

the NLGC Dissolution Act is unconstitutional is set for hearing at the next Supreme Court session in mid-1992. Meanwhile, an application for an interim injunction restraining Cabinet and the secretary for justice from seeking to enforce or implement the NLGC Dissolution Act "until the hearing of the action or until further order" was dismissed by Chief Justice Sir Gaven Donne on 22 March following three days of hearings.

The NLGC contended that the transfer of its assets (to Nauru Council) deprived the NLGC of property and permitted the abolition of the Nauru Lands Committee, thus interfering with certain rights and freedoms guaranteed to Nauruans under Article 3 of the constitution. However, the court decided that the parliament had acted in good faith when it entrusted cabinet with the powers and functions of the NLGC, and concluded that "to halt the NLGC Dissolution Act in the interim could not serve the public interest." The court stated that "there is no reason to believe that Cabinet will administer the property in any worse way than the Council."

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### KIRIBATI

The newly elected president (or *Beretitenti*), the Honorable Teatao Teannaki, was sworn in on 3 June 1991. The new government was formed on the basis of party politics, and to maintain regional and religious equilibrium. The stalwart members of the National Progressive Party were retained in the new Cabinet, with the important portfolios of

vice president for Finance and for Economic Planning assigned to Taomati Iuta. Members of the Protestant church from the southern island constituencies, Boanareke Boanareke (Tamana), Inatoa Tebania (Onotoa), and Tiwau Awira were appointed ministers. The central islands are represented in the government by the members from Abemama and Maiana, both of whom are Catholics. Representing the northern Gilbert Islands are the members from Betio, North Tarawa, and Makin, as well as the *Beretitenti* himself, who is from Abaiang. All these members are Catholics, with the exception of the member for North Tarawa.

The new members of parliament from the southern islands of Onotoa and Tabiteuea North were probably appointed ministers because of their support for the new president. Binata Tetaeka, from Makin in the north, has always been a strong supporter of the National Progressive Party, and therefore deserving of a ministerial appointment, in spite of the president's electoral defeat in his constituency. The nonappointment of the members from Butaritari and Marakei was due to the low level of support for the incumbent political executive among voters there. The member for North Tarawa, Baitika Toum, probably cemented his ministerial claim on his reputation as a supporter of the ruling party. Remuera Tateraka and Anterea Kaitaake, from Maiana and Abemama respectively, were appointed ministers to boost the numbers on the government's side, as well as to provide for ministerial representation from the Central Islands.

The first meeting of the Maneaba ni Maungatabu did not take place until

December 1991, in spite of the pressing need for the government to appropriate more public funds. Urgent issues to be addressed included the closure of Te Mautari Limited, the national fisheries company; the laying off of some of the staff in the Tungaru Central Hospital and in certain ministries; the reporting of alleged maltreatment of patients at the Tungaru Central Hospital; and the eviction of overcrowded landowners from their lands on urban South Tarawa, land that had been declared water reserves.

The government's policy statement generally resembled that of the outgoing Tabai government, and contained neither new ideas nor vision. It made the usual reference to financial prudence and conservative management of the reserve funds, but offered no real plan to raise the standard of living or to deal with the steadily declining per capita income of the I-Kiribati. The emphasis is still on rural development, with scant attention given to urban problems of overcrowding, poor sanitation, unemployment, crime, overstrained services, and lack of support for effective municipal administration.

The government's development program highlighted the development of marine resources, particularly through the resuscitation of the ailing Te Mautari Limited, and feasibility studies for pearl aquaculture. Plans to develop the Line Islands for resettlement and tourism were carried over from the Tabai government. The resumption of the expensive air service from Tarawa to Honolulu via Kiritimati, and the upgrading of the Bonriki International Airport, funded from a controversial US\$7 million grant from

the People's Republic of China, are geared toward improving the tourist trade.

The introduction of the 1992 budget provided the opportunity for the new government to review the level of taxation on employees and the business community, and to announce salary increases in the public service. The rate of personal income tax was fixed at 35 percent for all employees, with a tax rebate of 25 percent for low income earners.

Petitions relating to the Tabiteuea North election were heard in the High Court, and resulted in the disqualification of a government minister and subsequently of his wife who succeeded him as member of parliament. Minister of Works and Energy Teaiwa Tenieu was found guilty of bribery because he gave gifts of tobacco to the *unimane* 'old men' during his campaign visits to the village *maneabas* and to the Island Council. The defense lawyer argued that in Kiribati custom, the tobacco gift is an accepted symbol of respect and the paying of homage (*mweaka*) to the spirits and people of the village. Nevertheless, the court ruled that the presentation of tobacco and the provision of transport for electors on election day constituted violations of the Election Act.

Tamwi Naotarai, from Betio, replaced the disqualified Teaiwa Tenieu as minister for Works and Energy. Tamwi was a member of the opposition, and his recruitment to ministerial ranks served to increase the numbers on the government's side.

The by-election for the vacant Tabiteuea North seat was won by the wife of the former member, Nei Koriri

Teniu. The election of a young Tarawa woman in a predominantly male-controlled community was a pleasant surprise to the nation, but it was a strong reflection of Kiribati culture and a rebuttal of the High Court's judgment. The Tabiteuea people, renowned for their pride, were offended that the High Court saw the giving of tobacco to their old men as a form of bribery rather than as a *mweaka*. However, another election petition brought similar charges against Nei Koriri to those made against her husband. The High Court again ruled in favor of the petition, and Nei Koriri Teaiwa was disqualified. Another by-election is now pending for the North Tabiteuea seat.

The formation of a new political party, Te Maneaba Party, ensured that the ruling party has to battle for its security. Following a series of discussions among leading members of opposition factions in parliament (Reitani Kiribati, Te Waaki ae Boou, and Eriko), it was agreed that the only feasible way to topple the National Progressive Party from power was to form a single party. Decisions and debates within the Maneaba Party will be carried out in Kiribati style. Its leader will be chosen by secret ballot before the end of 1992, and will be the Maneaba Party presidential candidate for the next general elections.

Notable features of the May 1992 meeting of the Maneaba ni Maungatabu were the passing of a number of private members' bills and the relative absence of the government's business. The Litter Bill and the Income Tax Amendment Bill moved by Roniti Teiwaki attracted considerable interest

and debate. The two bills were opposed by the government, but in a division on each bill the majority of members voted in favor of them both. The Litter Bill is an attempt to provide for the proper management and control of litter in public places, and makes the throwing of litter in a public place an offense. The Income Tax Amendment Bill proposes to exempt from taxation the income of cooperative societies, as well as allowances such as pension payments, and housing and entertainment allowances for businesses.

The controversial loan from the People's Republic of China to upgrade the Bonriki International Airport was hotly debated, but the government managed to secure a favorable vote in the end. The Maneaba Party opposed the project as being too expensive and badly timed, and more beneficial to the Chinese people than to the I-Kiribati. The government argued that an airport of international standard is essential for economic growth, as it will facilitate the arrival of bigger planes and generate more tourism.

The government had serious problems securing additional land to upgrade the Bonriki International Airport. Bonriki landowners have been very poorly compensated for the considerable amount of land already acquired for the airport and for water reserves. They would not agree to give more land to the government unless the government agreed to lease the water reserves, which cover about 75 percent of Bonriki village. The matter remained unresolved at the end of the period under review.