

*Polynesia in Review: Issues and Events,*

1 July 1998 to 30 June 1999

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Reviews of American Samoa, the Cook Islands, Hawai'i, and Tuvalu are not included in this issue.

FRENCH POLYNESIA

The year under review holds echoes of years past in terms of yet another split in the governing coalition between Gaston Flosse's Tahoeraa and Emile Vernaudon's Ai'a Api. As a result Vernaudon was bent on revenge and joined forces with the pro-independence opposition. The outcome of the senatorial elections also brought a sense of déjà-vu as Flosse added the final jewel to his collection of political offices. Concurrent with the election campaign was the trial of antinuclear activists who participated in the airport riots three years ago. Nonviolent demonstrators were let off with a warning, whereas those guilty of violence and two trade union leaders, the supposed instigators of the riots, were subject to prison sentences. Defense lawyers failed to persuade the judge of a government conspiracy against the activists. The issue that most preoccupied the government during these twelve months was the campaign to reform the statute of autonomy via a constitutional amendment. The process and content of the reform was, however, quite different from that of the Noumea Accord in New Caledonia.

After the territorial by-elections, President Gaston Flosse consolidated his power and rewarded his followers in a ministerial reshuffle in mid-June

1998. This expanded the cabinet from 15 to 17 members, including 4 women. More important, the reshuffle prompted the resignation from the governing coalition of Emile Vernaudon, leader of the Ai'a Api party. Vernaudon was enraged by Flosse's cooption of his hitherto closest Ai'a Api colleagues, Jean Christophe Bouissou and Lucie Lucas, with the inducement of ministerial posts.

This strategy of luring the leading lights from junior alliance parties and ensuring their loyalty was precisely how Flosse rid himself of Jean Juventin and effectively brought about the demise of the Here Ai'a party in the mid-1990s (*TP*, July 1998, 7-9). Vernaudon suspected that a similar fate was planned for Ai'a Api. The rupture was yet another in a long history of short-lived marriages of convenience and subsequent divorces between Vernaudon and Flosse. The latest alliance had enabled Vernaudon to win a seat in the French national assembly in May 1997. By alienating Vernaudon, who is not only a deputy but also mayor of Mahina and a territorial assemblyman, Flosse set himself up for harsh criticism of his leadership in both Tahiti and Paris.

Vernaudon claimed that Flosse wanted to eliminate the Ai'a Api party due to Vernaudon's persistent disagreement with decisions taken by the government. Notably, in 1998 Vernaudon was opposed to the blow-out of costs for building a presidential "*palais*," which was estimated to

reach over 3 billion FCFP, the 200 million FCFP for the inaugural presidential bodyguard service, 100 million FCFP to pay for the additional ministers, and 1.2 billion FCFP to purchase a mere 5 acres as the site for a waste facility. He noted Flosse's practice of subsidizing municipal councils that demonstrate loyalty to the Tahoeraa party. This practice includes the transfer of territorial land to Flosse's own council of Pirae for the construction of an ostentatious new town hall to be built at the cost of 800 million FCFP (*TP*, Sep 1998, 26-29).

Another salvo was launched by Vernaudeau against Flosse and his government in October, this time at the national assembly. Much of the speech consisted of vitriolic attacks on Flosse's leadership, especially allegations with regard to his political empire building, his failure to declare the extent and origins of his immense wealth, his dictatorial style, and his obsession with incessant reform of the territory's statutes. Reiterating an old opposition refrain, Vernaudeau argued that the government only enjoys its majority rule thanks to a skewed electoral system that favors the outer islands, these mostly being conservative strongholds of Flosse's Tahoeraa party. The result is a situation where the largely urban Society Islands, with 75 percent of the population, elect only half the territorial representatives. This marked the beginning of Vernaudeau's campaign to reform the territorial electoral system giving greater representation to the urban areas (Vernaudeau's speech of 23 October, reprinted in full in *TP*, Nov 1998, 20). Later, on 11 March 1999, he sub-

mitted a draft electoral reform law to the French national assembly.

Following his departure from the government, Vernaudeau worked with the Tavini party in the opposition, and they ran a joint campaign in the senate elections, even though he does not share Tavini's desire for independence from France. The united front was to prove unsuccessful, however, through no fault on their candidate's part. The opposition would have been hard put to field a better candidate than Jean-Marius Raapoto (formerly head of the defunct Tireo party) in terms of intelligence, integrity, and commitment to the welfare of the people.

The result of the election on 27 September for French Polynesia's sole representative to the French Senate was no surprise, given that it was never a question of whether Flosse would win but rather by how much. Flosse's Tahoeraa party and its allies control 37 of the territory's 44 municipal councils, which in turn nominate the majority of representatives to the electoral college determining the senate position. Of the 501 electors, 385 (or 80 percent) voted for Flosse; 89 (18.4 percent) for Raapoto of the Tavini-Ai'a Api coalition; 8 for Yves Conroy, an independent; none for Alain Ferte of the National Front; and 19 cast informal votes (*DT*, 28 Sep 1998, 26-28).

The landslide victory for Flosse earned him a national record in terms of votes for senate candidates. However, his accumulation of offices has given cause for concern. A former president, Francis Sanford, believed he could only do justice to the demands of one high office and

resigned from the senate to devote himself to the presidency. By contrast, Flosse deems himself more than able to carry out the duties of his concurrent public offices as president, senator, and mayor, though he stresses that his obligations as president take priority and he may review his position as mayor by the next municipal elections (*DT*, 28 Sep, 26–28). It is noteworthy that one of Flosse's first acts in the French Senate was to defend the holding of multiple offices by politicians during a debate on a socialist party draft law designed to prohibit such practices.

Flosse's ascendancy to the senate signals the departure of Senator Daniel Millaud, the last representative of the founding generation of the Tahitian autonomist movement, which included leaders such as Pouvanaa a Oopa, John Teariki, and Francis Sanford. These men were all lobbying for expansive forms of autonomy long before Flosse saw the light in 1980. As early as 1969, Millaud gave substance to the autonomist vision as coauthor of a report detailing the nature of such a status. During his years of service to the territory as senator, Millaud has scrutinized the impact of the nuclear test program, campaigned against French incursions on territorial autonomy, and, more recently, sought a fair deal for French Polynesia in its dealings with the European Union.

Also in late September, the long-awaited trial took place of the people charged with rioting at the international airport on 6 September 1995 (see earlier review), the day after France resumed its nuclear test pro-

gram. (Those charged with arson and looting in Papeete on the same day were tried separately.) The defendants in this case were mainly members of the Tavini party or the radical A Tia I Mua trade union federation. The defense alleged a conspiracy on the part of the territorial and state governments in targeting these opposition groups. It was argued that the territory seized the opportunity to discredit the independence movement and ban the most troublesome trade union, while the state was left to conclude its nuclear test series in peace. In keeping with past traditions relating to charges against independence and antinuclear activists, defense lawyers presented their case as a trial of French nuclear colonialism (*TP*, Oct 1998, 7–10; *DT*, several editions, 19–26 Sep 1998).

The defense argued that police actions had contributed to provoking the violence at the airport. Defendants who gave testimony acknowledged that a "collective insanity" ensued after a gendarme threw a tear gas grenade at the protesters, including a group of women engaged in a sit-in. It also emerged that a police grenade was responsible for starting the fire that destroyed part of the airport, so the defendants were not charged with arson.

An impressive range of witnesses were called for the defense, including Jacques Ihorai and Monseigneur Coppenrath, the respective heads of the Evangelical and Catholic churches in Papeete; Cotra Uregei, a prominent Kanak trade unionist and independence activist; Cyril Legayic a Tahitian trade union leader; Gabriel

Tetiarahi, a leader of Tahitian non-government organizations; and a letter of support was presented from Dominique Voynet, the Green French environment minister. These witnesses did not condone the violence committed by some defendants, but they did maintain that public outrage about the nuclear test resumption by France was understandable, especially for the disadvantaged youth. The only witness who gave testimony hostile to the defendants was Gaston Flosse.

A verdict was issued on 20 October. The sixty defendants were grouped into several different categories. The first concerned some thirty people who were charged with occupying the tarmac of the airport and obstructing air traffic and, though they were judged culpable for their actions, because they had behaved peacefully they received no penalty. People convicted of theft and vandalism received fines and suspended prison sentences, while those found guilty of armed violence against the police received short prison terms.

The court did not accept the political reasoning behind the defense case. The stiffest prison terms were thus reserved for the alleged ringleaders of the airport riots, both then leaders of the *A Tia I Mua* trade union. Ronald Terorotua and Hiro Tefaarere received prison terms of 6 and 18 months respectively. Tefaarere had been a French public servant until he was dismissed after the riots and is currently a Tavini party territorial assemblyman. His penalty was severe, given that he had at no time personally engaged in violence. Both men are seeking appeals and have been supported in this quest by the Tavini

party (*DT*, 26 Sep 1998; *TP*, Nov 1998, 7).

The overriding political priority for President Flosse in the year under review was to catch up with the progress made by New Caledonia in its statutory relationship with France. Flosse was caught off guard as the French state, the FLNKS, and the RPCR signed off on the Noumea Accord in May 1998, granting the territory sweeping new powers and, pending approval of the process in a referendum, the long-term option of acceding to independence. Noumea was given the power to restrict employment opportunities to New Caledonians, a dispensation Tahiti had been seeking for decades. Flosse immediately began drafting, and negotiating behind the scenes, a new package of rights for French Polynesia. With astute political timing, Flosse announced the initial gains during his budgetary speech to the territorial assembly one week before the senate elections.

The president informed the assembly that, like New Caledonia, their territory would enjoy a new status as a result of a planned amendment to the French constitution. Although the deal was not finalized, he was confident about certain rights being forthcoming. The territorial assembly would be empowered to pass its own legislation as a "country," with the same status as the constitution gives to national laws. A form of Polynesian "citizenship" would be instituted, but within the parameters of French nationality, which Flosse believed to be of symbolic significance. The Tahitian government would obtain greater powers for negotiating inter-

national agreements in the Pacific Islands. However, Flosse emphasized that, in contrast to the Noumea Accord, their statutory deal would reinforce autonomy, and independence was not even on the agenda (*DT*, 18 Sep 1998, 22–23).

Elaboration of Flosse's conception of "citizenship" followed at a conference on Identity, Nationality and Citizenship in the Overseas Territories held in mid-November. He defined citizens as being those who were born in this country or of parents born in this country, and, as a second category, citizenship would extend to residents of 5 to 10 years. He emphasized that the Polynesian form of citizenship would have no ethnic dimension and was meant to be all inclusive. These citizens would benefit from an employment policy that discriminated in their favor. Flosse envisaged that citizenship would also protect the land ownership of the people against incursions by foreigners and metropolitan French, whose acquisitions would be controlled by the territorial government. Curiously, unlike electoral policy in the Noumea Accord, citizenship would not entail birth or residence restrictions on the right to vote, purportedly because Tahiti intended to remain within the French Republic. This means that metropolitan French temporarily residing in Tahiti will retain the right to vote in local elections (*TP*, Dec 1998, 32).

By April, more gains under the forthcoming statutory reform were outlined by Flosse on his return from a meeting in Paris with the secretary of state for Overseas France, Jean-Jack Queyranne. French Polynesia would become an overseas country

(*pays d'outre-mer*, or POM) instead of an overseas territory (TOM). Moreover, the name Tahiti Nui, which Flosse's government had already been using for years in the region without French approval, would be "added" to French Polynesia. Flosse was also hopeful that the new status would allow Tahiti Nui to join the South Pacific Forum.

In addition, the complex timetable for the next stage of statutory evolution was set for the authorization of the draft constitutional amendment by the following levels of government: territorial assembly (6 April), council of state (15 May), French cabinet (26 May), national assembly (10 June), senate (13 October), and finally the Congress of Versailles. Apparently a national (ie, French) referendum was not required for this type of amendment. The way would then be clear for an organic law to be drafted, specifying the detailed application of the general principles in the constitutional amendment. Such a law would not be finalized until sometime in the year 2000 (*DT*, 14 April 1999, 22).

By early 1999, criticisms of the way in which the territorial government had approached both the process and content of the statutory reform were emerging. The critics, not surprisingly, included members of the opposition such as Oscar Temaru, Emile Vernaudeau, and Boris Leontieff (mayor of Arue and leader of Fetia Api), and also scholarly commentators such as Guy Sem.

First, there was concern that the all important negotiations for statutory reform had been undertaken entirely by the government (Flosse) and state (Queyranne) behind closed doors.

Both the advisory economic, social, and cultural council and the territorial assembly were presented with a fait accompli in the last week of March and had little time to peruse the draft constitutional amendment, much less alter it, before it was forwarded to Paris on 6 April. As a result the document was not passed unanimously by the assembly, as it ideally should have been; rather, the government pushed it through with its majority. This process was in stark contrast to the lengthy and widespread public consultation, including of opposition parties, that preceded the Noumea Accord and ensured it of public support.

The process in Tahiti was also less democratic insofar as no referendum was scheduled for the population to register their approval of the proposed statutory changes. Once again, this was not the case in New Caledonia, where 72 percent of voters (and a majority of all persons eligible to vote) endorsed the Noumea Accord in a referendum held 8 November 1998. In addition, and unlike New Caledonia, critics decried the decision by the territorial government to deliberately exclude the prospect of a referendum on self-determination, thus excluding independence as a future option.

The territorial government argued that extensive consultation, bipartisan consensus, and popular referenda were not necessary on the grounds that the present reform did not entail a process of decolonization (*TP*, Dec 1998, 31). This explanation points to the reform's key limitations. In an assessment of the constitutional amendment, Guy Sem described it as a "pale replica" of the Noumea Accord, which, in part due to its approval through rigorous

democratic processes, has obtained constitutional status in its own right (*TP*, April 1999, 36).

The Flosse government's statutory reform appears high on symbolism, notably in the constitutional references to French Polynesia "governing" itself (replacing the term "administering") as an "overseas country" and "Polynesian citizenship." Yet, closer scrutiny of the revised article 78 suggests that the new status may be low on substance. The French state retains control over foreign policy, defense, justice, nationality, law and order, currency and foreign exchange, civil liberties and rights, electoral law, and credit (*DT*, 27 May 1999, 22). Authority in other domains may be transferred gradually to Tahiti. The amendment outlines new territorial powers in the most general terms, with reference to the assembly being subject to review only by the French constitutional council (thus removing the administrative tribunal), the special privileges of citizens to work and land, and the assembly's limited rights to engage in relations with Pacific states.

It must be emphasized that by choosing to limit the scope of the constitutional amendment in comparison to the Noumea Accord, the Tahitian government severely curtailed its people's future options due to the obstacles faced in amending the constitution. Moreover, although the French national assembly unanimously passed the amendment, at the time of writing there was still scope for that version to be changed by the French senate. Significantly, the specific nature and scope of the powers to be transferred to French Polynesia remain to be

defined and interpreted by the forthcoming organic law.

Contrary to the wishes of President Flosse, French Polynesia did not accede to its new status at the same time as New Caledonia, which had its organic law passed on 23 March 1999. By the end of the year under review, and in contrast to their exclusion from negotiations on the constitutional amendment, an opposition delegation including Vernaudeau and Temaru was invited to meet with Queyranne and other officials in Paris to discuss the content of the organic law.

The rationale behind the Tahoeeraa government's determination to remain part of France (and one shared by a sizable portion of the population) is the knowledge that independence would certainly entail a sharp reduction in the transfer of funds from Paris. Despite the closure of the nuclear test program, state funding has continued at high levels as the following figures demonstrate: France injected a total of US\$1.5 billion (152.5 billion FCFP) into the territory of only 224,000 inhabitants during 1998, of which \$300 million were tax exemptions and \$1.2 billion were direct transfers (PINA nius online, 7 June 1999).

Direct transfers from Paris can be broken down as expenditure in the following areas: state controlled sections of the civil service and emergency relief (16.65 billion FCFP), education and research (40.55 billion FCFP), national defense (35 billion FCFP), pensions (12.5 billion FCFP), municipal government (6.66 billion FCFP), and a grant to the territorial budget (9.9 billion FCFP or 12.66 per-

cent of the budget). The extent of this dependence on the state is reinforced by the latest trade figures, which, though showing a steady growth in exports, still exhibit a gaping deficit, with exports covering only 23.9 percent of the cost of imports (*DT*, 6 May 1999, 20). To add to its economic woes, the territory is struggling to recover from another natural disaster, as floods in Tahiti on 19 December left hundreds homeless and caused damages of up to 5 billion FCFP (*TP*, Jan 1999, 53).

Emile Vernaudeau and Boris Leon-tieff, among others, have argued that the territorial government ought to be doing more to promote sustainable economic development and social justice, and spend less money, time, and energy on never-ending piecemeal reforms to the statute of autonomy.

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### MAORI ISSUES

Politically the second half of 1998 was very disappointing for Maori-dom. In 1996 New Zealand First had captured all five Maori seats in Parliament and formed a coalition government with the National party. The cabinet included three Maori ministers, all from New Zealand First, with