servation office in Taumarunui, Wanganui Māori from the area made direct representations to the minister, who did finally take some remedial action, overruling his director-general in the process.

By May 1996, the government was trying to play down the tensions between itself and Māori in the run-up to a general election. At this time the Waitangi Tribunal, the government-appointed body set up to inquire into and recommend remedies for breaches of the treaty, issued its landmark Taranaki Report. In finding in favor of the claimants, it listed numerous horrendous violations of the legal, moral, and human rights of Taranaki Māori by successive New Zealand governments right up to the present. The report sent a very strongly worded and stern message to the government about the unsatisfactory relationship between governments and Māori. Not only did it severely criticize the current government’s proposed claims-settlement policy, it also told it that the history of every New Zealand government had been one of dogged determination to destroy Māori autonomy. This had been achieved by removing Māori resources and economic bases from them, as well as by not affording them the recognition and respect owed them as indigenes. The tribunal found that such actions on the part of governments were not only clear violations of the Treaty of Waitangi, and very often also clearly illegal, they were also in breach of the international right of indigenes to constitutional status as first peoples. The tribunal also found that the level of determination with which governments have tried to destroy Māori autonomy has been more than matched by Māori determination to preserve that autonomy. The tribunal reminded the government that Māori refer to their autonomy as tino rangatiratanga or mana motuhake.

The government’s response to the report was muted. The minister of treaty negotiations urged all New Zealanders to read it, but then would not subsidize its publication. The media complained bitterly at having to pay NZ$100 for a copy, and rightly pointed out that as a result very few people would read it.

MARGARET MUTU

NIUE

Niue’s general election, held on 16 February, came in the wake of the political stalemate that had left the Niue Assembly evenly divided since December 1994. Despite the gridlock brought about by the 10–10 standoff, the government of Premier Frank Lui held office to the end of its term.

The election was dominated by party politics. On one side was Premier Lui’s government, which rejected the idea that political parties were necessary or useful for Niue’s political and economic development. On the other was the Niue People’s Party (NPP), led by Young Vivian (who served briefly as Niue’s premier following the death of Robert Rex in 1992).

Consequently the election campaign was an unusual one, because in a sense only one side, the Niue People’s Party, took part. The party took its message around the island, holding election meetings, giving out party T-shirts and
hats, running advertisements in the island’s sole newspaper, the Niue Star, and on state-owned radio and television.

By contrast, Premier Lui met with voters solely in his own village constituency of Alofi North, in the capital, running on his government’s record. The rest of his team, de facto members of a government “party” but (in the absence of any party organization) at the same time all of them independents, for the most part campaigned separately. Although there were some achievements for progovernment candidates to emphasize, their positions were somewhat reactive, since the Niue People’s Party more or less set the agenda. The main issue, seemingly, was whether party politics had a role to play in Niue’s future.

Each of the 1,259 people on the electoral roll had two votes—one was for one of the fourteen local electorate members of the Assembly, and the other treated the island as a single constituency. Electors had the opportunity to vote for up to six people, known as “common roll” members, who represent the island as a whole. This ballot invites much of the pre-election speculation among Niueans and attracts a large number of candidates. In 1993 a record number of candidates (24) vied for these six at-large positions; in 1996 there were originally 25, but one withdrew prior to the election.

Four of Niue’s village electorates went uncontested. At Hakupu, across the island from Alofi, Young Vivian was reelected unopposed. The Niue People’s Party gained a second seat before polling day, with the return to the Assembly for a second term of Pokotoa Sipeli at the village of Liku. At Vaiea, Talaititama Talaiti, at 25 years of age the youngest member of the Assembly, also won his second term unopposed. Talaiti was a government supporter, as was Namukulu’s Jack Willie, who was first elected its representative in 1987.

The government and the Niue People’s Party thus approached the February election deadlocked 2–2. There was competition between the two sides in the remaining ten village constituencies, although the pre-election loyalties of some of the candidates were by no means entirely clear. In any case, electoral opportunities were not altogether equal in each of these seats: in seven of them, incumbent Assembly members were standing for reelection and, on Niue as elsewhere, incumbents generally have an advantage. Six of these contests were two-person races, and in all but one the seat was held by the incumbent. The winners included Premier Lui (in Alofi North); Cabinet Minister Aokuso Pavili (in Avatele); Fisa Pihigia (Niue People’s Party, in Tuapa); Hafe Vilitama (progovernment, in Mutalau); and Dion Taufitu (Niue People’s Party, in Toi). The only seat to change hands was one in which at least one incumbent Assembly member had to be defeated: in Alofi South, the local representative, Tukala Hekau, was challenged by Robert Rex, Jr, who had been elected as a common roll member in 1993 but was now seeking to represent his father’s (and, in a sense, his family’s) former constituency. Robert Rex, Jr’s victory meant that Hekau was the only incumbent member of the Assembly seeking
reelection not to be given another
term, suggesting that the voters were
unable or unwilling to punish either
progovernment or pro-NPP members
for Niue's deadlocked Assembly
politics.

The overall election result was
decided in the three village seats in
which there were no incumbents seek-
ing a further term. In two of these,
Tamakautoga and Lakepa, elderly or
unwell Assembly members had decided
to step aside, and in each seat three
candidates strove to succeed them. In
Tamakautoga, Umuti Makani was
elected, replacing the retiring Ikifotu
Manamana (an NPP supporter). In
Lakepa, John Tiakia won his three-
way race, keeping the seat safe for the
government. At Makefu, the local rep-
resentative, Uluvili Tohovaka (Niue
People's Party), decided not to seek
reelection in the village after being
influenced to stand for a common-roll
seat instead; he withdrew that candi-
dacy as well prior to the election.
Tohovaka had defeated Ataloma Misi-
hepi in 1993, but this time Misihepi, a
progovernment independent, gained a
narrow victory.

In the remaining village, Hikuta-
vake, the election-night result was a
tie: 20 votes each for incumbent
Assembly member Opili Talafasi, an
NPP supporter, and Lagaloga Mitikose.
As Talafasi had received 36 votes in
1993 (and Mitikose 9), the outcome
demonstrated a substantial move of
voter sentiment against Talafasi,
though not enough to cost him the
seat. There had been a tied vote at the
1993 election as well (in Avatele,
which was decided in favor of Pavihi
after Niue's Chief Justice John Dillon
flew up from Wellington on a special
flight in order to resolve the tie
through the toss of a coin). This time,
with the experience of 1993 behind
them—the special flight to oversee the
coin toss was said to have irritated the
chief justice, and used a procedure not
required under either the Niue Consti-
tution or its electoral act—the Hikutau-
vake tie was settled by drawing a name
from a hat (under supervision, and
with a telephone link to Wellington).
The winner was Talafasi, who also sur-
vived an election petition challenging
the result, but his victory was not
enough for the Niue People's Party.

The parties won an equal number of
the common-roll seats that had
inspired so much attention, but the Lui
government won a slender majority of
the 14 village seats. Niue's top vote
getter was Minister of Finance Terry
Coe, who in 1993 had been the first
ethnic non-Niuean to win a seat in the
Assembly. His cabinet colleague,
O'love Tauveve Jacobsen, came sec-
ond, while in third place was progov-
ernment incumbent Poni Kapaga. That
three highly visible progovernment
Assembly members, including two cab-
inet ministers, topped the poll suggests
that, overall, Niue's voters had decided
that the NPP team was not yet ready to
be given control over the island's
finances. Coe's 549 votes and first-
place finish were a significant improve-
ment over 1993 (when he came third
with 430 votes); Jacobsen came second
on the common roll in both elections,
while Kapaga improved his perfor-
mance slightly (he had come fourth in
1993).

The weakness of a nonparty
approach was also revealed in the
1996 voting, however, for there was no clear government ticket for anti-NPP electors to support. As a result, their votes for the remaining three common-roll Assembly seats were dispersed among a number of independents, none of them incumbent Assembly members. The Niue People’s Party—which had a much clearer party ticket, and whose supporters showed considerable discipline in following it—was able to win the fourth, fifth, and sixth common-roll seats. These were won by Toeono Togatule, formerly assistant secretary to government (and ex-director of public works), and a newcomer to the Assembly; Michael Jackson (who had topped the poll in 1993 with 548 votes, but had lost considerable support by 1996, receiving only 386 votes), and, in sixth position, former Finance Minister Sani Lakatani, notwithstanding ongoing legal action being taken against him by the government.

In the immediate aftermath of the election, both the government and the Niue People’s Party sought to win wavering Assembly members over to their respective sides. Both the premier and the party appeared confident. Premier Lui had little to offer to ambitious Assembly members. The size of Niue’s Cabinet is limited by its constitution to four ministers (including the premier), and all of Lui’s Cabinet colleagues had been reelected. A postelection meeting between Premier Lui and Robert Rex, Jr, who had taken an independent stance critical of the government but had an uneasy relationship with the Niue People’s Party as well, was unable to win Rex over to the government’s side. The Niue People’s Party was in a more flexible position after the election, but attempts to entice progovernment independents to its side proved futile.

When the Assembly convened days after the election, the Speaker of the House, Sam Tagelagi, was voted out of office (after serving for twenty-three years) by an 11–9 margin. He was defeated by High Court Commissioner John Funaki, who was the government’s choice for Speaker. The Lui government had become unhappy with Tagelagi’s conduct as Speaker and the vote (which preceded the vote for premier) foreshadowed Lui’s reelection by an identical margin. Lui defeated Robert Rex, Jr, who was a surprise choice as NPP leader in a move intended to attract independent Assembly members over from the government side. The result meant that Premier Lui was able to begin his second successive three-year term as head of government with the smallest possible majority. But he has already shown that he has the ability, and the tenacity, to stay in power with few votes at his disposal and little room for maneuver.

Lui had been able to secure passage of the government’s budget in October 1995 by requiring the Assembly to consider a vote of confidence in the cabinet. The move had revealed a split in NPP ranks and apprehension among NPP supporters about the electoral consequences of rejecting the budget and forcing an early election. As a result Young Vivian had no option but to negotiate a withdrawal of the government’s motion, which was achieved in return for the Niue People’s Party supporting the budget (which it had ini-
The budget sitting came three days after the Niue High Court found the sacking of three NPP Assembly members to have been invalid. The case came about when the government used a colonial Assembly Ordinance to dismiss party members who had been boycotting meetings of the Public Expenditure Committee. The chief electoral officer had declared their seats vacant but, with a general election only months away, had indicated that no by-elections were to be held. If upheld, the government’s move would have broken the Assembly deadlock by giving it a 10–7 majority until the elections.

The Niue Government appealed against the decision reinstating the three members of the Assembly (Lakatani, Jackson, and Talafasi). The appeal became the first to be held before Niue’s Court of Appeal, which heard the case in Wellington and upheld the High Court ruling. The three-member Court of Appeal, set up by changes made to Niue’s constitution in 1992, also met in November to consider another case involving Lakatani. He had been charged with twenty-two counts of bribery and two of official corruption, had pleaded not guilty, and had been remanded for a hearing before Chief Justice Dillon.

The case rested on interpretation of section 180 of the Niue Act dealing with “official corruption,” and essentially rested on the question of whether the Act embraced conduct by members of the Assembly as well as cabinet ministers. The court concluded that members of the Assembly “fall outside of the provisions of . . . the law of Niue” and therefore “they cannot be guilty of crimes of corruption or bribery.” It described the result as one which “may well be unsatisfactory” but stated that “[t]he gap in the Law is one for the Assembly to remedy.” Thus it allowed part of Lakatani’s appeal against charges brought against him, dismissing those that referred to his activities as an assemblyman but permitting his prosecution for activities as a “servant of the Crown,” that is, a cabinet minister.

In December 1995 the Lui government again demonstrated its persistence and commitment, using an opportunity to pass legislation that opened up when one of the NPP Assembly members was forced to leave Niue for medical treatment. In his absence the government was able to secure Assembly approval for the long-delayed Tourist Authority Bill as well as a controversial measure requiring New Zealanders to gain permits to stay on Niue for longer than thirty days (and to apply for permission to work and live permanently on the island).

A child welfare program was also approved, giving each person under the age of seventeen $100 a year (ostensibly for school uniforms and sports equipment), with another $10 annually to be given to the Niue High School or Niue Primary School Parent Teachers Association. The program—a financial windfall for Niueans with children at school—was no doubt a factor in the strong electoral performance by the responsible cabinet minister, Tauveve Jacobsen.

Niue’s October Constitution Day
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celebrations provided an opportunity for the leaders of the Small Islands States (Kiribati, Tuvalu, the Cook Islands, and Nauru, as well as Niue) to meet in Alofi. Topics discussed included reductions in public services, privatization of government-run activities, airline and shipping services in the Pacific, and development aid. The celebrations proved a significant milestone in Niue’s national life. About two hundred people attended from overseas (mostly from New Zealand), and guests of honor included New Zealand’s then governor-general, the popular Dame Catherine Tizard, as well as representatives of the New Zealand Government and the opposition Labour Party. Representatives from Australia and Papua New Guinea also attended ceremonies, as did the leaders of the Small Islands States.

Some development projects were successfully completed during the period under review, most notably the airport runway rescaling and extension project. The runway extension was officially opened by the governor-general, who subsequently boarded a special Royal New Zealand Air Force jet and flew back to Wellington. The project, funded by New Zealand, produced an asphalt runway capable of handling 767 jets; unfortunately, the completion of a world-class runway coincided with the withdrawal from Niue of the one scheduled passenger jet service it already had. Air Nauru’s unprofitable flights were discontinued in August 1995 and were succeeded by a much less impressive service from Royal Tongan Airlines. The absence of very many aircraft landings or takeoffs suggests that Niue’s runway may be in good condition for a long time to come, but the same cannot be said of its tourist industry. Unless a new air service is organized, the island’s hopes for prosperity through international tourism are certain to be disappointed.

However, work continued on the island’s new Matavai resort, a NZ$2.5 million project on a cliff-top site, a private enterprise investment made possible through government financial support. Income generated by Niue’s export taro scheme, as well as further plantings in the afforestation program, may also be counted as development successes. Niue’s Broadcasting House, which houses its television and radio stations and can serve as a national disaster center if required, was also completed. It was officially opened by the Australian high commissioner, having been funded in part by Australian aid as well as UNDP assistance.

A setback occurred, however, when the New Zealand Navy’s channel blasting program proved a bit too explosive, causing extensive damage to the wharf in the capital, Alofi. The navy was required to carry out necessary repairs, which proved both time-consuming and expensive. The accident meant that cargo ships were forced to anchor offshore and unload onto barges.

Postelection financial developments were also unpromising. Increases in government spending (to NZ$27 million annually), on projects such as the cross-island road-sealing program, a street-lighting program for Niue’s villages, and an islandwide high-tech cellphone project, all contributed to predictions of an increase in the government’s budget deficit. There were
also signs of renewed emigration, particularly among younger, skilled people, and the tourist industry was at an almost complete standstill. Niue’s progress toward greater international recognition for its self-governing status was also interrupted when the United States not only blocked Niue’s application for membership in the Asian Development Bank, but refused to meet with representatives of the Niue Government at the Manila meeting lest such discussions be interpreted as granting Niue a status that the United States does not agree it is entitled to enjoy.

Niue continued to play a role in regional affairs, however. The government joined antinuclear testing protests against the French, and 17 of the 20 members of parliament signed a petition that was lodged with the French Embassy in Wellington. Niue also withdrew from the South Pacific Games in Tahiti in protest against the French actions.

Niue’s Constitution Review Committee was reconvened in 1996 to consider possible constitutional changes, and it was likely that the government would move to amend the legislation dealing with official corruption in light of the Court of Appeal ruling. Government solicitors were working on updating legislation inherited from the pre-self-government period.

Other signs of political change on the island were evident during the election. The three-way race at Makefu village included the candidacy of Stafford Guest, who was the first non-Niuean to stand in a village constituency since self-government. Similarly, in Hikutavake the third-place finisher was another person seeking to challenge village norms: Salapiga Tutaki-toa, who would have been the first woman to represent a village in the Assembly had she won. Although each candidate was ultimately unsuccessful—suggesting that at this stage the criteria for village representatives are more strict, and more traditional, than for the common-roll seats—their involvement in electoral politics at village level continues a process of social change and communal development that has the overall effect of widening opportunities to take part in Niue’s national life.

STEPHEN LEVINE

Tokelau

Tokelau moved closer to responsible self-government in 1995–96. As fore-shadowed in last year’s review (see Levine 1996, 201), amendments to the New Zealand Parliament’s Tokelau Act 1948 seemed appropriate, both to bring the legislation into line with moves being taken in Tokelau toward self-government, and to formally locate legislative authority with Tokelau’s supreme national body, the General Fono.

The Tokelau Amendment Bill was introduced in parliament on 19 December 1995. Sir Robin Gray, New Zealand’s associate minister of foreign affairs and trade, introducing the measure, noted that the bill had “substantial significance for both New Zealand and Tokelau. It acknowledges that Tokelau is moving through an important process of constitutional change, leading to self-government and an act