

Reviews of American Sāmoa, Cook Islands, Hawai'i, Niue, Tokelau, and Tuvalu are not included in this issue.

FRENCH POLYNESIA

Familiar themes are revisited in the year under review. The Tahitian government proceeded with costly public works that are arguably out of proportion to the small territory's means and needs. While critics may view these as pork-barrel projects in anticipation of the forthcoming elections, they have long been a feature of a territorial economy driven by public expenditure. President Gaston Flosse was once again subject to, but for the time being survived, new and continuing investigations into his alleged involvement in corruption. Notwithstanding the bad public relations generated by corruption charges coupled with a law redistributing seats in favor of the urban constituencies, the Tahoe-*raa* party's cast-iron grip on power was confirmed in both municipal and territorial elections. Emboldened by his party's unprecedented victory at the polls, President Flosse continued to chafe at the limits imposed on his power by the French state.

Public works have been a motor of growth, especially since France has provided funds to facilitate a post-nuclear testing conversion of the territorial economy. This year was no exception. A major new development is the construction of a territorial hospital center at Taaoone to replace the aging facility at Mamao. It will

include a general hospital, psychiatric ward, blood transfusion center, and accommodations for families. First flagged in 1996 at an estimated cost of FCFP 10 billion, it was not until July 2000 that a company was chosen to build the hospital at a revised cost of FCFP 22 billion. By October the budget had grown to FCFP 32 billion (FR 1.76 billion). President Flosse then asked the minister for Overseas France, Christian Paul, for a financial contribution of 65 percent from the state. Paul agreed, but on the condition the territory demonstrate the means to maintain a hospital of this size.

The French state was not alone in voicing concerns. An opposition leader, Boris Léontieff, considered the cost exorbitant for a small territory, especially compared to the mere FCFP 5 billion required to renovate the existing hospital. Léontieff cited a French specialist who estimated the normal cost for a hospital of this kind would be at most FCFP 18 billion. Moreover, maintenance costs would be in the order of 10 percent of the capital outlay, which in the case of the territory's proposal would be 3 billion per year. Léontieff believed that not only the initial outlay but also the maintenance costs would exceed the territory's financial means. The other opposition leader, Oscar Temaru, decried the hospital initiative as a public relations stunt in the lead-up to the 2001 elections.

Meanwhile, the state refused to

participate until it had fully explored the financial implications of the proposal. Flosse was furious at the delay and issued an ultimatum that, if the state was not prepared to contribute and honor its commitments, the territory would finance the entire project alone. In January Flosse's majority in the assembly went ahead and voted for the territory to fund the hospital 100 percent, thereby allowing the president to sign contracts and proceed with a ceremony to lay the first stone (*TP*, Feb 2001, 27-29).

The territorial government has also invested significant monies in improving infrastructure throughout the outer islands by way of building new roads, ports, and airports. The jewel in the crown of this plan is the complete renovation of the port town of Uturoa on Raiatea in the Leeward Islands. The first phase of this scheme has been completed with a new port costing FCFP 7.3 billion (FR 400 million). This includes a reception area for luxury cruise ships, extension of the docks, an artisan village, a public park, and administrative headquarters for the port authority (*TP*, Feb 2001, 33-35).

The territory's fledgling international airline, Air Tahiti Nui found itself in dire financial straits after losses of FCFP 3 billion in its first two years of operation. The key factors cited for its troubles were the rise of the US dollar and a parallel increase in fuel costs. In November 2000 the territory was obliged, once again, to engage in a financial bailout to the tune of FCFP 1.4 billion to prevent the airline's collapse. Flosse went still further by guaranteeing that the territory would meet any unforeseen shortfalls that the company might face up to the

year 2005. The difficulties of a French airline, AOM, which could no longer continue flights between Paris and Papeete, opened the way for Air Tahiti Nui to mount an ambitious expansion of its operations, including a flight to France in addition to its existing routes to Japan and the United States. After months of negotiations with the French state, Flosse announced in June that Air Tahiti Nui would rent another Airbus and commence flights to Paris no later than September 2001. It is unclear how this costly expansion will be funded, but the state has been called on to contribute (*TP*, July 2001, 9).

The year under review was a mixed blessing in terms of Gaston Flosse's continuing travails at the hands of French justice. To his dismay, in November investigations began into several new cases of alleged corruption concerning not only the president but also his family. In one case Flosse and his son Reginald came under suspicion in relation to major loans made by the Socredo Bank to the Flosse family. Allegedly, loans amounting to billions of French Pacific francs had been made without the proper procedures being followed and had not been repaid in the normal manner. Another affair concerned the alleged impropriety of Flosse's wife, Tonita, in making use of government personnel and equipment for major construction works at her private property in Opoa on the island of Raiatea. These works, which included terracing land, rerouting a road, and building a massive wall, implicated the president in illegal use of public goods for personal gain and his wife for receipt of such goods (*TP*, Dec 2000, 38-40).

Flosse was in strife on another

front in late January as the correctional tribunal in Paris began investigating his personal wealth. This process relates to a 1988 French law (modified in 1995) requiring national deputies and senators to provide a detailed account of their wealth when they assume office and again when they leave office. Such audits are meant to deter or, failing that, detect and prosecute cases of corruption. In Flosse's case, the court detected discrepancies between the declarations made by Flosse in 1991 when he was reelected deputy, and in 1995 when he completed this term of office. In particular the enquiry focused on Flosse's failure to declare paintings in his personal art collection worth several million French francs as well as two apartments in Paris occupied by his children. For the time being, the judicial enquiry is restricted to ascertaining whether Flosse made an initial false declaration, rather than investigating the means by which he obtained his remarkable wealth. The trial will be held in September 2001 (*TP*, Mar 2001, 10-11).

Under the circumstances, Flosse was enormously relieved by the final outcome of his protracted trial relating to the Hombo Affair (see von Strokirch 2001). After his conviction in November 1999, Flosse succeeded in having both the conviction and the sentence revised in his favor by the French appeals court in June 2001. His conviction stands for allowing the operation of an illegal casino in Pirae when he was mayor during the early 1990s. However, his conviction for corruption with regard to the casino owner's funding of Flosse's political party as a quid pro quo was overturned. Flosse's penalty was thus reduced to a fine of

FR 15,000 and, more important, the suspended prison sentence and ineligibility for public office were dropped (*TP*, July 2001, 10).

In a long-awaited decision, on 10 January 2001 the French Constitutional Council confirmed new electoral laws pertaining to the territorial assembly to allow more equitable representation between the five archipelagoes. A final major amendment to the law compared to the one outlined in the previous review increased the total number of seats in the assembly from 41 to 49 (von Strokirch 2001). The outcome therefore implemented the model prescribed by the Tahoeeraa party. As a result, the populous Windward Islands were allocated 10 additional seats for a total of 32, whereas the Leeward Islands and the Tuamotu-Gambiers each lost a seat, leaving them with 7 and 4 respectively. The Australs and Marquesas each retained their existing 3 seats. In recognition of their isolation and limited influence in territorial affairs, the outer islands still exercise an advantage in requiring fewer votes to obtain a seat, but the gap has narrowed.

The opposition in French Polynesia campaigned to have the municipal and territorial elections held simultaneously in 2001, for two reasons. First, they pointed to the enormous cost associated with organizing territory-wide polls and logically concluded that it would be more cost effective to hold them at the same time. Second, they argued on the basis of past experience that the territorial elections would be unduly influenced by the outcome of the municipal poll if it were held just two months earlier. The latter argument has merit, as mayors are susceptible to persuasion by the

territorial government, while the mayors in turn hold great sway over the voting behavior of their constituents. However, the opposition was unsuccessful, and the elections went ahead in March and May respectively.

The two rounds of municipal elections held on 11 and 18 March yielded no great surprises. The leaders of the main political parties retained control of the key urban fiefdoms: Boris Léontieff in Arue, Oscar Temaru in Faaa, and Emile Vernaudon in Mahina. Gaston Flosse's son-in-law and vice president of the government, Edouard Fritch, survived his recently organized succession to Flosse as mayor of Pirae. Another leading light of Tahoeraa, Deputy Michel Buillard, was reelected mayor of Papeete. A Tavini party candidate, Raymond Van Bastolaer, succeeded in wresting control of Haapiti on Moorea, but another pro-independence candidate, Jacqui Drollet, lost his office as mayor of Hitiaa. Ecologist Jacky Bryant posed a serious challenge to the incumbent Tahoeraa minister and mayor of Bora Bora by winning 47 percent of the vote in the second round. Overall the Tahoeraa party dominated the municipal elections, with the exception of a major setback in the Marquesas. As a result of long-standing regional disaffection with central government and its failure to provide a secure water supply, Tahoeraa secured only one of the six inhabited islands.

The territorial election, held on 6 May, produced an unprecedented victory for the incumbent Tahoeraa government as it won an absolute majority with 28 of the 49 seats. Tahoeraa increased its share of the total vote to

49 percent, up from 39 percent in the 1996 election. The pro-independence Tavini party won 13 seats but did not increase its overall share from the 25 percent recorded in 1996. The Fetia Api party of Boris Léontieff polled remarkably well in winning 7 seats, having previously held only 2. One independent, Chantal Flores, was elected from the Australs. The big loser at this election was Emile Vernaudon and his Ai'a Api party, which gained no representation as it failed to reach the 5 percent minimum vote threshold in the Windward Islands.

This outcome points to an anomaly in the electoral system, which militates against small parties and undermines the democratic nature of the results. Party lists that gain less than 5 percent of the vote in any of the five archipelagoes are automatically eliminated. Consequently, in 2001 the following voters gained no representation: 11.6 percent in the Windward Islands, 18.7 percent in the Tuamotus, and 24 percent in the Marquesas. This factor, combined with the bias in favor of the outer islands where Tahoeraa polls strongest, allowed the conservative party to gain 57 percent of the seats despite having only 49 percent of the votes. The electorate is gradually learning the lesson, as far fewer people voted for small parties in 2001 than they did in previous elections (*TP*, May 2001, 10–11).

The extent of Tahoeraa's win at the territorial elections confounded predictions that, even if the opposition did not take government, it would at least increase its representation. Such a shift was anticipated in view of the new law adding seats to the urban constituencies, and the bad publicity

associated with the president's interminable battle against corruption charges. The opposition did not get as high a proportion of seats attributed to the urban areas as it would have liked. Yet no matter what weighting was given to constituencies, Tahoeraa would still have won as it obtained half of all the votes territory-wide. With regard to the second factor, corruption has never figured strongly in the decisions of voters in the past, and the 2001 elections demonstrate that nothing has changed. Moreover, as the incumbent governing party in charge of distributing financial largesse from France in the post-nuclear era, Tahoeraa exercised an enormous advantage over the opposition. Finally, Flosse's strategy of wooing leading lights from the opposition with the promise of ministerial portfolios has been instrumental in the demise of two long-standing parties, Here Ai'a and Ai'a Api.

The political landscape has become more clear-cut, with only three parties left to spar in the assembly. Tahoeraa stands for continuing inclusion in the French Republic while also seeking an expansion of the territory's powers. Tavini advocates sovereign independence but recognizes that the reality of economic dependence dictates a close association with France in the long term. Regardless of political status, both parties demand that France continue to underwrite the territory's economic development by way of compensation for thirty years of nuclear testing. The other opposition party, Fetia Api, is against independence yet differentiates itself by engaging in fierce critiques of the Tahoeraa government's policies and alleged

corruption. Not surprisingly, all three parties have similar programs for economic development. In view of the territory's limited resources they can but focus on its strengths—namely tourism, black pearls, and other marine resources.

A significant outcome of the 2001 election was the huge increase in women's representation, thanks to a new French "parity" law requiring gender alternation of electoral candidates on party lists (see background in von Strokirch 2001). The new territorial assembly includes no fewer than twenty-two women, compared to only five before. In another milestone, on 17 May the assembly elected a Tahoeraa member, Lucette Taero, as its first woman president (the equivalent of a Speaker in parliament). The following day Gaston Flosse was reelected president of the government. He then announced a new cabinet lineup that included six women out of the total of seventeen ministers.

The war of words between Flosse, who is aligned with the metropolitan conservative party, and the Socialist government in Paris continued unabated in the year under review. In addition to the dispute over the state's delay in funding for the new hospital, further points of tension include the alleged partiality of the state-funded television service, RFO; the role of the president's Polynesia Intervention Group; and the extent and timeliness of other state financial transfers.

Gaston Flosse is notorious for his intolerance of criticism and his unending conflicts with elements of the territorial media. In the past the president's public attacks, boycotts, and litigation have been directed toward

the pro-independence radio station Reo Tefana, the nonpartisan magazine *Tabiti Pacifique*, and the private television network, Telefenua. However, this year the French state television network, RFO, has also displeased him because it occasionally issues unfavorable reports on aspects of territorial government. One RFO-TV journalist provoked the president to such an extent that Flosse took concrete measures to sabotage RFO-TV. First he issued a threat in April that the post and telecommunications office would deny RFO-TV access to the satellite necessary for its transmission to the outer islands. (This threat was later acted on in July 2001 for the space of a week.) The president then denied RFO-TV the right to film July's Heiva festivities, the single most important cultural event of the year. Instead the monopoly on filming Heiva was granted to the territory's own fledgling TNTV, a network that is not yet accessible to all viewers (*TP*, July 2001, 26–27).

The territorial government has also been developing its own media sources to counteract the media elements it perceives as partial to the opposition. The previous review analyzed the purpose of the hastily inaugurated TNTV service, an operation financed 80 percent by the territory (von Strokirch 2001). In addition, the presidential information service began publishing its own *Te Fenua* newsletter, distributed free locally, to give its spin on current events and highlight achievements of the government. In order to better reach and influence an international audience, in January the territory launched the Tahitian Press

Agency. January also saw the inauguration of a new government service for “international relations,” replacing the former “external relations” service advising the president. The title and function of this service have since been questioned by the state as exceeding territorial powers of autonomy.

A continuing source of tension between the territorial government and the French state has been the ambiguous and ever-expanding role of the Polynesia Intervention Group. In the wake of the destructive 1995 riots the president set up this force, initially as an extension of the presidential security guard. In mid-1996 the state overruled a proposal that the presidential security forces be armed. Not until May 1998 did the territorial assembly officially approve the establishment of the group. At the time, its principal missions were defined as assisting the population in the event of natural disasters, ensuring essential maritime traffic, reinforcing the provision of public works and services, and maintaining the security of public places. This provoked a prompt intervention from the French high commissioner, who emphasized that under no circumstances should the force supplant the role of the national police in the provision of law and order, as this was an exclusive power of the state. The force has since earned credit for its role in disaster relief following cyclones and floods in 1997 and 1998. However, it has caused some concern as its extensive public works have circumvented planning regulations. In July 2000 the high commissioner issued a warning that the Polynesia Intervention Group must respect

existing laws and not exceed its powers with respect to public security. The opposition is also alarmed at the potential scope for abuse given that this militia-type force of several hundred is under the direct control of the president (*TP*, Aug 2000, 28–29).

President Flosse has continued his long-standing practice of deriding the state for its perceived failings, including tardiness in delivering financial transfers already committed under long-term funding schemes. On one occasion in the territorial assembly, buoyed by his recent election victory in June, Flosse launched into a tirade against the socialist government. Flosse charged that “state officials, in perfect harmony with the administrative tribunal, work on a daily basis to void our autonomy of all substance.” He went further, asserting, “It is not acceptable that the socialist government and its local representatives exercise their political pressure and attempt to influence the result of the elections in pursuit of their partisan interests” (*TP*, June 2001, 10, my translation). Evidently Flosse gained no joy from the new state minister for Overseas France, Christian Paul, who stated in no uncertain terms that France was a partner in development but had no intention of issuing blank checks to French Polynesia. The state is well within its rights to monitor the use of funds to ensure they are spent productively in the way intended in original agreements. Conversely, there is merit in Flosse’s critique of the state’s financing diverse military-related operations with funds ostensibly designated for the territory’s economic development. The foreign

legion, adapted military service, dismantling of the test center, and radiological surveillance of Moruroa are cases in point.

To a casual observer it may appear counterintuitive for the president to persist in biting the hand that sustains not only his government, but also the territory’s economy and high standard of living. Nevertheless, this practice has been tried and proven to good effect in the past. Antistate rhetoric works well for local consumption insofar as it diverts attention from the territorial government’s own policies and lays responsibility for delayed development projects squarely at the door of the state. But no evidence exists that socialist governments in the past have been less generous in the scale of financial transfers to French Polynesia. Rather, it could be argued that left-leaning governments are more susceptible to arguments about the territory’s right to compensation for a legacy of French colonialism and nuclear testing. Flosse is well aware of this bargaining chip and is systematically playing it in anticipation of negotiations for renewed state funding when the grant for reconverting the post-testing economy expires in 2005.

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MĀORI ISSUES

As more high-profile cases of Māori not coping in New Zealand society have been brought to the nation's attention, Māori leaders have started to make a much more concerted effort to steer debate toward consideration of not only the underlying causes but also the acceptance of Māori-defined remedies and solutions. Several Māori parents and caregivers have been convicted in the past year for the severe abuse and murder of young children. Three more children and then an adult lost their lives in house fires in the Far North in April and June 2001. These fires, like those that claimed the lives of three children in a fire in the same region in 1997, were a direct result of continuing poverty. Young Māori offenders are increasingly being convicted for brutal rapes, murders, and "home invasions." And the rate of Māori youth suicide is one of the highest in the world and increasing at an alarming rate.

In a hard-hitting speech to the New Zealand Psychological Society Conference in August, Tariana Turia, the associate minister of corrections, health, housing, Māori affairs, social services, and employment, confronted these issues directly. Predictably, the speech brought down the wrath of mainstream New Zealand media on her head. In asking New Zealand psychologists to consider, analyze, and find remedies for the effects of post-colonial traumatic stress disorder on Māori, she pointed out that she saw the connections between "home invasions" and the invasion of the "home lands" of indigenous people by a people from another land. "What I have difficulty in reconciling," she said, "is

how 'home invasions' [elicit] such outpourings of concern for the victims and an intense despising of the invaders while the invasion of the 'home lands' of Māori does not engender the same level of emotion and concern for the Māori victims."

However the section of the speech that riveted the media for weeks afterward was the minister's reference to the holocaust that indigenous people, including Māori, had suffered as a result of colonial contact and behavior. "I understand that much of the research done in this area focussed on the trauma suffered by Jewish survivors of the holocaust of World War II," she said. "I understand that the same has been done with Vietnam veterans. . . . The Treaty of Waitangi Tribunal . . . made a reference [to the holocaust suffered by Māori] in its *Taranaki Report of 1996*" (Turia 2000).

Overnight the media declared that the word *holocaust* was the sole preserve of Jewish people, misquoted Turia, and launched an attack on her that in its viciousness surpassed even the attacks on Tuku Morgan in 1997. The prime minister attempted to censure Turia by issuing an edict banning the use of the word *holocaust*. The edict had to be toned down to *advice* in the face of a massive backlash from Māoridom, including other Māori members of parliament, in support of Turia. In turn, Turia apologized to the Jewish community if her comments had caused them offense. She drew unexpected support from some non-Māori quarters including a retiring member of the conservative National party who commented "New Zealanders who react with horror that

she should have described it as a holocaust are being a bit precious—or indulging in collective amnesia” (Upton 2001).

Following the sustained attack on Tariana Turia, other Māori members of parliament have kept a low profile. The two exceptions were Dover Samuels, who sought media attention in his fight against the prime minister for forcing his resignation, and Sandra Lee, whose lack of understanding of Māori politics and protocol finally led her own party, Mana Motuhake, to dump her as its leader.

Tariana Turia has long championed the strengthening and provision of resources for the basic social groupings within Māori society—the *whanau*, the *hapū*, and the *iwi*. The previous conservative National government had developed a policy that aimed at closing the gaps between Māori and non-Māori. The present government carried the policy on until it came under fire from right-wing politicians demanding that the government stop providing special funding targeted specifically for Māori. Bowing to that pressure, the prime minister abandoned the policy in December, noting the advice of her Māori caucus members that Māori do not wish to close the gaps between themselves and Pākehā if it means becoming the same as Pākehā. For many years Māori have called for control of their own destinies along with the necessary resources. The prime minister came under fire from the traditionally supportive Ratana church when she made her annual visit late in January. They put her on notice that unless her government performed and delivered to Māori it would lose Māori support

at the next election (2002). She was also severely criticized for refusing to attend Waitangi Day celebrations at Waitangi and for ordering the governor general not to attend. Tariana Turia and Minister of Māori Affairs Parekura Horomia defied her and attended.

In an attempt to dampen Māori criticism, the “closing-the-gaps” policy was replaced by a “capacity-building” policy that allows funding to be given to grassroots Māori groups and organizations to develop their own programs. However, given the scarcity of administrative expertise in many of these groups, unless the Ministry of Māori Development provides a lot of personnel on the ground to assist and train people on the job, and to help contract the appropriate expertise, this policy will also fail.

It is becoming increasingly obvious that the lack of administrative experience and expertise in Māori communities, particularly in commercial matters, is a matter of serious concern. In many cases progress in development is severely hampered where communities are not able to accept outside advice. The beneficiaries of many Māori trusts (including the Crown Forestry Rental Trust, which receives millions of dollars every year on behalf of Māori) have repeatedly accused their boards of corruption and mismanagement. Most of those organizations have received less media attention than is perhaps warranted, given the extent of Māori anger about them, but the same cannot be said of Tainui, which has been subjected to intense media scrutiny and criticism over the past year.

As a result of some unwise invest-

ments, Tainui has sustained losses totaling approximately NZ\$35 million of their Treaty of Waitangi settlement of NZ\$170 million, which they received in 1995. For over a year now, the country's largest daily newspaper has been conducting a campaign against Tainui, attacking them for the handling of their settlement, naming individual members of the governing body, and openly fueling animosity and disputes between members. The *New Zealand Herald* website lists more than eighty articles attacking Tainui, prominently published in the news sections in the past year, despite the fact that the compensation money is not public money but private money belonging to the tribe. Even the death of the chief negotiator, who had battled first the government and then his own people over Tainui's losses, did not stop the newspaper's onslaught.

By comparison, attempts to locate critical comment on that same newspaper's website about the NZ\$600 million losses of Air New Zealand, the NZ\$54 million debt of ENZA (who took over from the New Zealand Apple and Pear Marketing Board), Qantas New Zealand debts of NZ\$88 million, Brierley losses of NZ\$4.5 billion over the past ten years, and the collapses of many publicly listed companies with far higher losses and debts than Tainui produce only passing mentions in the business pages. On rare occasions the chairman of the board may be named, but the anonymity and personal privacy of the rest of the directors is carefully protected and respected.

Tainui may have publicly faltered in the handling of its settlements, but other *iwi* who have received settle-

ments have fared better. Many refuse to discuss their progress with mainstream media, and although a couple have been prepared to talk about their achievements they receive only fleeting mention. Ngai Tahu, for example, has continued to invest its settlement conservatively and wisely. The NZ\$170 million settlement received in 1998 is now valued at over NZ\$366 million, and Ngai Tahu is once again the largest landowner in its ancestral homeland, the South Island. In Rotorua, Ngati Whakaue's settlement of NZ\$5.2 million is now valued at NZ\$17 million. In Auckland, Ngati Whatua of Orakei has received a total of NZ\$8 million plus some housing since 1987. Their assets are now valued at more than NZ\$60 million.

In terms of profit margins and growing the asset, by far the most successful settlement has been the NZ\$170 million Sealords fisheries settlement reached in 1992. The Treaty of Waitangi Fisheries Commission now owns nearly half of the country's fishing quota and has assets valued at almost one billion dollars. However, the assets and funds that made up the settlement were not given to Māori but to a Crown-appointed commission whose task was to allocate the assets and funding to recognised *iwi*. It has yet to make any allocation, having been dogged by litigation, which has seen many millions of dollars of the commission's (and hence *iwi*) money spent on lawyers. Essentially the Crown still controls the proceeds of the settlement. *Iwi* are now demanding that parliament legislate the allocation as they watch the benefits from profits that should be theirs being spent on ridiculously high fees for

commissioners and an ever-increasing cadre of lawyers. Regular press releases are issued by the Treaty Tribes Coalition, which represents more than thirty *iwi* in the allocation debate, detailing the extent of the losses calculated for each *iwi*'s region while the proceeds remain tied up in the commission.

Almost all settlements have come about as a result of claims presented to the Waitangi Tribunal. In October 2000 the tribunal celebrated its twenty-fifth birthday. Despite ever-decreasing funding to keep it operating, it had registered 869 claims, and published 37 major reports and a further 31 minor reports. Many of these reports deal with several claims at once, and 140 claims have been dealt with fully or in part. Yet fewer than 20 of these claims have been settled, and no claimant group has received all the land and compensation they are entitled to. While the tribunal has built an impressive record and rewritten the history of the country, its work counts for little unless there is the political will to implement its recommendations. Although Māori leaders have pointed out repeatedly that the settlement of these claims is fundamental to the treatment of the crippling postcolonial traumatic stress disorder being suffered in those communities, in far too many cases governments have refused to accept the tribunal's recommendations. As a result, along with the length of time it takes to process a claim through the tribunal (usually many years) and some recent questionable appointments to the tribunal of members who are openly antagonistic to claimants, Māori are starting to lose faith in the

tribunal's ability to deliver the justice they so desperately seek.

Settlements reported in the last year have included the high profile Pākaitore or Moutoa Gardens area in Wanganui. Māori from throughout the country had poured into Wanganui in 1995 in support of the *iwi* of the area who had taken back a small area of their traditional lands. After a long standoff, the *iwi* eventually withdrew in the hope of settling the matter some other way. Tariana Turia was a very prominent member of that protest. In February 2001 she also featured prominently as the Wanganui District Council finally gave up its "ownership" of the gardens. Although the land was not returned to Wanganui Māori, a committee made up of themselves plus representatives of the Crown and the District Council now administers it.

Other settlements were reported: Pouakani in the central North Island, achieved the return of 100 hectares of conservation land, a 1922 hectare farm, joint management of their sacred mountain, and payment of NZ\$2.65 million to the descendants of the original owners of a 49,514 hectare block. Ngati Ruanui in north Taranaki received NZ\$41 million, 10 hectares of land, and recognition of their fishing rights—a settlement that generated strong protests. The settlement of the claims of Te Uri o Hau of Northland was particularly alarming: it covered 15 claims, 14 marae, and the loss of several hundred thousand hectares of land, but returned only NZ\$8.5 million, some commercial properties valued at NZ\$7.1 million, less than 30 hectares of land, and recognition of their fishing rights.

In the battle being fought by Māori on many fronts to protect the country's natural resources, the fight against the use of human genes in animals has been particularly bitter. An application by the New Zealand Pastoral Agricultural Research Institute to the Environmental Risk Management Authority for permission to carry out this genetic engineering was strongly opposed by Māori. The authority decided to override Māori concerns and gave permission for the work to be carried out on the ancestral lands of Ngati Wairere in the Waikato district, rejecting the advice of their own Māori expert and their own Māori advisory body. When both of those joined Ngati Wairere in taking a case against it to the high court, the authority threatened to disestablish the advisory committee. The chairman of the committee subsequently resigned, and the committee withdrew from the case.

Although Māori have a strong legislative mandate through the Resource Management Act for the protection of their lands, culture, and resources at a local level, enforcing those provisions has proved extremely difficult when there are few or no Māori elected to local government. In the Bay of Plenty, Māori have lobbied successfully to have their own representation in local government. A bill before parliament provides for the creation of a Māori constituency in that region and will allow Māori to vote for their own representative on the Bay of Plenty Regional Council. If the bill passes into law it will set an important precedent for the rest of the country.

MARGARET MUTU

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SĀMOA

The major event in the year under review was the general election on 2 March 2001. The present review is confined to that event because of its significance and its possible effects on current and future political developments in Sāmoa.

The 2001 general election chose representatives for Sāmoa's thirteenth parliament since independence in 1962. A total of 153 candidates contested the 49 parliamentary seats. Nine were women, of whom 4 stood for the Human Rights Protection Party (HRPP) and 5 stood as independents. Overall, 55 candidates stood for the HRPP, 33 for the Samoan National Development Party (SNDP), 5 for the newly established Sāmoa United People's Party (SUPP), 1 for the Sāmoa All People's Party (SAPP), 58 as independents, and 1 was elected unopposed (Office of the Legislative Assembly). The successful candidates included 23 HRPP, 13 SNDP, 1 SUPP, and 12 independents. Of this number only 3 were women—1 HRPP candidate and 2 independents—which is an improvement from 2 in the last parliament. Of the 2 sitting female members of parliament, only Fiamē Naomi Matā'afa regained her seat. Fiamē has not only been a cabinet minister since

1991 but was the first woman to be appointed to cabinet. Only 24 members in the last parliament retained their seats, of whom 16 are HRPP members, including the Speaker, 6 cabinet ministers, and the prime minister. Of the 25 new members, 4 were elected from constituencies whose members in the last parliament decided not to run in these elections, and 6 were members in previous parliaments, including 2 cabinet ministers and the Speaker of the House. Thus, of the 49 seats in the new parliament, 30 are occupied by members with previous parliamentary experience (SG, 2001).

Of the 92,788 people who registered for the general election, about 62,312 turned out to vote, or 67.2 percent (SG, 2001; Records of Registrar of Voters). This is an estimated figure because in most of the two-member constituencies, voters or electors do not always cast their two votes. Some cast only one vote for the candidate they prefer, thereby increasing that candidate's chance of winning, to the disadvantage of rival candidates. This is called "bloc-voting," a common strategy in the two-seat constituencies.

Compared to the 1996 general election, the HRPP lost 1 seat, ending up with 23, the SNDP gained 1 (13), and independent seats dropped from 13 to 12. When parliament convened on 15 March to elect a new government, the HRPP had 28 supporters (down from 36 in the last parliament) and the coalition of SNDP, SUPP, and the United Independents had 21 (50, 16 Mar 2001). The 5 additions to HRPP included the only candidate to be elected unopposed and 4 indepen-

dents who contested their seats. Three of the independents claimed that they had always been supporters of the HRPP and had intended to join the party if elected. The seats they won were occupied by HRPP members in the last parliament. The party has a standing policy whereby the sitting member becomes the party's first-choice candidate. Furthermore, the "new" candidate(s) could not contest the seat on the HRPP ticket without the approval of the sitting member. Perhaps this is why these three candidates stood as independents even though their hearts were with the HRPP. The fourth independent who joined the HRPP told his electorate during his campaign that he would join the political party that won the most seats.

In the first session of parliament, Tuila'epa Sa'ilele Malielegaoi, the incumbent prime minister and HRPP leader, was reelected for another five years, as was the Speaker in the last parliament, Tole'afoa Fa'afisi. Tuila'epa's new cabinet, announced on 19 March 2001, included 4 ministers from the previous government and 8 new members, of whom 5 were HRPP members from the last parliament and 3 are newcomers to politics. With this victory, the HRPP holds the record as the party in power the longest in Sāmoa and in the Pacific.

Many problems in the 2001 general election provide lessons for future elections in Sāmoa. One was the last-minute rush to register voters. The *Report of the Commission of Inquiry on Further Amendments to the Electoral Act 1963 (CIR)*, presented to cabinet on 24 May 2000, recommended the establishment of a sepa-

rate unit for the registration of voters for the general election, under the direction of the secretary for justice. Just six months before the general election, in late August 2000, a new office of the registrar of voters was established as a unit separate from the office of the legislative assembly, and began registering voters in October (CIR; SO, 3 Sep 2000). Compulsory registration was also introduced for the first time and the newly appointed registrar of voters faced an enormous task (SO, 3 Sep 2000).

The situation where registration took place at Mulinu'u on Upolu and Tuasivi on Savai'i was not pretty. At Mulinu'u, the *fale Sāmoa* (Samoan house) used for voter registration was small, and people had to wait outside for several hours. The few lucky ones found shade in marquees put up by some candidates. Others "resorted to finding what shade they could and elderly ladies were sleeping in an upright position along the outside walls of the *fale Sāmoa*" (SO, 11 Jan 2001). While awaiting his turn, one fifty-nine-year-old man collapsed and died (SO, 10 Jan 2001). "Voters and campaigners alike were crowding in and around the Mulinu'u Electoral Offices. This has been the regular scene every weekday for the last two months" (SO, 16 Jan 2001). From the electoral office an officer reported customer complaints but said, "little can be done when you've got hundreds of people wanting instant service and only a handful of dedicated but over-worked staff" (SO, 16 Jan 2001). In the final weeks a few fists were thrown in frustration. The months-long process of registering voters and updating identification cards ended on 19 Janu-

ary, and electoral officers worked through the night until about six in the morning to process the registrations (SO, 21 Jan 2001). A total of 92,788 voters registered, compared to about 75,000 in 1996 (SO, 14 Feb 2001).

Because of the "fiasco and the state of chaos that existed before the close of registration," Minister of Health Misa Telefoni called for the postponement of the election "until we clean up the rolls. Where in the world do you have a general election in three weeks time, and nobody has a final roll yet?" he asked (SO, 11 Feb 2001). Misa took his concern to cabinet. The attorney general's office was summoned to report on whether the elections could be postponed. The registrar of voters was also sent for. Registration successfully purged over 10,000 voters from the rolls. The roll of Misa's constituency was reduced to 2,800, although his committee felt there were still 300 too many (SO, 17 Feb 2001). An independent candidate in another constituency complained publicly that "illegal voters [were] registered in his constituency" (SO, 4 Feb 2001). According to him, 1,000 new voters had been registered in the roll and "some of these new votes have no connection at all to my constituency" (SO, 25 Feb 2001).

Despite complaints about the rolls, the leader of the opposition SNDP insisted on proceeding with the election "as required by the Constitution." He believed that the HRPP, SNDP, and the other political parties and independents had been given equal access to the electoral rolls to examine Misa's claim of "fiasco and chaos" in the registration of voters. However,

the SNDP leader pointed out that Misa's call to postpone the general election reflected badly "not only on the process of registration but on the Electoral Law [and] the problem was anticipated by the Electoral Commission" (SO, 13 Feb 2001).

The common concern was not only that several new voters were added to the rolls, but that most if not all of the additional names were unknown to candidates and members of their campaign committees. A number of voters had transferred residence, and their names were unrecognized or little known in their new constituency. Postelection analysis of the general election data shows that in one constituency 43.1 percent of those who cast votes had transferred into the constituency. Interestingly, the member of parliament for that constituency had been elected unopposed in the last two general elections. A significant number of voters had probably transferred to other constituencies than those where they voted in the 1991 and 1996 general elections. When the constituency's seat was contested, those voters transferred back to their "usual" constituency where they reside permanently. Figures in other constituencies illustrate the same problem. The complaint by Misa and some other candidates about the "explosion" of names on their rolls had foundation. As the transfer voters reside permanently outside the constituency, the concern was that the elected member would "not feel any allegiance to the [constituency], if outsiders won the seat for that MP" (SO, 17 Feb 2001). Stressing the issue that outsiders could determine the elected members for the

residents of the constituency, the prime minister clarified his opposition to overseas Samoans voting and running in the general elections. "They don't understand and they don't feel the pain serving Sāmoa day in and day out." He feared that outsiders would end up electing members of parliament if overseas Samoans were allowed to vote: "There are more Samoans residing overseas than those residing here. So if they get to vote, our MPs will be elected by outsiders and the worst is that Parliament might as well be moved from Mulinu'u to Canberra" (SO, 20 Feb 2001). The leader of the opposition disagreed, saying, "Samoans residing overseas have contributed a lot to the economy of Sāmoa through remittances. But now the government has denied these people's right to have their say heard in the country" (SO, 20 Feb 2001).

Although Misa did not succeed in convincing cabinet, his concern was an indication of the general public's feeling on the issue he and other candidates had raised. Interestingly, his constituency ranked only eleventh in the number of transfer voters. Happily for the minister, he regained his seat by 1,256 votes against his rival's 791 (SG, 2001). However, it is not known how many of Misa's votes were from transfer voters. Among the reasons for the transfers and the additions to the rolls of "suspect" voters was that candidates were overzealous in their attempts to win the support of as many voters as possible, and the voters were keen to sell to candidates their worth as voters. Despite the provision in the Electoral Act 1963 for compulsory registration, in most cases candidates met the costs for the regis-

tration of “their” voters, including bus fares to and from the registration office, and food and drinks for the voters. On the other hand voters made the most of the opportunity to squeeze to the bone what resources the candidates had to offer. For some of the voters this was the only time the candidates would see them or be physically close to them. One local newspaper was not far from the truth when it stated that “candidates should be prepared to pay big to win [the] elections. Start with say \$200,000, and have another \$50,000 ready for the final show [on the night before election day]. . . It’s a costly business” (SO, 5 Dec 2000).

A common perception among Samoans is that a constituency from which a candidate has been elected unopposed is steeped in tradition and therefore to be admired. In the 1957 elections for the Legislative Assembly of Sāmoa, 31 of the 47 members were elected unopposed. Villages making up a constituency would meet and agree on their parliamentary representative without having to enter the election. Besides being an admirable traditional practice, this was also highly desirable for the successful candidate, who would not have to campaign or go through the election process. Echoes of this traditional practice were heard in the last elections. However, except for one constituency, candidates who tried the “traditional practice” of unopposed election not only failed to obtain unanimity but ended up losing in the election.

Two constituencies provide examples. Before the general election, Faleā-lupo constituency publicly broadcast the candidate for their seat on radio

and TV Sāmoa. The announcement came after A’e’au Peniamina Leavai, parliament’s Speaker from 1988 to 1991, refused to accept his constituency’s advice not to run in order to allow the incumbent member, Mafasolia Papu Va’ai (who was minister of agriculture, forestry, and fisheries), to return unopposed. For his refusal, A’e’au was banned from the constituency for life, along with his children and others of his family. According to A’e’au, the public announcement was invalid as there was no document and no signatures to verify it. Moreover, he said, “It’s illegal to make such an intimidating announcement pertaining to the general elections. It’s against the law. This is just part of those intimidating tactics” (quoted in SO, 19 Jan 2001). The Faleālupo *matai* (chiefs) followed through their dictates to A’e’au by filing in the Land and Titles Court an application to prevent A’e’au from running in the election. The court turned down the application, allowing A’e’au to contest his constituency’s seat (SO, 11 Feb 2001). With this legal battle won, A’e’au was more determined than ever to contest the seat “because of my love for my village” and to “break up the [Faleālupo chiefly] hierarchy” (quoted in SO, 15 Feb 2001).

Fearing for his safety and that of his family, A’e’au filed in the supreme court an interim injunction to restrain the sixty-eight *matai* of Faleālupo from “interfering with [A’e’au’s] right to run as a candidate for the Electoral Constituency in the forthcoming parliamentary elections and further restraining the Respondents, their agents, workmen, servants or whoever from in any way interfering with the

applicant's rights as well as the rights of any of the applicant's family, agents or anyone claiming under him to enter and leave the district of Faleālupo at any time and from time to time as they so wish until further order of the Court" (quoted in *SO*, 23 Feb 2001). After the court's ruling was handed down on 21 February, A'e'au told a newspaper reporter: "I apologise to my constituency because it's never been my intention to take this matter to court. But for the interest of peace and safety, I decided to ask the court for legal protection" (quoted in *SO*, 23 Feb 2001). A'e'au decided not to go to his constituency on the day of the elections. "I don't think it's a good thing to do. I respect my constituency enough to know that my going there would not be seen as a good thing to do. So I've taken the advice from some well-meaning people not to go" (quoted in *SO*, 1 Mar 2001). When the results of the elections were read out late Friday evening, A'e'au had pulled an upset by defeating the sitting member of parliament, 579 to 576 votes (*SO*, 4 Mar 2001). After the official recounts, A'e'au's win was consolidated, 613 votes to his rival's 601 (*SG*, 2001).

The village of Mulifanua in the constituency of Aiga-i-le-tai is another example of an attempt to have unanimous agreement on one candidate to the disadvantage of another. *Matai* of the village council held a meeting on 4 December 2000 in which they agreed to endorse the sitting HRPP member as their candidate for the upcoming elections. One implication of the decision was that no other candidate should run. As Taimalelagi Na'otala knew he would be overseas on that

day, he wrote a letter to the village council indicating that he also wanted to compete in the election. Even though the village council did not consider receiving a letter from Taimalelagi (or anyone for that matter) as proper custom, his name was considered, together with that of the candidate whose name the village council eventually endorsed. A letter was later delivered to Taimalelagi informing him of the village's decision. At another meeting on 30 December, at which Taimalelagi was present, he was again informed of the village's decision. Taimalelagi did not say anything (LTC 10303/LTC 10303 p1). The purpose of the decision was to give the sitting member a better chance to win in a four-member contest against candidates from the other villages of the constituency (*SO*, 8 Mar 2001). Taimalelagi ignored his village council's decision and contested the seat (LTC 10303). He and the sitting member both lost to a candidate from another village. After the results were known, Mulifanua village met on 5 March 2001 and banned Taimalelagi and one of his supporters from the village. They were given twenty-one days to pack up and leave (*SO*, 6 Feb 2001). Thereafter, Taimalelagi filed an application with the Land and Titles Court ordering the *matai* of Mulifanua to stop the ban against him and keep the peace in the village until the court had finished its investigation (*SO*, 1 May 2001). On 9 April 2001, the court handed down its decision in favor of Taimalelagi. The verdict was based on the Electoral Act 1963, Village Fono Act 1990, Crimes Act 1961, and the Land and Titles Court Act 1981. The court

made it abundantly clear in the reasons for its verdict that the decision of the village council could never be divorced from the elections (LTC 10303).

Families in other constituencies were also banned from their respective villages because of village council rulings relating to the elections. Unlike Taimalelagi, however, these families did not pursue the matter in court. More than ten families in one village in Lefaga and Falese'elā constituency were banned from the village by the village council when they did not vote for the candidate the council had endorsed (SO, 11 Mar 2001). In the constituency of Falelātai and Sāmatau, the rival candidate was banished even though he lost to the constituency's choice by 1,256 to 791 votes because of his refusal to take the constituency's advice not to run (SG, 2001; SO, 14 May 2001). A family member relayed the constituency's decision to the banished candidate, who resides permanently in Apia, and he was also informed that he would be allowed back only if he repented. The banished candidate's response was that "I don't know what I should repent from" (quoted in SO, 14 Mar 2001).

While Faleālupo constituency and Mulifanua village had problems obtaining unanimity, the constituency of Faleata East, whose candidate was elected unopposed, faced a different sort of problem. When it was confirmed that the constituency would have no elections, the eligible voters either "emigrated" to other constituencies to vote in the general election or were "taken" by candidates to be registered in their respective constitu-

encies. Theoretically the voters of Faleata East voted twice: first when they decided their candidate, and second when they voted in their newly adopted constituencies, where their votes helped elect the winning candidates. After the election they returned to the constituency of permanent residence, leaving in their "adopted" constituency a winning candidate whom its residents would have to put up with for the next five years.

Generally, the whole idea of constituency unanimity and unopposed elections is problematic. In every case, the *matai*—who constitute a minority of the village or constituency population—make the decision. In most cases, the majority of the voters must abide by their chiefs' ruling. As the Faleālupo and Mulifanua cases clearly show, unanimity can sometimes be a fabrication of a few influential *matai*. In the reasons for its decisions in Taimalelagi Na'otala's case, the Land and Titles Court confirmed that Mulifanua village's decision was not unanimous but a decision of the majority of the *matai* present (LTC 10303). Referring to Faleata East constituency, one disgruntled citizen wrote, "What about the untitled registered voters 21 years of age and over who wasted time to register then found out that the village council of chiefs [had] connived to have only one person run unopposed in the constituency?" (quoted in SO, 6 Apr 2001).

Election petitions after general elections in Sāmoa are not new. The nature of petitions and decisions of the court relating to them highlight some of the problems in this general election. Section 105 of the Electoral Act 1963 specifies that candidates can

only lodge election petitions if the votes they won are not less than 50 percent of those polled by the winner. Under this provision, all except four seats in the 2001 general election could be contested (SG, 2001). However, only ten election petitions were filed.

One of the successful independent members of parliament was Fagafagamanuali'i Therese McCarthy, who polled 525 votes against her nearest rival, Afamasaga Fa'amatala Tole'afoa, with 484. Afamasaga, the sitting HRPP member, resigned from the party on 12 February to contest his constituency's seat as an independent. Among his reasons for leaving was dissatisfaction with party leadership. Furthermore, as Afamasaga himself stated, "I have had a great deal of difficulty remaining in HRPP because of their policies and style of government" (quoted in SO, 13 Feb 2001). Before the election, Fagafagamanuali'i and other candidates who intended to stand as independents were reported to have signed an agreement to stick together after the general election (SO, 11 Mar 2001).

One of the election petitions was lodged by Afamasaga against Fagafagamanuali'i. According to Afamasaga, Fagafagamanuali'i and her agent, Vā'ili Mimita, gave their village, Sātāpuala, \$5,000 to influence the voters present to vote for them. Another allegation was that they withheld certificates of identity to induce voters to favor Fagafagamanuali'i (SO, 22 Mar 2001). Fagafagamanuali'i responded to Afamasaga's petition on 1 April by filing a counterpetition against him for basically the same illegal practices. However, on 5 April both petitioners

agreed to withdraw their petitions, thereby allowing Fagafagamanuali'i to hold her seat. The reasons given for the reconciliation were that it was good for the constituency and good for the United Independents of which they are both members (SO, 6 Apr 2001).

By mid-June, the leader of the newly formed Sāmoa United Independents Party (SUIP), Asiata Dr Sale'i-moa Va'ai, commented, "There's now a question mark in my mind concerning [Fagafagamanuali'i's] future with us, but I would not make any conclusions until Fagafagamanuali'i and I [have] a chance to talk the matter through" (quoted in SO, 16 June 2001). In parliament, Le Māmea Rōpati, the SNDP leader, said that the Civil List bill then being debated in parliament, which would increase salaries of parliamentary undersecretaries, had influenced one opposition woman member to change allegiance to the HRPP. The SNDP leader described the Civil List Act as a political move to lure opposition members over to the government (SO, 16 June 2001).

When the official recounts were completed, it was rumored that Fagafagamanuali'i would join the HRPP. This was probably the real reason why Afamasaga lodged an election petition against her. However, when Fagafagamanuali'i confirmed she would stay with the independents, the petition against her was withdrawn. Once the seat was confirmed, Fagafagamanuali'i—whose hotel in town was occupied by the independents as their headquarters—would switch allegiance. Despite Fagafagamanuali'i's announcement in parliament and on

TV Sāmoa that she had switched to HRPP, to date there has been no confirmation about which party she belongs to. The Speaker of the House commented in a public statement that he would not accept any member switching party allegiance until proper procedures were adhered to, such as writing a formal letter to inform him about the reasons for leaving.

Attempts to switch to the opposition SNDP by two independent members of the last parliament were denied by the Speaker. They declared their allegiance to the SNDP before the 2001 general election in which both regained their seats. They maintain that, in line with the Speaker's resolution on their cases in the last parliament, if Fagafagamanuali'i could switch sides, a by-election should be called to decide a new member for her constituency (SO, 21 June 2001). Asiata, leader of SUIP, is now talking about taking Fagafagamanuali'i to court if she makes her switch official, because she had signed a legal document to stay with the SUIP. Fagafagamanuali'i insists that she has to switch to HRPP "for the sake of my constituency for the next five years" (quoted in SO, 22 June 2001). She is also reported to have commented that "the SUIP was never a political party anyway" (SO, 21 June 2001).

The second election petition and counterpetition were lodged by Maulolo Tāvita Āmosa and Muagututagata Peter Ah Him, respectively. They were two of the four candidates for the constituency of Sāgaga-le-Usoga. Maulolo won by 814 votes to Muagututagata's 802. Handed down on 10 May 2001, the court's decision proved four allegations of bribery and two allega-

tions of treating under sections 96 and 97 of the Electoral Act against Maulolo, and one allegation of bribery against Muagututagata. Accordingly, Maulolo lost his seat under sections 112 and 113 of the Electoral Act. Maulolo and Muagututagata are both disqualified from contesting the seat in the by-election.

This decision is an important landmark in the history of elections in Sāmoa because of the way the court has differentiated custom from an intention to influence voters. The decision states that "an election candidate must try to win support with ideas. That is how political campaigning should be done" (EP, 10 May 2001, 7). Custom that is practiced with the intention of influencing voters amounts to bribery and treating. As the court put it: "Compliance with Samoan custom is not a defense if the real purpose or one of the purposes behind the giving of money, food or drink is to induce or influence an elector to vote for a particular candidate" (20). The court has also dismissed the current belief that, with the exception of funerals, custom (which amounts to presentation of food and gifts such as money) is legal if practiced one month before polling day. "There is no particular time period when bribery or treating is allowed. Bribery and treating for election purposes are prohibited at all times" (21).

The election petition filed by Leilua Fa'alii Aloaina on 19 March against Tapua'i To'ese (one of the two successful candidates in the two-member constituency of Sālega) and the chief electoral officer and the registrar of voters related to the eligibility of Tapua'i to run. When the electoral

roll closed on 19 January, he was registered as To‘ese Ah Sam, a non-*matai* name. Section 5 of the Electoral Act 1963 states that a candidate for the elections must be the holder of a *matai* title. To‘ese’s *matai* title, Tapua‘ī, was not registered at the Land and Titles Court until 5 February. Leilua filed an election petition seeking to void Tapua‘ī’s election on the grounds that he was not qualified to run. He also claimed that the chief electoral officer and the registrar of voters should not have allowed Tapua‘ī to run.

On 2 April, Tapua‘ī filed a counterpetition against Leilua alleging electoral bribery by someone said to have been acting as an election agent for Leilua and for whose actions Tapua‘ī should not be held vicariously liable. Leilua responded by denying those allegations and by making allegations of electoral bribery against Tapua‘ī himself. In the proceedings, counsel for both Leilua and Tapua‘ī agreed to drop their electoral bribery allegations. On the remaining question of whether Tapua‘ī was qualified to run, the court ruled that he was not; his election was therefore void. Leilua’s application to be declared elected was not pursued and was denied. The court’s decision has not prevented Tapua‘ī from running again in a by-election to be held for the Sālega constituency, provided that by the time the electoral roll is closed for such a by-election, he is already registered on the roll under his *matai* title, Tapua‘ī (EP, 14 May 2001).

Three candidates contested the election in the constituency of Vaisigano No 2. When the preliminary results were announced on the evening of

election day, Vālasī Tāfito had won. When the official count was completed the following day (Saturday, 3 March) Lesāisā‘ea Reupena had won by 367 votes to Vālasī’s 365. The third candidate’s votes remained unchanged at 118. After a recount on Sunday, 4 March, victory switched again to Vālasī with 368 votes to Lesāisā‘ea’s 365. For this reason Lesāisā‘ea lodged an election petition against Vālasī and the chief electoral officer. The petition essentially alleged that the anomalies in the various counts for this constituency were caused by foul play, in that unknown persons tampered with the ballot papers, and by negligence on the part of the chief electoral officer and her staff in failing to properly secure and safeguard the ballot papers. Lesāisā‘ea also believed that the chief electoral officer or her staff failed to properly assess the validity of the ballot papers that were declared by the presiding officers of booths 184 and 245 to be “informal” and “spoilt” votes.

It was revealed in court that the chief electoral officer on the Saturday count, 3 March, had attended a potentially contentious count for another constituency, so that the count for Vaisigano No 2 had been delegated to one of her senior staff and five assistant officers. When the chief electoral officer returned, she immediately noted the disparities between the preliminary count and the Saturday count and took steps to summon the scrutineers for all the candidates in order to personally conduct a further count. This count was carried out on the Sunday, as it was not possible to convene a count on Saturday night. The court carried out another count and handed down its decision on 16 May 2001,

confirming Vālasī's victory by 366 votes to Lesāisā'ea's 363. Six votes were declared "informal," five were "disqualified," and two were "spoilt votes." The court further ruled that it had not found any evidence of foul play or negligence on the part of the chief electoral officer. Lesāisā'ea's petition was dismissed (EP, 16 May 2001).

Two parliamentary seats are occupied by voters whose names are registered on the Individual Voters Roll. They are Samoan citizens whose descent could be traced to foreigners. Of the seven candidates who contested the two seats, Joachim Keil and Vang Sung Chan Chui polled the most votes, with 485 and 426 respectively. All five unsuccessful candidates filed election petitions seeking that Chan Chui be declared guilty of corrupt practices of bribery and treating and that his election be declared void. However, at the beginning of proceedings the two candidates who had contested the seats as independents (Chan Chui being the third one) sought leave to withdraw their petitions. One of them, Tautulu Robeck, was the only petitioning candidate against whom Chan Chui filed a counterpetition. Roebeck's withdrawal therefore confined the court to the consideration of seven allegations of bribery and treating against Chan Chui. The court's decision, handed down on 31 May 2001, stated that four allegations of bribery and one allegation of treating against Chan Chui were proven beyond reasonable doubt. His seat was declared void under Section 112 of the Electoral Act 1963. He was also ordered to pay costs of \$500 to each of the three petitioners, two of whom were SNDP

candidates and the other HRPP (EP, 31 May 2001).

One of the sitting members who lost his seat in the elections was Feo Nemaia. His election petition against the successful candidate, Sāfuneitu'uga Neri, alleged that the latter had not met the three-year-residency requirement for candidates, and included other allegations relating to bribery and treating. During court proceedings, all of the allegations were struck out except two, the residency requirement and one of treating. On 8 June 2001, the court ruled that Sāfuneitu'uga had gone to Fiji on a job-related leave from the National University of Sāmoa where she taught and was therefore qualified for exemption under Section 5(8) of the Electoral Act 1963. The allegation of treating could not be proven beyond reasonable doubt and was therefore dismissed. Accordingly, Sāfuneitu'uga retains the seat of Gagaifomauga No 2 constituency (EP, 8 June 2001).

Three candidates contested the seat of Palauli constituency. Leituala Tu'u-aga Tone, cabinet minister in the last HRPP government, won with 527 votes. His nearest rival, Laga'aia Kuinisē, polled 519 votes, and the third candidate, Leleisi'uaio Palemene, gained 479. Laga'aia lodged a petition against the winner, seeking that his election be declared void, and setting out four allegations of bribery or treating or both. Three allegations were proven by the court, which on 27 July 2001 declared Leituala's election void (EP, 27 July 2001).

Four candidates contested the seat of Palauli-le-fālefa constituency. Fau-muinā Līuga, a newcomer to politics and incumbent minister of Public

Works, Electric Power Corporation, and Water Authority, won with 523 votes to Laupua Sili's 503. Laupua lodged a petition against Faumuinā for treating and bribery; it was later withdrawn following traditional discussions and presentation of food and gifts between Faumuinā's and Laupua's villages. At this point the third candidate, Le Tagaloa Pita, asked the court if he could continue Laupua's petition. His application was accepted on the condition that the only allegation against Faumuinā to be heard was one relating to the three-year-residency requirement, which Le Tagaloa argued Faumuinā did not meet. The court ruled that even though Faumuinā had worked for the United Nations Development Program in the three years before the general election, he had the support of the government as required by Section 6(c) of the Electoral Act 1963. Faumuinā retains his seat.

Two more election petitions are still to be decided. In one, Leanapapa Laki of Fa'asaleleaga No 2 constituency alleged bribery and treating against the successful candidate, Letoa Sefo Pa'u. In the other, Tupuola Sola Siaso alleged the corrupt practices of treating and bribery against Tu'u'u Anasi'i, the successful candidate in the Si'umu constituency.

Of the nine election petitions the court has heard, six were lodged against HRPP members of parliament, and three against the SNDP-independent coalition. Of the six petitions against the HRPP, two failed, two succeeded, and the last two are yet to be decided. Of the three petitions against the coalition, two succeeded and one failed. As it stands, HRPP still has a

majority of 26 seats and the opposition coalition has 19. If both HRPP members' petitions are unsuccessful, the party's majority will be reduced to 24 seats, one seat short of the majority of 25 in parliament's 49 seats.

Because of the recurrent problems in the electoral system—such as the ease with which voters transfer from one constituency to another; the last-minute rush in the registration of voters; allegations of bribery, treating, and undue influence; the ease with which some voters could obtain more than one certificate of identification (ID card); the uncertain status of successful independent candidates; and the status of the Individual Voters Roll—the government has set up a Commission of Inquiry into the Electoral Act 1963 and Its Amendments. The commission is empowered to look at all practices and issues associated with the electoral system and any other matter it considers relevant. The commission met for the first time on 28 March 2001. The period of three months in which it was to carry out its investigations has been extended another three months to early October 2001, when its report will be submitted to cabinet. The extension reflects both the magnitude of the task before the commission and the importance of the work the government and the public have entrusted to them. As one of the seven members of the commission, I find that the information obtained from the public so far has been interesting and helpful. The commission's recommendations, if accepted by cabinet and parliament, will guide the electoral process in the near future and for many years to come.

Another interesting development in this general election is the number of former members of parliament who switched parties. Of the former HRPP members who contested the seats of their constituencies this time around as SNDP candidates, one was successful and one unsuccessful. The successful one, A'e'au Peniamina Leavai, was the Speaker of the House in the 1988–1991 parliament. Another two former HRPP members successfully contested the seats of their constituencies as independents. On the other hand, two former SNDP candidates are now cabinet ministers in the HRPP government, although they were first elected to parliament as HRPP members when they won by-elections in their respective constituencies. One won following the death of the late prime minister, Tofilau Eti Alesana. The second won following the sentence to life imprisonment of one of the two HRPP members who instigated the assassination of Luagalau Leva'ula Kamu, the late minister of Public Works, Electric Power Corporation, and Water Authority. The switching between political parties points to the persisting personality-driven nature of Samoan political parties.

ASOFOU SO'O

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TONGA

Following the appointment of the king's youngest son, HRH Lavaka Ata 'Ulukālala, as prime minister at the beginning of 1999, several more changes have occurred in the cabinet lineup as the old guard makes way for the new. At the end of 2000, Dr Langi Hu'akavameiliku retired for reasons of health. The first Tongan to gain a doctorate, he had been appointed

minister of education in 1966 by the present king. At the time of his retirement, Langi Kavaliku was also minister of civil aviation and deputy prime minister. Taking over Tonga's education system, perhaps now the most impressive in the region, is the Honorable K T Fakafanua, heir to a noble title, who was previously minister of finance. The new minister of finance is Sosuia 'Utoikamanu, previously governor of the Reserve Bank of Tonga. The deputy prime minister is now the Honorable Tevita Tupou, attorney general and minister of justice. He and Fakafanua (who was appointed a scant ten years ago at the age of twenty-nine) and the minister of police, the Honorable Clive Edwards (appointed more recently), now find themselves in descending order the three most senior members of cabinet.

Other changes saw the Honorable Fialakepa move from the governorship of Ha'apai to replace noble Tu'i'afitu as minister of lands. The new governor of Ha'apai is the noble Malupō. The young noble Fialakepa holds degrees in law and on the advice of Crown Prince Tupouto'a has also been appointed lord chamberlain to help run the affairs of the royal household. In further moves, marine and ports has moved to the Ministry of Works, and civil aviation has gone to the prime minister, who already looks after agriculture, forestry, fisheries, foreign affairs, and defense.

The new minister of finance presented his budget statement to parliament in June. It reported a sluggish economy in which the growth of gross domestic product had dropped slightly from 4.4 percent to 3.2 percent, while inflation remained at 8 percent, its

highest level since the early 1990s. The minister predicted that the gross foreign reserve would remain low, enough for only 2.1 months of imports, at \$23.3 million, and suggested that the slowdown in the global economy put at risk the continuance of previous high levels of remittances from families living overseas. The government's financial position is likely to be difficult also due to high expenditure commitments estimated at \$128.6 million, an increase of 32.6 percent from last year's figure. Three new units—a Department of Communications, a Department of the Environment, and a Commissioner of Public Relations—have been established, and, in addition, expenditure has risen for all existing departments, especially those of education, health, and foreign affairs.

The long-term outlook, however, is not expected to be so bleak because of improvements in telecommunications, fisheries, and tourism. A multi-million-dollar project will shortly begin to renovate and expand Nuku'alofa's International Dateline Hotel to three-star and four-star level, with two new restaurants and a beachfront. Under new company ownership (People's Republic of China, 51 percent; Tonga, 49 percent), the hotel will have a Chinese managing director. Fishing is now the second highest export earner next to pumpkin squash, which last year did not do as well as in previous record years. Tuna accounts for about half of the fisheries exports. Manufacturing industries continue to contribute less than 5 percent of gross domestic product to the economy.

The most exciting news is the growth expected in telecommunica-

tions. The government has established the Tonga Communications Corporation, in place of the previous companies (Cable and Wireless and Tonga Telecom), to run both international and domestic telephone services. The new corporation's immediate plans are to establish a 2.5G GSM cellular telephone service with email and telephone capacity, and to increase Internet accessibility. The government has also issued a license to a second telecommunications carrier, Tonfōn, a fully owned subsidiary of Shoreline Communications, a company headed by the Crown Prince that already produces most of the power for Tonga's electricity supply which is then distributed by the Tonga Electricity Power Board. Through Tonfōn, the prince aims to introduce wireless technology whereby, "the customer should be able to buy a computer, plug it in, pull out an aerial and make a phone call . . . swipe a card on the computer, establish an account, and switch to his favorite TV channel while he is on the phone" (*Matangi Tonga*, June 2001, 16).

The Tonga Human Rights and Democracy Movement, which replaced the former Pro-democracy Movement, maintains a low profile and has announced that it will not formally mount candidates in the elections scheduled for 2002. It recently hosted a workshop to educate the general public, particularly youth, regarding human rights, good governance, and citizens' rights. A second human rights movement, the Tonga Kotoa Movement, formed in May 2001. Its five main objectives are to uphold the divine rights of man, support His Majesty who has been appointed by God, preserve the

Tongan culture, support the rights of all Tongans, and protect the independence of the kingdom. These moves, together with the introduction of a high-speed wireless service and fiber-optic cable to link the central business area of Nuku'alofa—which, the Crown Prince avers, will liberate the common man more than the automobile—demonstrate again the frequently startling juxtaposition of complementary ideas that characterize Tonga. At the very least, they promise interesting future developments on several fronts.

KERRY JAMES

WALLIS AND FUTUNA

The main subject of political discussion remains the special agreement, yet to be signed, between the French Overseas Territory of Wallis and Futuna and the French Overseas Country of New Caledonia. The Wallis and Futuna representatives, aware that Caledonian representatives want all possible measures taken to decrease Polynesian immigration, are asking the French state for accompanying measures to facilitate local development. At the same time, they are pushing young people to emigrate to metropolitan France. The president of the territorial assembly, Soane Uhila, declared on 4 August 2000: "Training must be made a priority and our Wallisians and Futunians heading elsewhere must be told the truth. If they have the opportunity to find a way of making a home for themselves somewhere else, I advise them to go ahead." In October 2000, during the anticipated visit of a three-member

delegation from the Caledonian government, access to employment for the immigrants of tomorrow and conditions for granting them Caledonian citizenship were discussed. The two Caledonian parties that signed the Noumea Accord—*Front de Libération Nationale Kanak Socialiste*, or FLNKS (for political reasons) and *Rassemblement Pour La Calédonie dans la République*, or RPCR (for reasons related to qualification levels)—agreed that future Wallisian and Futunian immigrants should no longer enjoy the same advantages as before, even though New Caledonian law provides only for positive discrimination. More radical still, the Union for Wallis and Futuna party (UPFW), related to the Socialist party in France, insists that planning for the return of the expatriates must be done now. For party president Pesamino Fihipalai, the equation is simple: “The massive arrival of several thousand people in the archipelago will force the State and its political leaders to take immediate measures to accelerate economic development.” (*Te Fenua Fo’ou*, 20 Oct 2000). French Overseas Minister Christian Paul, who came for a short visit, declared on 23 October that it was necessary “that we determine the activities likely to create jobs; the State cannot take the place of local decision-makers.” At the same time, he specified that the Research Institute for Development had been authorized by the state to study “all proposals for a true course of action in view of the creation of activities generating employment.”

Four projects were proposed to address the problem of the interisland sea service, the second most impor-

tant economic policy issue. The ferry-building project of the semi-public company Société d’Exploitation du Ferry Wallis et Futuna, supported by the two constituencies of Futuna, was finally adopted.

In local politics, the surprise election of the sitting vice president of the territorial assembly, Patalione Kanimoa (independent), as president, led to a reconstruction of political forces. The outgoing president, Soane Uhila (independent), had decided to run again, with a new vice president and with the help of the UPFW. The administrative staff of the *Rassemblement Pour la République* (RPR) was unable to accept the disappearance of its majority (14 out of 20), P Kanimoa and Deputy V Brial set up a new alliance between the majority of the former RPR-independents alliance (8 of 14 elected representatives) and the majority of the elected representatives of the UPFW (4 of 6). The new committee now includes as its president P Kanimoa (independent, 12 votes), as its vice president Pascal Niutoua (independent), first secretary Vetelino Nau (UPWF), and second secretary Michel Lataiueva (RPR). Soane Uhila and five other council members thus created a new party: The Voice of the People of Wallis and Futuna—Union of Democrats, *le’o Uvea mo Futuna*. The new majority, made up of two parties in opposition in metropolitan France, was consoled by the election of the new permanent commission on 16 February, with president Apeleto Likualu (UPWF) and secretary Bernadette Papilio (RPR) each obtaining 16 votes.

As usual, political and administrative relations between Wallis and Futuna are not very good, leading the

Tiafoi to declare to the prefect on 23 August 2000: "Bearing in mind the geographical distance between the two islands, we request the transfer of jurisdiction to those in charge of subsidiary services of Futuna so that they can manage loans directly." During this meeting, the delays concerning the tar-sealing of roads in Futuna and the problems of sea and air transport services were discussed at length.

The referendum on the five-year presidential term of the French republic mobilized more voters in Wallis and Futuna (54.7 percent) than in France (30 percent), and the number who voted yes was likewise higher (83 to 73 percent). The explanation is that only the large national parties (who are all in favor of the proposal) are represented in Wallis and Futuna, which does not have a culture of opposition minority parties.

Customary politics continues in its own fashion. Because of various undercurrents between the two kingdoms of Futuna, the king of Sigave and most of his subjects did not participate in the territorial festival held on 29 July 2000 in the kingdom of Alo. As happens every year, a number of customary chiefs resigned or were deposed, leading to healthy competition between the *aliki* families. On 23 October, during the French overseas minister's visit, the new minister of health and justice (*fotuataimai*) was installed by the king. Tisimasi Heafala, a former priest returned to civilian life, became educational adviser in charge of local languages and head of Catholic education. In November, Kusitino Toa became the new minister of the sea (*ulimonua*). Aged 46, father of five children, and a store owner, he

was a territorial councillor from 1987 to 1992 and chief of the village of Vailala for five years. His arrival at the great *chefferie* signified royal willingness to renew this ancient institution. The nomination on 23 December of Tisimasi (Dismas) Heafala as *kivalu* (prime minister) confirmed this trend.

Meanwhile, customary-political relationships became increasingly problematic. Tino Manuohalalo, a Caledonian politician of Wallisian origins, declared on 20 October 2000: "We cannot ask for evolution and at the same time maintain an outdated, obsolete system. . . . Wallis and Futuna must have the courage to review the problem completely, to think collectively about political power, customary practices, religion and the administration." At this time Po'oi Fotofili, a member of one of the royal families, applied for permission to examine the accounts of the Uvea constituency relating to the villages of his district (Hihifo). His association, Defense of Citizens, gave the prefect a sixty-page audit implicating a customary minister and the chief of the Hihifo district for use of forged documents and misuse of public funds. If the total expenses corresponded to the planning budget, their allocation left something to be desired, as gift vouchers were allegedly exchanged, in whole or in part, for cash.

The administration remained important to the economy. The new prefect, Alain Waquet, was nominated to the cabinet in Paris on 12 July 2000. Research showed that at the end of 2000 Wallis had nineteen thousand adult pigs divided among 1,380 non-trading family farms, which increasingly use commercial feed.

Pollution of the environment by liquid manure aroused concern.

The French National Navy patrol boat *La Moqueuse* participated in the 14 July 2000 ceremonies in Futuna. On this occasion, a sponsorship charter was signed between the two kingdoms and the ship's captain in charge of monitoring the exclusive economic zone of the territory. Of the sixteen Wallisian "woodcutters" sent to metropolitan France in May 2000 by the National Agency for the Integration of Overseas Workers and their Families to assist in cutting up the trees blown down around Paris during the January storms, only three came home after two months of training. Moreover, the elected representatives hope to use the agency in the future to allow young people lacking qualifications to enter the employment market of metropolitan France. To date, Wallisians and Futunians who have emigrated to France primarily join the army, sports teams, and security firms.

As in other French Overseas Territories, a representative of the mediator of the republic is appointed to settle disputes between the state and the citizens. After thirty-five years spent in public accounts, Malia Feleu was appointed to this volunteer post in August 2000, for a nonrenewable six-year period. Her settling in was slightly disturbed, as the *levelua* (king) of Wallis made his reluctance known.

Although the budget of the territory remained roughly the same between 1995 and 2000, the share devoted to investment decreased by 28 percent. However, the private sector continued to grow slowly, paralleling the increase in transfers from the state to the territory, and reflecting the return of an

unknown number of expatriates, now retired. All available statistics on the territory can be consulted on the internet via a website created by the head of the statistics department, Gaston Lutui <www.wallis.co.nc/stat>. The proposed territorial budget for 2001 includes FCFP 2.63 billion for operations and FCFP 644 million for investment. Revenue is essentially derived from indirect taxes (FCFP 1.3 billion), the post office (FCFP 409 million), the state tobacco industry (FCFP 205 million), and the tax on electricity (FCFP 54 million).

Since October 2000, a metallic one-million-liter capacity tank of diesel oil has provided a three-month statutory strategic reserve. The economy of the territory remains linked to subsistence farming and the creation of an offshore fishing business; Patita Ulutuipaletai has fitted out a fourteen-meter long-lining vessel that catches on average 500 kilograms per week. On 5 January 2001 the licensing schedule for registration was set at a price range FCFP 1.8–54 million. In addition, shipowners will have to pay an annual French registration fee of 5 percent of the initial amount.

Education has of course played a decisive role in the development potential of the two archipelagoes. Regarding study grants (FCFP 133 million in 2001), Head of Department Soane Vehika reinforced testing and continued to favor destinations such as France (81, including 22 in secondary school) and French Polynesia (33, including 23 in secondary school). Another 301 student grant-holders went to New Caledonia, including more than 250 in senior high schools.

After attempts failed to classify

as a historic monument the military twin-engined plane (*Neptune*) kept at the Hihifo aerodrome since 1984, it was dynamited and sunk at sea in July 2000. The weekly *Te Fenua Fo'ou* has a new owner and a new editorial staff. As of March 2001, it had published a Caledonian version including specific information about the expatriate community. In June 2001, the great *chef-ferie* of Wallis threatened to close the weekly because of a photo (illustrating an article on the budgetary problems of the Wallis constituency) whose interpretation could give rise to confusion. In October 2000, the territory participated in the Arts Festival of the Pacific, after a problem concerning the size of delegations was

settled according to the percentage of population represented by Wallis (60 percent) and Futuna. At the same time, a magnificent exhibition entitled Uvea-Wallis: An Island Fished Up By the Gods was held for four months at the Museum of Fine Arts in Chartres. Finally, in March 2001, the Friends of Wallis and Futuna association published the first local annual scientific journal: the *Cahiers de Wallis et Futuna* (Post Box 13, Futuna).

FRÉDÉRIC ANGLEVIEL

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