the Rock of Polynesia."

The major challenge facing Niue has to do with expanding employment opportunities for its young people. A survey found that about half of the island's youth plan to leave, citing low wages and a lack of jobs, recreation, and freedom. The building of the cell-phone towers, the Matavai Resort, and the new alpaca quarantine station provided some employment opportunities, but these were necessarily short-term.

Many recent government-sponsored economic initiatives continue to flounder. The afforestation scheme (Levine 1995, 158) has slowed because of the lack of availability of leased land and reductions in aid funding. Niue's taro exports face tough competition in New Zealand from products from Fiji and Western Sāmoa. However, support has continued for efforts to expand coconut and taro exports, including the Moui Faka Niue taro export scheme, although price reductions have led to growers receiving less money than previously. Lower prices invariably lead to a reduction

in the number of bags of taro being exported (and the total revenue being received).

A more promising and innovative venture centers around the alpaca quarantine station, which was completed by Australian construction workers. The quarantine station is a privately funded NZ\$1 million project—apparently the first private quarantine station in the South Pacific—which will earn Niue around NZ\$250,000 annually. The area has the capacity to house roughly 1,500 alpacas, brought in from Peru, to be used for breeding purposes in Australia. The first planeload of 300 animals arrived on Niue in November. By early 1997, 600 alpacas had settled into their new home at Vaiea for at least twelve months before being taken to farms in Australia. Cattle and sheep have also been moved to the station to determine whether any diseases will be transferred from these animals to the alpacas. At the same time, the number of alpacas continues to grow, with around 500 giving birth since arrival, and a mating program was begun in February. It has been noted that the growth of alpacas is far outstripping growth in tourist numbers.

The project's apparent success has led to plans for Niue to be used as quarantine facilities for equestrian horses in the Sydney Olympics in 2000. All overseas entrants in the equestrian events would be flown to Niue, along with their handlers, providing business for Niue hotels and restaurants (and growers).

Another venture—the leasing of international telephone-code access lines—was less unambiguously suc-

cessful. Some embarrassment was felt when it transpired that at least some of the lines were being used for live sex calls. The codes had been leased by Asia Pacific Telecommunications and sold to companies whose calls were rerouted through Niue. Niue Telecoms contacted companies using lines for this purpose after callers using the sex lines misdialed and rang subscribers on Niue (in the middle of the night). After Niue Telecom's success in identifying companies breaching their contracts by using their lines for this purpose, the company's reported income from leasing was expected to drop substantially, from NZ\$2 million to NZ\$1.4 million.

Other government measures have focused on road safety, a concern of residents, visitors, and the New Zealand and Niue governments. Drunken-driving accidents are responsible for a significant proportion of the accidents requiring emergency flights to New Zealand for hospital treatment. While new legislation permits fourteen-year-olds to drive cars, the age limit for those driving trucks has been raised to eighteen, while bus drivers must now be at least twenty. It may be argued that even these age requirements make the abandoned tourist slogan, "Discover Adventure," worth a second look. Further legislation providing for breath testing and increased fines seems inevitable. Compulsory seat belts are also likely. These moves are largely a response to complaints from New Zealand about the high number of emergency air force medivacs (at a cost of around NZ\$1 million in 1996). About 50 percent of the patients evacuated to Auckland

hospitals had been involved in alcohol-related accidents. Niue's approximately 2,000 people have about 600 registered vehicles on the road. Unfortunately requests to foreign governments for financial assistance to build a new hospital on Niue have thus far been unsuccessful, reflecting the emphasis now being given by aid donors to projects likely to generate economic growth and capital investment.

Following the collapse of the government's prosecution of former Finance Minister Sani Lakatani (Levine 1997, 240), anticorruption and bribery laws were enacted by the Assembly. The new legislation closes a loophole in present legislation, and imposes prison sentences of up to fourteen years for bribery or corruption of judicial officers, cabinet ministers, members of the Assembly, police officers, and government officials. Ultimately all 26 charges of bribery and corruption were dropped against Lakatani, with the case costing the Niue government more than NZ\$250,000 in legal fees.

The government also introduced legislation of wider interest to the Pacific region. One measure was aimed at stopping the transportation and dumping of nuclear waste within Niue's two-hundred-mile exclusive economic zone. There are concerns that foreign vessels, loaded with nuclear waste, may be moving through Niue's waters. Niue also revised its fishing laws in an attempt to stop foreign driftnet-fishing vessels from working inside its waters. Fines for illegal fishing were raised to NZ\$250,000, and there is provision for Niue ob-

servers to board licensed vessels to check catches.

Niue has been considering a further modest expansion of its international organizational links. The prospect of joining the Food and Agriculture Organization does not appear to have elicited the enthusiasm that surrounded earlier applications to WHO and UNESCO (Levine 1995, 155–156). Given Niue's precarious economic position, the high cost of membership is an issue that needs to be considered against possible benefits to the island and its people.

A potpourri of ideas continues to be advanced on Niue in an effort to make the island more attractive to residents and overseas interests. Consideration is being given to establishing an English-language school for Chinese students. The government is also exploring the possibility of changing the dateline so that it will be in the same time zone as New Zealand. Niue is presently 23 hours behind New Zealand. About eighteen hundred companies have so far signed on to Niue's International Business Centre register. Income from these registrations and offshore banking is predicted to earn about NZ\$400,000 in 1997—less than originally anticipated, but still a significant contribution. There may be further privatization of some government activities, including corporatization of Telecom, Forestry, the Power Supply Services, and Water Supply. The sale of the Niue Hotel is also a possibility, assuming that there is a suitable purchaser.

Problems with Niue's wharf remain unresolved. The channel is still not deep enough to permit ships to tie up

at the reconstructed Alofi wharf, despite repairs following the damage inflicted by the New Zealand Navy (costing NZ\$700,000 to repair). Furthermore, the entire episode still leaves cargo ships in the position of needing to offload their produce onto barges. A feasibility study being carried out by the South Pacific Geophysical Agency is now underway to determine whether the wharf can be extended 20–30 meters. The extension would provide greater depth in the channel to allow cargo ships to tie up alongside the wharf. The US Government has given Niue NZ\$100,000 to assist with wharf extensions, which will probably be carried out by a US naval engineering unit (the "Seabees").

Although US Peace Corps volunteers contribute needed skills on Niue in several areas—information services, small business advice, accountancy, agriculture, and education—Niueans continue to advance in the professions. The government's appointment of twenty-two-year-old Peleni Talagi as Crown Counsel is particularly noteworthy, as she is the first Niuean woman to be admitted to the New Zealand bar. Another Niuean lawyer, Togia Sioneholo, is registrar of Niue's High Court.

Some may hope that the filling of such positions by well-educated, well-qualified young Niueans may encourage others. Many young Niueans studying overseas choose not to return. The overall cost of overseas tertiary education for Niuean students will vary, but those studying in New Zealand can expect to spend about NZ\$80,000 per person. While those on scholarship are "obligated" to return

for at least three years, this bond is often broken by graduates attracted by the prospect of higher paid employment in New Zealand and a more diversified, urban lifestyle.

Another appointment successfully avoided controversy. The director of education, Atapana Siakimotu, was appointed Niue's consul-general in Auckland, taking up the post in June 1997 for a three-year term. The appointment of his predecessor had attracted criticism, as it was the first appointment of a Niuean New Zealand resident to the position and the first time such an appointment had been made outside the Niue Public Service.

Niue's 22nd Constitution Day celebrations in October were subdued, with emphasis given instead to the 150th anniversary of Niue's first overseas trained missionary, Peniamina, trained in Western Sāmoa by the London Missionary Society. The commemoration took place during a period when many Niue residents were having difficulty meeting ongoing commitments: telephone accounts, broadcasting license fees, payments on mortgages, and other loans. Nevertheless there is a "hidden economy" escaping statistical measurement and the taxation system. There is a high volume of imports—NZ\$4.8 million for food and beverages and a further NZ\$680,000 for motor vehicles in 1996—and nearly a million dollars was spent on hair-cutting and ear-piercing ceremonies.

As noted, Niue has managed to develop some additional revenue sources in recent years, including international phone-access coding, fishing

licenses, quarantine station rental, and international business registrations. Yet its prospects still seem shaky, if not bleak: falling population numbers, a budget deficit, a minuscule tourist industry (notwithstanding major investments in the airport and in hotel developments, including funding for consultants and tourist promotion), and an overall lack of business and investment confidence.

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SĀMOA

The second half of 1996 to the first half of 1997 was dominated by issues relating to the by-elections following the general elections in April 1996, the ongoing court cases between the chief auditor and controller of finance and the government, the dispute between Vaiusu village and the government over land previously under the control of the Western Sāmoa Trust Estate Corporation (WSTEC), the passport scandal, and the country's change of name from Western Sāmoa to Sāmoa.

The results of the general elections in April 1996 saw the Human Rights Protection Party (HRPP) winning 24 seats, the opposition Sāmoa National Development Party (SNDP) 11 seats, the Sāmoa Labour Party (SLP) 1, and 13 independents. By the time of the first session of Parliament to elect a new government, at least 5 of the independents had joined the HRPP (*Faugagana*, 14 May 1996). Of the 49 seats in Parliament, the HRPP now occupied 29, ensuring it another five years in office. Independents joined the HRPP for various reasons, including personal reasons: “been enticed by possible portfolio and other positions” (*Faugagana*, 14 May 1996); some had stood as independents because of an HRPP policy that the sitting members of Parliament were the party’s official nomination. However, considering that at least twelve electoral petitions had been filed by both the opposition candidates and the HRPP, the party’s grip on power was by no means secure.

Four HRPP members retained their seats when petitions against them were later withdrawn (*Savali*, 7 July 1996). Decisions to withdraw electoral petitions followed customary meetings between candidates and their supporters, and between them and rival candidates and their respective supporters. In one meeting, a high-ranking *matai* (Samoan titleholder) who supported the election-night winner convinced a candidate who had filed the petition to withdraw it by pointing out in a traditional speech that the petitioner and the election-night winner were blood relations. He proved his point by reciting the genealogies of the two

candidates, which went back several generations. The occasion became so emotional that the petitioner was in tears during the recitation of genealogies. Presentations of gifts (such as fine mats, cash, and food) by the election winners always follow such meetings.

Election-night winners who either did not initiate customary meetings, or did instigate meetings but were unable to convince the petitioners and their respective supporters to withdraw their petitions, had to go through the due process of law. The outgoing speaker of the house, Afamasaga Fatu Va’ili, filed a petition against the election-night winner, To’alepaiali’i Si’ueva (a former cabinet minister and leader of the newly formed SLP). Several customary attempts by To’alepaiali’i to have Afamasaga withdraw his petition were unsuccessful (*SO*, 13 Aug 1996). Claims and counterclaims of treating, bribery, and undue influence by Afamasaga and To’alepaiali’i respectively were upheld by the Supreme Court in June. Consequently, not only was the result of the April election declared void, but both candidates, in accordance with the electoral act, would not be eligible to run in the upcoming by-election at Aana Alofi 3 constituency (*SO*, 28 July 1996). Tole’afoa Fa’amatala, who had recently resigned his diplomatic post in Belgium where he was Western Sāmoa’s ambassador to the European Community, contested the Aana Alofi 3 seat as the HRPP’s candidate and won.

The Aana Alofi 3 by-election was deferred for two months. The leader of the Samoa All People’s Party (SAPP), Matatumua Maimoaga, following the

revelation that sixty-five new names had been added to Aana Alofi 3's electoral roll for the April election, filed an application in the Supreme Court to stop the by-election because the additional voters breached article 1, 13A of the 1991 Electoral Amendment Act (SO, 28 July 1996). It stated that "the main roll and supplementary roll which were used at the election which has been voided shall be used at the by-election without any amendment or addition." Matatumua's application was successful, thus preventing the by-election that was meant to have been held on 1 August (SO, 4 Aug 1996). The electoral office responded by applying to the Supreme Court to have the interim injunction, which stopped the Aana Alofi 3 by-election, lifted. When the electoral office's application was dismissed by Chief Justice Tiava'asu'e Falefatu Sapolu, the government then filed an application in the country's Court of Appeal to have the Supreme Court's decision reversed. The government's appeal was successful, thereby allowing the Aana Alofi 3 by-election to go ahead. It was held on 4 October.

The electoral office argued that because To'alepaiali'i had resigned his seat before the court decision was handed down, it was within its legal prerogatives to declare the date for the Aana Alofi 3 by-election and to register additional voters in the constituency's electoral roll. Furthermore, Parliament on 18 June ordered the Speaker of the House to fill the vacancy following To'alepaiali'i's resignation. The chief justice upheld Matatumua's argument because "I am of the view that the real reason for

To'alepaiali'i Si'ueva resigning his seat was because of the evidence put before this court in the electoral petition against him" (SO, 4 Aug 1996). The decision was later reversed in the Court of Appeal.

As in Aana Alofi 3, the electoral petitions in the constituencies of Satupa'itea and Falealili—where claims and counterclaims of illegal electoral practices by the petitioners and defenders respectively were substantiated—resulted not only in the results of the April election being declared void but in the disqualification of concerned candidates who would have contested the constituencies' by-elections. In Satupa'itea, the election of the HRPP candidate, Tavu'i Lene, was declared void in the Supreme Court on 11 July. The argument by the petitioner, Asiata Sale'imoa Va'ai—an independent candidate—that the twenty tala (\$20) he gave one of his voters on the day of the election was dictated by compassion was not acceptable to the chief justice. Furthermore, because Asiata had not fulfilled the residency requirement for a parliamentary candidate, having returned to the country from doctoral studies in Australia just four months before, he, like Tavu'i, was disqualified from contesting the by-election.

After the result of the electoral petition was known, Asiata and his supporters nominated one of their number as their candidate for the by-election. Like Asiata, the candidate, Gafa Ioelu, stood as an independent. He won the seat by 377 votes to his nearest rival's 336 (SO, 29 Sept 1996). On 26 September, Gafa was escorted by Asiata to the

HRPP, which his older brother (who also ran as an independent but was an SNDP member of the last parliament) had rejoined not long after the April elections. Asiata's father and his HRPP supporters left the HRPP in early 1985, following a disagreement among party members over the party leadership. Asiata's request on the day of the handing over, that "their candidate" be considered by the prime minister for a ministerial post, was not realized. However, the replacement of the outgoing minister of Post Office and Telecommunication (following the dissolution of his seat by a court order, when claims of electoral malpractices against him in the April elections were proven) by Asiata's older brother on 10 November went some way to reciprocating the support of Asiata, his family, and his supporters.

The election petition against one of the two members of Parliament for Falealili constituency (a cabinet minister in the last parliament) saw the former minister lose his seat. He and the petitioner were also disqualified from contesting the constituency's by-election when claims and counter-claims of electoral malpractices against them were proven in court (SO, 24 July 1996). Another HRPP candidate, Leilua Punivalu (who had recently resigned his post as Western Sāmoa's consul in Auckland, an HRPP member in an earlier parliament, and brother of the outgoing Speaker), won the by-election on 27 September. On 8 November, Leilua's older brother, Muagututia Samuelu, won another constituency's by-election. This victory followed the disqualification by the court of Tolofuaivalelei's seat. Tolofuaivalelei, the

minister of Post Office and Telecommunication, not only lost his seat but was disqualified from contesting the by-election when electoral malpractices against him were proven in court.

All electoral charges against the minister of Internal and Women's Affairs, veteran politician Polataivao Fosi, were dismissed in court on 19 August. The petitioner, Matagi Tanumaga—an SNDP candidate—claimed that a number of customary resolutions at his village (the same one of which Polataivao is also a *matai*) adversely affected his chances of being elected. They included a village council understanding that *tulafale* (talking chiefs) should not contest parliamentary seats when an *ali'i* (high chief) was standing as a candidate. He also claimed that because he and his family had been suspended from the village at the time of the elections, it was difficult for him and his supporters to launch an effective campaign. Furthermore, his suspension had resulted from his refusal to give in to village council pressure that he withdraw his candidacy.

The electoral petition against Tofaeono Anufesaina, an HRPP candidate, by Tupuola Sola Siaosi, an SNDP candidate and the member for Siumu constituency in the previous parliament, resulted in Tofaeono not only losing her seat but being disqualified from contesting the by-election. Counterclaims against Tupuola were not proven in court. With Tofaeono's disqualification, her son-in-law, Tu'u'u Anasi'i, was nominated by the HRPP as its candidate for the by-election. Tu'u'u won the by-election on 27 September by 411 votes to his near-

est rival's 320. The results of all the by-elections and the defection to the HRPP of one of the SNDP members of parliament on 26 September brought to 36 the number of HRPP members in the country's 49-seat parliament (*Savali*, 15 Nov 1996). While this majority ensures the HRPP smooth passage of any bill it submits before Parliament, it is feared by some members of the public, as it would mean that the HRPP could do anything they decide in the absence of any effective parliamentary opposition.

The issues relating to the controller and chief auditor originated from a report by the chief auditor that was submitted to Parliament on 6 July 1994, in which he was critical of many government departments and other bodies. In short, the chief auditor pointed toward corruption in high places. His report was tabled before Parliament six days later. After an extensive debate on it, the prime minister successfully moved a motion to the effect that a commission of inquiry would be appointed by cabinet to look into the report then submit their findings to cabinet. Unhappy with the way Parliament dealt with his report, as he believed Parliament should have referred it to Parliament's Public Accounts Committee, the chief auditor sued the legislative assembly, the attorney-general (on behalf of the prime minister and government), and individual members of the commission of inquiry on 30 June 1995. Chief Justice Sapolu's judgment, handed down on 23 January 1996, dismissed the chief auditor's claims against Parliament and the government. However, the claim relating to the issue of natural

justice was upheld. The chief auditor appealed the Supreme Court's decision in the Court of Appeal, which upheld Sapolu's judgment on 17 September 1996 (SO, 6 Oct 1996).

In Parliament's last session of 1996, the government tabled a bill to reduce the tenure of office of future chief auditors. Article 97(3) of the Constitution states that the chief auditor "shall hold office until he reaches the age of sixty years." The bill allows future chief auditors to hold that office for a three-year term. The government's argument, according to the prime minister, is that "[t]hese changes will ensure that in future, a Chief Auditor who is a servant of Parliament will not be able to bring a lawsuit against Parliament for doing its job and that if he does Parliament will be able to deal with the matter immediately and effectively" (quoted in *Savali*, 13 Dec 1996). It would also bring the term of that office in line with current two-year terms for special posts, which are reserved for heads of government departments and organizations. Furthermore, it would give future chief auditors an opportunity to leave the post if they so decide. On the other hand, should they want to seek another three-year term they can always reapply.

Interested members of the public and opposition members of Parliament disagreed with the government. They argued that the amendment bill did not fool anyone, as it was clear the government wanted to keep future chief auditors under control so that, among other things, they would not again be an embarrassment to the government. Therefore the bill put the chief audi-

tor's "independence under threat" (SO, 5 March 1997). On the issue of bringing the office of chief auditor in line with special posts, critics argued that

[t]his will bring the holder in line with the rest where he will do as the government dictates. How can the chief auditor perform his duties effectively in such a situation? With independence taken from this office, it becomes a shell full of nothing lorded over by cronies who blindly follow the status quo. We might as well just forget about checks and balances, allow corruption to pile up to the sky, and injustice to squeeze life out of this country. (SO, 5 March 1997)

[This] development seems to ensure that the chief auditor will no longer be able to investigate members of cabinet. . . . It follows that government's accountability to the public can no longer be assured as it would be impossible for any auditor under the new conditions to insist on it. (SO, 13 March 1997)

The leader of the opposition, Tupua Tamasese Efi, argued that the amendment takes away from Parliament the power to dismiss the auditor and then vest that power in cabinet (SO, 9 March 1997). Opposition members who spoke on the amendment claimed that "the passage of the bill did not bode well for democracy." The chief auditor's reaction was "Extraordinary passage but predictable. I would have thought further debate would be helpful to the people" (SO, 13 March 1997). The amendment bill was passed into law on 12 March 1997 by thirty-six votes to eleven (*Savali*, 14 March 1997). Thereafter the government assured Parliament and the public that the current chief auditor (who has been suspended without pay since 8

March 1996 [SO, 6 Oct 1996]) could reapply if he wished (SO, 13 March 1997). The chief auditor has yet to make a decision on that issue. He is more concerned about his lawsuit against the government on issues relating to natural justice.

Vaiusu is one of the villages in the Faleata West constituency. According to the government, representatives of Vaiusu had asked the current prime minister some time back for land totaling 396 acres at Tuana'imato (a village adjacent to and just inland of Vaiusu) to be handed over to them (*Savali*, 11 Dec 1996), as the government had done for other villages where part of their traditional lands—like Vaiusu—had previously been WSTEC land (SO, 18 Oct 1996). Because that was the only piece of land where the village people could grow their gardens of banana, *ta'amū*, and so forth, it was important that the government allowed them the free use of that land. After all, they argued, Tuana'imato was part of the traditional lands that had been taken away from them during the times of the Samoan wars and unscrupulous grab for land (by foreigners) in the mid and late 1800s (SO, 16 Oct 1996). When New Zealand took over the administration of Western Sāmoa in 1914, lands of which Tuana'imato was part came under its control as New Zealand Reparation Estates. With the relinquishing by New Zealand of political control to the Samoans in 1962, those lands came under the control of the Western Sāmoa Trust Estate. Not long ago, the HRPP government created the Western Sāmoa Land Board to be in charge of all WSTEC lands.

Although the prime minister was sympathetic to Vaiusu's request, he was not prepared to give up the Tuana'imato land as the government already had plans for it. Instead, the government gave them, free, government lands at Laloanea and Tanu-mapua, which were farther inland from Tuana'imato. Lands at these sites were subsequently divided by Vaiusu villagers among themselves (*Savali*, 16 Oct 1996). However, because these lands were farther inland than Tuana'imato land, among other reasons, Vaiusu villagers gradually drifted back to Tuana'imato land and replanted it. Early in October 1996, the Western Samoa Land Board started clearing Tuana'imato land to build a recreation park for the use of people near that area. An iron fence was erected to seal off the area. At this stage, on 13 October, Vaiusu villagers tore down the fence. Galvanized posts that had been cemented into the ground were pulled out and scattered alongside the road. Police officers were immediately on the scene. The incident erupted into gunfire, and six villagers were taken into police custody (*SO*, 18 Oct 1996). As the situation worsened, the prime minister ordered the police to leave the area until further negotiations could take place. When the area was vacated, Vaiusu villagers reoccupied the area and continued planting their food crops (*SO*, 16 Oct 1996).

The government argued that the reoccupation by Vaiusu of Tuana'imato and, more important, the revived urgency to have Tuana'imato lands handed back to them had been encouraged by candidates in the last elections. The candidates promised Vaiusu voters

that if they voted for them, one of the first things they would do when they were elected would be to have Tuana'imato lands returned to them (*Savali*, 16 Oct 1996). The government blamed these candidates and Vaiusu villagers for the current stalemate over the Tuana'imato issue. It also argued that Vaiusu people were unreasonable, because not only were the lands public lands that belonged to all people of the country (*SO*, 18 Oct 1996), but the government also offered them land elsewhere at no cost. Meanwhile, there is a general fear among the public about possible injuries to innocent people resulting from the dispute. In early August 1997, stone throwing at public vehicles passing by Tuana'imato road had injured some people. Ironically, one of the Vaiusu women was injured by the latest round of stone-throwing at public vehicles (*SO*, 1 Aug 1997). Furthermore, there is frustration among the traveling public at not being able to use the public road (which is much better and shorter than alternative routes) that runs through the disputed lands. Though in legal terms the government could do what it wished with public lands like those under dispute, the issue of lands being taken away from their traditional owners during colonial times is still worthy of debate.

On 7 April 1997, Jin Jipei, a Chinese national, arrived at Faleolo airport. While processing Jipei's arrival papers the immigration officer on duty noticed that Jipei was traveling on a Western Samoan passport with his own name on it. As Jipei's passport was signed by a person who was not an immigration officer in Apia, the

officer on duty detained Jipei. He then informed his boss (Mr B) about it by phone. Mr B's response made the immigration officer suspicious that some secrets relating to the issuance of passports to people who were not Samoan citizens had been confined to a small circle of senior immigration officers. On the following day, the immigration officer and Mr B were invited to a meeting with the prime minister. The incident sparked allegations in the media linking the government to what became known as the passport scandal (SO, 7 May 1997).

Chinese arrivals such as Michael Zhou confirmed that Western Samoan passports were being advertised in Hong Kong for ws\$59,800 (us\$26,000). Zhou himself, who arrived in Apia on 23 May 1996, paid ws\$20,400 (us\$9,000) for his Western Samoan visa (SO, 4 May 1997). The passport scandal revealed a number of matters that up till then were not known to the Samoan public. Among them: that questionable Western Samoan passports had been issued at places outside the Apia Immigration Office for large sums of money; that some of the Western Samoan passports that had mysteriously disappeared in the past had found their way into the possession of non-Samoan citizens (SO, 11 May 1997; 12 June 1997); and that both the present and the past governments were linked to the granting of Western Samoan citizenships, thereby legalizing the issuance of passports. When the leader of the opposition questioned the prime minister's involvement in the passport scandal in Parliament, the prime minister defended his actions by blaming the

opposition leader for starting the whole thing when, as prime minister, he granted citizenship to a Chinese national in early 1982, just before losing the prime ministership to the current incumbent (SO, 26 June 1997). Meanwhile, Jin Jipei's trial revealed that the passport number he had was meant for a Samoan citizen whose passport had mysteriously disappeared in the past (SO, 26 June 1997), and five immigration officers including the chief immigration officer had been suspended pending results of an investigation by a commission of inquiry into the passport scandal (SO, 16 May 1997). Yet to be made absolutely certain, however, are the places (country, city, etc) where the passports in question were issued, the identities of those who issued them, the "fees" for which the passports were issued, and where the money gained from the issue of those passports went.

Prime Minister Tofilau Eti moved a motion in Parliament on 5 March to change the country's name from Western Sāmoa to Sāmoa (SO, 6 March 1997). Tofilau argued that "the name change would take care of an inconsistency at the United Nations General Assembly in New York, where the country is known simply as Samoa" (SO, 6 March 1997). He blamed the leader of the opposition, Tupua Tamasese Efi, for having made the name change while he was prime minister in 1976. Tupua denied the allegation, saying "I suspect that the name change is a red herring" (SO, 9 March 1997), given the current controversy associated with the passport scandal.

Arguments against the motion included that by Tupua, who main-

tained that the name change could be traditionally offensive. He implied the possibility that the name Sāmoa could have originated from another part of Sāmoa that is not part of Western Sāmoa under the current political divisions. In that case, that part of “old” Sāmoa (that is, Sāmoa before the political division of its islands by Germany and the United States in 1900) could legitimately object to the change. In such a situation, what would our government do? he asked. Furthermore, he went on, even though Eastern and Western Sāmoa have been independent of each other since 1900, they share a common culture, a set of traditions, and their peoples are related by blood (SO, 6 March 1997). Others were of the view that a referendum should be held before any motion of such a nature was tabled. Opposition members of Parliament and interested members of the public drew attention to the huge task that would have to be undertaken to remove from official documents, of which the constitution is one, the name Western and its Samoan translation. The counterargument by the government is that no such thing would ever happen because the eastern islands had always been known as American Sāmoa, a territory of the United States of America. Western Sāmoa legally became Sāmoa when Parliament passed the prime minister’s motion.

ASOFOU SO‘O

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TOKELAU

In 1994—the last time a UN mission visited Tokelau—a statement known as “The Voice of Tokelau” was presented to the mission in an effort to articulate Tokelau’s view of its long-term “dreams and hopes” as it advances steadily toward an act of self-determination (Levine 1996, 200–201). During the year under review further strides were made in developing infrastructure identified in the “Voice of Tokelau” as a necessary part of the self-government process. Perhaps the most dramatic of these was in the area of telecommunications.

On 10 April 1997 Tokelau inaugurated its direct-dial telephone and fax linkage with the outside world. In doing so Tokelau became the last country in the world to introduce a telephone service, having relied previously on shortwave radio links to Apia. The very first call made using the new system was from *Ulu-o-Tokelau* Falima Teao, to New Zealand Prime Minister Jim Bolger. Another call made by the *Ulu* that same day was to the resident representative of the United Nations Development Program in Western Sāmoa.

The introduction of a modern telecommunications system presented significant engineering, legal, and financial challenges. The total cost of the project was NZ\$3.25 million, of which the New Zealand Government contributed around \$1.6 million and Tokelau over \$1 million, with the remainder funded by the United Nations Development Program and the International Telecommunication Union. Design and construction of the

system took about eighteen months, under the oversight of a project manager appointed by the International Telecommunication Union. The Australian telecommunications corporation, Telstra, installed three satellite earth stations, while the *aumaga* (village workforce) in each of Tokelau's three villages assisted the project by laying cable ducts and building the antenna foundations. At Fakaofu, the satellite antenna links include a 3-kilometer armored cable laid on the lagoon floor, with a joint just inside the reef pass. All telephone cables have been buried under the road in polyvinyl chloride duct pipes sized to allow for individual service to every house in Tokelau.

Appropriately enough, given the importance of these links to the outside world, Tokelau's General Fono used the legislative powers conferred on it by the Tokelau Amendment Act 1996 (Levine 1997, 242–244) to establish a government-owned business entity, Telecommunication Tokelau Corporation (also known as Teletok), in November 1996. This was the first exercise of these powers, and it was used to establish a basic structure for the operation of telecommunications systems in Tokelau.

A second infrastructural development focused on Tokelau's transportation needs. Tokelau does not have an air service, and its shipping service has been irregular and infrequent. Following considerable investigation, the New Zealand Government purchased a Polish-built freighter, now renamed *MV Forum Tokelau*, which was then modified to allow for both passenger and freight service on the Apia–Toke-

lau run. The purchase and subsequent upgrading (at a cost of over NZ\$1 million) was made using funds additional to those allocated by New Zealand to Tokelau for budgetary support (NZ\$4.3 million) and for project assistance (NZ\$1.4 million). The vessel, under the management of the Pacific Forum Line, is berthed in Apia and is being regarded as an interim solution. As with the telephone service, the new shipping arrangements raise complex problems of finance and management—whether the service should be subsidized, for instance—and have led to the setting up of a further government-owned corporation, Transtok. In May 1997 the *MV Forum Tokelau* made its first voyage to Tokelau, but the long-term challenge is to find a vessel that is fully suited to this service as well as to cover freight and passage costs from the Tokelauan economy.

A third infrastructural requirement, Tokelau's energy needs, has also begun to attract further interest. The current system relies on diesel generators, but an essential element of the telecommunications project is the need for reliable power generation. The use of photovoltaic cells as an additional energy source is being investigated.

As Tokelau's integration into the international community continues to unfold, deepening in stages, efforts continue to be made by Tokelauans themselves to interpret and expound upon Tokelau's changing circumstances. On 25 July 1996, the then *Ulu*, Pio Tuia, the *Faipule* of Nukunonu, spoke to the UN Special Committee—only the second time that a *Faipule* had spoken to the Special Committee (this had previously

occurred in 1987, the year after the third UN Visiting Mission to Tokelau).

Speaking of the infrastructural developments, the *Ulu* sought to put these into a Tokelauan perspective. "We are part of the world village and do not exist in a vacuum. More importantly, our fragile environment cannot support a large population, and we therefore have no option but to rely on the goodwill of the Government of New Zealand to allow our citizens free access into that country. That open doorway, however, becomes the horns of a dilemma for us. If the level of services and the quality of life on the atolls can no longer attract our people, the inevitable decline in our numbers could depopulate Tokelau to the extent that we can no longer provide a viable future for anyone wishing to remain."

Such comments emphasized Tokelau's economic dependence, a key element as it considers further steps toward self-government: "The reality is . . . that despite our efforts to be self-reliant to the greatest extent possible, Tokelau cannot totally sustain itself economically now or post self-determination. This is one of the most important issues in the minds of our people as Tokelau makes this journey. This is why Tokelau seeks assurances from the international community, through the United Nations, and New Zealand as administering power, that it will not be cast off to fend for itself."

The *Ulu*'s statement also referred to the work being done on a Tokelauan constitution, noting that (in the words of the General Fono's Special Constitution Committee) "a first glimpse" of a draft document had now been submitted to the General Fono. This consti-

tution-in-the-making emphasizes "institutional pillars that have withstood the test of time," but also recognizes "the need where appropriate to cover changing times and circumstances through the adoption of typically pragmatic Tokelau solutions."

In describing Tokelauan developments, the *Ulu* noted Tokelau's "historic aversion to change," reflecting "our situation of villages managing their own affairs with little interference from the outside world, let alone their kin in the next atoll just over the horizon." As a result, it was "thus a notable achievement that our people have shown a willingness to embark on this constitutional journey." Characteristically, the speech used maritime imagery: "The reality is that the Tokelau canoe is in uncharted waters. At all times, the capacity of our paddlers to stay the course is being tested."

Notwithstanding New Zealand's administrative powers with respect to Tokelau and the United Nations' interest in developments there, Tokelauans not surprisingly seek to maintain control over the pace and direction of change. As the *Ulu* observed, "We are taking on new responsibilities that require careful and considered thinking. For we wish to find solutions that suit our own circumstances. In other words this must be a Tokelau-driven process."

Tokelau's administrator, Lindsay Watt, also spoke to the UN Special Committee, likewise envisaging a Tokelauan journey as he described its progress toward self-government. "No journey from Tokelau is undertaken lightly. Traditional journeys

could only be accomplished by canoe. Commonly two hulls were lashed together. . . . Tokelau is embarked on a political journey that is as brave as the ocean journeys by canoe of old. For the first time ever its three atolls—physically separated by vast expanses of high seas and each enjoying substantial autonomy—seek to come together as one family, people and nation. This is the realization of what has long been sung and dreamt about. Quite literally this is a story of nation building. It's a human drama too in which a whole people are drawing upon the strengths in their own tradition and culture as they shape their new national governing arrangements."

Looking ahead to an eventual act of self-determination, note was taken of concerns in Tokelau that it might be "cut adrift in a post self-determination future"—an apprehension that has consistently served as a cautionary brake on too-rapid progress toward change. The administrator emphasized these concerns in his summing up: "I underline again Tokelau's bottom line: its need for reassurance. Local resources simply cannot cover adequately the material side of self-determination and self-government. This will be acknowledged in the free association formula which is under development. . . . for territories as small and precariously situated as Tokelau, self-determination is not an end in itself. It is a step—and a very significant step—in an ongoing process."

On 25 July 1996, the UN Special Committee adopted a resolution on the "Question of Tokelau," noting the

intention of Tokelau to adopt a free-association relationship with New Zealand in the expectation that New Zealand would continue to help "in promoting the well-being of its people." At the same time, the committee saw wider importance in the Tokelau experience, noting that "as a small island Territory, Tokelau exemplifies the situation of most remaining Non-Self-Governing Territories," so that "as a case-study pointing to successful decolonization, Tokelau has wider significance for the United Nations as it seeks to complete its work in decolonization." In broadly endorsing recent developments in Tokelau, specifically the provision of legislative and executive powers to Tokelau's national government, the special committee also acknowledged "Tokelau's need for reassurance, given that local resources cannot adequately cover the material side of self-determination."

The January 1997 message to the General Fono from the administrator characterized 1996 as "a year of consolidation," reflecting the end of the term of the first Council of Faipule (in 1995) and the complete change in its composition in the January 1996 elections. The years ahead, 1997 and 1998, were seen as "years of acceptance and implementation," as the system of government and administration, and developments in telecommunications and shipping, become more established.

The nation-building momentum has also been evident in progress toward a written constitution. Significantly, the document taking shape has been drafted in Tokelauan, not English. The

Special Constitution Committee reported to the January 1997 General Fono, providing a draft document for further discussion. It is possible that some ideas in the draft document with broad support in the villages may be implemented, with a full constitution being elaborated in a step-by-step approach. In language, style, and substance, Tokelauans appear to be developing an approach to governance distinct from the experience of other entities in which decolonization has taken place.

The return to Tokelau of its previously Apia-based public service has made possible a strengthening of village leadership and institutions. Reductions in the size of the public service at the national level are now regarded as part of a process of “re-empowerment” for local leadership. This involves village elders learning new management skills, while village work forces acquire new skills and knowledge. The intent is to have a small number of public servants at the national level, providing services only where individual villages are unable to do so. Tokelau’s new national government is to be small, active only where required.

The idea of public service functions being delivered in and by the village is not without its complexities. Is it possible for a person to be working for the village in the morning and for the nation in the afternoon? With schools, hospitals, and public works run by the villages, themselves subject to national standards and with some national funding, it may be possible to dispense with such departments at the national level, a further step in the erosion of

the size and influence of the Tokelau public service. A competing power center when it was located outside Tokelau, its future seems to be linked to the success of the program for “re-empowering the villages.” This depends on the capacity of villages to undertake tasks currently carried out by the public service, including various financial and organizational activities: running a budget; managing funds; providing jobs; having the skills to provide the necessary services.

It is emphasized that “re-empowering” does not mean simply going back to the past (although elders will have more power); “re-empowering” now requires up-to-date skills and the involvement of all those living in the villages. At present, village government employs just one official—the secretary to the village council (the *taupulega*); strengthening the villages represents a major step in the return to Tokelauans of a capacity to govern themselves. Accordingly, meetings held in Tokelau in May 1997 were devoted to working toward a smaller national public service and an enhanced village service. These meetings were attended by the three *Faipule*, village representatives, the administrator, and the two Tokelau public service commissioners. A new catch-phrase—“capacity building”—describes the work being done (or needing to be done) to strengthen the human and organizational skills in the villages, as preparations are made to transfer responsibilities to them.

The theme of a distinctive Tokelauan approach to governance emerged at the Caribbean Regional Seminar to Review the Political, Economic and Social Conditions in the

Small Island Non-Self-Governing Territories, held at Antigua and Barbuda on 21–23 May 1997. Tokelau was represented by Kelihiano Kalolo, a Tokelau teacher recently involved in a curriculum review in Tokelau and a doctoral candidate in anthropology at the University of Auckland (he will be Tokelau's first PhD when he receives his degree). His participation at the seminar reflects the importance of links between Tokelauans in Tokelau and those living outside the islands.

In emphasizing that Tokelau was "avoiding" independence "as a future option," Mr Kalolo described Tokelau as striving for "new, unique and innovative solutions" in its effort to be as self-reliant as possible (in economic, social, political, and constitutional terms). Tokelau's nation-building effort was described in this way: "We are enjoying a freedom to come up with our model of government based on our old and current way of life with a view to the needs of generations who will choose to live on these small islands. We are carving a canoe from freshly felled logs, not fashioning from old steel in the dockyards of London."

Reflecting on his own experience, Mr Kalolo described Tokelau as a "cultural reservoir" for all Tokelauans, noting that Tokelau can "continue to call on the pool of its qualified and educated people who live permanently in New Zealand." He told the conference that Tokelau's agenda for the future seems clear: as Tokelau changes, and forms itself into a nation, it is stressing continuity as well. "We must ensure that these activities in the formation of a nation are firmly based if they are to have any meaning and rele-

vance. This is why we are returning to the village—the center of all things in our culture. To re-empower the villages. To make them strong. To give them strength in order to support and give birth to a nation."

A further opportunity for an elaboration of the Tokelauan approach took place when, on 12 June 1997, New Zealand's Deputy Permanent Representative Peter Rider spoke before the UN Special Committee. He referred to the two "expressions of Tokelau's voice" referred to earlier—the Ulu's appearance before the special committee in June 1996, and the address at the regional seminar by Tokelau's special representative.

Mr Kalolo's "vivid expression" was interpreted as a rejection of the Westminster system ("old steel") for a fresh approach ("a new canoe from freshly felled logs") to the problem of government design. The entire Tokelau approach to the character of its own institutions of government reflects the unique circumstances of the New Zealand–Tokelau relationship. As Mr Rider stressed, "the Administering Power has never been physically resident, the style of administration has been notably light handed, each village has remained largely autonomous, and there has been no pattern of settlement from outside." By contrast, "had self-government in Tokelau been developing within a more traditional colonial pattern, Tokelau would not have had its present freedom—the opportunity to set the conditions and the goals. Past decolonisation practice in territories such as this has been to export the known governmental model (commonly Westminster based), assume

that it could be transplanted, maybe allow a certain local input into its evolution, but never really to start from scratch." It is this freedom to start anew (notwithstanding a reliance on Tokelauan values and traditions) that lends fascination to Tokelau's current and recent experience. As Mr Rider observed, "Tokelau necessarily has to throw this familiar approach on its head. It has to find an alternative—charting its own course, drawing upon its own tradition, developing its ideas in its own language."

There is a link between all these developments—between Tokelau's capacity to govern itself and the provision of basic infrastructure; between the ability to run basic services in the villages at an acceptable level and the ability (for instance) to communicate quickly and easily with suppliers in Apia and administrators in Wellington.

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TONGA

During the last year, the seemingly violent abuse of legal power in Tonga attracted widespread international media attention. The most sensational event was the Legislative Assembly's imprisonment of three men in September 1996 for contempt of parliamentary procedure. The negative publicity that such events attract tends to mask the quiet, steady application of the law by commoners which, upheld by members of the judiciary, defends their rights of citizenship. The three men, two journalists, Kalafi Moala and Filo 'Akau'ola, the editor and deputy editor of the newspaper *Taimi 'o Tonga*, together with the Number One People's Representative for Tongatapu, the controversial 'Akilisi Pohiva, were sentenced to imprisonment for thirty days from 20 September 1996, because they reported that the Legislative Assembly was to impeach the minister of justice. The information, prematurely published in the newspaper, was leaked from privileged parliamentary papers before the motion had been tabled in Parliament, let alone discussed. For this, the three were imprisoned.

Soon afterward, on 24 September, the Legislative Assembly did vote 11–10 in favor of a writ of impeachment against Minister of Justice and Attorney-General the Honourable Tevita Tupou. He had taken leave of absence, without the permission of the Speaker, to travel to Atlanta, Georgia, as the head of Tonga's Olympic team. It is alleged that he neglected his parliamentary duties while in receipt of salary. The newspaper was at fault

for publishing the story before the House had reached a decision.

The men's imprisonment created an uproar. On 7 October, Puisne Judge Jack Lewis, acting in the absence of the chief justice, confirmed the legality of the imprisonment, and declined a second application for habeas corpus. By 14 October, Chief Justice Nigel Hampton had returned. During a third application for a writ of habeas corpus, filed this time by a New Zealand lawyer sent by the Commonwealth Press Union to investigate the lawfulness of the men's restraint, Hampton found that the House had not followed its own rules of conduct: it had not carried out preliminary hearings, nor made recommendations to the men concerning contempt. Because the prisoners had been deprived of their constitutional protection of due process, the judge declared the procedure adopted by the House "unfair and unconstitutional," and ordered the immediate release of the prisoners. They had been in prison for twenty-six of their thirty-day sentence, during which Pohiva reportedly had suffered repeated asthma attacks.

The chief justice's quashing of the decision shattered the belief that the court had no right to interfere in the internal proceedings of Parliament, and brought the judiciary into direct confrontation with the legislature. The judge pointed out that because Tonga has a written constitution, the Legislative Assembly does not have the privilege of supremacy over the courts, as enjoyed in Britain (particularly since the Habeas Corpus Act of Charles II in 1679) because Britain does not have a written constitution. He rested his case

on Clause 90 of the Tongan Constitution, which states that "The Supreme Court shall have jurisdiction in all cases in Law and Equity arising under the Constitution and Laws of the Kingdom" (Lātūkefu 1975, 135).

This case has raised the serious issue of the independence and jurisdiction of the judiciary. Minister of Police the Honourable Clive Edwards is reported to have said that he feared that the overturning of the parliamentary decision by the court could have resulted in a breakdown of law and order, although it is not immediately clear why this should be so. The Speaker of the House, rather unwisely, told a journalist that, if the chief justice ordered the release of the prisoners, the Legislative Assembly would take action against him for overturning its decision. His remarks, duly published in the *Taimi 'o Tonga*, earned him the charge of contempt of court from the puisne judge, and the chief justice immediately removed himself from the bench on the matter in contention.

The ruling of the chief justice may eventually be examined in the highest Court of Appeal which, in Tonga, is the Privy Council with the King at its head. The revelation that certain noble members of Parliament believe the Legislative Assembly can overrule the judiciary will almost certainly have serious legal repercussions and generate much-needed debate on issues of procedure and the proper distribution of authority.

As it turned out, on 30 September the impeachment hearing had to be deferred until the 97th Legislative Assembly the following year because, on 3 October, about a month earlier

than the usual closing date, the King abruptly brought the 1996 session to a close. This move prevented discussion of annual reports from two ministerial offices, as well as the hearing of the impeachment of the minister of justice that had been accepted from the people's representatives by the House only four days earlier. It is part of the royal prerogative to set the dates of the opening and closing of parliament. The King reportedly made the decision because only two or three ministers would be in the House during October and November, the others being away overseas attending meetings.

The House had no option but to accept the King's decision, but has put the minister's impeachment as a top priority for the next session with the hearing set for 8 July 1997. Masao Paasi, the Number Two People's Representative for Vava'u, who in August had made history by being the first representative member of the House to present a Bill (for an Amendment to the Criminal Law Act), was selected as the prosecutor of the motion.

The use of the impeachment provisions of the constitution by representatives of the people against cabinet ministers, which occurred first in 1940, has been much debated in recent years because ministers of the Crown are chosen by the King. The editor of *Matangi Tonga* underlined the importance of Parliament's legal rights: "The fact that the House can impeach a Cabinet Minister proves a point that the Parliament can hold Ministers accountable for their actions and that they are also accountable to the parliament" (*Matangi Tonga*, Jan-Mar 1997, 3). The hearing promises to be a

protracted debate on these rights, and also on the rights of the Legislative Assembly in relation to the judiciary.

The other notable development is the degree of cohesion evident among the nine people's representatives. Frequently, in recent years, they have been markedly divided by rifts that have diminished their public credibility and their effectiveness in Parliament. The clash of temperaments has been toned down by the presence among them of older, experienced, and respected politicians, such as the newly elected Mahe Tupouniua, a former minister of finance. Now, at least, they keep talking to one another. Their new harmony undoubtedly will facilitate the presentation, if not the passage, of reformist legislation during the current parliamentary session.

In addition to the positive attitude evident among the people's representatives, there are signs that some newly elected nobles' representatives, for example, the Honourable Kalaniuvalu and the Honourable Tu'ivakano, who were elected in 1996, are not markedly opposed to the people's representatives, and may support reformist moves to some extent. In all, the potential alignments between some nobles' representatives and people's representatives augur well for reform, although perhaps not as much as the more optimistic of the people's representatives would hope for. The debates in the House, however, are likely to prove more constructive and less disrupted by personal rancor than in previous years.

People favoring reform are also expecting a great deal from the presence in cabinet of Dr Giulio Masasso

Paunga, who, in 1996, at the age of thirty-two, was appointed minister of Labour, Commerce, Industries, and Tourism, immediately upon his completion of a doctoral degree in Japan. Dr Paunga, like his father, the deputy prime minister, is a commoner. At the age of seventy-three, Minister of Health Dr Tapa stepped down after forty-nine years in public service, but the ministerial position has not yet been filled.

Whether these new appointments and alignments constitute a real cause for optimism among aspiring reformers remains to be seen. At the opening of the annual convention of the Pacific Islands News Association in August, the minister of police announced yet again that Tonga was the most democratic of nations because the freedoms had been granted to its citizens by its first monarch and were enshrined by law in the constitution. 'Akilisi Pohiva merely replied that this was so, but, for social and cultural reasons, many of the common people still felt too constrained to claim these individual freedoms.

The cynical or sage among the reformers remain acutely aware of the numbers still stacked against them, and the strength of their opponents. Were some of the nobles' representatives to break rank with cabinet members in order to support the people's representatives, or some cabinet members support reformist legislation coming from the Legislative Assembly, the achievement of the basic reforms that are called for in the Tongan system would still be a painfully long process, unlikely to achieve its aims without royal assent. The reforms could be

implemented much more swiftly and effectively from the top. The King, however, is believed to be even less enchanted with the desires and aims of the political reformers than he was five or six years ago, because of the disrespectful things that some of them have said about him. The abrasive manner in which the Crown Prince has been addressed in Parliament has also eroded the royal support for reform that was once quite discernible.

The idea put forward by the reformers, that all thirty members of Parliament should be elected by the people and that the monarch should choose his cabinet ministers from among their number, might have been considered favorably by the King in 1991, but will not be now. It would meet also with considerable opposition from the nobles, many of whom fear they might not be elected and would thereby lose more social standing than their own behavior has lost them already. Most of the nobles remain very conscious of their position in the kingdom, which depends largely on royal favor and appointment to state-associated positions, and do not want to see it further eroded by popular reforms.

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TUVALU

Since this is the first review of Tuvalu to be published in *The Contemporary Pacific*, some basic information is provided before the events of 1996–97 are discussed.

Independent from Britain in 1978 after nearly eight decades of colonial rule, Tuvalu, formerly the Ellice Islands and ruled jointly as part of the Gilbert and Ellice Islands Colony, consists of eight main small islands. The total land area of 26 square kilometers is spread over 900,000 square kilometers of the central Pacific. The highest point in the country is no more than four meters above sea level, and most areas are lower. The adverse consequences of global warming, sea-level rise, and the threat of natural hazards are matters of considerable concern. Of the total population of 10,114, about 2,000 live or work overseas and over a third are on the capital island of Funafuti, making it one of the most densely populated atolls in the Pacific. The skewed population distribution, exacerbated by a high rate of natural increase, puts considerable pressure on economic and social services.

Britain's Queen Elizabeth is Tuvalu's head of state, locally represented by a Tuvaluan governor-general whose functions are mainly ceremonial. Parliament consists of a single chamber of twelve members elected by universal suffrage. Of the eight main islands, four return two candidates each and the rest one each. Niulakita, the ninth island, is not considered a separate electoral district. The legislature is presided over by a Speaker elected by

members. Elections are held every four years. Cabinet consists of the prime minister and four other ministers, and cabinet meetings are attended by two ex-officio members: the secretary to the government and the attorney-general. The prime minister is elected by Parliament from among its members, and in turn he appoints the ministers. There are no political parties in the western sense, but those not with the government form an unofficial opposition. The current constitution, adopted in 1986, replaced the independence constitution of 1978. Tuvalu is not a member of the United Nations, but it is a member of a number of UN specialized agencies and the Asian Development Bank, and is a signatory to many UN treaties and conventions. It has special status within the Commonwealth and is a full member of many of the Pacific regional organizations.

Because it is small, remote from markets, and lacking exploitable natural resources, Tuvalu's economy suffers from many constraints. These include limited skilled human resources; severe problems in administration, transportation, and communications; and inadequate social and economic infrastructure. Tuvalu depends highly on development aid assistance for most of its capital formation and technical assistance. Traditional donors include Japan, Australia, New Zealand, the Asian Development Bank, UN specialized agencies, the European Union, and regional organizations. The Tuvalu Trust Fund—the first to be established in a developing country predominantly through donations from other countries—was set up

in 1987 to provide a source of revenue to the government in order to improve and strengthen its finances, improve social services, and help develop the economy. With initial contributions totalling A\$27.1 million, it has grown to A\$45 million in the first ten years. Lavish government and community celebrations, together with a five-day public holiday commemorating the fund's tenth anniversary in June 1997, must have made a sizeable dent in the fund's revenues.

In the year under review, Tuvalu underwent a most stressful period politically as it grappled with issues of governance involving traditional values and foreign political systems. The coalition government led by Prime Minister Kamuta Latasi had initiated a process to implement major constitutional changes. These included changing the national flag, preparing the country for a republican type of government, introducing legislative reforms to effectively support national development programs, and making amendments to the electoral law. The impetus of public sector and local government reforms was being successfully maintained through the personal interest of Latasi as minister responsible for these two areas.

In July 1996, Latasi and his official entourage paid a visit to Niutao Island—the home of former Governor-General Tomu Sione, who was dismissed in 1994 after being “unwisely” appointed by former Prime Minister Bikenibeu Paeniu. The people of Niutao had been bitter about the dismissal, and the purpose of the historic meeting was to try and reconcile any differences by applying traditional

ways of consultation, dialogue, and consensus. The matter was amicably settled, and relationships between the government and the Niutao people were normalized.

The agreement allowing Asia Pacific Telecommunications to rent many of Tuvalu's international telephone numbers came under heavy criticism from the opposition in 1996. The main reason was that some of these numbers were being used outside Tuvalu for “phone sex,” a practice that critics say is unchristian. However, the agreement earns much-needed foreign exchange for the country.

As the country geared up for the eighteenth independence anniversary on 1 October 1996, the government and the opposition found themselves in the middle of an unprecedented political crisis. The opposition demanded the resignation or dismissal of Prime Minister Latasi and his ministers. The crisis had started several months before the independence celebrations. Deputy Prime Minister Otinielu Tausi had been at loggerheads with Minister of Finance Koloa Talake for some time. The latter had a litany of queries probing the former's failure to submit his tax returns over a number of years, excessive claims for travel allowances, disputed payments for parliamentary privileges, and purchase of departmental stores from the deputy prime minister's private shop contrary to government purchasing procedures. Tausi had failed to submit satisfactory responses to the Ministry of Finance and was demanding that the minister of finance should either be moved away from the ministry or be dismissed. Tausi stopped attending

caucus meetings. Unable to bring him back to the fold, and under mounting pressure from other colleagues, Latasi dismissed Tausi from public office on 16 September 1996. As this was the first time that a cabinet minister was dismissed in such a manner, Tuvaluans witnessed the exercise of such political powers with a mixture of astonishment and trepidation.

Tausi accused other ministers of similarly abusing parliamentary privileges. He had also been very discontented with efforts by Latasi to persuade the opposition leader, Bikenibeu Paeniu, to join their group without discussing the matter first with all members of the coalition. Although strongly denied by Latasi, there may well be some truth in the assertion, as Paeniu was not only often seen during this period with the prime minister, but his performance in Parliament against the government had suddenly become less effective. Tausi joined the opposition, accompanied by Tomasi Puapua, the Speaker of Parliament and former prime minister. This left the government in the minority. With the change in fortune and the possibility of leading the new government, Bikenibeu Paeniu disassociated himself from Latasi and launched a vicious campaign against the government. The opposition canvassed strongly for the immediate resignation of Latasi and solicited the interventions of the overseas media, the governor-general, island communities, island chiefs, and elders, as well as the civil service. The opposition petitioned the governor-general on 27 September 1996, but the governor-general advised that he was not empowered to address such a

political situation. The constitution provides that the prime minister may be removed from office due to a lack of majority supporting him only by way of a motion of no-confidence moved in a session in Parliament. But a session of Parliament may only be called on the advice of the prime minister.

Latasi was not to be intimidated into resigning and indicated that the opposition should await the session of Parliament, set for December, at which time it could move a motion of no confidence. He advised that it was constitutionally legal for him to remain in his post until the December session of Parliament. This angered the opposition, who claimed that Latasi was hungry for power and argued that since they had the majority, it was incumbent on him to resign immediately. Alternatively, the opposition members argued, a session of Parliament should be called at once—and not delayed to December—so that Latasi's minority government could be voted out of power. The opposition increased its attacks on the government and declared a war of scathing personal remarks against Latasi, including putting considerable pressure on island communities to rise against the government.

In an unprecedented move, the opposition intervened in the public service and advised the public service commission and the budget committee (which was then preparing the 1997 budget) to cease all functions until the opposition had installed a new government.

In responding to opposition calls for support, the four most populous

islands (Nanumea, Vaitupu, Nukufetau, and Funafuti) said that the political crisis would be resolved in accordance with the constitution when Parliament met in December 1997.

Defeated in the historic motion of no confidence on 18 December 1996, the Latasi regime was succeeded by the government of Bikenibeu Paeniu, formerly prime minister from 1989 to 1993. Although it had only to rule for the remaining year before the general elections, Paeniu's new government started off with a long and ambitious list of the things it wanted accomplished. Paeniu's desire to do many things all at once is exemplified by his "Vision 2015" policy statement, delivered to Parliament in April 1997. Critics argued that the document lacked focus and, contrary to its title, failed to provide any vision.

Paeniu's government immediately withdrew the new flag and returned the country's old flag. It halted all efforts to prepare the people for a republican political system, leaving the constitutional lawyer recruited specifically to assist with constitutional changes grossly underemployed. It sacked the chairman of the Public Service Commission for standing up for the constitutional rights of the commission at the time when the then opposition demanded that the commissioners to cease all their functions until a new government was formed. A couple of investigatory inquiries were conducted into public servants suspected of having been involved in a political way during the period of the political crisis. The question remains, however, whether the government would penalize a civil servant who

may have acted in a political way that was advantageous to a member of its team, or whether they are looking only for those who may have acted against their political interests.

As prime minister, Paeniu was better placed to ingratiate himself with the Niutao community over his "unwise" appointment of Tomu Sione as governor-general in 1993. Special efforts were made to find employment for him. Paeniu appointed him as a local government consultant after New Zealand rejected Tuvalu's attempts to employ him as the Tuvalu liaison officer based in Auckland. Although a similar exercise had been carried out in 1995, the government conducted a People's Congress on the island of Niutao in late June 1997, with about a hundred delegates from the government and various island communities to look at reforms in local government. The second member of Parliament from Niutao Island, Baueri Irata, in addition to his parliamentary duties, was appointed on a full-time basis to replace the chairman of the public sector review committee, thus cementing further Paeniu's relations with the Niutao community.

The political landscape during the year under review was dominated by increasing "obsessive personalism" in the various policies and actions of the political leaders. Domestic politics has increasingly become more and more complex, raising grave doubts about whether the "peaceful paradise" appellation is any longer appropriate for the country.

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