

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‘omalu 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‘omalu* 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‘omalu 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

### MĀORI 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