

round, the chief executive of the ministry announced his resignation.

At every one of the thirteen *hui* called, the proposals were once again rejected. Slowly, the minister of treaty negotiations started to concede that maybe the government had misread the situation. He acknowledged that Māori did not accept that conservation lands could not be used for settlement, or that gifted lands should only be returned under certain conditions. He also accepted that the Crown alone could not determine and control the negotiation and settlement process. He went as far as saying that Māori self-determination and a Māori parliament were not pipe dreams and deserved serious consideration and open debate by all New Zealanders. But the prime minister was quick to squash any notions of Māori sovereignty, stoutly declaring that there could only ever be one Parliament and one law for all.

By late May and June the government was sending out feelers to see if it could perhaps settle some of the bigger claims before next year's general election. Again it chose to seek the advice of the fisheries negotiators it had chosen in 1992, but this time the tribes moved to stop those individuals selling them out again. At present the media is reporting major disruptions among some tribes as they try to rein in leaders who no longer hold the tribal mandates they may have had five or ten years ago.

MARGARET MUTU

NIUE

The year 1994-95 was one in which political partisanship took new forms in Niue's politics. In December 1994 the 20-member Niue Assembly became deadlocked when the opposition failed to pass a motion of no confidence. The 10-10 vote came in what was the third motion of no confidence brought against the administration of Premier Frank Lui in 1994.

The first, oddly enough, resulted in the government retaining office with an increased majority (Levine 1995, 157-158). A second motion, introduced in the Assembly in November 1994, embraced somewhat convoluted logistical, constitutional, and political calculations. As has occurred previously, the motion was submitted while Cabinet ministers were overseas. Because Niue's constitution (section 6 [2]) provides that the motion must come before the Assembly within ten days, the two ministers, Terry Coe and Sani Lakatani (half the Cabinet), were able to return to Niue, and so save the government from defeat, only by catching the one flight per week to the island. Matters became more complicated when Lakatani, who had lost his finance portfolio during a Cabinet reshuffle in October (he retained responsibilities for economic development), resigned from the Cabinet on 8 November, two days before the scheduled debate on the no-confidence motion. That debate never took place, however, as Niue's chief justice upheld a challenge to the vote that had been filed in the High Court by Premier Lui. Justice Dillon ruled that the motion of no confidence was unconstitutional

and invalid, because it had not been moved by the required minimum of four Assembly members "who are not Ministers" (section 6 [1] [b]). As there was no longer any motion to debate, the Assembly did not have to convene until called by the Speaker at the request of the premier (section 22 [1]). The opposition, which could have presented a new and constitutionally valid motion, was, at least momentarily, thoroughly outmaneuvered.

The nine days in November between the introduction of the second no-confidence motion and the chief justice's decision saw an unprecedented campaign by the premier, Cabinet ministers, and progovernment Assembly members, involving rallies and meetings in Niue's villages at which people were urged to persuade their representatives to support the government. As with previous attempts to unseat the government, the dispute in the Assembly was reflected in divisions not only around the island but within the families of the twenty Assembly members as well.

By late November the opposition had regrouped, declaring itself the Niue People's Party. Its parliamentary leader was Young Vivian and its spokesman, and later its president, was the former secretary to government, Terry Chapman, who had been defeated in a bid for election to the Assembly at the 1993 general election. On 7 December, the next sitting of the Assembly, 1994's third motion of no confidence was moved, with Chapman claiming that internal divisions within the Cabinet were causing political instability and that there had been no

progress for Niue under the island's current leadership.

As the vote approached, Premier Lui, 58, a former New Zealand public servant and at one time a New Zealand champion wrestler, was reportedly considering holding a snap election in a bid to prevent his ouster. His constitutional options were limited, however. Under Niue's constitution (section 6 [3]) the premier would have had five days after losing a no-confidence vote to determine whether to resign or call an early election. If he chose an election, it would have to be called within six weeks (section 26 [2]); otherwise, the constitution prohibits governments from calling elections (except when defeated on confidence motions in the Assembly) earlier than three months before the expiry of its three-year term (section 26 [1] [b]). Consequently, the earliest date for an election called by the premier would be December 1995.

In January 1995, in the aftermath of the 10-10 vote, the opposition lodged an appeal to the governor-general of Niue (and of New Zealand), Dame Catherine Tizard, resident in Wellington, urging her to intervene to end the "hung Assembly" stalemate by dissolving the Assembly and calling for new elections. The next month, following consultations, Dame Catherine rejected the opposition's petition, saying there were no constitutionally valid reasons for her to become involved in what was essentially a political dispute.

Although the premier has argued subsequently that he still has a mandate to govern, the opposition has made it difficult for him to do so. Only

three bills have been enacted since the 10-10 vote and these were passed while members of the opposition were not present in the Assembly, which meets infrequently. The Niue People's Party has prevented passage of legislation (relevant to a New Zealand-funded tourism project) to set up a Niue tourist authority, a success that marks the first time government legislation has been blocked since New Zealand granted self-government in 1974.

Following the failure of the tourist authority bill to pass its second reading in the Assembly, and faced with the Niue People's Party's declared commitment to prevent consideration of all motions and legislation, the government withdrew further bills. Instead, it resurrected a twenty-five-year-old colonial ordinance (introduced in 1970 by New Zealand) as the means of establishing the four-person tourist board, which is responsible for marketing, tourism promotion, and planning. Its establishment was considered both vital and urgent, because New Zealand had indicated it would no longer provide special funding to a tourist authority unless a formal statutory body were set up to administer the funds.

The premier has vowed to govern even if the opposition were successful in blocking passage of the government's budget, which was presented to the Assembly (which neither approved nor rejected it) in late June. Its passage could be deferred for some months, as 25 percent of the government's budget can be spent in advance of Assembly approval. However, the failure to pass an appropriation bill would begin to

present difficulties by late September or early October: a particularly awkward time, as Niue commemorates the twenty-first anniversary of Constitution Day on 20 October and large celebrations are planned. Indeed, the Lui administration scaled down the annual event in 1994, saving its energies and resources as it looked ahead to a major event in 1995 to which Pacific Island leaders and dignitaries were to be invited. Premier Lui, having in effect deprived himself of presiding over the 1994 celebrations, wants to remain in office at the very least through the 1995 Constitution Day festivities.

The Niue People's Party claims to be ready for an early election, with candidates selected for each of the twenty Assembly seats and a party platform being developed. The approach to government taken by its leading figures, including Lakatani, is more in keeping with the stance taken by Niue's first (and longest serving) premier, Sir Robert Rex, favoring more interventionist policies for the state based on ongoing support from the New Zealand government and other aid donors. This stance, which tends to see Niue's economic development as inevitably dependent on externally supported government programs, is at variance with New Zealand's resources and priorities. These have led to cuts in recent years in assistance for budgetary purposes (which went hand in hand with a major reduction in the size of Niue's public service). The Lui government, seeking to move Niue forward in such an environment, has been seeking to reduce Niue's dependence on New Zealand and on government initiatives.

Although the island has been polarized by the political stalemate, the government has taken a relaxed attitude toward developments. The apparent rise of party politics on Niue, and the legislative stalemate that has been one of the immediate consequences, marks an important change for Niue's politics. Previously, Niue could be characterized as a "no party" state, its elections and constitutional government proceeding without aid (or hindrance) from formal party structures. Sir Robert Rex saw this as a virtue, advising me, in December 1980, in an interview in his office in Niue's capital, Alofi, that Niue had no need of party politics, that its introduction would be contrary to the Niuean way, and that party competition would prove too divisive for Niue's small size and limited population.

But party politics was not the only cause for division on Niue during 1995. Cabinet declared a seventy-seven-year-old Australian priest, Father Kevin Glover, who had been resident for five years, to be a threat to the "peace, order and good government" of Niue and ordered him deported. In response, Father Glover took legal action to prevent the order being carried out, and in due course the dispute between the government and the priest brought Niue some rare (if unwelcome) publicity. Father Glover and Premier Lui (among others) featured in an inquiry (not very favorable to the government's position) broadcast in New Zealand and the Pacific on the television program, "Sixty Minutes."

The government maintained that allegations made by Father Glover

meant that he was no longer physically safe on the island and that, in any case, his conduct had breached the terms of his residence permit. Minister of Education O'Love Tauveve Jacobsen claimed that Father Glover had been "culturally insensitive" and that his deportation would send a message overseas that Niue's laws were to be upheld and Niueans respected. While the premier accepted that Father Glover had not broken any laws, he argued that his departure was necessary following some of the critical statements he had made (that were broadcast on Niue).

Inevitably the dispute became associated with freedom-of-expression issues. Chair of the Niue Broadcasting Corporation Tiva Tongatule reported that the premier had told her to withdraw Father Glover's radio prayer program because the "prayers" contained too much political content, including personal criticism of government officials. Despite some concerns about government censorship, the program was banned on the grounds that its content did not meet the criteria set down by the broadcasting corporation. A complaint about the material had also been made by Jacobsen, whose responsibilities include religious affairs and broadcasting.

Other conflicts involving freedom of expression arose as feelings about Father Glover's deportation order, and the possibility of government censorship, became more heated. Although it was argued that Father Glover's criticisms could be expressed in Niue's weekly newspaper, the *Niue Star*, rather than through the broadcast media, the newspaper was also

attacked by the premier for biased political reporting. Furthermore John Rex-Woods, an Australian economic adviser employed for two years by the government and the husband of the paper's former part owner-editor, was also served with a deportation order that was subsequently challenged in the High Court.

Although there are only about one hundred forty Catholics on Niue, a petition circulated on the island, supporting Father Glover and calling on the government not to proceed with the deportation order, gathered a large number of signatures (about half of the adult population). Some of this support arose as the controversy merged with pro- and antigovernment sentiments: the Niue People's Party, not surprisingly, backed Father Glover, supporting the petition at least in part as an antigovernment move.

In April 1995 the case was adjourned after a ten-hour hearing. Niue's chief justice, noting that the issue was polarizing Niue and that it was in everyone's best interest to reach what he described as a voluntary solution, asked lawyers representing the government and Father Glover to try to resolve matters out of court. Following this request, the Niue Cabinet met to reconsider its position and agreed to revoke the expulsion order on condition that Father Glover "voluntarily" leave Niue by the end of June. This approach, it was stated, would provide Father Glover with the chance to leave with dignity while preserving Cabinet's view that he was no longer welcome on the island.

With matters still unresolved, Father Glover found it necessary to

leave Niue for medical treatment, delaying court proceedings. However, on his return to Niue, legal proceedings resumed. When the Cabinet's decision was read out to him, the chief justice announced that he was happy that the out-of-court settlement had been reached, saying that it had been resolved "the Niue way." On the priest's departure the deportation order was to be canceled. At the same time the Catholic Church was to provide a replacement for Father Glover, whose other legal dispute, a defamation suit, came to an end when he apologized to education officials who had brought the action against him.

Apart from his involvement in the second no-confidence motion and the Father Glover dispute, the chief justice was also prominent in emphasizing the need on Niue for a women's support group to help victims of sexual abuse. He made this statement during the sentencing of three men on separate charges of indecent assault and incest, saying that he found it incredible to learn that a victim had been shunned by her extended family and by people in her village after reporting the offenses. The needs of Pacific Island women were also on the agenda at the third meeting of Pacific Island women television producers, held at Alofi in December. The gathering, which included women from Fiji, Western Samoa, the Cook Islands, and Niue, was part of a UNESCO project encouraging more participation by women and a greater emphasis on locally produced television programs.

Niue's growing participation in international and regional organizations was also reflected at the United

Nations social summit in Copenhagen. Niue's national planning and economic development minister, Aokuso Pavihi, stated at the summit that many Pacific Island countries had been denied the assistance needed to develop. Describing Niue as a welfare state, the minister put the blame on the international community, arguing that "failures of the development efforts so optimistically handed out in the '60s have put Niue there": "it is time to lend a hand to reverse this situation." Another move toward greater external involvement saw Niue attend the Asian Development Bank conference in New Zealand as an observer. Niue has since applied for membership of the bank, which would make it eligible for loans and technical assistance.

As for Niue's ongoing challenges—retaining its population and promoting economic viability—the year 1994–95 brought mixed developments. The island experienced its first recorded instance of population growth for twenty years, with numbers rising by 82 (to 2321) since 1991. In October 1994 public servants received their first pay raise in six years, the government awarding a 10 percent cost-of-living allowance. However, a review found the economy stagnant, with a lack of confidence in the business sector; tourism was described as at an all-time low, its poor performance in turn having a dramatic (and negative) effect throughout the island's economy.

One sparkling success was a taro export program, which earned us\$74,000 for growers (mostly former public servants made redundant by budget cuts) in one month alone. The record shipments of taro to Auckland

were carried on the Cook Islands National Line and brought nearly half a million New Zealand dollars into Niue's economy in the twelve-month period. Even this silver lining was not untarnished, however, as agriculture officials warned producers not to replant plantations for up to five years or to clear rainforest prematurely. Niue's soil cannot sustain frequent rotational cropping, and overuse of land would have devastating long-term effects for its agricultural productivity.

Despite the earnings from taro exports, levels of bank deposits remained low, government revenue was below expectations, and a task force was appointed to consider new taxes. These might include increased port charges, a 10 percent duty on all imports, introduction of a sales tax, payment for water supplies (now provided free), and a closer scrutiny of personal and company tax returns. The Niue government remains the envy of many governments in one respect: it is debt free, and consequently the proportion of its budget required for debt servicing is nil.

With privatization having reduced the range and magnitude of government-run services, some further sales, including Niue's radio station and the lucrative state-owned liquor stores, are being contemplated. With news, public affairs, and even religious programs sensitive topics, control over broadcasting is bound to remain a delicate matter. So too is anything to do with the sale and distribution of alcoholic beverages, as evidenced by the Assembly's rejection of a proposal that would have allowed the sale of beer in Niue's villages. The proposal had generated

strong opposition from church leaders, which is not to say that Niue is "dry": there are seven licensed premises on the island.

Another perennial problem for Niue, ensuring the stability of air transportation links necessary for tourist development, was back on the agenda. Air Nauru is now the only airline with regularly scheduled flights to Niue, with a weekly service between Auckland and Niue. Polynesian Airlines' service was discontinued in September 1994, and there is now no scheduled air link between Niue and Rarotonga. However, Niue may have direct air services with Tonga and Western Samoa in the near future, following discussions with Royal Tongan Airways regarding a Nuku'alofa-Niue-Apia service.

New Zealand's major aid project on Niue centers on the extension of the airport runway, which would permit a fully loaded 737-400 to fly to Auckland without refueling in Tonga. With tourism considered the way forward for Niue, the project to extend the airport runway has a "field of dreams" character to it: "build it and they will come." The land being used for the runway extension was acquired by the government from six families. Following an independent valuation, the government offered the families a sum one-third higher than the land's market value. Ultimately, however, the government needed to use its powers to take land after negotiations with the landowners failed to produce an agreement on compensation. There was also disagreement over conditions of land use, and the matter went to arbitration by Niue's Land Court. Nevertheless ten-

ders were called in May, the extensions to be carried out by a New Zealand company (and project manager) using Niuean labor. The 690-meter extension will cost NZ\$6.9 million.

Concerns about Niue's fragile environment led to a ban in March on the import of beer bottles and small cartons of fruit juices and soft drinks. The step was taken to prevent bottles and drink cartons from littering the roadside. Ironically, this follows the successful development of a program to collect beer and soft-drink cans from around Niue, for export and recycling overseas (Levine 1994, 189). The person responsible for developing that program, who will not now be remembered on Niue solely for that initiative, was Father Glover.

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TOKELAU

A United Nations Mission visited Tokelau in July-August 1994, following earlier visits by UN missions in 1976, 1981, and 1986. The mission, which included representatives from Chile, Papua New Guinea, Sierra Leone, and Tunisia, was accompanied by Administrator of Tokelau Lindsay Watt and held meetings with the leadership and people of Tokelau on each of the three atolls. What especially dis-