

Political Reviews

*Micronesia in Review: Issues and Events, 1 July 2015
to 30 June 2016*

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RAPA NUI

During the review period, Rapa Nui national leaders affirmed movement toward self-determination in the context of local, state, and global biopolitical forces that threaten the sustainable future of the Rapa Nui people, territory, and resources. Engaging the spirit of Angata, the first Rapa Nui woman to valiantly challenge such forces as they articulated in 1914 (McCall 1997, 117), many political voices and actions for social justice by leading contemporary Rapa Nui women are highlighted in this review, including Lolita Tuki, Erity Teave, Elisa Riroroko, Anakena Manu-tomatoma, Mama Piru (Piru Hucke Atan), and Marisol Hito.

Conflict over the March 2015 reclamation of “ancestral lands” (*kāiŋa tupuna*) and “ancestral valuables” (*hauha‘a tupuna*)—which the state had developed into a national park (El Parque Nacional Rapa Nui) in the 1930s without consulting the Rapa Nui people—had temporarily been resolved in April 2015 through an agreement between Rapa Nui national leaders and Chilean state government representatives (Young 2016a), but the conflict resumed by June 2015. Erity Teave, vice president of Parlamento Rapa Nui and president of Honui (two grassroots political organizations engaging movements for Rapa Nui self-determination entangled in the conflict), explained that the dispute centers around incommensurable understandings and experiences of the island: for Rapa Nui people, the sites that the state and global actors recognize as part of a “park for recreation” are actu-

ally “sacred places” (*vahi tapu*) that must be protected by “customary law” (*derecho consuetudinario*) as a *taina henua*—that is, an “island” (*henua*) of “siblings/relatives” (*taina*) (Teave, pers comm, 12 Aug 2016). The world-famous moai statues at the center of *vahi tapu* are considered by Rapa Nui people to be “spiritual tombstones” that “protect the land and the blood matrix to which each clan belongs” (M Hitorangi 2013); as Mama Piru, a Parlamento Rapa Nui member, has stressed during the conflict, the moai “talk” with the Rapa Nui people who are the “children of their children” (EC, 25 Sept 2015). Thus, what is at stake is not only the “moral economy” for governing cultural heritage but also the epistemological and ontological foundations of Rapa Nui being and becoming as a nation and people (Young 2016c). What the state and global forces desire to administer as a Chilean “lawscape” (Philippopoulos-Mihalopoulos 2015, 38–106), that is, a place that spatializes people, resources, and territories in terms of Chilean law, Rapa Nui national leaders want to protect as a genealogical “relationscape” (Manning 2009) that connects Rapa Nui present and future “extended families” (*hua‘ai*) to their ancestral spiritual ecology and living cultural heritage.

A 4 June 2015 letter to Chilean President Michelle Bachelet signed by Erity Teave and Leviante Araki, president of Parlamento Rapa Nui, reports that conflict resumed as state police began to “intimidate” Rapa Nui at the *vahi tapu* they were protecting while managing everyday tourism access. By 10 August 2015, the Chilean National Institute of Human Rights noted that

dialogue between the state and Rapa Nui leaders had finally broken down (INDH 2016). Following public radio announcements requesting that tourists provide “voluntary contributions” to gain access to Rapa Nui ancestral territories beginning 15 August (EC, 16 Aug 2015), President Araki and Mario Tuki (a Parlamento Rapa Nui member and former representative of the Chilean government-organized Commission for the Development of Easter Island [CODEIPA]), were arrested at the entrance to the Orongo ceremonial village on 15 August as they began collecting entrance fees from tourists. The National Forest Corporation of Chile (CONAF), funded by the Chilean Ministry of Agriculture that manages the park, not noting the fees were voluntary, declared the acts “illegal,” and state officials called for the closure of the office of Parlamento Rapa Nui to restore “public order” (Parque Nacional Rapa Nui, 15 Aug 2015). In response to the arrests, President Araki publically emphasized that they were simply “protecting” the Rapa Nui “sacred sites” and “ancestral property” (EC, 17 Aug 2015).

Contextualizing Chilean administration of vahi tapu as failing the Rapa Nui people while accumulating profits for the state and associated corporations, President Araki refused to recognize the authority of Chilean government organizations like CONAF and CODEIPA in Rapa Nui (EC, 17 Aug 2015), insisting that “this is not Chile, this is Rapa Nui” (EC, 20 Aug 2015). Marisol Hito, a leader of her family’s struggle to reclaim ancestral land from the corporate five-star Hangaroa Eco-Village and Spa development at the heart of the 2010–2011

violent conflicts (Young 2016b, 267), insightfully supported Araki’s critical perspective in asking during the current conflict, “Who prosecutes CONAF, which took over the management of our resources, without consulting anybody?” (Biobio, 28 Aug 2015). The challenges by President Araki and Marisol Hito foreground not only a critical question in biopolitical legal theory (what is the “Law of law”? [Zartaloudis 2010, 1]) but also a question that makes practical sense, given that the state’s own recent truth commission acknowledged that the current configuration of the island primarily into a national park and a small reserve of land for the people reflects a history of unjust state dispossession. The commission recognized that, for decades, the state held Rapa Nui people against their will under military laws, behind barbed wire, without rights of citizenship—in violation of the 1888 Agreement of Wills that would have established a political relationship between Chile and Rapa Nui that recognized the chiefly titles of Rapa Nui leaders for governing all island territory (Gobierno de Chile 2008, 261–263). Araki’s and Hito’s critiques draw attention to history that suggests that the “Law” of Chilean law is based in what Walter Benjamin would consider “lawmaking” and “law-preserving” violence, not social justice (1986, 284). The military laws that constituted the dispossessed place of the Rapa Nui people on the island in violation of the 1888 Agreement of Wills can be understood as extended through the enactment of further Chilean laws that preserve the original spatial violence by managing the island as primarily a national park for

tourism rather than as the sacred place of its indigenous people.

On the same day of the criminalization of Rapa Nui leaders, the local state prosecutor, Raul Ochoa, called for the collection of materials related to crimes from the office of Parlamento Rapa Nui and the closure of that institution pending investigation. Parlamento Rapa Nui women, led by Elisa Riroroko, refused to provide the police any materials because the police lacked a court order (EC, 16 Aug 2015), and they closed the office on their own terms, according to the state (Gobernacion Isla de Pascua, 17 Aug 2015). Following the failed police search and seizure of the office, criminalization continued. President Araki was again arrested—this time for entering ancestral territory in violation of the conditions of release for his first arrest (EC, 28 Aug 2015). Island judge Maria Fernanda Cornejo further mandated that Rapa Nui elder Matias Riroroko and his daughter Elisa be held in police custody for 120 days for crimes related to resistance to the Parlamento Rapa Nui office searches and seizure. Riroroko, seventy-two years old, was arrested 26 August at the airport of Santiago, Chile, preventing his participation in a National Congressional hearing on human rights conflicts in Rapa Nui. He testified to media that he experienced abuse while detained by the police and during juridical processing. Initially held in a small, cold room at the Arturo Merino Benitez airport without any chair to sit on and stripped of all belongings, Riroroko asserted that he was denied access to his personal attorney. On transfer to the Santiago Uno prison (where he stayed for three days until

returning to Rapa Nui on 29 August), he said that prison guards “verbally tortured” him in the jail cell (Biobio, 28 Aug 2015). Reminiscent of Chilean government treatment of the indigenous Mapuche people under its highly criticized anti-terrorism law (Richards 2013, 212), during criminal processing in which Riroroko was assisted only by a court-appointed attorney, state Prosecutor Raul Ochoa accused him and other Rapa Nui people of being “terrorists” and compared them to the “Nazis of the Hitler era.” Riroroko’s arrest was upheld, as the court considered him “a threat to the state and a danger to the community” (EC, 1 Oct 2015). As Riroroko has documented asthma problems and a heart condition and was denied access to his medicine during processing, he maintains the state forces jeopardized his life (PRN, 1 Sept 2015). Riroroko’s daughter Elisa, arrested on 26 August in Rapa Nui, was formally processed on 30 August and held under house arrest and, like her father, forbidden to leave the island. The charges prevented her from attending the 30th Session of the Commission on Human Rights of the United Nations in Geneva, Switzerland, where she had intended to speak on the plight of the Rapa Nui nation (EC, 1 Oct 2015).

Rapa Nui leaders responded with local, regional, and international political organization. On 28 August, Rapa Nui people organized a protest at the office of the governor. Rafael “Rinko” Tuki, a Parlamento Rapa Nui member as well as leading representative of Rapa Nui within the state-organized development institution for the indigenous peoples of Chile (CONADI), denounced the

criminalization and raid of Parlamento Rapa Nui in a letter submitted to the governor. In addition to calling for the release of Matias and Elisa Riro-roko, he reproached the government for colonial treatment and systematic violation of Rapa Nui rights to self-determination for over a century (PRN, 1 Sept 2015). He followed local condemnation of Chile with a visit with government leaders of the Embassy of Bolivia that led to a meeting with Bolivia's indigenous president, Evo Morales, during the World People's Conference on Climate Change held in Bolivia on 12 October; he requested help from Bolivia for Rapa Nui's decolonization under UN principles of international law (Qué Pasa, 23 Oct 2015). Erity Teave helped coordinate international legal representation of the Rapa Nui people with the Indian Law Resource Center (ILRC) of Washington DC, which led to the filing of a request for precautionary measures at the Inter-American Court of Human Rights (IACHR) of the Organization of American States—the second filing in five years (Young 2016b, 266). Attorney Robert Coulter, ILRC executive director, described “the arrests and detention of prominent Rapa Nui leaders” as “repressive measures” that “violate the human rights of all people of Rapa Nui by interfering with their access to their sacred sites and the burial places of their ancestors” (ILRC, 28 Aug 2015). On 18 September, Santi Hitorangi, a leading member of Parlamento Rapa Nui at the United Nations, voiced his call for international support of the right of Rapa Nui people to self-determination at the meeting of the UN Human Rights Council in Geneva (S Hitorangi 2015).

In a context in which Marta Hotus had been questionably replaced as island governor by Carolina Hotus in September by Chilean President Bachelet (Biobio, 10 Sept 2015), on 25 October 2015 conflict intensified as the state government conducted a vote on the island concerning the future administration of the Parque Nacional Rapa Nui. The ballot included one primary question (whether or not the voter agreed with co-administration of the national park) and sub-questions about which entity should organize, oversee, and manage the co-administration (Gobernacion Isla de Pascua, 23 Oct 2015). The results of the vote were released the following day, with 86.6 percent of voters favoring co-administration and with lists enumerating variable answers to the sub-questions (Parque Nacional Rapa Nui, 26 Oct 2015). Aaron Cavieres, CONAF executive director, characterized the day of voting as exhibiting “a very participatory and transparent process,” in which the majority of the votes of the Rapa Nui people demonstrated support of “co-administration” of the park (La Tercera, 26 Oct 2015). Hans Peter Orellana, the Chilean minister of social development, also applauded the process, emphasizing that “there were no acts of violence,” that all “was normal,” and that the government acted in “the utmost good faith” (EC, 27 Oct 2015).

What the Chilean government normalized, many observers would likely find deeply problematic. During the island-based voting at the local school, Rapa Nui national leaders (including those with positions in the offices of Chilean government administering the island like Rinko Tuki as well

as CODEIPA representative Anakena Manuatomatoma) staged a rally beside the school at Atamu Tekena plaza urging the Rapa Nui people to abstain from voting. Chilean police intervened to silence the megaphones of Rapa Nui leaders, and independent observers feared bloodshed (EC, 27 Oct 2015). Rapa Nui leaders present in the rally included not only staunch nationalist leaders like President Araki, Mama Piru, and elder Lolita Tuki, but also former state-appointed Governor Marta Hotus (PRN, 27 Oct 2015). Representative Manuatomatoma highlighted that the number of voters who cast a ballot (294 out of a possible 2,005) was clearly a sign that the process did not reflect “the decision of the people.” She emphasized the people had overwhelmingly demanded a postponement of the voting because the questions had been imposed by the state. She further reported that during actual consultations with the Rapa Nui people over the preceding months, representatives of 23 of the 36 Rapa Nui hua‘ai (extended families/clans) did not approve of co-administration at all; they wanted full administration in the hands of the Rapa Nui people consistent with the signed agreement of April 2015. Rinko Tuki also vehemently rejected the voting results and insisted that CONAF and the state do not “have the authority to define the future of the overall management of our ancestral territory” (EC, 27 Oct 2015).

As the Chilean government was securing the continued territorialization of vahi tapu as resources of a national park, it expanded its ambitions into the ocean when Chilean President Bachelet announced on

5 October the state’s desire to build one of the world’s largest marine conservation parks around Rapa Nui, during the “Our Ocean” conference in Valparaiso attended by US Secretary of State John Kerry and entrepreneur Richard Branson. The proposed marine park would encompass nearly 244,000 square miles and offer sanctuary for marine life, free of commercial fishing. Its development is organized in partnership with Pew Charitable Trusts pending consultation with the indigenous Rapa Nui people (Vaughn 2015). Rinko Tuki criticized the proposal, saying it was “not born from the initiative of Rapa Nui people, but is a packaged proposal from a foreign NGO [nongovernmental organization] that is part of broader “colonial” projects on the island like the national park (EC, 3 Oct 2015). Anakena Manuatomatoma concordantly organized fellow CODEIPA representatives to submit a letter of protest to the government (PRN, 6 Oct 2015). The Indian Law Resource Center also supported Rapa Nui concerns, given that the proposed marine conservation park would further “restrict access to the resources Rapa Nui are dependent upon and further diminish their ability to pass along cultural traditions” (ILRC, 28 Jan 2016). Historically, it is noteworthy that it was at the height of the 2010–2011 conflicts in Rapa Nui that the Chilean government initiated inquiry into a marine park around Rapa Nui on 23 February 2011 (National Geographic 2011). Is it mere coincidence that the state sought control of the marine environment of Rapa Nui during the height of the two greatest island conflicts in the decade, or is this part of a broader governmen-

tal strategy? Internationally, conservation projects are certainly known to be part of global and state strategies to displace indigenous peoples from coveted territories and resources (Dowie 2009), a strategy Chile is documented as applying against its indigenous Mapuche people (Richards 2009, 71–74). Such projects are seen as tools for transforming indigenous peoples into “environmental subjects” who become “accomplices” of global and state development goals (Agrawal 2005, 214–217), thus obstructing their movement toward becoming self-determining subjects in control of their own resources and territories.

While the government “consultation” regarding Parque National Rapa Nui was considered a failure by the Rapa Nui people, a consultation on 24 January 2016 regarding the regulation of migration and residency on the island was broadly considered successful. It is calculated that 1,411 votes were registered and that 97 percent voted in favor of regulating residency. CODEIPA representatives strongly supported the results and initiated formal processes to urge the state legislature to enact the bill in March (PRN, 1 Feb 2016). During a late April 2016 visit to Rapa Nui (a rare trip for state dignitaries), Chilean President Bachelet affirmed her support of a bill that would limit both Chilean and foreign visits, establish penalties for violation, and increase monitoring of environmental impacts of tourism and other development projects (La Tercera, 30 April 2016). However, as the period under review ended, the bill had not been formally legislated and Chilean Senator Francisco Chahuán expressed concern that the time to implement the

bill was running out (Biobio, 8 July 2016).

The review period closes amid heightened international monitoring and politico-legal organization among Rapa Nui people. The aggressive Chilean government strategies documented during the period—criminalizing Rapa Nui political leaders in ways that obstructed their participation in human rights assemblies; replacement of an island governor who was sometimes sympathetic to Rapa Nui movements toward self-determination; and dispossession of Rapa Nui protection of their vahi tapu as well as attempted expansion of Chilean and global power over Rapa Nui marine resources—gained the attention of the UN Office of the High Commissioner of Human Rights (OHCHR). UN Special Rapporteur for Indigenous Peoples Victoria Tauli-Corpuz, in a letter to the OHCHR (Tauli-Corpuz 2016), challenged the criminalization of Rapa Nui leaders and the treatment of their cultural heritage and natural resources in terms of articles 7, 11, 12, 25, 26, and 31 of the UN Declaration of the Rights of Indigenous Peoples (UNDRIP) as well as International Labour Organization (ILO) Convention 169 articles 6, 7, 14, and 15.

During her visit to the island, Chilean President Bachelet began to respond in ways that suggest the state could be willing to consider a different relationship with Rapa Nui, but analysis of her public statements also suggests further questions. In an April 2016 speech, she acknowledged that “this island is the heritage of the Rapa Nui people,” yet she qualified that statement, adding: “but at the same time [the island is] national and world

heritage” and therefore “the responsibility of all from wherever we come” (La Tercera, 30 April 2016). And in public forums, President Bachelet has emphasized that the government is working with CONAF to develop a process to transfer administration of Parque Nacional Rapa Nui to an institution managed by Honui, but only in conjunction with CODEIPA (*El Correo Del Moai*, 1 May 2016).

While it is encouraging to see the president foreground the island as first and foremost Rapa Nui cultural heritage, her qualification that vahi tapu are at the same time global and Chilean national heritage articulates with long-standing critiques of such heritage management plans as part of a broader “technology of government” that undermines indigenous national identity formation (Smith 2004, 10–13). Similarly, the form of park transfer suggested is also problematic given that in emphasizing co-administration by a Rapa Nui organization with CODEIPA—a state institution—the state proposes a “network created by the state” that can be seen as producing a “regulatory community” (Agrawal 2005, 92–94). Rather than enabling self-determination of resources, a regulatory community replaces governance by a people themselves with governance distributed within a network of bureaucratic institutions and agencies determined by the state and other actors. As stressed in a letter to President Bachelet, Honui wants Rapa Nui to exercise their “inalienable right to self-determination of our natural and cultural resources according to law” (PRN, 3 June 2016). The legal instruments Honui appeals to are not

those of the violent Chilean lawscape. In a June 2016 letter to UN Special Rapporteur Tauli-Corpuz, Erity Teave emphasized that the Rapa Nui people pursue their human rights for self-determination in terms of UN General Assembly Resolutions 1514 and 1541, article 73e of the UN Charter, and UNDRIP. According to UNDRIP article 31 (noted by UN Special Rapporteur Tauli-Corpuz above), “Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage” and states are supposed to “recognize and protect the exercise of these rights.” It does not say that states can qualify and dampen these rights through institutions like CODEIPA and broader agents of regulatory communities.

Rapa Nui demands for rights to self-determination are consistent with other cases successfully supported by the IACHR, like that of the indigenous Awas Tigni of Nicaragua, whom the Indian Law Center also helped represent (Coulter 2015), and the Rapa Nui people are currently working toward testing these rights in a legal case being developed for the IACHR. In other words, Rapa Nui national leaders continue to affirm their desire for “building a home in the space between justice and law” (Povinelli 2011, 14) in terms of their relationscape, rather than within the regulatory community the state wants authorized.

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TONGA

The new government of 'Akilisi Pōhiva was tested to the limit by a number of political, economic, and policy issues

after it came to power as a result of the 2014 election, the second under the amended 2010 constitution. For a reform-oriented government with minimal experience yet loaded with ambition and high expectations from the people, the stark reality of transforming and modernizing a society steeped in conservative traditional values, under the patronage of a monarch and a class of *nopili* (nobles), was a major challenge. Despite some of the institutional and symbolic reforms of the previous decade, some of the social issues of the previous era remained and frustrated plans for changes. One such issue was that of women's participation in politics, which is the main focus of this review.

Although some progressive changes were made in the 2010 amended constitution, remnants of the traditional patriarchal political culture persisted. For instance, no woman was elected to Parliament in the 2010 and 2014 elections. This may appear ironic because under the cultural practice of *vahu*, women are traditionally accorded a unique social status within the kinship system, sometimes higher than men. (This is very similar to the Fijian practice of *vasu*, whereby one's maternal link is considered special and sometimes more prestigious than one's paternal inheritance.) However, political power has always been a male enterprise, and before July 2016, when the first woman was elected to Parliament, males made up 100 percent of elected people's representatives and 100 percent of nobles representatives—a record that placed Tonga at the lowest rung of the parliamentary gender diversity scale in the Pacific. The election of Ms 'Akosita Lavu-