

## Political Reviews

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*Micronesia in Review: Issues and Events,  
1 July 2014 to 30 June 2015*

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### COOK ISLANDS

On the eve of celebrating half a century of constitutional self-governing in the Cook Islands, the period in review was dominated by the aftermath of the July 2014 general election. This included nine court petitions, two by-elections, and one defection. The results saw the Cook Islands Party return to power with a one-seat majority to lead the country for the remainder of the four-year parliamentary term. Public voices were raised and rallied during the year under review. A key area of concern included marine resource management and purse-seine fishing. Along with preparations for the celebrations of fifty years of independence, the relationship of the Cook Islands with New Zealand came under scrutiny. Eyebrows were raised over the Cook Islands' interest in pursuing United Nations (UN) membership. The portability of the New Zealand Superannuation for Cook Islander residents in New Zealand also stirred interest. Both of the latter issues highlighted the fact that the Cook Islands can certainly be heard but not necessarily heeded in the domestic and international policy spaces of its sovereign partner and colonial master, New Zealand.

Electoral uncertainty pervaded the

year. In order to form a government, a political party needs 12 of the 24 parliamentary seats. The general election saw fifty-four candidates, including seven women, contest the twenty-four constituencies. The preliminary results had the Democratic Party ahead with 11 seats, the Cook Islands Party with 10 seats, and the One Cook Islands Party with 2 seats. The Tamarua seat of the island of Mangaia was tied.

Counting of special and postal votes saw the final results swing to give the Cook Islands Party 13 seats. The Democratic Party losses included the defeat of their leader, Wilkie Rasmussen from the island of Penrhyn. The Mitiaro Island seat was also tied.

Of course, matters did not end there, with nine petitions lodged in court. Three petitions were withdrawn, with the remaining heard by the court. Petition dismissals saw Nandi Glassie and first-timer Rose Toki Brown survive petitions alleging bribery. They took up office as Cook Islands Party representatives for the Island of Atiu (CIN, 18 Sept 2014). The petition concerning the Manihiki seat held by Prime Minister Henry Puna was also dismissed following claims of bribery and unqualified voters (CIN, 10 Sept 2015). The Tamarua seat petition based on voter ineligibility was proved. This enabled the seat to be secured by Tetangi Matapo as the third female Member of Parliament for the Democratic Party, following a recount.

By this stage of the proceedings, Finance Minister Mark Brown called for electoral reforms, as a number of petitions were based on voter ineligibility. He advocated the “establishment of a fulltime electoral office and chief registrar” (Pacific Scoop, 28 Sept 2014). By October 2014, the Cook Islands Party held a one-seat majority as it awaited the outcome of the court action to decide on the Mitiaro draw and a Vaipae-Tautu petition.

The tied Mitiaro result of 50 votes each saw the Democratic Party first lodging in court a petition claiming bribery and treating in the run-up to the election and then withdrawing the petition. In November, this late withdrawal was successfully appealed by the Cook Islands Party. On hearing the matter, Chief Justice Thomas Weston deemed one voter ineligible. The subsequent recount saw long-serving Democratic Party member Tangata Vavia receive 50 votes, just ahead of Tuakeu Tangatapoto's 49 votes. In December, High Court Judge Hugh Williams dismissed the Cook Islands Party challenge over the eligibility of three voters, thereby upholding the recent recount results. Not content to let this result lie, the Cook Islands Party unsuccessfully took the matter to the Court of Appeal in New Zealand, as one voter had chosen to leave Mitiaro for medical reasons (*CIN*, 18 Feb 2015). Once all petitions had been heard in December, the Cook Islands Party had 11 seats, the Democratic Party had 10, One Cook Islands Party had 2 seats, and a by-election was ordered for the Aitutaki electorate of Vaipae-Tautu.

Sadly, February 2015 saw the unexpected passing of Democratic

Party candidate Kete Ioane. In the midst of his campaign for the Vaipae-Tautu by-election, Ioane, age sixty-four, died in New Zealand following a short illness. He was known as a quiet achiever and humble man whose organizational skills brought many projects to fruition. He was considered a man of the people and for the people. His career as a Member of Parliament began in 1999. His portfolios included Environment, National Heritage, House of Ariki, Parliamentary Services, and the Outer Islands (*CIN*, 16 Feb 2015).

As many mourned Ioane's passing, a new date for the by-election was set for 31 March 2015. Previously the Democratic Party–One Cook Islands Party coalition had Teina Bishop acting as Ioane's campaign manager. However, instead of supporting Kete Ioane's replacement, the One Cook Islands Party named retired school principal Amiria Davey as its candidate. Davey had originally been in the running to be the new Democratic Party candidate (*CIN*, 4 March 2015). In honor of her husband, Teinakore Ioane was named the Democratic Party candidate to stand against Davey and the Cook Islands Party candidate, Mona Ioane. This inclusion of a third candidate gave an inkling that all was not well in the Democratic Party camp or in its coalition with the One Cook Islands Party.

Unfortunately the Democratic Party suffered yet another loss. Despite his win as a Democratic Party candidate for the Avatiu-Ruatonga-Palmerston electorate, first time Member of Parliament Albert Nicholas then crossed the floor to join the Cook Islands Party. This one seat shift took the

Cook Islands Party numbers from 11 to 12, giving it enough to form a government. Enticed by a seat in cabinet, Nicholas now held portfolios including Internal Affairs, Ombudsman, Youth and Sports, and the government-managed marketplace in Avatiu, the Punanga Nui.

Nicholas's party hop had been two months in the planning. He considered this move as representing a coalition between his constituency committee, the Cook Islands Party, and the people of his constituency. In addition to being an arrangement that would benefit the constituency, he believed that he was "doing this in the hope that it gives political certainty to our country" (*CIN*, 25 March 2015). This sentiment was shared by Prime Minister Puna. Of course this was not the view of the Democratic Party, which condemned Nicholas for his actions. Under the anti-party hopping provision of the 2004 Electoral Act, Members of Parliament who switch parties cannot vote on matters of appropriation or confidence in the prime minister. This effectively means that if Nicholas votes to support the government on such matters, his seat can be declared vacant, forcing yet another by-election (*CIN*, 16 March 2015). However, no such opportunities arose. Days after Nicholas's move, the Aitutaki by-election saw Cook Islands Party candidate Mona Ioane voted back in. The remaining votes were split between Davey and Teinakore Ioane. The win gave the Cook Islands Party a thirteen-seat majority and the ability to govern unencumbered.

Despite the win, all is not settled for the troubled seat of Vaipae-Tautu. After initially winning the seat in the

general election, former policeman and lawyer Mona Ioane was accused of bribery in December 2014. The matter was referred to the police commissioner for investigation, and the election result was declared void. At the time, Ioane had been appointed as the cabinet minister for Education, Justice, and Marine Resources; however, Prime Minister Puna considered it improper to bestow a cabinet seat on Ioane while the case was under police investigation (*CIN*, 27 April 2015). By the end of the period under review, no charges had been laid. If charged and then found guilty, Ioane would have to vacate his seat and a by-election would have to be held.

A second police investigation of a political leader also remains unresolved. The corruption investigation of Aitutaki Member of Parliament Teina Bishop continues to linger into its second year. Since July 2013, investigators have continued to look into allegations of bribery and corruption leveled against Bishop when he was minister of Marine Resources. Included in the investigation are his relations with Huanan Fishery (Cook Islands) Company, a subsidiary of Luen Thai Fishing Venture. No charges have been filed in connection with the long-running investigation, and Bishop has frequently expressed his exasperation at the delays in bringing the matter to a close (*CIN*, 16 March 2015). As with Ioane, if he is charged and then found guilty, he will also have to vacate his seat and another by-election must be held.

Overall, the results have shown that all has not gone well for the Democratic Party, despite its retaining the confidence of the majority of Cook

Islands voters. In departing from his seat and role as party leader, Wilkie Rasmussen called for a new governance model that better suits our type of small island state, like the democracy in Jersey, United Kingdom, where members are independent with no political parties, the queen is head of state, and the government is split with 12 senators, 12 constables, and 29 deputies. Rightsizing Parliament with seats based on quality and merit rather than quantity was also advanced (*CIN*, 24 Jan 2015). With William “Smiley” Heather appointed as the Democratic Party leader and Ngatangiaa rookie Member of Parliament Tama Tuavera named deputy leader, there has been no indication that such a transformation has found favor with the new-look party or with the Cook Islands Party as it gets on with serving out the remainder of its four-year term in power.

Besides electoral politics, the year under review also saw attention focused on the fiftieth anniversary of independence. All kinds of events have been planned for a year of constitutional celebrations. A New Year’s Day music festival was already held but much is centered on the annual constitutional anniversary, to be held on 4 August 2015. This will include the participation of each island at national cultural and sporting events as well as commemorative services to be attended by local and international supporters of the country.

The annual Development Partners meeting held in February 2015 and themed “Journey to Development” was attended by a number of international partners. The weeklong meeting provided an opportunity for the gov-

ernment and its development partners to consider the country’s progress and commitments to the country’s development agenda. This included making “island sense” of development with increased use of national systems in addressing the ongoing challenges of depopulation, a fragile environment, and limited economic base. Also during February, the University of the South Pacific and the Office of the Prime Minister convened a series of climate-change fora aimed at building awareness about its potential impacts. Well supported by local individuals and organizations, the fora drew on the substantial knowledge and experience of Cook Islands experts.

During the year, government attention continued to focus on climate finance as a potential resource for the Cook Islands development agenda. Over the medium term, the Cook Islands as a middle-income country will no longer be eligible for development assistance from the Organisation of Economic Cooperation and Development. Officials have set their sights on accessing potential climate finance through global funds such as the Adaptation Fund and the new Global Climate Fund with US\$10 billion in pledges. Globally, the Adaptation Fund has over US\$265 million dollars allocated for forty-four countries to increase climate resilience. However, of the seventeen national implementing agencies already accredited, none are from the Pacific. In order to be accredited, the Cook Islands Ministry of Finance and Economic Management made an application to the Adaptation Fund board to become a National Implementing Entity. According to ministry official Lavinia

Tama, if successful, the Cook Islands will be able to move funds directly into government systems. This will do away with the middleman and the ticket clipping that currently happens with funds managed by third-party organizations (*CIN*, 15 Dec 2014).

The Cook Islands-style sovereignty of free association with New Zealand also came into focus this year. While it was reported that the New Zealand government was not looking to change the existing relationship, media claims surfaced that the Cook Islands “was pushing for independence from New Zealand at the cost of losing New Zealand citizenship” (*CIN*, 10 June 2015). However, it would seem that the interest was actually in obtaining a seat as a member state of the United Nations, without necessarily losing New Zealand citizenship.

Over the last fifty years, the Cook Islands has shown its ability to act like an independent state. It has established diplomatic relations with forty-three states and is a member of over forty-two organizations, including United Nations specialized agencies. It has also signed more than two hundred multilateral and bilateral treaties (Cook Islands Ministry of Foreign Affairs and Immigration 2015). UN membership was considered by the prime minister’s chief advisor, Trevor Pitt, to be a natural progression for a maturing country and to have more to do with diplomatic competency to participate in international affairs than with obtaining aid (*CIN*, 30 June 2015; *Stuff*, 31 May 2015). The current government, like previous ones, has yet to apply for UN membership, so the Cook Islands’ eligibility remains unresolved (Igarashi 2001).

The nature of Cook Islands sovereignty was also highlighted this year in its ability to present its views on New Zealand domestic policy issues that cross international borders. One such issue was the eligibility and portability of superannuation payments from Cook Islanders back to the Cook Islands on their retirement. Prime Minister Puna presented the Cook Islands case to the Social Services Select Committee on the Social Assistance bill. Currently Cook Islanders are required to live in New Zealand for five years after the age of fifty to be qualifying residents for Superannuation. The Cook Islands, along with Niue, sought the removal of this requirement. The Cook Islands submitted that an amendment would enable the earlier return of Cook Islanders as well as prevent the negative impacts experienced by some Cook Islanders having to return to New Zealand to qualify.

Noting the issue of depopulation (Cook Islands Government 2011), high levels of human mobility, and the changing demographics of the Cook Islands population, such a submission can be seen as addressing ongoing challenges associated with the economies of “large ocean-states” (Stone 2012). Furthermore, the Cook Islands submission highlighted the Cook Islands’ place in the “realm” of New Zealand (whereby the Cook Islands, with its agreement with New Zealand, shares the queen of the British Commonwealth as head of state) and the existing principle whereby foreigners are able to qualify for New Zealand citizenship by maintaining five years’ residency in the Cook Islands. As such, this principle could be applied

to the New Zealand Superannuation with the five-year requirement also fulfilling the qualifying requirements (*CIN*, 23 Feb 2015). The Cook Islands call to amend the social assistance bill gained support from New Zealand Parliamentarians such as Winston Peters and Cook Islands descendant Poto Williams, Labour Member of Parliament for Christchurch East (*CIN*, 2 May 2015). In the end, the New Zealand Parliament passed the bill without the changes.

Civic actions were stirred with public opposition to the issue of overfishing. Purse-seine fishing and fish-aggregation devices are believed to have resulted in the reduced access to fish stocks for subsistence fishers and game-charter fisheries (*CIN*, 16 April 2015). In April 2015, more than one hundred protestors took to the main street of Avarua, Rarotonga, calling for a total ban on purse-seine fishing in Cook Islands waters. In May, a long-awaited meeting was held with the prime minister and Secretary of the Ministry of Marine Resources Ben Ponia and representatives of Te Ipukarea Society (TIS). In representing the environmental group leading the lobby for fishery reforms, TIS President Ian Karika and technical director Kelvin Passfield were able to put their side of the debate to the prime minister. However, any possibility of a ban must contend with Secretary Ponia's view that "we are dealing with a regional fishery and if we wish for it to be managed responsibly, our challenge is to engage with industry and other Pacific Islands and not simply disengage and demonise fishing" (*CIN*, 27 April 2015).

Further action in the anti-purse-

seining campaign saw a petition initiated. Four thousand signatures were collected from across the country. As a first for Te Ipukarea Society, the petition has gained a lot of support, although this was not the case on the island of Aitutaki. The Island Council there would not allow the petition to be placed in major stores on the island, thereby limiting opportunities; and only 20 percent of the voting public's signatures were gathered (*CIN*, 9 June 2015). The petition was presented to Parliament during the June 2015 sitting, which was the first since October 2014 when Parliament passed the budget. Democratic Party Member of Parliament for Murienua James Beer undertook to table the petition and ensure that the concerns of the campaign were dealt with in Parliament.

The long-awaited family law reforms took one step closer to becoming reality. The Family Law Bill has inched through the lawmaking processes with its second hearing. A select committee chaired by Member of Parliament Mona Ioane has been established. The legislation intends to modernize laws related to divorce, child support, parenting arrangements, domestic violence, and the care and protection of children (*CIN*, 29 June 2015). However, its progress is seen as frustratingly slow by those who tirelessly advocate against family violence and provide support to victims of domestic violence (*CIN*, 29 May 2015). Let's hope the public outcries afforded political, economic, and environmental concerns can be equally invoked when it comes time to make public submissions to the select committee.

Overall, the Cook Islands has



managed to get through its election-year controversies despite two by-elections still possibly in the cards. With the fifty-year sovereignty celebrations now underway, it is likely that further political disruptions will be pushed to the backburner until all celebrations have been completed.

CHRISTINA NEWPORT

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### FRENCH POLYNESIA

Politics in French Polynesia during the year under review was dominated by a profound leadership struggle between veteran politician Gaston Flosse, who lost his position as president of the country, and his successor and former son-in-law Edouard Fritch, who successfully freed himself from his former mentor's overbearing influence. Yet it came at the price of breaking up the solid majority arising from the 2013 election and throwing the country into a new period of political instability.

It all started in July 2014, when the French justice system finally started catching up with Flosse's various cases of corruption after decades of ineffective handling. On 23 July, the Paris Court of Cassation, a court that examines prior cases for procedural errors, confirmed a previous criminal conviction that Flosse had first appealed, to no avail, and then re-appealed. While the court suspended Flosse's jail sentence, it confirmed a fine of 125,000 euros (US\$138,000) as well as a deprivation of his civil rights. The president was thus legally barred from voting or serving in an elected office for a period of three years (TI, 23 July 2014).

The substance of the charges was the so-called fictional employment affair, going back to the late 1990s and early 2000s, when various politicians and trade union leaders had been given paid jobs at the presidential office without ever working there, a