

the deed would supersede. For an official document, the method of signing was not rigorous or systematic. The deed was between the Crown and *iwi*, but the six leading signatories are designated Maori negotiators. The *iwi* that they represented did not appear beside their names. Six other signatures appeared without *iwi* designations.

There were also multiple signings of the deed by three signatories. One man signed twice, once as a negotiator, and once on behalf of the Tribal Congress. This paralleled the action of Chief Te Rauparaha, who signed the original Treaty of Waitangi twice. But the deed goes one better by collecting the signatures of two men three times. One signed on behalf of his tribe, and on behalf of two others who were not represented. Sir Graham Latimer signed as a Maori negotiator, president of the Maori Council, and litigant in the Maori fisheries claim.

Eighteen signatures were designated plaintiffs in the fisheries claim. Others signed on behalf of *waka* 'canoe confederations', tribal trust boards, and *runanga* 'multi-tribal councils'. Two signatories were wrongly classified as negotiators. There were twenty-one illegible signatures, indicating a lack of precision in the execution of the deed. In other cases, the names were specified in print script beside the signatures. One of the signatories identified himself as Tuwharetoa, a tribe with no access to the sea.

Given the flaws identified in the deed, and minimum time for debating it on tribal *marae*, it was not surprising that thirteen tribes, including the Moriori of the Chatham Islands, opposed the deed. They took out an

injunction in the High Court against it. Justice Heron denied the injunction on the ground that the deed cast obligations only on those who signed it. The case went to the Appeal Court where it was dismissed by Sir Robin Cooke, who ruled that Parliament was free to enact legislation on the lines envisaged in the deed (*New Zealand Herald*, 4 Nov 1992).

Chair of the Tribal Congress Api-rana Mahuika sided with the dissenting tribes. He warned that the issue would come back to haunt the government. It happened sooner than expected. Six Maori members of Parliament, two of them on the government's side, opposed the Sealord's Settlement Bill when it was introduced in the house. There was further embarrassment when Tamati Reedy, a member of the Tribal Congress, pleaded at the United Nations for an investigation into violations of indigenous rights by the New Zealand government.

RANGINUI WALKER

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New Zealand 1992. The Crown's Obligations Under the Treaty of Waitangi. Memorandum to the Cabinet Strategy Committee, 17 March.

NiUE

The dominance of Niue's politics by Sir Robert Rex came to an end with his death on 13 December 1992 after a prolonged illness. Leader of Government Business prior to self-government, he served as premier from 1974 until his death. He had attended the first meeting of the South Pacific Forum in 1971,

as well as many other regional conferences.

Tributes came from around the Pacific, while Niueans paid their respects at an all-night vigil. The state funeral—Niue's first—was attended by virtually the entire population of Niue, as well as representatives from New Zealand and Australia. A public holiday was observed on 18 December, and memorial services were held at the Town Hall in Auckland, where many Niueans live, and in Wellington, New Zealand's capital.

Young Vivian, who had served as acting premier during Rex's illness, was elected premier by the Niue Assembly on 22 December. The opposition declined to put up a candidate with a general election only two months away. The main issues, the economy and unemployment, were ones on which the Rex-Vivian government had experienced setbacks. In late November Vivian had been forced to withdraw a tax proposal that would have added 5 percent to the cost of all goods and services. The bill, an important part of a package offering lower income-tax rates as well as increased pensions and child benefits, had been presented as a further step toward restructuring Niue's economy away from dependence on New Zealand aid.

Difficulties had also persisted with Niue's air services. Following the collapse of arrangements with Auckland-based Niue Airlines, the government was compelled to charter Polynesian Airlines (at NZ\$90,000 per flight) to fly between Niue and Auckland. Subsequently Niue accepted Air Nauru's proposal of scheduled services to New

Zealand and Fiji, with Polynesian Airlines providing a link to the Cook Islands and Western Samoa (and from there to Australia). This arrangement faltered when Air Nauru's premiere flights were cancelled due to a dispute between Nauru and Fijian authorities over air traffic rights, an impasse which Vivian claimed had to be solved by the Fiji and Nauru governments.

The 27 February election, which brought the Rex era formally to an end, saw a record number of candidates (24) nominated for the six island-wide common roll seats. Nine of the fourteen village constituencies were contested, including that of Premier Vivian, who had run unopposed in the previous election. Four candidates competed for Sir Robert's Alofi South seat, including the late Premier's youngest son, John Rex.

The 91 percent voter turnout was down slightly from 1990, and the results, particularly for the common-roll seats, showed clear signs of disappointment with government performance. There seemed little doubt that many Niueans desired a break with the political past. Sir Robert's widow, Lady Patricia Rex, once the island's highest vote winner, lost her seat in the 20-member Niue Assembly. Her son John won only 13 percent of the votes in Alofi South. Her eldest son, Robert, narrowly retained his seat.

Others closely associated with the outgoing government also did poorly. Common-roll member and cabinet minister Fisa Pihigia failed to win reelection. Terry Chapman, secretary to government for eighteen years and considered by some to be a likely premier, was unable to win a seat in the

assembly. By contrast, government opponents polled well. Independent O'love Tauveve Jacobsen was re-elected, as was Sani Lakatani, the leader of a faction separate from the Rex "establishment." Another member of Lakatani's Atuhau Tupuhake "The Coming Generation" group, Poni Kapaga, also won a common roll seat.

The poll was topped by a political newcomer (543 votes) with a famous name—Michael Jackson—and a widely shared Niuean predicament. A former public servant, Jackson had been made redundant as a result of budgetary pressures associated with declining levels of New Zealand assistance. When the government printing office was privatized, Jackson lost his job but displayed his entrepreneurial skills by leasing the equipment and establishing himself as the island's only printer.

Another newcomer to the Niue Assembly was Terry Coe, an independent and the principal of Niue High School. He received the third-highest number of votes, gaining a victory which represented a new departure for Niue's politics. It was the first time that a *palagi* 'European' had gained elective office.

The results in the remaining fourteen seats, one for each of Niue's village constituencies, were also noteworthy. Both Premier Vivian and leadership contender Frank Lui won reelection, while the Alofi South seat was taken by Tukala Hekau, an old adversary only narrowly defeated by Robert Rex three years ago. In another constituency, its size indicative of Niue's depopulation in recent years, each candidate received forty-six votes.

Following a judicial recount, which confirmed the result, the incumbent was defeated when the election was decided by drawing lots.

On 12 March the assembly elected forty-seven-year-old Lui as Niue's third premier in three months. In 1990 he had lost his cabinet post after failing to oust Sir Robert from office. A member of the assembly for twenty-seven of the past thirty years, he defeated Vivian 11-9 on the first ballot, and immediately sought to demonstrate his commitment to change by the character of his cabinet appointments.

Although Lui and Finance Minister Lakatani had served before, the remaining two positions were allocated to newcomers. As a result Niue had its first woman minister, Jacobsen, and in Coe its first minister of non-Niuean descent. One experienced former cabinet minister bypassed by Lui, Tama Posimani, resigned from the assembly in May, giving the 104 registered voters in his village of Tuapa an opportunity to give a verdict on the new government's performance. By that stage the Lui team was finding progress toward its goals far from straightforward.

The policy of increasing local production and employment opportunities through private sector investment, begun under the previous government, was proving difficult to implement. Record shipments of coconuts and taro produced a glut on the market, depressing prices and leading to losses by growers, exporters, and distributors. In May a glove-making factory, operated by a New Zealand company, closed down, with a loss of twenty-three jobs. A privatized sawmill was also experiencing difficulties. The eco-

conomic problems were having an effect on the government's policies and credibility.

Lakitani apologized to the people for the island's economic problems, and acknowledged that the government lacked the funds needed to meet its social and economic responsibilities. Although the previous year's budget deficit had been reduced from US\$1 million to a projected US\$500,000, public servants and old-age pensioners could not expect to receive a promised 12-percent cost-of-living allowance during 1993-94. In May the finance minister admitted that further reductions in the size of the public service were likely. During the same month petrol prices rose by 12 percent, an increase designed to raise funds to replace aging power generators, provide for road maintenance, and repair a bulk-fuel depot.

Not surprisingly Lui's first overseas visit was to New Zealand, where he spoke to Niueans living in Auckland and encouraged them to return home. Changes to New Zealand legislation made this a more attractive option, as Niueans returning to the island to retire (after forty or more years in New Zealand) were able (from 1 July 1993) to receive 100 percent of their New Zealand superannuation benefits. As part of a ten-year plan to double Niue's population the premier offered "come home" incentives for returning Niueans, including renovations to the approximately 360 empty houses on the island. More fancifully, Lui appealed to New Zealand pensioners to consider spending their winters on Niue. Although land could not be purchased, the premier noted the availabil-

ity of sixty-year leases on bungalows in some villages.

In talks with the New Zealand government, the premier attempted to avert further aid cuts. New Zealand agreed to maintain its level of support at NZ\$7 million for 1993-94 (NZ\$5 million in budgetary support, NZ\$2 million for special projects), but a 1992-93 budgetary supplement of NZ\$500,000 was not extended for another year.

Attempts to upgrade Niue's international status continued. Some of these were symbolic, others potentially more substantive. New Zealand agreed that the office of its representative on Niue would become a high commission, a rank normally reserved for an independent state which is a member of the Commonwealth. As anticipated by the constitutional amendment approved in 1992, responsibility for the public service was transferred from New Zealand to Niue. In their joint statement on the New Zealand-Niue relationship (Levine 1993, 159-160), the two parties emphasized that New Zealand's acceptance of certain defense and foreign affairs responsibilities did "not confer on the New Zealand Government any rights of control," a point underscored with the visit to Niue in July 1992 of the USS *Racine*.

There were also some promising economic indicators. In June, agreement was reached with Fiji, allowing Air Nauru to carry passengers from Niue to Fiji on a weekly direct flight aimed at boosting tourism and facilitating contact with Fiji-based regional organizations. Despite uncertainties associated with air services, the tour-

ism and marketing board claimed that the number of visitors was three times greater in the first quarter of 1993 than twelve months earlier. More dramatically, the growth in revenue from tourism had increased fivefold during the period.

There were plans to transform the government administration center into a shopping complex, a project to be funded by the island's Development Finance Committee. A television and radio studio was being built with Australian support, permitting the island to develop its own broadcasting facilities. The first private enterprise newspaper, the *Niue Star*, was launched in 1993, backed by printer-publisher Michael Jackson. An initiative by a Catholic priest, Father Glover, developed into a small, environmentally friendly industry, as Niue shipped its empty aluminum cans to New Zealand and its bottles to Western Samoa.

In Tuapa, however, the judgment on the government's efforts was far from favorable. The by-election saw an experienced member of the Young Vivian camp, Fisa Pihigia, win the seat, capitalizing on antigovernment sentiment stemming largely from economic difficulties. The result left the government in a precarious position, its fragile one-seat majority jeopardized by unattractive options and significant economic constraints.

STEPHEN LEVINE

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TOKELAU

Moves toward self-government gathered momentum during 1992-93, as steps were taken to introduce cabinet-style political institutions. The August 1992 general *fono*, held on Atafu, decided to establish a Council of *Faipule* to govern Tokelau when the *fono* is not in session. While this decision formally recognized what was already taking place, an entirely new initiative (adopted at the same time) saw the establishment of a new position, *Ulu-O-Tokelau* (head of Tokelau), to be rotated annually among the three *faipule*. As Tokelau's acquisition of the administrative and political institutions associated with a national entity becomes more complete, New Zealand is expected to take formal action assigning the powers of its administrator to the Council of *Faipule* and the general *fono*.

Nonetheless Tokelau remained on the United Nations' list of eighteen dependencies whose final political status was still to be determined. In May the Council of *Faipule* stressed once again Tokelau's desire to preserve its close political relationship with New Zealand. A subsequent statement sent to the UN Committee of Twenty-Four (on decolonization) emphasized Tokelau's preference for finding its own solutions to problems of political, economic, and social development, one balancing responsibility for the management of its own affairs with ongoing programs of support from New Zealand.

Speaking at a UN-sponsored seminar in June in Port Moresby, a New Zealander with considerable experi-