

*Polynesia in Review: Issues and Events,*  
1 July 2005 to 30 June 2006

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Reviews of American Sāmoa and Niue are not included in this issue but, for the first time, a review of Rapa Nui is included.

COOK ISLANDS

The period under review began with the fortieth anniversary of the achievement of self-government in free association with New Zealand. Scott Robert of New Zealand won the popular Round Rarotonga Road Race for 2005, and a 197-kilogram northern bluefin tuna caught by Willie Farani of the *Gypsy Trade* was sold to Japan for a record US\$62,000 (*CIN*, 2 July 2005, 1).

But soon the rejoicing turned into a year of political sackings: Sir Geoffrey Henry as deputy prime minister in August 2005, then Tupou Faireka and Tom Marsters as cabinet ministers in September 2005, in what Prime Minister Jim Marurai called “clearing dirt from my government” (*CIN*, 10 Sept 2005, 1). The outgoing ministers were replaced by Dr Terepai Maoate (as deputy prime minister), Mr Tangata Vavia, and Mrs Ngamau Munokoa. Further possible changes in cabinet and rumors of new coalitions continued to emerge from time to time throughout this period. Local media magnate George Pitt was also sacked in October 2005 from his position as chairman of the board for Rarotonga Island’s electricity provider, Te Aponga Uira O Tumutevarovaro. Several heads of department positions were re-advertised. The Cook Islands’ most senior diplomat, the high com-

missioner to New Zealand and Australia, former Cook Islands Prime Minister Dr Robert Woonton, was fired for allegedly interfering with local politics in the Northern group, an accusation Dr Woonton denied. Prime Minister Marurai asked Minister Peri Vaevae Pare to resign after he was accused of misusing public funds. Vaevae was later found guilty, subsequently losing his seat in Matavera.

The by-election that emerged between three contestants—Vaine Teokotai for the Democratic Party, Kiriau Turepu for the Cook Islands Party, and Mereana Taikoko as an independent—should be decided by July 2006. However, it is doubtful that the result of the Matavera by-election will stabilize a coalition-based government that has seen many shifts in allegiance by several of the twenty-four member parliamentarians insensitive to the party supporters who voted them in. An earlier vacated parliamentary seat in Atiu Island initiated three hopeful candidates, including former MP Norman George. Standing this time as an independent, George won the by-election, potentially shifting the power base his way—a situation he is familiar with, having been a key player in many previous coalition governmental changes. The possibility of a hung parliament also hangs over the small nation.

Initial efforts by Jim Marurai at creating a government of national unity were viewed as unrealistic by most local longtime political leaders (*CIN*, 13 August 2005, 1). But the

prime minister later “walked the talk,” as he and members of his department trekked into the Takuvaine valley as part of a team-spirit-building exercise. Local media described the activity as an effort to overcome the negative impact of personnel changes in the department resulting from several past leadership adjustments. Sadly, Prime Minister Marurai’s wife Tuaine passed away after a long illness and was laid to rest in her home island of Mangaia in September 2005.

The first newspaper of the Cook Islands, published 26 January 1895 under the label *Te Torea*, was remembered (*CIN*, 17 Aug 2005, 7). Sir Geoffrey Henry, the leader of the oldest political party in the nation, the Cook Islands Party, confirmed that he would step down from national and party politics in 2006 (*CIN*, 28 Sept 2005, 1), although most observers remained skeptical at the announcement. Meanwhile there is increasing pressure from women leaders for more access to positions of political power. A regional conference was held in Rarotonga, aimed at advancing women’s representation in Parliament. One suggestion was the enactment of legal quotas for special measures for women as parliamentary members. Women leaders and the general public have long perceived that existing parliamentarians did very little legislative work for their salaries and special benefits. Some noted that by January 2006 Parliament had only sat for thirty days since the general election in 2004 (*CIN*, 31 Jan 2006, 1).

During the year, the so-called “Sheraton debacle” continued to

reemerge in a variety of forms, first as part of the ongoing struggle over national overseas debt, and second as an element of a controversial Unit Titles Bill. The Cook Islands government’s debt with the Italian government to build a hotel, which at one time amounted to NZ\$150 million, had been reduced to NZ\$48.6 million in 1998. The debt was finally settled with the government of Italy at NZ\$12.9 million in February 2006. The Cook Islands’ capacity to pay and Italian breaches of banking regulations were bargaining issues that led to the final settlement (*CIN*, 24 Feb 2006, 1). A second Sheraton connection was the Tim Tepaki-sponsored Unit Titles Bill—labeled by some as selling airspace to foreigners (*CIN*, 22 July 2005, 1). This bill underlined New Zealand-based property developer Tepaki’s hope for a major project at the Sheraton hotel site in Takitumu, Rarotonga, and another project on Ootu in Aitutaki. Tepaki declared that he had spent over NZ\$2 million since 2000 but continued to express interest in the building of five-star hotels in both Takitumu and Ootu.

Public and landowner concerns focused on the Unit Titles Bill’s encroaching on the activities of the lease approval tribunal, the development investment board, immigration, and the national building code (*CIN*, 19 July 2005, 1). The Are Ariki (National House of Chiefs) and the Koutu Nui (National House of Subchiefs) expressed concern about the final draft of the bill, alleging that it was being rushed and that crucial recommendations over the height of buildings had not been considered (*CIN*, 19 Sept 2005, 1). However,

Pa Ariki, the paramount chief of Takitumu in Rarotonga (who stood to benefit directly from the bill because of Tepaki's proposed development on her Vaima'anga property and a promise to help build her palace), questioned Parliament's delay in passing the bill. The cabinet had earlier supported the bill but it took some time for Parliament to consider it. Aitutaki people were even more vocal; they rallied in opposition to the Unit Titles Bill, presenting a petition to Parliament. Despite widespread opposition, Parliament eventually passed the bill.

Hotel developer Tim Tepaki was also drawn into another development controversy, which emerged in the public media when the cabinet agreed to sell him government assets in Wellington for NZ\$4 million without any transfer of cash, but rather a security deposit (*CIN*, 15 Sept 2005, 1). The government company holding the New Zealand assets, Cook Islands Property Corporation (NZ) Ltd, signed the deal on 12 September 2005. The arrangement became even more contentious when the Cook Islands government audit director declared in his report that there were perceived conflicts of interest and a lack of thorough and intensive due diligence. Tepaki reacted to the comments by labeling the audit director's report as flawed and slanderous (*CIN*, 16 Jan 2006, 6). Seemingly taking a 180-degree turn, by April 2006 the cabinet had thrown out Tepaki's diplomatic project (*CIN*, 5 April 2006, 1).

Another major government project proposal initiated during the year involved a NZ\$10 million dollar parliamentary complex to be built in the

Avatiu valley of Rarotonga. Plans included a three-story building to house central administration, ministerial offices, and support staff, opposition and mayoral offices, cafeteria, gym, and conference area. The concept design reflected a canoe with sail design roofing. Some public commentary pointing to hidden future increases in actual costs and the difficulty of guaranteeing funding have so far placed the plans on hold.

In the meantime, new Chinese aid projects were announced in January 2006, including a cyclone-proof highway alternative to the Nikao seawall in Rarotonga and an enclosed sports stadium. During that same month the Cook Islands government also signed a contract to build the island nation's police station with full funding by the People's Republic of China. Some sixty Chinese workers were expected on the construction site at its peak. By April 2006 China was offering the Cook Islands NZ\$4 million more for infrastructure projects (*CIN*, 8 April 2006, 1). It did not go unnoticed that 165 countries worldwide had diplomatic ties with the People's Republic of China. In July 1997, the Cook Islands had become one of nine Pacific Island countries to recognize China and its "One-China policy." China had clearly been expanding its diplomatic presence in the Pacific region with embassies in Fiji, Papua New Guinea, Vanuatu, Tonga, Federated States of Micronesia, and Kiribati. In fact, China now has the largest number of diplomats in the region (*CIN*, 21 Sept 2005, 6).

During the period under review, the government approved a second television station to be run by The

Digital Factory. The first station, formerly run by the government, is now managed by the Pitt Group. Three new FM radio licenses were also issued by the government, for the Cook Islands Seventh-Day Adventist Mission (TK ANA 3 radio FM), Nicholas Henry of The Digital Factory (Tumutevarovaro radio FM), and Jeane Matenga, Elijah Communications Ltd (Radio Cook Islands FM). By March, The Digital Factory was on air with FM88.1, and the Seventh-Day Adventist radio with TK ANA 3 on FM 98.7.

The government continued its crackdown on state houses, requiring expiring tenancy contracts to demonstrate qualification for any renewal consideration, as private money-lenders received much public criticism for deals that took away people's lands (*CIN*, 14 July 2005, 4). Loan sharks were reportedly charging 24 percent interest plus additional illegal charges, such as real estate fees (*CIN*, 9 July 2005, 6).

The government continued appointing justices of the peace based on political favors and general acceptance without prior legal training, standards, or testing. This practice, as opposed to a more merit-based approach, is particularly problematic because justices of the peace have increasingly been allowed to sit on criminal and land cases, supposedly as a way of saving money. Bringing in judges from New Zealand dramatically reduced irregularities but drained the government budget. But allowing an untrained justice of the peace to decide on far-reaching criminal and land cases is clearly a disaster, given the family orientation and

potential conflicts of interest that plague many small societies. I sat in on three cases involving a justice of the peace, and was frankly amazed at summations that reflected the justice's personal or religious opinions with no bearing on the case. In private discussions, a senior policeman on Rarotonga shared his frustration over situations where criminals were allowed to walk free or receive a mere slap on the hand and a ridiculously low fine. On the other hand, defense lawyers argue that sloppy police work was more often the weakness of such cases.

The challenges facing Cook Islanders also include a continuing rise in the cost of living. The Cook Islands Workers Association tried to revive the cost-of-living adjustment for workers, a system established in 1970 by a Democratic Party government but later removed by a Cook Islands Party government. Public servants had had no cost-of-living adjustment since April 1992, when a 7 to 8 percent increase was adopted. It was not until May 2006 that the cabinet approved 12 percent pay rise and a NZ\$5 per hour minimum-wage package.

Rising fuel costs continued to affect everyone, although they did not prevent Air New Zealand from achieving NZ\$180 million record profit by the end of July 2005. During the year under review, Air New Zealand announces plans to withdraw its Christchurch to Rarotonga service, causing some concern among tourist operators in Rarotonga. It was expected that the dependence on oil-run power generators would mean that local power costs would rise 14 percent to 25.8 percent by June 2006

(*CIN*, 25 May 2006, 1). In fact fuel prices forced local airline Air Rarotonga to increase fares by 10 percent while Virgin Blue Airlines focused on announcing plans to introduce twice-weekly flights from Auckland to Rarotonga, thus breaking Air New Zealand's monopoly on the route.

A newly formed Cook Islands Black Pearl Jeweler Manufacturer's Guild held its first meeting in January 2006, and by March work began on the NZ\$1.5 million Avatiu Western Harbor Extension Program.

In May, Kainuku Kapiriterangi was invested as Ariki, filling the vacancy left by a previous holder who had passed away. Kainuku is one of two paramount chiefs for Takitumu district in Rarotonga. The island has a total of six paramount chiefs: Makea, Karika, Vakatini, Tinomana, Pa, and Kainuku. Also in the month of May, the new Cook Islands-based South Pacific School of Medicine opened its doors with four international students and much criticism about its legitimacy and credibility. Less controversial and more widely supported was the announcement of a million-dollar Pacific Islands Studies campus in Rarotonga for the University of the South Pacific.

A UNESCO report, released earlier, indicated that although the Cook Islands has 80 percent enrollment for early childhood education (preschool), a mere 50 percent of these students made it to grade five. The figures undoubtedly reflect continuing out-migration of Cook Islanders, although the UNESCO report does not comment on this (*CIN*, 22 Aug 2005, 1). While visiting the Cook Islands in September 2005, New Zealand's Manukau City

Mayor Sir Barry Curtis promised three more trades-based scholarships for Cook Islanders to attend the Manukau Institute of Technology.

Also during the year under review, the Cook Islands government decided to remove import levies except on particular items such as pork, soft drinks, pearls, fresh fruit, vegetables, alcohol, tobacco, fuel, and vehicles. Entomologist Dr Peter Maddison visited Rarotonga to help the Cook Islands Natural Heritage Project identify insects, and some one hundred new insects were soon documented; it was expected that the number would rise to 1,000 (*CIN*, 18 Aug 2005, 5). One hundred and ten applications were received by the end of May 2006 for fourteen advertised heads of ministry positions. In the health area, a new initiative to encourage HIV/AIDS prevention in the Cook Islands promoted a discount purchase card, on which were printed reminders about healthy living. Curiously, card holders are asked to promise to keep their bodies safe, to respect themselves, to care for themselves and those they love, to respect others and treat all people with dignity, and to help make their community a healthy and vibrant place. There are currently two reported cases of HIV in the Cook Islands (*CIN*, 29 Aug 2005, 1). A couple of residents I spoke to while in Rarotonga recently suggested that similar cards ought to be issued to politicians, who seem to quickly forget their promises once they win election.

On the agriculture front, there was some panic when immigration officials found seven Giant African snails on board an Air New Zealand flight

that had flown from Sāmoa via Auckland. The destructive snails are found widely in Sāmoa but have yet to become established in the Cook Islands. Meanwhile, the nono (or noni [*Morinda citifolia*]) industry continued to struggle with price undercutting from Asia, and pearl farming was not doing as well as expected.

During the year, the Cook Islands patrol boat *Te Kukupa* joined with Sāmoa patrol boat *Nafanua* and Kiribati patrol boat *Teanoia* to carry out exercises in their regional waters (CIN, 30 July 2005, 1). *Te Kukupa* later set off to Australia for a NZ\$3 million refit funded by the Australian government. While visiting New Zealand, French Polynesia President Oscar Temaru suggested that regional governments consider a Pacific passport, modeled after the European Union passport (CIN, 19 July 2005, 1). Temaru, who is part Cook Islander, received guarded support for this idea among Cook Islanders.

In a year of constant controversy, Cook Islands Religious Advisory Council leaders also spoke out. Church leaders openly contested the possibility of the Rev Sun Myung Moon's Reunification Church (also known as the Moonies) being registered in the Cook Islands. Overseas trips to Korea by politicians funded by the church were particularly criticized. The Rev Tutai Pere, president of the religious council, was very outspoken on the issue. Other citizen concerns focused on the national Maire Maeva Nui celebrations, and the apprehension that the media might continue to be disallowed from covering the competitive dancing event

(CIN, 29 July 2005, 1). There were also other moments for celebration, such as when Sarah Noomaara won two gold medals for free sparring and special technique at the world taekwondo championships in Australia, placing the Cook Islands sixth out of forty-nine participating countries (CIN, 21 July 2005, 8).

During the year, the visit of a con-man from Africa, who entered the Cook Islands under a false passport, continued to receive attention from senior public officials. While in Rarotonga the man had apparently tried to sell chemicals that would clean banknotes painted black by the banks for disposal. He was found guilty and sentenced to a year in jail, but before he could be deported his false passport was discovered. He also seemed to conveniently forget his country of origin, leaving the Cook Islands government wondering what to do with him. Suspected to be a Nigerian, he is the country's first stateless person (CIN, 24 Jan 2006, 1).

Also visiting were representatives of the US reality television show *Survivor*, who chose Cook Islands as their next venue. The island of Aitutaki soon became their main location. Aitutaki landowners were given NZ\$100,000 by the Cook Islands government and the island council issued various restrictions on local movements to ensure the success of the program. The island council's restrictions faced legal challenges but are not expected to affect the *Survivor* participants and film crew on Aitutaki, an island well known for its hospitality. The *Survivor* filming should be completed by July 2006 for subsequent release. This filming program in

Aitutaki will more than likely further inflate land and consumer goods prices, adding to the woes of locals.

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### FRENCH POLYNESIA

Political life in French Polynesia during the review period was still characterized by instability and uncertainty about the future, and had only cooled down slightly after the political crisis of 2004–2005. The new government under President Oscar Temaru, who had been inaugurated in March 2005, seemed to be firmly in power during most of 2005, but 2006 brought another attempted overthrow, following a split in the governing coalition. Among the general population, the original euphoria of a new policy of *Tau'i Roa* (Big Change) has to a large degree become replaced by a more sober sentiment as *tau'i* (change) is happening slower than people had hoped. Meanwhile, the relationship between the local government and the French state fluctuates between confrontation and reconciliation. Relations between French Polynesia and other Pacific Islands, on the other hand, are becoming closer and more frequent.

In July, the president's uneasy attitude toward France became once more apparent, when he first announced his intention to boycott the official celebration on 14 July (Bastille Day,

the French national holiday) but then finally agreed to participate (*TP*, 14 July 2005). Earlier that month, on 4 July, he had hosted a United States Independence Day celebration in the presidential palace, a gesture that was perceived as a provocation by the pro-French opposition (*TP*, 6 July 2005). Temaru also participated as a guest of honor in the national holiday celebrations of Vanuatu, Cook Islands, and Niue, each time underlining the importance of the achievement of independence (or full self-government), which his country still lacks.

Meanwhile, when new French High Commissioner Anne Boquet arrived on 10 September, replacing Michel Mathieu (who had tended to favor former President Gaston Flosse and his party and shun the Temaru government), hope rose for a more harmonious relationship between Papeete and Paris. Indeed, the initial relations between Boquet and the Temaru government were very friendly. On 15 September, the new high commissioner was greeted by Temaru and Assembly Speaker Antony Geros with a kava ceremony in the hall of the assembly building—an event that was perceived as a symbol both of reconciliation with the French state and of the country's cultural “reintegration into Oceania,” since kava drinking had become virtually extinct in Tahitian culture (*TPM*, Oct 2005).

Reintegration into Oceania remains one of the main agenda items for the Temaru government, in the cultural as well as the political sense. At the annual Pacific Island Forum meeting in Port Moresby on 25 October, proposals were made to upgrade French Polynesia's status from that of

observer to that of “associated member.” In an interview, the president said that he hopes to achieve a better political status for his country, calling the present Statute of French Polynesia just “a scrap of paper.” These statements gave rise to renewed political controversy. High Commissioner Boquet criticized the president, arguing that he was “not mandated to talk about independence on foreign soil,” because foreign policy was the responsibility of the French state, not of the local government. Temaru replied that while perhaps he was not mandated to do so, he was certainly qualified to talk about these issues (*TPM*, Nov 2005). Moreover, Temaru’s party, Tavini Huiraatira (People’s Servant), said in a 22 November press release, “When the president expresses himself in the Pacific, he is not on foreign soil. We are people of the Pacific,” and that the statute is indeed just a scrap of paper until it becomes a constitution, on the achievement of sovereignty (Tavini Huiraatira 2005).

Another aspect of the new Pacific-oriented foreign policy of the Temaru government was its very close relationship with New Zealand. President Temaru traveled there frequently, and in late December, the government of French Polynesia purchased the historical Rocklands Hostel in central Auckland for 535 million Pacific francs (about US\$5.4 million) as their future embassy in New Zealand (*TPM*, Jan 2006). Outside Oceania, the Temaru government maintains close contacts with Japan, China, and the United States.

Whereas relations with France remained tense, the Temaru govern-

ment consolidated its power within the country as the opposition became weakened through internal splits and dissent. Three Tuamotu Islands representatives—Temaui Foster, Michel Yip, and Teina Maraëura—left Flosse’s party, Tahoëraa Huiraatira (People’s Rally), and approached the governing Union pour la Démocratie (UPLD) coalition. Tahoëraa’s former secretary general, Jean-Christophe Bouissou, had renounced his party membership in July and later founded his own party, Rautahi (Unity), together with another former Tahoëraa assembly member. By mid-September, Tahoëraa’s number of representatives in the Assembly of French Polynesia had been reduced to only 21, compared to 29 for UPLD, and 7 independents (*TP*, 16 Aug; 16 Sept 2005).

The Temaru government was also able to quiet Hiro Tefaarere, known as a dissident within the UPLD, by appointing him minister of small and medium businesses and mining on 16 September (*TP*, 16 Sept 2006). The appointment removed Tefaarere from the assembly and replaced him with another more loyal UPLD member, thus reinforcing the coherence of the majority.

With their majority in the assembly apparently consolidated, the Temaru government began working on its first major reform project: On 25 November, the government presented a projected tax reform, elaborated by Vice President Jacqui Drollet and economist Christian Vernaüdon, called Te Autaeäraa (Solidarity). Essentially, it would generalize and increase the Territorial Solidarity Contribution (CST) and thus create a sort of income tax



(which does not exist in French Polynesia), while decreasing health insurance contributions. The project soon became very controversial, however, as it was perceived by many as a simple tax increase. On 30 November, about 3,500 people led a protest march against the reform, after several trade unions had called for a general strike. The strikers then built roadblocks on the main entry roads to Papeete, forcing the government to withdraw the CST increase and thus virtually killing the tax reform project. The affair exposed the dubious role of the unions in local politics, with several of the strike leaders being cronies of Flosse or political opportunists rather than representatives of the working population (*TPM*, Dec 2006). This would become even more apparent in May 2006, when the same unions organized a strike against a law that would reform union representation in companies and thus erode their power base (*TPM*, May 2006).

The vote for the 2006 budget of 137.8 billion Pacific francs (about US\$1.4 billion), of which 102.8 billion was for maintenance and 37 billion for investment, provoked yet more polemic debates. The opposition criticized the budget as too expensive and threatened legal action against it (*TPM*, Jan 2006). The 2006 budget was finally adopted by the assembly on 13 December 2005, but had to be reduced in March in order to avoid a deficit (*TPM*, April 2006).

On 4 January, Finance and Economy Minister Emile Vanfasse resigned, citing health reasons. Vice President Drollet, a close confidant of Temaru, took over the portfolios in addition to his own portfolio of tourism. The

move was protested by Emile Vernaudon, minister for postal services, telecommunications, and sports, and leader of the Ai'a Api (New Motherland) party, who argued that his party was entitled to the vacant portfolios (*TPM*, Feb 2006). With this issue, deep fissures became apparent between the Ai'a Api and Tavini Huiraatira parties within the UPLD coalition. Already on 9 November, Vernaudon had begun to distance himself from Temaru by publicly criticizing the latter's pro-independence declarations (*TPM*, Dec 2005). While Vernaudon had signed the UPLD petition for the reinscription of the country on the UN list of non-self-governing territories in 2004, he now declared himself in favor of French rule and approached Flosse. Vernaudon has had a history of constantly switching his allegiance between Flosse and Temaru.

Another major decision made at the beginning of 2006 concerned the Groupement d'Intervention de la Polynésie (GIP, Polynesian Intervention Grouping), a presidential service agency for public works founded under Flosse. During the previous year, the GIP had constantly caused trouble, as its former commander, Léonard Puputauki, refused to comply with orders from the new government and periodically had GIP members block the bridge to Papeete's port facilities, cutting off the country's fuel reserves and threatening the population. On 11 January 2006, the cabinet finally decided to take action and the GIP was dissolved. The several hundred employees were to be transferred to other government departments or maintained as employees of an "administrative flotilla" whose mis-

sion is entirely depoliticized and limited to public works (*TPM*, Feb 2006). However, the core of the problem remained unresolved, as Puputauki still exercised considerable influence over many members, and new confrontations continued sporadically in the following months. Flosse, who had founded the GIP as some sort of personal militia, is apparently behind these activities as he attempts to destabilize the Temaru government. Strangely enough, Puputauki has never yet been arrested for his illegal activities (*TPM*, July 2006).

Meanwhile, Emile Vernaudon once more entered the headlines on 26 January, when the Papeete court of appeals confirmed his suspended sentence of one year in prison and a fine of 3 million Pacific francs (about US\$30,000) for embezzling public funds. Vernaudon had built a private house with municipal funds in the township of Mahina, where he is the mayor. However, because his voting rights were not suspended (as is usual in political corruption cases under French law), he was able to keep both his mayoralty and his ministerial portfolio. At the same time, Vernaudon continued to occupy a public piece of land on the Tairapu peninsula as a “party house,” thereby blocking access to an economically promising shrimp-breeding project in an adjacent valley (*TP*, 26 Feb 06).

While the latter project would certainly be beneficial to the country’s economy and create many jobs, the development of new tourist facilities is becoming more and more controversial within the pro-independence movement. Seeing tourism as one of French Polynesia’s main economic resources, Temaru and Tourism Min-

ister Drollet are keen on increasing the numbers of tourists, as they support new hotel projects. However, as many grassroots independence activists are strongly opposed to a further expansion of the tourism industry, confrontations took place at hotel sites: in December with hard-line pro-independence leader Charlie Ching on Bora Bora (*TPM*, Jan 2006), and on 8 February with two UPLD assembly members on Moorea (*TPM*, March 2006). A government-supported golf course project on the island of Huahine is also seen by the local population as controversial.

Studying the consequences of the 1966–1996 nuclear testing program was another important issue during the period under review. On 15 July 2005, the UPLD majority in the assembly had voted to establish a special committee of inquiry about the issue, covering the aboveground tests from 1966 to 1974 and their effects on the country’s population. A proposal introduced by Gaston Flosse for another committee on nuclear testing that would have been limited to Flosse’s home island of Mangareva was not adopted. For seven months the committee of inquiry, headed by UPLD representative Tea Hirshon, worked in close cooperation with the nuclear test victims association Moruroa e Tatou (Moruroa and Us) and several French and international experts, in order to counter the denial by the French government of any negative consequences of the testing. Members of the committee visited the inhabited islands closest to the former testing center but were denied access to Moruroa and Fangataufa, the two atolls where testing took place, which are still military security zones.

On 9 February 2006, the committee presented its final report, containing detailed accounts of the studied islands, as well as evidence from official reports of deliberate misinformation and concealment of irradiation by the military. The report demonstrates conclusively that the atmospheric tests exposed the population to radiation (*TPM*, Feb 2006).

While the sad truth about nuclear testing is being uncovered and will have to be admitted by France sooner or later, abuses of power by the Flosse government are also being revealed. On 22 February, the Territorial Chamber of Accounts presented a report on Flosse's presidency from 1991 to 2004. According to that document, the Office of the President had 626 employees in 2004, and included an intelligence section that carried out illegal surveillance operations against political opponents. The report also confirmed that a journalist who had written pro-government editorials in a local daily was paid 80 million Pacific francs (about US\$800,000) by the presidential office. The report further details the wasteful use of public funds for prestige projects, including presidential residences on the atolls of Tupai and Fakarava, which cost 1.6 billion Pacific francs (about US\$16 million) and 2.5 billion Pacific francs (about US\$25 million), respectively, to build (*TPM*, March 2006). On 21 June, Flosse was sentenced to a suspended jail term of three months for authorizing the government's purchase of his son's hotel in 2000, when the latter was in financial difficulties. Like Vernaudeau, however, Flosse was not sentenced to ineligibility (*TP*, 26 June 2006). On 18 January 2006, examining magistrate Jean-Bernard Taliercio,

who had been very determined in his investigation of Flosse's affairs, was suspended from office and later permanently moved to another French territory. This led to rumors of political moves by powerful people in Paris designed to protect Flosse (*TPM*, June 2006).

After the two reports had shed some light on the past, the focus of political debate returned to the present and the future. In March 2006, during a trip to the Cook Islands, President Temaru publicly declared his intention to lead his country to independence from France, in his clearest statement on the matter since his election to the presidency. He also questioned the country's official name, saying he preferred Tahiti Nui (Greater Tahiti) (*CIH*, 11 March 2006). Two weeks later, on a trip to the island of Tubuai, Temaru repeated his desire for independence, arguing that economic development will be blocked as long as the country remains part of France (*TPM*, Apr 2006).

In late March, French Minister for Overseas Territories François Baroin visited the country. Temaru received him cordially but made it clear that, as the country's colonizer, France had a historic responsibility to support the process of self-determination. Temaru proposed an "Accord of Tahiti Nui" with France, inspired by the Nouméa Accord of New Caledonia. This would require France to recognize the colonial fact and promise to help Tahiti Nui prepare its independence during a transitional period of at least a decade leading to a referendum on independence (*TPM*, Apr 2006).

Temaru's declarations provoked a new backlash from both the French

government and local pro-French politicians. High Commissioner Boquet accused Temaru of “placing himself outside the republican values” and reminded him that he himself had said at his inauguration that independence was not on the immediate agenda. Boquet also criticized Temaru’s referring to the country as “Tahiti Nui” (*TPM*, April 2006). This was quite astonishing, given the fact that Gaston Flosse, who had frequently called himself “President of Tahiti Nui,” had never been reprimanded by the high commission.

The Tahoeraa opposition also intensified its media campaign against the government. The Tahoeraa weekly *L’Hebdo* as well as the party’s Radio Maohi launched regular and virulent attacks on Temaru and his political ideas, discrediting the idea of independence as catastrophic for the country, using old stereotypes from French colonial times, and accusing the Temaru government of being dictatorial and racist.

Tahoeraa did everything it could to polarize society between the ideas of autonomy (implying continued French sovereignty) and independence. At the same time, Jean-Christophe Bouissou’s Rautahi party went back into a political alliance with Tahoeraa, claiming to build up an “autonomist front” in order to fight the idea of independence. Several other small parties that had split from Tahoeraa earlier joined that alliance as well. This led to the suspicion that those small parties had really been “satellites” or “submarines” of Tahoeraa (*TPM*, May 2006).

While the opposition gathered its forces, struggles within the UPLD were fought more and more openly. On 29

March Hiro Tefaarere resigned from his ministerial portfolio. When Temaru refused to accept his resignation, Tefaarere left both the UPLD and the Tavini Huiraa party. However, he reaffirmed his political position in favor of independence (*TP*, 6 Apr 2006). With Tefaarere sitting now as an independent, the UPLD lost its overall majority in the assembly.

At the same time, Emile Vernaudon intensified his political agitation against Temaru. On 12 April, two days before the scheduled vote for the annual reelection of the assembly’s Speaker, Vernaudon resigned from his ministry, giving as reasons Temaru’s pro-independence activities and the lack of collegiality within UPLD. The following day, an agreement was signed between Flosse’s Tahoeraa, Vernaudon’s Ai’a Api, Bouissou’s Rautahi, the independent representatives from the outer islands, as well as Hiro Tefaarere, to form an “autonomist front.” The front included twenty-nine representatives, thus forming a new majority. Gaston Tong Sang, a Tahoeraa representative and Bora Bora mayor, was designated their candidate for the position of Speaker, against UPLD incumbent Antony Geros. The group further intended to overthrow Temaru in a motion of censure, with Vernaudon as their candidate for president. Flosse himself formally kept out of the political game, a precondition demanded by the other partners of the autonomist front.

However, the vote for Speaker turned out quite differently. Philip Schyle, the leader of Fetia Api (New Star), a pro-French, anti-Flosse party, had refused to take part in the autonomist front, but then announced his

own candidacy for the position of Speaker. When the secret ballot was conducted, 29 representatives voted for Schyle, 28 for Geros, and none for Tong Sang. Apparently, the members of the autonomist front had all voted for Schyle, preferring him as an autonomist to the pro-independence Geros. Schyle, however, did not want to play their game. He said he owed nothing to those who had voted him in and considered himself the Speaker for everyone. He also announced that he would not support a motion of censure against Temaru (*TPM*, May 2006).

Some days later, on 19 April, before the vote on the assembly committees, President Temaru announced major changes in his cabinet. The representatives from the Tuamotu Islands, Teina Maraëura and Michel Yip, as well as Dauphin Domingo from Tahiti island—who were all considered close allies of Vernaudon and whose names had been on the list of the autonomist front just a few days earlier—joined Temaru’s government, either as cabinet ministers or as UPLD representatives. Their support gave Temaru once more a clear majority of 30 seats in the assembly, against 25 for the autonomist front, and 2 for Schyle’s neutral group. The UPLD was thus able to keep control over both the assembly committees and the executive government. Temaru had won another round in his struggle for political survival, at the price of the loss of the assembly Speaker’s office (*TPM*, May 2006).

The political maneuverings by both the opposition and the government to “buy” and “re-buy” each other’s politicians worsened the image of politics and discredited all politicians.

Gaston Flosse, his party, and their allies were all eager to denounce Temaru’s tactics, while keeping quiet about having used the same tactics immediately before. As *Tahiti Pacifique Magazine* (*TPM*) editor Alex Du Prel reminded readers, it was Flosse and his party who, for decades, in collaboration with the French State, had applied the tactics of “buying” politicians (*TPM*, May 2006).

Political corruption was not the only thing being deplored in society. Even more dramatic were threats to the survival of indigenous Polynesian languages. On 12 May, the association Te Rauti o te Reo (Exaltation of the Language) published an alarming study showing that less than 20 percent of the population speak Reo Maohi (Tahitian or another Polynesian language). In 1975 the comparable figure was 80 percent (*TPM*, June 2006). Especially among young people, Tahitian has been replaced almost totally by French or a pidgin version of it. The Temaru government and Education Minister Jean-Marius Raapoto are very keen to change this trend, and a revision of the education system is being prepared to that end. On 29 March, however, the French State Council prohibited the use of any language other than French in the debates of the Assembly of French Polynesia (*TPM*, April 2006)—an act seen by both the Temaru government and Te Rauti o te Reo as a colonial provocation.

Related to concerns for the preservation of the country’s native language are the efforts by members of the Royal Customary Council for the preservation of land rights, historical monuments, and respect for historical treaties. Founded in early 2005 by

royal descendent Joinville Pomare, the council advocates recognition of customary leadership by arii (traditional chiefs). During the period under review, the council increased its activity, finding more and more support among both the local population and customary leaders from other Pacific Islands. On 29 October 2005, between 2,000 and 2,500 people attended a meeting of arii descendents around the royal tomb in Arue. Guests included Gabriel Paita, the president of the Customary Senate of New Caledonia, and members of the Cook Islands' House of Ariki, as well as delegates from Rapa Nui and Hawai'i. Pomare and his followers once again demanded the creation of a recognized customary institution in French Polynesia, modeled after that of New Caledonia (*TP*, 29 Oct 2005; *NT*, 31 Oct 2005). The alleged treaty of annexation that was signed in 1880 by Tahiti's last king, Pomare V, and the French authorities, was subjected to a detailed analysis by a working group on legal issues within the council, led by Mareva de Montluc; the working group found the treaty legally questionable (*DT*, 24 Oct 2005). On 6 May, based on its preceding historical and judicial research, the council established a so-called Indigenous Land Tribunal in order to deal with land claims by Tahitian families. According to the 1880 treaty, this institution was to be preserved under French rule, but it was later suppressed. The French judiciary declared that the tribunal had no value under French law (*TP*, 9 May 2006).

Meanwhile, President Temaru was criticized by the opposition for excessive travel to foreign countries, such as his trip to Japan in mid-May, and

for only coming back to Tahiti as a stopover before his next trip (see, eg, *L'Hebdo*, 9 March 2006). These critics forgot, however, that foreign relations is Temaru's portfolio within the government, and that for the construction of a future independent state, it is essential to build and maintain a network of political and economic relations.

In late June, Temaru traveled to Paris to meet with French Prime Minister Dominique de Villepin and several other cabinet ministers. However, he did not attend a scheduled meeting with President Jacques Chirac. The missed meeting caused a new controversy in Tahiti, with the opposition accusing the president of sabotaging the country's relations with France, and the president's office calling it a miscommunication (*TP*, 23 June 2006; *Le Monde*, 25 June 2006). At the France–Oceania summit conference in the Elysée (French presidential) palace on 26 June, Temaru talked about the right of self-determination of peoples and demanded that that issue be included in the communiqué of the meeting. Chirac responded that he believed the majority of the people of French Polynesia do not desire independence and so there was no reason for it (*TPM*, July 2006).

Back in Tahiti, another controversy took place at the end of June concerning historical symbols, monuments, names, and holidays. Under Flosse, 29 June had been designated as the local holiday to commemorate the signing of both the annexation treaty in 1880 and the second Statute of Autonomy in 1984. The Temaru government had, in effect, abolished that holiday and proposed 20 November, the rising of the Matarii (Pleiades), as a depoliti-

cized, purely cultural alternative. The pro-French opposition, on the other hand, continued to celebrate the “autonomy holiday” and had a “monument to autonomy” dedicated on a roundabout in Papeete. On the night before the dedication, two cabinet ministers unsuccessfully tried to remove the monument, claiming it was “hazardous to traffic” (*TP*, 29 and 30 June 2006). The “autonomy celebration” highlighted speeches by Emile Vernaudon and Hiro Tefaarere in favor of autonomy—demonstrating again how easily local politicians can switch from one ideology to another; two years earlier, on 29 June, Vernaudon had participated in a pro-independence ceremony in Faaa, while in March 2006, Tefaarere had still claimed to be pro-independence.

On 28 June 2006, the cabinet decided to rename Bruat Avenue in the administrative center of Papeete after Pouvanaa a Oopa. Bruat had been the first French governor of Tahiti in the 1840s, whereas Pouvanaa a Oopa had founded the anticolonial Tahitian nationalist movement after World War II. The Temaru government announced that this change was just the beginning of a process of “name decolonization,” as most roads in Papeete currently carry names of colonial officers, French presidents, or even figures from French history having no relationship at all with Tahiti (*TP*, 30 June 2006).

In the next act in the “war of monuments,” Temaru inaugurated a monument to the victims of French nuclear testing in another park in Papeete on 2 July, the fortieth anniversary of the first nuclear test on Moruroa (*TPM*, July 2006; *TP*, 2 July 2006). High Commissioner Boquet denounced

both the monument and the street renaming as “unfriendly gestures” toward France (*TP*, 3 July 2006).

While arguments of this kind are likely to go on and even increase in the near future, relatively little has been done for the economic development of the country. *TPM* editor Alex Du Prel wrote in an editorial in March that nothing has changed one year after the Tauï Roa policy was introduced (*TPM*, March 2006). President Temaru’s idea of an “Accord of Tahiti Nui” is certainly a good one, but it must be accompanied by more detailed economic planning. Developing a solid and sustainable economic strategy for the country’s future is becoming more necessary than ever. If the country is to survive in the long run, the government budget, which is by now almost exclusively funded by subsidies from France, must be cut drastically. According to political scientist Jean Marc Regnault, as social and economic problems in France increase, funds for overseas entities are likely to decrease (*TPM*, Dec 2005).

Many of French Polynesia’s current economic problems stem from the politico-economic system put in place by France in the 1960s and 1970s during the period of nuclear testing. Regnault argues that Moruroa resulted not only in health issues because of irradiation, but also in forty years of clientelism through French capital injection, which has profoundly impacted society (*TPM*, Feb 2006). A mentality of receiving and distributing wealth has become endemic among the local elite. Political corruption in that sense is not only common among the Tahoeraa and its allies, but also increasingly among the new elite of the Tauï Roa.

Unfortunately, Emile Vernaudon is only one outstanding case. While Temaru and many of his collaborators are serious and honest leaders with a vision of change, many other civil servants are hardly distinguishable from their predecessors.

The other issue that constantly causes tensions in society is the question of independence. Many people still do not understand what independence would mean, and what chances the country would have once it overcame the dependency on France and became a member of the family of Pacific nations. Most people have been affected by decades of French propaganda, and hardly anyone from Tahiti has ever visited an independent Pacific Island country. Instead they have seen biased reports and documentaries emphasizing how poor and downtrodden these islands are, compared with wealthy Tahiti. The new government has worked hard to de-dramatize the independence issue, by constantly raising the issue and resisting pro-French criticism from French and local people, as well as by increasing cooperation with other Pacific islands. However, much more must be done if the government wants people to rethink their attachment to France and share their president's vision of a future as Maohi (indigenous Polynesians) within the Pacific community.

LORENZ GONSCHOR

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### HAWAIIAN ISSUES

In the past year Native Hawaiians faced challenges in the courts, in the US Congress, and in the environment. In the courts, the Office of Hawaiian Affairs triumphed over litigation threatening first to dismantle and then to bankrupt the agency, and the Kamehameha Schools awaits a decision on its Hawaiian-preference admission policy. In the realm of indigenous rights, the "Akaka Bill" was scrutinized and denied a full debate in the US Senate, while the United Nations' Human Rights Council adopted the Declaration on the Rights of Indigenous Peoples. In environmental matters, Native Hawaiians joined forces against "biopiracy," and the Northwestern Hawaiian Islands became a national monument.

The latest in a string of lawsuits precipitated by the US Supreme Court's 2000 *Rice v Cayetano* decision was defeated in June 2006. In the *Rice v Cayetano* ruling, the US Supreme Court invalidated the state's Hawaiians-only voting policy for the Office of Hawaiian Affairs (OHA). In March 2002, sixteen plaintiffs filed



the *Arakaki v Lingle* case, challenging the constitutionality of the Office of Hawaiian Affairs, the Hawaiian Homes Commission Act (HHCA), and other state and federal Native Hawaiian-focused programs and agencies. Claiming standing solely as taxpayers, the plaintiffs objected to the use of general state and federal income tax revenues for the agencies. They demanded the dissolution of the Office of Hawaiian Affairs, the Hawaiian Homes Commission Act, and other similar programs, arguing that they violated the equal protection clause of the Fourteenth Amendment of the US Constitution.

In November 2003, Hawai'i's US District Court Judge Susan Mollway removed the Department of Hawaiian Homelands (DHHL), Hawaiian Homes Commission, State Council of Hawaiian Homestead Associations, the federal government, and other intervening parties from the suit. The district court dismissed the plaintiffs' claims because "any challenge to the lessee requirements of the DHHL lease program set up by the HHCA, a state law, necessarily involves a challenge to the Admissions Act (1959)," and the plaintiffs had no standing to sue the United States (*Arakaki v Lingle*, No 04-15306, US 9th Circuit Court of Appeals: 9-10). In addition, the Native Hawaiian Government Reorganization Act of 2005 was being discussed at the congressional level. So, in January 2004, Judge Mollway dismissed the case against the State of Hawai'i and the Office of Hawaiian Affairs, because the courts should not interfere with an existing debate over Hawaiians' political status (Viotti 2004).

Eleven of the original sixteen plain-

tiffs (three were dismissed because they were Native Hawaiian, one withdrew, and one passed away) appealed to the Ninth Circuit Court of Appeals (Viotti 2004). In August 2005, the appellate court upheld the lower court's ruling, but reinstated a portion of the suit challenging the funding of the Office of Hawaiian Affairs from state general funds. The office currently receives about \$2.8 million a year from the state general fund, about 9 percent of the agency's annual operating budget (OHA 2006).

*Arakaki v Lingle* was dependent on the plaintiffs' legal standing to challenge state policies. In a May 2006 Ohio case (*Cuno v DaimlerChrysler, Inc*, 386 F.3d 738 [6th Cir. 2004]), the US Supreme Court ruled that a group of taxpayers, who challenged nearly \$300 million in tax breaks for an automobile manufacturing plant, had no legal standing to challenge the tax or spending policies of a state "simply by virtue of their status as taxpayers" (US Chief Justice John Roberts, quoted in Kobayashi 2006). In light of the Ohio ruling, on 14 June 2006, the US Supreme Court rejected the plaintiffs' legal standing in *Arakaki v Lingle* and overturned the lower court's decision.

While the State of Hawai'i and the Office of Hawaiian Affairs were triumphant in the *Arakaki v Lingle* case, another prominent Hawaiian institution continues to battle similar litigation challenging the legitimacy of its policies. The Kamehameha Schools 'ohana (family)—trustees, administration, alumni, students and faculty—and the Hawaiian community wait anxiously as a panel of fifteen judges in the Ninth Circuit Court of Appeals decides the future of the institution.

The question at hand is whether or not Kamehameha's Hawaiian-preference admissions policy violates US federal anti-discriminatory laws.

The Kamehameha Schools is a private educational institution founded in 1887 by the Last Will and Testament of a Hawaiian princess, Bernice Pauahi Bishop. Her entire estate—more than 350,000 acres—was to be held in trust for the purpose of supporting the schools and educating Native Hawaiian children (Kamehameha Schools 2006c). In a speech at the school's first Founder's Day celebration in 1889, Charles Reed Bishop spoke of his late wife's concern regarding the "rapid diminution" of her people because of increasing westernization in the kingdom. He said she wanted to create the schools to correct this manifest imbalance. Later in the same speech he emphasized that only through proper education would the native people "be able to hold their own" in the face of rapid change and encroaching external forces. To that end, he emphasized the intent of the late princess that "Hawaiians have the preference" in applying to the schools (Charles Reed Bishop, quoted in Kamehameha Schools 2006c).

As heirs to her estate, Native Hawaiian children are given preference for admission to Kamehameha Schools, which is financially supported by the Bishop Estate. The Kamehameha Schools is currently valued at about \$7 billion and spends approximately \$200 million a year to support three campuses that serve 6,550 students, more than thirty pre-schools, and other educational outreach services for both Hawaiian and

non-Hawaiian children (Kamehameha Schools 2006a).

In June 2003, an unidentified non-Hawaiian applicant (dubbed "John Doe") filed suit against the Kamehameha Schools because he was denied admission. In *Doe v Kamehameha Schools*, the plaintiff argued that Kamehameha's admissions policy violates the anti-discriminatory provisions in section 1981 of the Civil Rights Act. Enacted in 1866, this section of the Civil Rights Act was established to protect newly freed slaves from racial discrimination in the formation and enforcement of contracts. "Doe" argued that admission to a private school is a contract, and that his exclusion was based solely on the fact that he is not Native Hawaiian. The plaintiff requested that the court force the Kamehameha Schools to admit him to any of the three campuses, overturn the Hawaiian-preference admissions policy, and award monetary damages.

Kamehameha's legal team argued that the admissions policy is legally justified under section 1981 because it seeks to correct past and present imbalances suffered by Native Hawaiians as a result of Western contact and subsequent colonization (see US Public Law 103-150, the "Apology Resolution"). According to Kamehameha attorney Kathleen Sullivan, the Kamehameha Schools and its policy are "entirely legal under our civil rights laws because they redress the continuing harm from a legacy of devastation that Congress has acknowledged and apologized for against the Native Hawaiian people." Kamehameha Trustee Admiral Robert Kihune added, "There are still thou-

sands of Native Hawaiians who need the educational opportunities provided by Kamehameha Schools to help remedy historical harms that continue even today” (Kamehameha Schools 2006e).

Their argument is supported by five sub-arguments: (1) The Kamehameha Schools is a private institution that receives no federal money; (2) the admissions policy is a remedial effort, as was the original intent of the 1866 Civil Rights Act, to address the socio-economic and educational disparities faced by the indigenous people of Hawai‘i; (3) the schools were founded when Hawai‘i was an independent nation and the schools were established to address the aforementioned disparities; (4) the US Congress has acknowledged the historical wrongs committed by the US and has enacted “more than 85 statutes that provide funding for programs exclusively benefiting Native Hawaiians;” and (5) “Kamehameha graduates have gone on to leadership positions” in every field and many return to help others in Native Hawaiian communities (Kamehameha Schools 2006b). Based on these key arguments, Kamehameha’s legal team requested that the case be dismissed.

In November 2003, Federal District Judge Alan Kay ruled against the plaintiff, “Doe,” thereby affirming Kamehameha’s admission policy. Seven months later, in June 2004, the plaintiff appealed Judge Kay’s decision to the US Ninth Circuit Court of Appeals. A panel of three judges heard arguments in November 2004, and in August 2005 ruled 2–1 against Kamehameha (for an analysis of the ruling, see *Harvard Law Review*

2005). In response, Kamehameha’s legal team petitioned for and was granted an en banc hearing in front of fifteen judges from the appellate court. (In an en banc hearing, the entire membership of an appellate court convenes to reconsider a decision of a smaller panel of the same court.) The new, larger panel of judges heard arguments from both sides on 20 June 2006; they were instructed not to consider the previous ruling in their decision. Until the en banc panel rules, Kamehameha’s Hawaiian-preference admissions policy remains in effect.

While it is too late for the plaintiff to graduate from the Kamehameha Schools, if the en banc panel rules in favor of the plaintiff (barring further appeals to the US Supreme Court), the schools’ admissions policy will not be the only one affected. Overturning the admissions policy would also affect financial aid policies and allow non-Hawaiian students to receive funding from the Kamehameha Schools. Every year, the institution distributes about \$15 million in financial aid to Native Hawaiian college students from around the nation (Kamehameha Schools 2006a). The Kamehameha Schools is one of the few remaining Hawaiian institutions, and to many it is a symbol of the health and well-being of Native Hawaiians and the Hawaiian culture. The elimination of one of the Kamehameha Schools’ defining characteristics could generate additional difficulties for Native Hawaiians.

In the broader international context, the United Nations Human Rights Council adopted the UN Declaration on the Rights of Indigenous

Peoples. The Human Rights Council was created by the UN General Assembly in March 2006 to replace the UN Commission on Human Rights. The council consists of forty-seven member countries elected by the General Assembly and is charged with promoting universal respect for and implementation of human rights obligations. In addition, the council must also address violations of human rights, “respond promptly to human rights emergencies . . . serve as a forum for dialogue . . . [and] make recommendations to the General Assembly for further development of international law in the field of human rights” (UN 2006a, 2–3).

On 29 June 2006, thirty member-nations of the Human Rights Council voted to adopt the UN Declaration on the Rights of Indigenous Peoples. The two member-nations that voted against adopting the declaration and most of the twelve member-nations that abstained explained that it was not for lack of support for the rights of indigenous peoples of the world, but that they regretted the lack of time to deal with certain provisions that might conflict with specific national policies (UN 2006b).

The Declaration on the Rights of Indigenous Peoples provides that indigenous peoples “have the right to the full enjoyment . . . of all human rights and fundamental freedoms. . . . are free and equal to all other peoples and have the right to be free from any kind of discrimination. . . . have the right of self-determination. . . . [can] freely determine their political status and freely pursue their economic, social and cultural development. . . . [and] have the right to maintain and

strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their rights to participate fully . . . in the political, social and cultural life of the State” (UN 2006b). The next step is adoption by the UN General Assembly.

While on the international front it has been a historic year for human and indigenous rights, in the United States, efforts to address the plight of the indigenous people of Hawai‘i continue to experience opposition on national and local levels. In July 2005, in an effort to force debate and a floor vote on the Native Hawaiian Government Reorganization Act of 2005, s 147 (also known as the Akaka Bill), US Senate Majority Leader Bill Frist filed a petition for cloture. (Cloture refers to the procedure of ending debate in a legislative body and calling for an immediate vote.) But the petition was tabled to allow the Senate to address emergency measures for victims of Hurricane Katrina on the Gulf Coast of the United States. On 6 June 2006, Senate Majority Whip Mitch McConnell filed another petition for a cloture vote on the bill.

In the weeks leading up to the 2006 vote, supporters of the bill were confident they had enough votes to win. However, unfavorable recommendations from the US Commission on Civil Rights (USCCR) and the White House weakened support for the bill and, in turn, the cloture measure. In a May 2006 USCCR report, the body recommended “against the passage of the Native Hawaiian Reorganization Act of 2005 s.147 . . . or any other legislation that would dis-

criminate on the basis of race or national origin and further subdivide the American people into discrete subgroups accorded varying degrees of privilege” (USCCR 2006, 15).

In response, the State of Hawai‘i disputed the idea that s 147 creates a “race-based” government and argued that Native Hawaiians have a special, political relationship with the US federal government, as demonstrated by numerous legislative acts (Bennett 2006). Although Native Hawaiians have frequently been grouped with other federally recognized Native American and Native Alaskan nations, they have yet to be likewise recognized. The state’s response to the USCCR report says that “there is simply no legal or moral distinction between Native Hawaiians and American Indians or Alaska natives that would justify denying Native Hawaiians the same treatment” (Bennett 2006, 3).

At the same time, Hawai‘i’s Governor Linda Lingle sent a letter to Republican Congressman and Senate Majority Leader Bill Frist that echoed the state’s response. The governor characterized the USCCR report as a “misguided action . . . [of] a deeply polarized Civil Rights Commission . . . based on a grossly flawed understanding of the history of Hawai‘i and of the law itself.” She also emphasized the inequality of treatment of Native Hawaiians, stating, “It is a very simple matter of justice and fairness that Native Hawaiians receive the same treatment that America’s other indigenous peoples enjoy” (Lingle 2006, 1).

Despite these criticisms, the White House issued a letter from the US

Department of Justice opposing s 147, concurring with the USCCR recommendation, and calling tribal recognition for Native Hawaiians “inappropriate” (USDJ 2006). The Senate cloture vote took place immediately after this, on 8 June 2006. Despite their best efforts, the bill’s supporters fell four votes short of the sixty needed to pass the measure. The Akaka Bill is effectively dead for the remainder of the 2006 US congressional session.

While the US federal government debates in Congress the issues surrounding the status of the Native Hawaiian people, Native Hawaiians continue to debate within the community about the best way to address their issues. Many of the Native Hawaiian groups that oppose the Akaka Bill and federal recognition say that the domestic-dependent nation status that would be created by the passage of the bill is not enough. They maintain that the only remedy for the violations of Hawaiian national sovereignty committed by the United States is full independence, and have sought help from the United Nations in this matter (see *Lance Paul Larson v Hawaiian Kingdom* in the UN Court of Arbitration at The Hague). Further, they argue that federal recognition would merely mean additional interference in the internal affairs of the Kingdom of Hawai‘i.

The day before the cloture vote, Hui Pū, a consortium of Native Hawaiian groups, staged a demonstration opposing the Akaka Bill by occupying ‘Iolani Palace and hanging inverted Hawaiian flags. Both ‘Iolani Palace and the national Hawaiian flag continue to be symbols of Hawaiian nationhood. ‘Iolani Palace was built

by King David Kalākaua in 1882 and was the seat of the Hawaiian government; today, it is a museum. The national Hawaiian flag was appropriated by the State of Hawai'i. It is important to note that the inversion of a flag is an international symbol of distress, in this case, of the Hawaiian nation itself.

Native Hawaiians have also joined other indigenous peoples in the fight against biopiracy. Biopiracy refers to the “commercial development of naturally occurring biological materials, such as plant substances or genetic cell lines, by a technologically advanced country or organization without fair compensation to the peoples or nations in whose territory the materials were originally discovered” (*American Heritage Dictionary* 2004).

Around the world, universities as well as biotechnology, agrochemical, and pharmaceutical companies are exploiting indigenous knowledge. Zymogenetics, Inc, a Seattle-based biotechnology company, caused an uproar in Brazil when it patented chemical compounds secreted by a native Amazon tree frog used by the indigenous tribes in shamanistic rituals. If the US patents on Basmati rice and grains obtained in 1997 by RiceTec, a transnational corporation, are enforced internationally under World Trade Organization rules, it could seriously affect the livelihoods of Indian and Pakistani farmers (Primal Seeds nd). In Hawai'i in 2002, a University of Hawai'i (UH) researcher was granted patents on three varieties of kalo (taro, *Colocasia esculenta*).

After an epidemic of the taro leaf blight destroyed over 90 percent of the taro crop in American Sāmoa and

Sāmoa in 1993–1994, the University of Hawai'i began research to produce a variety of taro resistant to the disease, which is caused by a fungus (*Phytophthora colocasiae*) (Trujillo and others 2002, 1; ASCC 2000, 1). In 1995, UH researchers crossed Hawaiian “Maui Lehua” and Palauan “Ngeruuch” taro cultivars and successfully derived three disease-resistant varieties—Pauakea, Pa'lehua [*sic*], and Pa'akala—for which they were issued patents in 2002 (Trujillo and others 2002, 1; US patents 12342, 12361, 12772). As a result, since 2002, rights to cultivate the three varieties had to be purchased from the university.

In January 2006, Native Hawaiians began voicing opposition to the patents. According to Hawaiian tradition, Hāloa, the elder brother to the first human being, became the first kalo plant and holds great significance in Hawaiian theology. Farmers, Hawaiians, and others joined Molo-ka'i activist Walter Ritte in demanding that the University of Hawai'i drop the patents. Kaua'i farmer Chris Kobayashi said that kalo farmers had been working with the university on similar projects, but the idea of ownership was never raised (TenBruggencate 2006a). On 10 January 2006, Ritte and Kobayashi sent a letter to Andrew Hashimoto, the dean of the UH College of Tropical Agriculture and Human Resources, requesting that the school abandon the patents. On 23 February 2006, they sent an identical letter to David McClain, then interim UH president.

The protests received some media coverage and support from external groups. The Center for Food Safety,

a nonprofit public interest and environmental advocacy membership organization, issued a press release supporting Native Hawaiian efforts to reclaim taro (CFS 2006). (There was some confusion at this time about the nature of the derivation; the new varieties were created using traditional cross-breeding techniques and were not genetically manipulated.) However, Ritte and Kobayashi received no official reply from the university. They increased pressure on the university by holding a rally and erecting a stone altar with a carved figure of a man holding Hāloa (kalo) on the front lawn of the UH administration building on 29 April 2006. To force a dialogue, activists delayed a UH Board of Regents meeting on 18 May by chaining the doors of the UH medical school, where the regents were scheduled to meet. Ritte announced, “You cannot own our taro” (KITV4 News Online 2006). When Ritte and others opposed to the kalo patents were finally able to speak directly to the regents, the protest ended peacefully.

The university offered to transfer the patents to Native Hawaiians, but activists refused, saying, “Nobody should own any life form” (Niesse 2006). On 21 June 2006, the university agreed to drop the patents, placing the kalo varieties back into the public domain. In response, Ritte stated, “Today is a victory. . . . The university has taken a big step by listening to the people they should be listening to. It’s a huge example for other people to follow” (Essoyan 2006).

A worldwide concern, biopiracy combines both individual and collective intellectual property rights and

genetic engineering issues. The world’s indigenous cultures have been utilizing and developing biological materials for centuries. The idea that a company or individual can patent these materials or the processes that created them for profit to the exclusion of native communities is alarming. In a related issue, scientists and biopharmaceutical companies have also been experimenting with the genetic manipulation of organisms. In fact, in the United States, Hawai‘i is second only to Nebraska in field trials of “biopharmaceuticals—crops that produce dangerous drugs like vaccines, hormones, contraceptives, and other biologically active compounds” (Kanehe 2005).

Both biopiracy and genetic manipulation of organisms are relatively new fields and as such face few regulatory measures. They prompt serious moral and ethical questions that have yet to be answered on a global scale. For example, will similar research or practices be conducted in nature reserves and other conservation areas around the world? If so, what will the consequences be for these ecosystems? In 2006, the United States established the largest sanctuary in the world in the Northwestern Hawaiian Islands; might it, too, be vulnerable to such potentially harmful practices?

On 15 June 2006, President George W Bush established the Northwestern Hawaiian Islands Marine National Monument (Bush 2006a). According to a White House press release, it is “the largest single area dedicated to conservation” in US history “and the largest protected marine area in the world.” From 50 miles east of Nihoa Island to 50 miles west of Kure Atoll,

the 1,200-mile stretch includes about 140,000 square miles of atolls, reefs, and landmasses. The newest national monument is “more than 100 times larger than Yosemite National Park, larger than 46 of the 50 states, and more than seven times larger” than all US National Marine Sanctuaries combined (Bush 2006b).

The creation of the Northwestern Hawaiian Islands Marine National Monument is the culmination of over a century of concern about the area’s invaluable, yet finite resources. It began as early as 1900 with concerns about the endangered avian population on Midway. In 1903, President Theodore Roosevelt created the Midway Islands Naval Reservation, and, in 1909, the Hawaiian Islands Bird Reservation. The former became the Midway Atoll National Wildlife Refuge in 1996, and the latter became the Hawaiian Islands National Wildlife Refuge in 1940. In 2000, President Bill Clinton created the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. In September 2005, Hawai‘i Governor Linda Lingle established all state waters in the Northwestern Hawaiian Islands as a state marine refuge (up to three miles from shore).

The Northwestern Hawaiian Islands Marine National Monument will “preserve access for Native Hawaiian cultural activities; provide for carefully regulated educational and scientific activities; enhance visitation in a special area around Midway Island; prohibit unauthorized access to the monument; phase out commercial fishing over a five-year period; and ban other types of resource extraction and dumping of wastes” (Bush 2006b).

This immense new monument is at the center of heated debate regarding marine resource management and administration. One of the major issues under examination is commercial fishing. Some environmental and Native Hawaiian groups are in favor of a complete ban on fishing in the area. Others who depend on the reef for fish feel their livelihoods are being threatened and instead advocate for “continued sustainable fishing” (WesPac 2006). The Ocean Conservancy, based in Washington DC, and KAHEA, an alliance of Kanaka Maoli (Native Hawaiian) cultural practitioners, environmental activists, and others, favor a total ban on commercial fishing. The Ocean Conservancy predicts that unless bottom-fishing is prohibited in the area, “fish stocks would reach the danger threshold by next year and would fall into the ‘overfished’ category by 2010” (Waite 2005). KAHEA seeks to protect hundreds of unique species in this delicate ecosystem as well as preserve Hawaiian ancestral ties to the islands and surrounding reefs.

In the past, management of the area was shared by the Western Pacific Regional Fishery Management Council (WesPac) and the National Oceanic and Atmospheric Administration’s (NOAA) Pacific Islands Fisheries Science Center. Citing the collapse of the lobster fishery in the 1990s due to overfishing, the Ocean Conservancy and other environmentally concerned organizations have accused both WesPac and NOAA of mismanaging the area. In addition, the Ocean Conservancy has charged WesPac, which is the main advocate for commercial fishing in the area, with having conflicting interests, as



many of the council leaders are themselves fishermen.

Locally, the fishing community is divided on the issue. Native Hawaiian Maui fisherman Bobby Gomes, one of eight allowed to fish the Northwestern Hawaiian Islands, said that the ban will affect his livelihood: "This is my job. I've dedicated my whole life to fishing. . . . How am I going to support my family?" He added, "I'm born and raised here. I'm Hawaiian. I feel they've taken away our land and now they are taking away our oceans" (Blakeman 2006). However, another Hawaiian fisherman, Isaac Harp, said the government should ban all fishing and instead raise the money to buy out bottom-fishing boat owners and offer them alternative employment, such as collecting marine debris or escorting researchers into the area (TenBruggencate 2006b). Native practitioners, like those in KAHEA, say that the Northwestern Hawaiian Islands are "celebrated in stories of creation as the place where Hawai'i began" and that "these ancient islands are often described as the kupuna, or ancestors" (KAHEA Web site [2006]).

The *Arakaki v Lingle* case has concluded, but we may yet see other, comparable cases in the future. The fate of the Kamehameha Schools' admissions policy is still uncertain, but whatever the outcome, the fight will continue. The Akaka Bill, or something similar, may reappear on the congressional schedule prompting more discussion of Hawai'i's history and the status of Native Hawaiians within (or without) the United States. Meanwhile, a more robust Human Rights Council has managed to fortify indigenous rights in the international

arena. And biopiracy is now an unfortunate fact of life. Hawai'i and the world must continue to be vigilant on all these issues.

TRACIE KU'UIPO  
CUMMINGS LOSCH

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## MĀORI ISSUES

The Foreshore and Seabed Act 2004, passed into law against almost unanimous opposition and protest from Māori, has continued to have ongoing repercussions both nationally and internationally. Māori are the group most directly affected by the act’s provisions, yet our submissions and protests were ignored, with our spokespersons and leaders vilified as they sought international support against

the ongoing racial discrimination practiced against Māori in New Zealand.

In international forums in particular, governments in New Zealand have always denied that they discriminate against Māori. Yet even the attorney general was forced to admit that the Foreshore and Seabed Act is discriminatory in terms of the New Zealand Bill of Rights. However, with the same arrogance and disregard that governments have always had for the property rights of Māori, the attorney general declared that such discrimination was justified. In other words, the Māori owners are legislatively forbidden from deriving benefit from their own foreshores and seabed throughout the country while others may do so. The government had been unable to prove that it owns the foreshore and seabed in the Court of Appeal. It nevertheless saw fit to abuse its powers in order to confiscate the foreshore and seabed for the benefit of non-Māori New Zealanders using legislative theft. Some iwi (tribal groupings) issued statements after its enactment stating that they did not recognize the legislation and would not allow it to be implemented in their territories.

The government's behavior in respect to the foreshore and seabed has now proven embarrassing for the country. Since the legislation was passed in 2004, two reports have been issued by committees of the United Nations criticizing the New Zealand government for its ongoing and active discrimination against Māori. They highlight the urgent need to address deeply ingrained institutionalized racism. In March 2005 the United

Nations Committee on the Elimination of Racial Discrimination issued a report on the compliance of the Foreshore and Seabed Act with New Zealand's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. The report concluded that the act discriminated against Māori. The process for issuing the report had been instigated by Te Rūnanga o Ngai Tahu, the Treaty Tribes Coalition, and the Taranaki Māori Trust Board, who called on the committee to urge the government to withdraw the legislation. The decision of the committee included a number of critical comments, including the hope that "all actors in New Zealand will refrain from exploiting racial tensions for their own political advantage"; concern at the "apparent haste with which the legislation was enacted and that insufficient consideration may have been given to alternative responses to the Ngati Apa decision which might have accommodated Māori rights within a framework more acceptable to both Māori and all other New Zealanders"; regret that "the processes of consultation did not appreciably narrow the differences between various parties on this issue"; and concern at "the scale of opposition to the legislation amongst the group most directly affected by its provisions—the Māori—and their strong perception that the legislation discriminates against them." The committee concluded that the act contained "discriminatory aspects against the Māori, in particular its extinguishment of the possibility of establishing Māori customary title over the foreshore and seabed and its

failure to provide a guaranteed right of redress, notwithstanding the State party's obligations under articles 5 and 6 of the Convention" (Bennion 2005 [March], 7).

In March 2006 a report critical of both the government and mainstream media was issued by Professor Rodolfo Stavenhagen, the United Nation Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, regarding his mission to New Zealand in November 2005. It considered a large number of areas in which Māori experience difficulty and discrimination. While there were positive aspects to the report, it urged important changes. It noted that Māori continue to be denied their right to self-determination and even to collective citizenship as tribes, including actual decision-making capacity of tribal collectives over ancestrally or culturally significant sites.

Regarding the Foreshore and Seabed Act, Professor Stavenhagen relied mainly on the comments of the New Zealand human rights commissioner and the attorney general to conclude that the act is discriminatory against Māori: "the Act clearly extinguishes the inherent property rights of Māori to the foreshore and seabed without sufficient redress or compensation, but excludes certain properties already held in individual freehold"; in other words, it removes the property rights held by Māori but protects those of non-Māori. "In the view of the Special Rapporteur, the Act can be seen as a step backwards for Māori in the progressive recognition of their rights through the Treaty Settlements Process

over recent years." Stavenhagen recommended that the act "be repealed or amended by Parliament and the Crown should engage in treaty settlement negotiation with Māori that will recognise the inherent rights of Māori in the foreshore and seabed."

On constitutional issues, the special rapporteur recommended that "a convention should be convened to design a constitutional reform in order to clearly regulate the relationship between Government and Māori people on the basis of the Treaty of Waitangi and the internationally recognised right of all people to self-determination." Further, he recommended, "The Treaty of Waitangi should be entrenched constitutionally in a form that respects the pluralism of New Zealand society, creating positive recognition and meaningful provision for Māori as a distinct people, possessing an alternative system of knowledge, philosophy and law."

With regard to human rights and the Waitangi Tribunal, Stavenhagen wrote, "The Waitangi Tribunal should be granted legally binding and enforceable powers to adjudicate Treaty matters with the force of the law." The tribunal does have legally binding powers over large areas of land, which the Crown transferred to state-owned enterprises and also Crown forest lands. However, political pressure exerted by governments on claimants has ensured that these have not been used, with the tribunal only exercising its powers once, over one small piece of land. (Ministers in charge of Treaty of Waitangi negotiations in both National and Labour governments have warned claimants that should they attempt to use the

provisions for binding recommendations, not only will they face financially crippling High Court action, but the relevant sections of the act will also be repealed and the tribunal's powers reduced to even less than what they have now. The author, as chief negotiator for Ngāti Kahu, has been issued such [verbal] warnings by two successive ministers.) Given that all major recommendations to the government issued by the tribunal in recent years have been ignored, particularly those recommending the return of lands and natural resources, it is important in terms of governmental accountability that this recommendation be followed. However, given also that the wealth and prosperity of non-Māori New Zealanders is dependent on their being able to freely and exclusively exploit Māori land and resources without any consideration for Māori rights in those properties, it seems very unlikely that they will willingly give up such privilege.

Professor Stavenhagen also recommended that "the Crown should engage in negotiations with Māori to reach agreement on a more fair and equitable settlement policy and process." This recommendation arises from the fact that the current government settlement policy was unilaterally determined by the Crown. It is the Crown that has been proven to be the guilty party in all treaty breaches. Yet it has used the absence of any constitutional fetter on its powers that would force it to abide by its Treaty of Waitangi and international human rights obligations, to set itself up to judge and determine what settlements shall be. There have been numerous complaints that none of the treaty set-

tlements to date have been fair and equitable, with claimants forced to choose between very little and nothing at all. It has been calculated that settlements to date average less than 0.6 percent of the estimated value of lands lost (Mutu 2004). Yet despite this, a further five settlements have been recorded in the past year. Deeds of settlement or legislation confirming settlement were completed for the claims of Ngā Rauru, Ngāti Mutunga, Ngāti Awa, Ngāti Tūwharetoa ki Kawerau, and Te Rōroa. Whether these and other treaty claims settlements are full and final remains to be seen.

On education, Professor Stavenhagen recommended: "More resources should be put at the disposal of Māori education at all levels, including teacher training programmes and the development of appropriate teaching materials." On culture: "The Māori cultural revival involving language, customs, knowledge systems, philosophy, values and arts should continue to be recognised and respected as part of the bicultural heritage of all New Zealanders through the appropriate cultural and educational channels." On social policy: "Social delivery services, particularly health and housing, should continue to be specifically targeted and tailored to the needs of Māori, requiring more targeted research evaluation and statistical data bases." This last recommendation is aimed at reversing the reduction in funding for Māori programs that has been implemented over the past few years.

On international indigenous rights, Professor Stavenhagen wrote, "The Government of New Zealand should

continue to support efforts to achieve a United Nations declaration on the rights of indigenous peoples by consensus, including the right to self-determination.” At the Permanent Forum for Indigenous Peoples held in New York in May 2006, the New Zealand government opposed indigenous people having self-determination and joined Canada and the United States to oppose the text of the draft Declaration on the Rights of Indigenous Peoples, which was subsequently supported by the United Nations Human Rights Committee. The New Zealand government took this stance without any consultation with Māori. However, Māori were present and made sure that the forum was informed that Māori opposed the New Zealand government’s stance and supported the rights of all indigenous peoples (Cat Davis, e-mail reports on the day-to-day proceedings at the UN Permanent Forum for Indigenous People, New York, May 2006).

Finally, the special rapporteur made two recommendations to the civil society: “Public media should be encouraged to provide a balanced, unbiased and non-racist picture of Māori in New Zealand society, and an independent commission should be established to monitor their performance and suggest remedial action”; and “Representatives and leaders of political parties and public organisations should refrain from using language that may incite racial or ethnic intolerance.”

Māori welcomed the report as accurate, insightful, and helpful, with several Māori academics and commentators having checked its draft for

accuracy. In the months following its release, the Māori Party referred to its recommendations in almost every speech they made both inside and outside Parliament. The government, which also checked its draft, predictably tried to suppress the report, and when it was released, attacked its author and the committee he represented and claimed falsely that both had been dismissed from the United Nations. The government also claimed that the report was full of errors but was unable to demonstrate what those errors were. The government announced well before the report was released that it would ignore it.

One of the matters noted by the special rapporteur was the government’s ongoing reduction of Māori funding. The government used various attacks on Māori, which gathered momentum in 2003, to justify the cuts. Particular use was made of spurious claims that Māori are privileged over others—claims that the special rapporteur dismissed because he could find no evidence of any privilege granted to Māori but rather extensive evidence of deprivation and discrimination. Many programs that Māori had come to rely on for their own development have been abolished, while prison accommodation for inmates who are mainly Māori has been substantially increased. The extent of the government’s determination to deprive Māori of benefits of public funding became clear when the minister of Māori Affairs failed to seek any increase in the 2006 budget for Māori Affairs. And this was at a time when an increasing number of research reports into Māori well-being are becoming ever more strident in

their criticism of government policies and treatment of Māori. (See, for example, Harris and others [2006], which concludes that “Racism, both interpersonal and institutional, contributes to Māori health losses and leads to inequalities between Māori and Europeans in New Zealand” and “the combination of deprivation and discrimination as measured seems to account for much of the disparity in health outcomes assessed”; the Ministry of Health and University of Otago [2006], which highlighted alarming and disproportionately high mortality rates for Māori; the report of the Public Health Advisory Committee [2006], which concluded that being Māori or Pacific Islanders further increases the risk of death or ill-health across all socioeconomic categories; Stavenhagen 2006; and the many reports of the Waitangi Tribunal.)

Māori funding programs that have been abolished include the Manaaki Tauira fund for Māori tertiary students and several programs run by Māori tertiary institutions. Perhaps the most brutal attack was on one of these institutions, Te Wānanga o Aotearoa (TWOA). Its aim is to give people access to education in such a way that they not only learn, but actually enjoy their learning. It targets those whom mainstream education has overlooked or discarded, and most of those are Māori. It had carried out government Māori education policy to the letter and as a result was able, in a very short period, to attract more students and hence government funding than any other tertiary institution. This raised the ire of the universities in particular, who quietly but successfully lobbied to discredit Te Wānanga and persuaded the govern-

ment to launch a series of intensive audits, which eventually crippled the institution. When Te Wānanga o Aotearoa called itself a university, the universities took umbrage and sent Te Wānanga letters saying they were offended (*Mana* [April–May 2006], 67). Yet the universities could not acknowledge the irony in the fact that each of them calls itself whare wānanga (which Te Wānanga o Aotearoa is) on their Web sites and letterheads, while they have neither the expertise nor the qualifications to do so in terms of the standards required by traditional (Māori) whare wānanga.

As a result of government harassment, Te Wānanga took a claim to the Waitangi Tribunal, which was heard in December 2005. It was the second claim they had taken, with inquiry into the first one finding that the government had breached the Treaty of Waitangi by not giving whare wānanga the same capital establishment grants it had given mainstream tertiary education institutions such as universities, polytechnics, and colleges of education. The second claim was also upheld, finding that the Crown had sought to impose “unilateral, poorly co-ordinated, and, from the claimants’ perspective, apparently destructive” measures (Bennion 2006, 4).

Although the past few years have been depressing for Māori, we always find major national achievements worth celebrating. One was the Māori Party. It was born out of the 2004 Hikoī, the huge protest against the foreshore and seabed legislation. The general election in September 2005 saw the party win four of the seven Māori seats, taking three from the



Labour Party. The same ability and expertise used to mobilize and organize Māori for the Hikoī was used to organize Māori votes for the new Māori Party. Other parties lacked such ability and expertise and had no response to the Māori Party onslaught. As a result, for the first time in the history of the New Zealand Parliament, Māori have a party that gives first priority to the wishes and needs of Māori.

Mainstream politicians expected Māori Party parliamentarians to assume the roles that most Māori elected to Parliament are consigned to, either serving the more powerful mainstream parties, or being largely invisible, rarely participating in anything, and taking only minor peripheral roles. Much to their surprise, the four members of the Māori Party immediately took on huge and punishing workloads, responding to every bill presented in the House, traveling extensively to keep in contact with their constituents, and presenting views and opinions both inside and outside Parliament that reflected Māori wishes and thinking. As required by their constituents, they conduct themselves as rangatira (highly respected leaders), with dignity and respect for others, including their political enemies. They have refused to descend into the gratuitous trading of insults that demeans the New Zealand Parliament in Māori eyes. They have insisted that the status of Māori as an official language be given meaning by using it every day in the House. It has been interesting to see other Māori speakers in the House following their example in this respect.

On the sporting front, where Māori generally do well, it was with a huge

sense of pride that the Māori world celebrated professional golfer, Michael Campbell, winning not only the US Open but also the HSBC World Match Play championship in 2005. Although Michael identifies himself strongly and proudly as Ngāti Ruanui and Ngā Rauru of Taranaki, including having his own sportswear label featuring Māori patterns and designs, in most of the mainstream media he is only a New Zealander. He was the Māori Sportsman of the Year and won the Halberg Supreme Award for his achievements.

Another great achievement was that of Robert Hewitt, brother of the All Black Norm Hewitt, who was lost at sea in February 2006 for three days but miraculously survived. He accomplished that feat by drawing on both his navy diver training and knowledge derived from his Māori ancestors of the physical and spiritual aspects of the sea. Some members of the Pākehā media made no attempt to mask their racism when he talked of his use of karakia (Māori prayer); they claimed his loss at sea was a hoax. The rest of the country was in awe of his achievement. It took him more than six weeks to recover from the physical trauma, including his skin splitting, severe sunburn, and dehydration (*Mana* [April–May 2006], 20–23).

In the business world, the University of Auckland Business School honored Ngāti Tūwharetoa's Peter Loughlin as the Outstanding Māori Business Leader for 2005 for his work in fashion design. Peter dresses some of the world's most influential and wealthy women through his House of Arushi, based in Dubai. His clientele include the royal families of the Kuwait, Qatar, Saudi Arabia, and

Oman. Every year, through his foundation scholarships, a young Māori designer is supported to travel to Dubai to work alongside Peter (Te Aratai Productions 2006).

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THIS REVIEW covers a two-year period from mid-2004 to mid-2006.

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### RAPA NUI

The main issue of local politics on Rapa Nui during the review period was the proposal for a special administrative statute for the island. The proposal, officially presented in August 2005, found both support and protest among Islanders. The debate on the island's political future was further boosted by Chile's new president, Michelle Bachelet, who expressed her strong support for the proposal. Meanwhile the numbers of tourists are growing exorbitantly, raising expectations of a wealthy future as well as fears about being overwhelmed by outsiders. At the same time, plans to build a casino on the island remain highly controversial.

The special administrative status proposal must be seen against the background of the current political status of the island, which, with its administrative complexity and multiplicity of local institutions, has become the object of criticism from various sides. According to the 1966 Ley Pascua (Easter Island Law), Rapa

Nui is part of the Valparaíso region on continental Chile, thus dependent not only on the national government in Santiago, but also on the regional administration in Valparaíso. On the local level, the island forms both a province, with a Santiago-appointed governor (since 1984 always an ethnic Rapanui) at its head, and a municipality, with a locally elected mayor and a six-member municipal council. Already these two local administration levels (provincial governor's office and municipal administration) are competing institutions with multiple overlapping responsibilities. The Ley Indígena (Indigenous Law) of 1993, which recognizes the Rapanui as one of Chile's six indigenous peoples, created yet another institution, the Comisión de Desarrollo de la Isla de Pascua (CODEIPA, Easter Island Development Commission), composed of five elected ethnic Rapanui representatives, six representatives of Chilean government entities, as well as the governor, the mayor, and the president of the Rapanui Council of Elders. The latter council, an institution founded in the 1980s, supposedly to represent each Rapanui family and defend local culture and language, had become a matter of contention since it split in 1994 into a moderate, pro-Chilean faction under Alberto Hotus, and a more radical, later pro-independence faction under Juan Chavez, Mario Tuki, and others. While only the first faction is recognized by Chile as a "traditional institution" under the Indigenous Law, out of the second was formed, in 2001, the "Rapanui Parliament," which advocates full independence from Chile.

Besides these various official and unofficial bodies headed by Islanders, there are also offices of various central government agencies on the island, some of them also partly staffed with native Rapanui: the National Commission for Indigenous Development, the National Forestry Corporation, a state agriculture company, and many others. The multiplicity of government agencies and allegedly representative island institutions creates a network of competing bureaucracies with overlapping fields of responsibility, which constantly hinder and block each other, thereby significantly impeding any sort of development project on the island (Di Castri 2003).

In order to remedy the situation, a special statute of autonomy for Rapa Nui has been discussed since 2002, spearheaded primarily by Mayor Petero Edmunds (*RNJ*, Oct 2003). A commission had then been formed—consisting of various Chilean politicians including former President Patricio Aylwin, as well as Rapa Nui Governor Enrique Pakarati, Mayor Edmunds, and the president of the "official" council of elders, Alberto Hotus—with the task of reviewing the island's present statute and elaborating a proposal for a new one. Meanwhile, more radical pro-independence voices of the Rapanui Parliament and others had become more and more vocal (*Qué Pasa*, 17 Sept 2003; *To'ere*, 1 July 2004).

In late August 2005, the statute review commission presented its final draft of a "Proposal for a Special Administrative Statute for Easter Island" to Chilean President Ricardo Lagos (*NRN*, Aug 2005). Under that proposal, the island would be taken

out of the Valparaíso region and form a separate entity as a “special territory,” directly under Santiago, the provincial governor’s office, thus assuming the responsibilities of a regional administration as well. The municipality would assume the role of the local government with more responsibilities than at present. The development commission (CODEIPA) would become integrated into the governor’s office as an advisory agency. Finally, the council of elders would be conserved in its currently recognized form (ie, the faction under Alberto Hotus) and become a consultative institution for cultural issues (Government of Chile 2005, 5–11).

A second part of the proposal deals with economic development and land tenure. The infrastructure of the island is to be improved, especially maritime and air transportation to Chile. The quality of medical care should also be improved. Special funds are to be set up for economic development, and immigration from the continent should be regulated in order to keep the Rapanui people demographically dominant on the island. One of the most significant changes in the proposal concerns land tenure: All state-owned land that is not used for state services (such as schools, offices, the airport, and military areas) would become the collective property of the Rapanui community. In order to administer that property, a new institution has to be created, a so-called Indigenous Community with an elected board of directors and a president, according to provisions in the Indigenous Law (Government of Chile 2005, 19–22).

In order for that statute to be con-

stitutionally possible, the president introduced a bill to amend the constitution in the Chilean congress, providing for the establishment of “special administrative territories” outside the Chilean regional administrative system for Rapa Nui as well as for the island of Juan Fernández off the Chilean coast (*La Segunda*, 23 Aug 2005; *El Mostrador*, 23 Aug 2005).

Even though the above-described statute proposal seems to be a large step toward political reform, in fact it is a watered-down version of the original proposals of 2002–2003. For example, unlike an earlier draft, the final document does not use the term “autonomous” but instead speaks only of a “special administrative status.” The earlier draft had proposed the complete dissolution of all current institutions and the creation of an “autonomous island entity” with an elected assembly and a chief executive that would have responsibility for all fields of policy except for defense, internal security, foreign affairs, and justice, which would remain under the Chilean government—an arrangement similar to that of the statute of French Polynesia. The council of elders was also to be reformed and democratized (*Hacia un Estatuto de Autonomía*, nd). Compared to these proposals, the institutional changes proposed in the final draft are rather minor. It seems as if the three local leaders who undersigned the final draft (Mayor Edmunds, Governor Pakarati, and Alberto Hotus) were keen on preserving their respective institutions, rather than constructing something entirely new. While the administrative separation from the Valparaíso region would

certainly simplify the administrative relationship with Chile, critics have pointed out that the internal administrative bureaucracy on the island could become even more complicated with the new statute.

While those in support of Mayor Edmunds and Hotus's faction of the council of elders were pleased about the proposal being officially adopted, the local opposition protested. On 30 August 2005, members of the Rapanui Parliament as well as other (mainly pro-independence) activists staged a protest march through the island capital, Hanga Roa. They wrote a letter to President Lagos protesting the statute project, arguing that it was the result of closed-door negotiations with the Chilean government involving only Governor Pakarati, Mayor Edmunds, and Elders Councilor Hotus—despite a previous agreement that any future negotiations on political reform should involve a broad range of representatives from the Rapanui community (Chavez and others 2005).

Meanwhile, another, more radical, pro-independence activist, Agterama Puhī 'Uira a Huki, proclaimed himself "king" of Rapa Nui and created a "national civil registry" for native Rapanui in order to issue "Rapanui passports." Many people did not take him too seriously, but Alberto Hotus filed an official complaint, asking the governor's office to intervene against Huki, whom he accused of perpetrating an "attack on our country and a reasonless offense against our culture" (*El Mostrador*, 23 Aug 2005; *Las Últimas Noticias*, 24 Aug 2005).

While any further initiative on the statute reform project was now left

to the Chilean government, the next important political event on the island was the Chilean presidential election. In the first round on 11 December, Socialist candidate Michelle Bachelet, who won 46 percent of the votes on the continent, received an absolute majority of 52 percent on the island. Right-wing candidate Joaquín Lavín (who, with 22 percent, scored third nationwide) came second on the island with 27 percent, while the other right-wing candidate, Sebastián Piñera (with 25 percent in Chile) received only 17 percent on Rapa Nui (figures from the Web site of the Ministry of Interior, Government of Chile). While Bachelet had the support of Mayor Edmunds, Governor Pakarati, and Alberto Hotus, Lavín was supported by the pro-independence Rapanui Parliament. Both Bachelet and Lavín had visited the island before and made promises for the development of Rapa Nui as well as indigenous issues in general. In the campaign before the election, Bachelet had promised to support the special statute project (*El Mercurio*, 18 May 2005; *TRN*, April–May 2005). Alberto Hotus became her main supporter in the local campaign.

On 15 January, Bachelet won the runoff election against Piñera, with a slightly higher percentage on Rapa Nui than nationally (55 percent on the island, 53 percent in Chile). Bachelet's victory became once again a boost for the local political elite, namely, Pakarati, Edmunds, and Hotus (*TRN*, Jan 2006).

Shortly after Bachelet was inaugurated as Chile's first female president in early March, she appointed Melania Carolina Hotu as the new provin-

cial governor of Easter Island. Hotu, who is the daughter of famed political activist Jerman Hotu (1925–2003), and Alberto Hotus's niece, had served as the director of the local branch of PRODEMU (a national organization for the progress of women) and was known to be very committed to the island's youth (*RNI*, May 2006). In her inaugural speech as the first female Rapanui governor, Hotu underlined her commitment to the welfare of the island community and announced as her main projects the lowering of transportation costs from and to the island, the improvement of the quality of health care, the promotion of alternative sources of energy, and the improvement of the water supply system (*TRN*, special issue, March 2006; *El Mercurio*, 17 March 2006).

The Bachelet government also announced its continuing support for the special statute project (*NRN*, March 2006), and in April, the Chilean senate finally began to set it on its agenda (*NRN*, April 2006). On 5 May, Bachelet made her first visit to the island as president (she had been there before as health minister under Lagos), participating in the annual "Ocean Month" celebrations of the Chilean Navy, which were held this year on Rapa Nui. Bachelet renewed her commitment to the special statute project and announced that she would soon introduce a bill in congress to create the statute. She also called on the entire population to actively collaborate in local decision making. She further promised the construction of a new hospital as well as improvements for the island's educational facilities. During her visit, the navy returned

the symbolic remains of Ariki Time-one Riro Kainga, the last king of Rapa Nui, to the island. Riro had been elected king in 1892 and died, probably from poisoning, while on a mission of protest against colonial abuses in Valparaiso in 1899 (Fischer 2005, 153). The symbolic remains were received by Benedicto Riroroko, the king's last surviving grandson. For the first time during a presidential visit, the Rapanui flag was flown alongside the Chilean flag (Presidency of Chile 2006; *La Tercera*, 6 May 2006; *NRN*, May 2006).

Meanwhile, as the statute project remained controversial within the Rapanui community, it was announced that a referendum should be held on the issue, while critical voices demanded the democratization of the council of elders, should it become an integrated political institution under the new statute (*NRN*, May 2006).

While the debate on the future political status of the island continues, Rapa Nui's tourist industry is booming. In 2005, a record number of 45,000 visitors was achieved (*TP*, 22 Feb 2006). Because the island has fewer than 4,000 inhabitants, this figure represents by far the highest number of tourists per capita of any Pacific Island entity, far exceeding even that of Hawai'i. In 2004 the number of tourists was over 30,000 (*RNI*, Oct 2005), and in 1999 it was 21,000, while in 1990 it had been only 5,000 (Fischer 2005, 250). In the last fifteen years the island has thus experienced one of the most spectacular increases in tourism in the world. The tourism boom promises a wealthy future for the Islanders, as the indus-

try is to a large extent in Rapanui hands, but it creates more and more problems as well. With 91 percent of the local economy based on the revenues from tourism (*RNJ*, May 2006), the Islanders have become unilaterally dependent on foreigners visiting their island, a problematic tendency given the fragile nature of tourism, which can easily collapse due to external influences over which the Islanders have no control. On a more visible level, the explosion of mass tourism has also created problems due to an insufficient infrastructure, with electricity blackouts caused by overloads such as occurred during the Tapati annual cultural festival in February (*NRN*, Feb 2006), and environmental concerns over garbage disposal and fears of water shortage (*RNJ*, May 2006; *TRN*, Jan 2006).

An especially intense controversy related to tourism began in June 2005 when a Chilean company, Grupo Martínez-AM Holding, announced plans to build a casino on the island, in a joint venture with Rapanui entrepreneur Petero Riroroko (*NRN*, June 2005; *RNJ*, Oct 2005). Mayor Edmunds expressed his support for the project, arguing that besides creating one hundred fifty jobs on the island, 10 percent of the income would go to the municipality. Because there is no income tax on the island, the casino income would make the municipality less dependent on Chilean state funding (*TP*, 14 Sept 2006). On the other hand, many inhabitants, including Governor Pakarati, stated their opposition, and many Rapanui students and academics on the Chilean continent collected signatures against the project (*RNJ*, Oct

2005). The opponents argue that the casino would only increase the problems accompanying mass tourism and would contribute to the erosion of Rapanui culture, because visitors coming to the island for the sole purpose of gambling would have no respect for the historical monuments. Schoolteacher and pro-independence activist Mario Tuki, an outspoken opponent, reminded everybody that a distinctive cultural tourism is the basis of the island's livelihood, and that if people want to gamble, they should go to Las Vegas or Monaco (*Santiago Times*, 5 April 2006). Due to the protests, as well as negative economic calculations, the project was halted in November 2005 and scheduled for re-examination (*NRN*, Nov 2005). In early 2006, however, the project resurfaced, awaiting a decision from the Chilean government for the casino to be authorized. The final decision is expected in December (*NRN*, June 2006).

Another very serious negative effect of mass tourism lies in its lure for immigrants. In the last few years, the immigration of Chilean settlers to Rapa Nui has increased dramatically. In mid-2006 it was estimated that, for the first time, probably more Chileans lived on the island than Rapanui (*RNJ*, May 2006), confirming fears raised by Rapanui about becoming a minority in their own homeland. Attracted by the tourism boom, most of the recent Chilean immigrants work as taxi drivers, or they sell cheap imitation woodcarvings, thereby undermining the Rapanui handicrafts trade. Proposals have been made to admit only continental Chilean visitors who hold an entry visa and a return ticket, as is

required for Ecuadorians in the Galápagos Islands (*RNJ*, May 2004). But unless Rapa Nui is given special political status, immigration controls of that kind cannot be imposed under Chilean constitutional law.

Because of the tourism boom (as well as the worldwide diaspora of more than a thousand Rapanui), Rapa Nui has become a global community. On the one hand, as mass tourism and mass immigration to other islands have shown, this situation poses a threat to the island's distinctive island identity. On the other hand, the Rapanui people now have more chances than ever to reintegrate themselves into the Pacific region and the Polynesian community from which they had become alienated during more than a century of Chilean colonialism. Culturally and socially, this reintegration is already happening. For example, Rapa Nui participated in the Festival of Pacific Arts in Palau in 2004 (*RNJ*, Oct 2004), and in July 2006 it sent a delegation to the Pacific Youth Festival in Tahiti (*NRN*, July 2006). If in the near future the island obtains a genuine statute of autonomy, it may be possible for Rapa Nui to also become part of organizations like the Pacific Community and eventually even achieve observer status in the Pacific Islands Forum.

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## SĀMOA

Political developments in Sāmoa during the review period were largely concerned with the general elections of 31 March 2006. Thus in the six months before the general elections, most political activities were related to campaigning, in one form or another, and subsequent events had to do with cabinet appointments and election petitions. These were still continuing in the latter part of 2006.

The year demonstrated the unprecedented extent of political power held by a single political party, the Human Rights Protection Party (HRPP). In the 2001–2006 sessions of Parliament, for instance, the party held a two-thirds majority (33 seats out of 49), which enabled it to change the constitution on several occasions. Following the 2006 general elections, it actually increased its hold on power with 35 seats. This means it has the capacity to again change the constitution without a need for a referendum. In short, the Human Rights Protection Party holds a monopoly of power in Samoan politics. This raises important questions as to why and how this came about.

Looking back to the events of the

second six months of 2005, it can be argued that many of the major political events of that period were turned into campaign issues. In fact many of these events, such as the doctors' strike and Salelologa land issue, were blamed by the ruling party on the machinations of the opposition in their attempt to woo votes away from the government in the general elections. True or not, the fact remains that these were skillfully turned into political issues, and at the end of the day it seemed that the voters accepted the government version of those events.

It is not that the opposition parties—such as the Samoa Development United Party (SDUP), Samoa Party (SP), Christian Party (CP), and Samoa Progressive Political Party (SPSS)—were organizationally weak or lacking in political rhetoric to be able to unseat the government. Despite their best efforts, they were outsmarted by a brilliant strategist and technocrat, Prime Minister Tuilaepa Sailele Malielegaoi. More important, the opposition parties were fighting against a government with one of the best records of achievement by any Samoan government of the past, a government that has been in power continuously during the last 22 years of its 27-year history, and one that has given Sāmoa social stability and an economy that has become a model for the Pacific region.

On practically every major political issue that preceded the general elections, the ruling HRPP government and main opposition party, the Samoa Development United Party, took radically opposed views. These issues include the strike by members of the

Samoa Medical Association; the report by the international Inter-Parliamentary Union (IPU); the issue of New Zealand citizenship rights for Samoans; the function of parliamentary undersecretaries; and compensation for customary land purchased by the government at Salelologa, the major interisland port in Savai'i.

On 1 July 2005, the government implemented the first part of a 42 percent salary increase over three years for all public servants. The doctors who served in the public hospitals were not satisfied with the increase for a number of reasons. First, they believed the increase should have been imposed on a salary structure for doctors that had been proposed in 2004 by the Samoan Medical Association (SMA). Second, they also wanted the government to address major complaints raised by the medical association in the past, such as the low salary scale for doctors in Sāmoa compared with overseas, long working hours (which were affecting the doctors' health), and poor working conditions. Most important, they wanted the entry point salary, currently SAT\$21,000 per annum, raised to SAT\$30,000 (currently, one Samoan tala [SAT\$] = US\$.36). As events turned out, the entry point salary became the key issue of the doctors' complaints, one they were not prepared to compromise. As an SMA spokesperson said, the doctors' grievances were non-negotiable and they were tired of meetings that resolved nothing. Not getting a favorable response from the government, on 9 September 2005 the doctors went on strike (SO, 9 Sept 2005). Over thirty doctors walked

off the job, leaving just the few in management positions.

The government's reaction was to set up a commission of inquiry into the grievances of the striking doctors, particularly the major issue of the entry point salary. By 30 October 2005, the commission released its report. Remarkably, the report endorsed all of the requests by the doctors. For instance, it recommended "improving allowances for doctors, improving staffing levels, reducing working hours for doctors in the out-patients area, and bringing in more overseas doctors" so that local doctors could go overseas for specialist training or to complete their studies (SO, 30 Oct 2005).

In addition, the commission recommended that private doctors be hired to cope with staff shortages in the outpatient areas as well as in the district hospitals; that consultant doctors be allowed to operate part-time private practices; and that fees for hospital services be increased. But the key SMA demand for an increase in the entry point salary to SAT\$30,000 was denied.

When the government considered the commission's report, it approved all its recommendations. The resulting impasse meant a continuation of the strike by the majority of the doctors. A minority found employment overseas or had set up private practices locally. During the first three months of 2006, many of the strikers returned to work, individually or in small groups, but a number were lost to the public service. This is not surprising, given the fact that in the previous two years, eighteen doctors had resigned from the public service for other

employment, primarily, it is alleged, due to low salaries, long hours, and poor working conditions—exactly the kind of issues that led to the strike.

Both the Samoa Development United Party and the Samoa Party supported the SAT\$30,000 entry point salary request by the doctors and promised to implement it if elected. The government's position was that all of the doctors' recommendations had been approved except for this one matter. This was because the government had pledged to look into other entry point salaries in the public service as well, and Prime Minister Tuilaepa made it clear he preferred not to approve salary increases for one group without taking into consideration all the other entry point salaries.

In April 2005, Asiata Saleimoa Va'ai, the deputy leader of the main opposition party, was suspended from Parliament for four months after the Privileges and Ethics Committee found him guilty of "defamatory remarks." The remarks were contained in a letter of complaint he sent to the Inter-Parliamentary Union and Commonwealth Parliamentary Association, a copy of which was also published in the *Samoa Observer*. The complaints referred to alleged acts of misinterpretation of parliamentary rules, unfairness, and discrimination against SDUP members during parliamentary sittings. The government had no problem with the complaint as such, but objected to the contents of the letter, which were felt to be defamatory against the prime minister, the Speaker, and Parliament itself. As Tuilaepa said, Asiata's complaint reflected badly on the government and Parliament and smeared Sāmoa's

good name worldwide (SO, 27 Aug 2005).

As a result of Asiata's letter, the Inter-Parliamentary Union sent a delegation to Sāmoa to investigate. The delegation consisted of Senator Sharon Carstairs, a senior member of the Canadian Parliament, and Ms Ingeborg Schwarz, committee clerk. The ensuing report recommended the reinstatement of Asiata Saleimoa Va'ai, payment of his salary in full for the time of his suspension, recognition by the government of the Samoa Development United Party as an official parliamentary party, reinstatement of Le Mamea Ropati Mualia as leader of the opposition, and the compilation of a list of words considered inappropriate for use in Parliament. The delegation could not understand the legal basis for Speaker Tolefoa Faafisi's refusal to recognize the Samoa Development United Party as a parliamentary party; it considered the absence of a formal opposition unsatisfactory and detrimental to the good working of the democratic system in Sāmoa (SO, 7 Aug 2005).

In their report, the IPU delegation also questioned the procedures under which Asiata's suspension had been handled and the participation of the prime minister in the hearings of the Privileges and Ethics Committee. It was particularly critical of the length of the suspension, describing it as wholly disproportionate. In New Zealand, for instance, the longest period of suspension was three days.

Predictably, the backlash from the government was strong. But the prime minister's case was not helped when he described the two (female) IPU delegates in Parliament as "fa'avasisi

(mentally retarded) old women” (SO, 27 Aug 2005). He repeated that characterization when he complained that their report had included no recommendation for how Parliament should handle situations when offending members did not show up to defend themselves. No one should be allowed to force his views on how Sāmoa’s Parliament should conduct itself, he said. As a result, on a motion by Minister of Education Fiame Naomi (a woman), the HRPP majority (33 members in all) voted to inform the Inter-Parliamentary Union of the Samoan Parliament’s rejection of its report; the SDUP members were opposed.

Defending the government’s policy of not recognizing the opposition, Tuilaepa said this had to do with recent changes in parliamentary rules, which prohibited members from changing their party affiliation during a session of Parliament—they must remain with the political party under which they were registered. Previously, the main opposition party had been known as the Samoa National Development Party (SNDP). Early in 2005, that party chose to deregister its party in order to merge with another smaller party to form the Samoa Development United Party, despite warnings from the Speaker that this new party would not be recognized in accordance with the new parliamentary rules.

This was the problem, Prime Minister Tuilaepa said. If the opposition had waited till the end of the electoral term, rather than changing midstream, all its subsequent problems would have been avoided. In creating this new party, it had failed to gain proper

legal recognition in the proceedings of the Samoan Parliament. Needless to say, after the 31 March elections, the Samoa Development United Party again acquired proper legal status.

Other major issues that divided the parties concerned New Zealand citizenship rights for Samoans, the functions of parliamentary undersecretaries, and compensation for customary land at Salelologa. The government supported New Zealand legislation that canceled New Zealand citizenship rights for Samoans born between 1924 and 1948 inclusive, in return for other concessions granted by the New Zealand government. The Samoa Development United Party supports the campaign by the Mau Sitiseni Mo Samoa group to reinstate those rights. It pledged to provide funds, if elected, for this campaign.

The Samoa Development United Party would also do away with the undersecretary posts—since renamed associate ministers—on the grounds these positions represent unnecessary expenditures by the government and that the funds could be better utilized for other social services, such as family benefits and increased pensions for the elderly. Prime Minister Tuilaepa responded that these positions were needed because of the increased workload of the ministers; further, he said (in true Samoan fashion), many hands were better than a few.

The Salelologa land dispute arose when some chiefs of the village of Salelologa sued the government for more compensation than the several million Samoan tala it had already received for village customary lands used for the port of Salelologa. The new claim was for SAT\$45 million.

The Samoa Development United Party said the government should grant the village's request. But when the court decision came out, it was in favor of the village, and the government was required to reconsider the amount of compensation, taking into account current land valuation estimates. Not to be outdone, however, the government simply returned 2,439 acres of the disputed land to the village, keeping just 400 acres.

The political parties that took part in the general elections of 31 March 2006, were the governing Human Rights Development Party, the Samoa Development United Party, the Samoa Party, the Christian Party, and the Samoa Progressive Political Party. In addition there were thirteen Independent candidates, who had formed a loose alliance to contest the elections. All parties made heavy use of the mass media, posters, newspapers, radio, and television to spread their message.

In a political rally on the big island of Savai'i, SDUP Leader Le Mamea Ropati Mualia said that if his party was elected to government it would pay Salelologa village the correct compensation for the 2,800 acres of land taken by the government; limit the term of the prime minister to two consecutive terms; restore the position of auditor general to its former independent status; review the Village Fono Act, cause of many constitutional issues in the past; review the performance of the Land Corporation to ensure transparency and accountability; review the old-age pension with a view to lowering the retirement age and increasing pensions; support the aims of the Mau Sitiseni

Mo Samoa group, headed by former New Zealand MP Anae Afa; protect Samoan customary land from sale to foreigners, as the government was allegedly planning; and allow Samoans resident overseas to vote in the general elections without having to do so in Sāmoa (SO, 20 Aug 2005).

The Samoa Development United Party also proposed to establish a new Ministry for Social Welfare to address the country's social problems such as domestic violence, incest, suicide, child adoption, spouse and child maintenance, crime, women's rights, infant neglect, sexual abuse, and matrimonial disputes.

The Samoa Party leader, former Auditor General Su'a Rimoni, said his party's aims were to return power to the people and eradicate government corruption. If elected to government, his party would reduce the parliamentary term from five to four years; limit the prime minister's term to two consecutive terms; hold referendums for any important constitutional changes; remove the Office of the Electoral Commission from cabinet control; prevent the Speaker from belonging to any political party once in office; appoint an opposition member to chair the Public Accounts Committee; ensure that the report of the controller and chief auditor is tabled in Parliament every year, with copies made available to the media; ensure that the chief auditor's report is considered only by Parliament and not by a Commission of Inquiry, as happened during the Tofilau administration; ensure that the posts of police commissioner and assistant police commissioners come under an independent commission; and emphasize

the development of agriculture (SO, 14 Oct 2005).

Speaking on behalf of the Human Rights Protection Party, Prime Minister Tuilaepa said the government wanted to see the continuation of current development projects as spelled out in the HRPP election manifesto. Of these projects, priority would be given to health and education. Tuilaepa's top fifteen priorities included health; education; agriculture and fisheries; infrastructure for roads, wharves, water, electricity, airports, and shipping; sports development; culture and traditions; women and village development; police, fire services, and prisons; tourism development; communications, television, and information technology; Parliament; customary land, government land, environment, and natural resources; proposed plans for the Ministry of Revenue; other programs to lessen the burden on the people; and overseas and local funding for development projects. In other words, the Human Rights Protection Party was riding on the successes it had achieved in previous years in the areas of development and good governance.

Polls conducted by staff of the *Samoa Observer* showed that in the months leading up to the elections, voters generally favored the Samoa Development United Party, and its leader as prime minister. Thus in the 19 February 2006 issue it reported that out of 200 eligible voters surveyed, 90 voted for the Samoa Development United Party, 71 for the Human Rights Protection Party, 18 for the Samoa Party, and the rest divided their votes among the Samoan Progressive Party, Christian Party, and other small parties. For prime minis-

ter, 88 favored Le Mamea Ropati, 57 Tuilaepa Malielegaoi, 18 Su'a Rimoni, 5 Toalepaialii Toeolesulusulu (leader of Progressive Party), 3 Tuala Tiresa Malietoa, and 29 favored others.

By 19 March 2006, twelve days before the general elections, the *Samoa Observer* reported that the Human Rights Protection Party was on the rise in its electoral survey. Of 200 eligible voters surveyed this time, 108 favored the Human Rights Protection Party to be the next government, 58 were for the Samoa Development United Party, 7 for the Samoa Progressive Party, 6 for the Samoa Party, 5 for the Christian Party, and 16 were undecided.

When the elections were finally held on 31 March, the Human Rights Protection Party swept to victory with 30 seats; the Samoa Development United Party won 10 seats, the Independents 8, and there was one tie. Several weeks later, the Human Rights Protection Party was able to claim 35 seats, after winning the tie and gaining the allegiance of 4 former Independents. The SDUP total remained at 10, and Independents had dropped to 4 seats.

In his victory speech, HRPP leader Tuilaepa Sailele Malielegaoi said the key to the party's success was that "we enjoy good liaison with grassroots level." He praised the opposition parties for putting up a good fight, but, he added, their biggest weakness was making promises they could not fulfill and thus their credibility suffered (SO, 2 April 2006)—generous words in the end, but as a Samoan proverb says, a win is a win.

The HRPP caucus unanimously reelected Tuilaepa as prime minister, but for the position of deputy prime

minister there was a tussle, which the previous deputy, Misa Telefoni Retzlaff, won by 10 votes. SDUP Leader La Mamea and Deputy Leader Asiata were also reelected to their previous positions. None of the Samoa Party, Christian Party, or Samoa Progressive Party candidates were elected, but their leaders have vowed to fight on.

Prime Minister Tuilaepa's selection of his cabinet was controversial because some former ministers lost out and some switched to other positions, such as former Finance Minister Misa Telefoni and former Minister of Education Fiame Naomi. Tuilaepa, however, denied there were any ministerial demotions and that the reshuffling of positions was designed to broaden the scope of the ministers' experience (SO, 28 April 2006).

The new cabinet members and their portfolios as announced by the prime minister were as follows:

Tuilaepa Sailele, Prime Minister, is responsible for Ministry of Immigration, Ministry of Foreign Affairs, and Office of Attorney General; also for Executive Council, Honors and Awards, Totalisator Agency Board, Non-Government Organizations, Polynesian Airlines, and Scholarships Committee.

Misa Telefoni, Deputy Prime Minister, is responsible for Ministry of Commerce, Industry and Labor; Legislative Assembly; Audit Office; Accident Compensation Corporation; Samoa Tourism Authority; Telecom Samoa Cellular; Pacific Forum Line and Samoa Shipping Services; Trade Negotiations—WTO, ACP/EU, PACER, PICTA (World Trade Organization, Africa, Caribbean and Pacific/European Union, Pacific Agreement on Closer Economic Relations, Pacific

Islands Countries Trade Agreement); Small Business Enterprise Centre; and Consumer Protection.

Fiame Naomi Mataafa, former Minister of Education, is now responsible for Ministry of Women, Community and Social Development; Public Service Commission; Remuneration Tribunal; Ombudsman's Office; Village Mayors and Sui o le Malo; and Special Committee on Traditional Salutation and Legends.

Tuisugaletau Sofara Aveau is responsible for Works, Transport, Infrastructure (including Water and Electricity); Traffic and Civil Aviation; Government Housing; Transport Control Board; Samoa Port Authority; Airport Authority; and Samoa Shipping Corporation.

Faumuina Tiatia Liuga, former Minister of Works, is now responsible for Ministry of Natural Resources and Environment; Samoa Land Corporation; Samoa National Parks, Recreation and Water Conservation; Samoa Trust Estates Corporation; Samoa National Disaster; Meteorology and Forestry; and South Pacific Games Authority 2007.

Niko Lee Hang is a new minister and has taken over the important Ministry of Finance; National Provident Fund; Financial Institutions; Housing Corporation; Tenders Board; Revenue Board; Offshore Jurisdiction; Registry of Births, Deaths and Marriages; and Cabinet Development Committee.

Tuuu Anasii, another new minister, is responsible for Ministry of Revenue; Public Trust Office; and Liquor Board.

Gatoloai Amataga Alesana Gidlow, also a new minister, is Minister of Health; Oceania University of Medi-

cine; District Hospitals and Health Center; and Women's Health Committees.

Mulitalo Sealiimalietoa Siafausa Vui, former Minister of Health, is now Minister of Communications and Technology and is responsible for the Samoa Broadcasting Corporation.

Toomata Alapati Poesé is the new Minister of Education, Sports and Culture (which includes National University of Samoa, Polytech, Pre-Schools); and Museum and Archives.

Unasa Mesi, a new minister, is Minister of Justice and Courts Administration; Film Censorship; Law Reform Commission; and Electoral Commission.

Taua Kitona, a new minister, is Minister for Agriculture, Fisheries and Agriculture, and is responsible for the Agriculture Store Corporation.

Of the twelve cabinet ministers, two are women (Gatoloai and Fiaame); five are new ministers; and one (Toomata) was a minister of agriculture in the 1990s. Of the ministers in the previous Tuilaepa administration, only Fiaame, Tuisugaletaua, Faumuina, and Mulitalo were reappointed, the other two being the prime minister and deputy prime minister. It certainly looked like a purge of the old members. But in the final analysis, the selection was entirely the prime minister's, based on established HRPP criteria.

The new associate ministers and their portfolios are as follows:

Tuiloma Lameko, Ministry of the Prime Minister/Cabinet; Immigration; Non-Government Organizations.

Vaeolenofoaia Tapasu, Ministry of Foreign Affairs and Trade; Press Secretariat.

Hans J Keil, Ministry of Commerce, Industry and Labour; Trade Negotiations—WTO, ACP/EU, PACER, PICTA.

Tiata Sili Pulufana, Samoa Tourism Authority; Legislative.

Palusalua Faapo II, Ministry of Finance; Financial Institutions and Samoa Housing Corporation.

Anauli Pofitu Fesili, Audit Office; Accident Compensation Corporation.

Lafaitale Patrick, Ministry of Revenue.

Galuvao Viliamu Sepulona, Ministry of Works, Transport and Infrastructure; Samoa Shipping Corporation; Traffic and Civil Aviation.

Aiono Tile Gafa, Electric Power Corporation; Samoa Water Authority; Samoa Ports Authority; Airport Authority.

Moefaauo Lufilufi, Village Mayors and Special Committee on Traditional Salutation and Legends; chairman of Village Mayors' Committee, Upolu.

Tuilo'a Anitele'a, Ministry of Women and the Samoa; chairman of Village Mayors' Committee, Savai'i.

Fonotoe Pierre Laufofo, Ministry of Natural Resources and Environment; Research Development Institute of Samoa; Samoa Trust Estates.

Tapuai Sepulona Moananu, Ministry of National Resources and Environment.

Muagututia Pita Ah Him, Ministry of Communication and Information Technology; Samoa Tel and Samoa Broadcasting Corporation.

Sala Fata Pinati, Ministry of Agriculture and Fisheries.

Leao Talalelei Tuitama, Ministry of Health.

Safuneituuga Paaga Neri, Ministry of Justice and Courts Administration.



Pa'u Sefo Pa'u, Ministry of Education; National University of Samoa; Samoa Qualifications Authority.

Solamalemalo Keneti Sio, Ministry of Education, Sports and Culture Division.

Manuleleua Lalagofaatasi, Ministry of Police (inclusive of Prisons and Fire Service).

In some departments, such as education, there are two associate ministers. Prime Minister Tuilaepa Sailele Malielegaoi said this was due to the heavy workload of those departments.

The new Speaker of the House is Tolufuaivalelei Falemoe Leiataua and the new deputy speaker is Laauliale-malietoa Leuatea. The vote was along party lines: the government was supported by all Independents to obtain 38 votes against 10 by the Samoa Development United Party, and one member abstained.

Apart from the burning of a school building and some incidents of stone throwing by disgruntled supporters, the elections were generally free of violence. Sāmoa has thus maintained its reputation for peace and stability in the midst of rapid social change. Sāmoa will join the World Trade Organization in the not too distant future.

Earlier this year, the US State Department issued a report on the human rights situation in Sāmoa. The report, made in compliance with the US Foreign Assistance Act and Trade Act, was heavily critical of the Samoan government's record on human rights, describing Sāmoa as a one-party state, no doubt as a result of opinions expressed in the IPU report. The report said human rights problems in Sāmoa included deterio-

rating conditions for male inmates, unfair parliamentary proceedings, violence against women and children, and discrimination against women and non-matai (titleholders). In fairness to the Samoan government, though, it must be said that the Samoa Development United Party contributed to its own "nonexistence" in Parliament by not heeding the new parliamentary rules affecting membership in political parties. This was the crux of the matter, as Tuilaepa explained. If the Samoa Development United Party had waited until the end of the previous parliamentary term to register as a new party, its dire situation would have been avoided.

The local police authorities have also reported that they had never been consulted by US officials about prison conditions in Sāmoa. Violence against women and discrimination against women and non-matai are also complex matters. Of course, such violence should not be condoned, but it occurs in all societies and Samoan society is no exception. Women have equal rights with males in Sāmoa but presumably discrimination refers to political matters. For instance, in one or two villages, women may not become matai. However, this really emanates from the reality of custom: men and women have specific roles, with men becoming the chiefs, and wives serving as their advisers. Untitled men may vote but not become candidates for Parliament—again, in keeping with traditional practice. Untitled men serve their matai until they are ready to take over the chiefly roles of their fathers and uncles.

Samoans are comfortable with their own cultural system and will

change only when they see the need. It was for this reason that Tuilaepa said in a press interview for the United States to “mind its own business” and look to its own backyard first. Still, the monolithic power now held by the Human Rights Protection Party is terrifying to some critics. SDUP Deputy Leader Asiata Va‘ai, for instance, labeled as disgusting the appointment of twenty associate ministers, an increase of seven from the previous Tuilaepa administration. In Asiata’s view, this action by the government will result in the negation of checks and balances required of a healthy democratic system. For in effect, the appointment of twelve cabinet ministers and twenty associate ministers and the election of an HRPP Speaker and deputy speaker signify that every HRPP member of Parliament is also a member of the executive. Thus, these ministers and associate ministers will make executive decisions and defend these at the same time in Parliament.

Now that the Samoa Development United Party is again an official parliamentary party, it will become the lone voice of opposition, a task it has done admirably before. But the question remains, will the Human Rights Protection Party use its power wisely and with moderation? This is indeed the big question for Prime Minister Tuilaepa, the economic genius who has radically changed the social and economic landscape of Sāmoa, and who has turned an economy that was nearly bankrupt in the early 1980s into one that has earned the admiration and respect of renowned institutions such as the World Bank and International Monetary Fund since 2000. Above all, he has earned the

admiration and respect of his fellow citizens who voted his party back into power.

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### TOKELAU

Arguably the most important event in recent years for Tokelau’s political development was the self-determination referendum that took place on 13 February 2006. Tokelau’s 615 registered voters went to the polls to determine whether Tokelau would become self-governing in free association with New Zealand or continue as a non-self-governing territory of New Zealand. The two-thirds majority required for changing Tokelau’s political status by voting “yes” was not achieved, and the status quo will continue, at least until another referendum is held. The February referendum had been envisaged as the final step in a series of interrelated and sequential events leading to a new self-determined political status for Tokelau. This report seeks to review the recent initiatives and events preceding the referendum and to interpret its outcome.

The question put to Tokelau by the first visiting United Nation mission back in 1976 was: Would Tokelau consider having its own government

like the rest of New Zealand's former colonies? The choices provided by the UN Committee of 24 were limited to three: independence, self-government in free association with an independent state, or integration with an independent state. Tokelau's answer was brief: No thanks. Underpinning this response were anxieties as expressed to subsequent UN visiting missions and New Zealand government officials: Tokelau needed a solid infrastructure before considering standing alone. Education, health, a quality public service, and Tokelau's *mativa* (poverty) were in the forefront of these concerns.

Following the 1967 UN Mission visit, New Zealand substantially expanded and upgraded the Tokelau public service in response to these concerns. The Ministry of Foreign Affairs published a booklet in Tokelauan and English (English title: *Tokelau: Its System of Government and Administration*), setting out how it saw Tokelau operating. The booklet contains two features of particular note: the front cover photograph of a carver fashioning a model double canoe, and a line drawing of a three-seated canoe on the final page. The latter canoe is used metaphorically to demonstrate how Tokelau is governed both nationally and locally. The canoe hull is labeled "Tokelau people." The three village-elected Faipule (leaders) collectively are represented by the steering paddle at the stern, and individually by the reinforcing struts that connect the three outrigger booms (the elders' councils) to the outrigger (the pan-Tokelau General Fono). The three village-elected Pulenuuku (mayors) are equated with the three rowing paddles.

This line drawing from Wellington with the position at the stern paddle occupied by the collective Faipule was at odds with Tokelau ideas about how a canoe is run with the *toeaina ke i te mulivaka* (an elder positioned at the stern); the stern of the canoe is the place from which wisdom and knowledge emanates. The cultural position of Tokelau elders is displaced in the diagram and the image is indicative of the type of thinking that set the stage for ensuing social and political initiatives. Wellington and Tokelau were not talking about the same canoe, yet each has continued to articulate the canoe metaphor in their own ways.

In 1993, a Tokelau National Government came into being, with the three Faipule forming an executive council and assuming ministerial portfolios. Each year one of the Faipule in rotation is designated the Ulu o Tokelau (Head of Tokelau), and in this role represents Tokelau at regional and international meetings. The first Ulu o Tokelau addressed a UN Decolonization Seminar in Port Moresby (1993) with an address titled "From the Lagoon to the Dark Ocean." The metaphorical message was that Tokelau was preparing to leave the calm waters of the lagoon and to venture into the uncharted waters, as it embarked on a journey toward self-governing status. While two domains are explicit in the symbolic language used (the lagoon and dark ocean), a third domain is implied—the canoe preparing to leave the safe waters of the lagoon and venture into the unknown waters. This was a bold statement by the Ulu o Tokelau as head of the new national government, who was well aware that the three villages of Tokelau had continuously

told UN missions and New Zealand that they were not ready for change. In discussing the address with its speaker, I discovered that the text only exists in English; thus the speech, voiced by the Ulu o Tokelau from an English text, about Tokelau's canoe venturing forth was inaccessible to many Tokelauans. Tokelau as a whole and its separate villages are indeed often likened to a canoe. Tokelau functions collectively, arriving at decisions by consensus. In a planned voyage, all aspects of the planning are formulated and overseen by senior elders, who allocate specific tasks to others. This collectivity adds credibility and blessings to the whole endeavor. Yet the contents of national statements have rarely been discussed, let alone debated, at the village or pan-Tokelau levels.

I have reported on the Modern House of Tokelau previously (Kalolo 2000). In 1998 New Zealand appointed the first Tokelauan public service commissioner, in partial response to the long-held Tokelau stand that the public service must be localized by replacing the New Zealand States Services Commission with a Tokelau one. The Council of Faipule elected in 1996 had urged the return of public service administration to the villages and initiated proposals for a New House of Tokelau. This "house" concept was coined by one of the Faipule in 1997 and was later expressed metaphorically by another as a desire to "house all fish under one rock." These ideas were introduced to the villages by all the elected Faipule and Pulenuke, who visited all three atolls for rounds of consultations. In mid-1999, the UN Committee

of 24 and New Zealand were given notice of these new developments by the Ulu o Tokelau. A joint committee for what came to be called the Modern House Project was created, comprising the three Faipule representing Tokelau, the administrator of Tokelau, and the newly appointed Tokelauan public service commissioner representing New Zealand. After a series of meetings in Apia in 2000, a second round of consultative visits was undertaken by the joint committee. Meetings took place in June 2000, during which the three village councils endorsed the project. However, the elders cautioned that the project should proceed with care in a slow, calculated manner. The fundamental principle underpinning the Modern House Project was that the three villages are the foundation of Tokelau and would be the basis of governance structures in the future.

For lack of space, I limit the discussion here to an examination of two of the main programs of the Modern House Project, namely, Good Governance and Capacity/Capability Building. I highlight these programs because they were designed to educate Tokelau political leaders and the public generally about nation building and public service practice. Numerous workshops, seminars, and meetings were envisaged to prepare the population for a probable future political status, with a village-oriented approach. By 2000, Modern House Transition Teams and Village Council Offices were in place to support this planned public education venture. A great number of concepts, such as self-determination, democracy, good governance, accountability, trans-

parency, which have no direct equivalent in Tokelauan, were to be discussed, analyzed, and adapted to the Tokelau village context. These terms are both difficult to define and difficult to translate or find equivalents for in the local context. Because of this, the timing and duration of this public education was crucial, a prerequisite to any act of self-determination. The UNDP office in Apia was willing to give financial assistance to these programs, but unfortunately they never got off the ground. This setback is significant in that after the February 2006 referendum, when asked why they voted “No,” many people responded: “Ko au e he mala-malama” (I do not understand).

The educational program did not happen because the Modern House Project was dismantled by the Council of Faipule in 2003, arguing that it should be “mainstreamed” through the government. Initially, the project had been headed by a general manager who was responsible to the joint committee. Following a two-to-one decision to mainstream the project, the general manager was asked to resign and the Modern House Project was placed under the auspices of the Office of the Ongoing Government of Tokelau (a six-member executive composed of all the elected Faipule and Pulemuku, which replaced the Council of Faipule in 2004). Gone was the envisaged village-centered public education endeavor, and most of the Modern House ideas and principles were shelved.

The years 2003–2005 were preparatory for a self-governing status, culminating in the planned referendum. The work was organized mainly from

Apia by a team of legal advisers with the help of Tokelau’s constitutional adviser, Professor Tony Angelo. Before reporting on the referendum proper, two documents must be analyzed: the Constitution of Tokelau and the Treaty of Free Association between New Zealand and Tokelau.

The constitution document was prepared by a constitution committee and endorsed by the General Fono in 2003: “Therefore we, the people of Tokelau, join together for the protection of our families and culture . . . have now established these principles for the Constitution of Tokelau” (General Fono 2003). In 2005, both the English and Tokelauan versions of the document were approved by the National Translation Committee, which reported to the General Fono. The work of the translation committee was then referred to the three Village Councils for further discussions. The document’s “Preamble” opens with the familiar phrase: “We, the people of Tokelau” (OCOGT 2005). It then covers such subjects as the General Fono, the Ongoing Government, the Courts, Law Making, Land, Public Service, Finance, and Human Rights. Compared with other Pacific nations’ constitutions, the Tokelau document is relatively short. Most statements are not detailed, as evidenced by the one on human rights: “Individual human rights for all people in Tokelau are those stated in the Universal Declaration of Human Rights, and reflected in the International Covenant on Civil and Political Rights.” This brevity is problematic, as the “Universal Declaration of Human Rights” and other international conventions may be known to

only a few, and certainly not to the majority of the populace. It is safe to speculate that the vocabulary associated with these topics is not well understood.

The 2005 “Draft Treaty of Free Association between New Zealand and Tokelau” is an acknowledgment “of the long history of friendship and cooperation between New Zealand and Tokelau and the many historical, social and cultural links between their peoples.” The document was originally composed in Wellington and then repeatedly refined and adapted to suit each partner’s point of view. It exists in two versions, English and Tokelauan, and contains thirteen articles, beginning with a summary that spells out the acknowledged principles and values shared between the two countries. Subsequent articles state that New Zealand recognizes the uniqueness of Tokelau language and culture and undertakes to work with Tokelau to ensure their retention and development; Tokelauans will retain New Zealand citizenship; New Zealand undertakes “to provide ongoing economic support and infrastructure development to improve the quality of the people”; and New Zealand will continue administrative, technical, and specialist support.

The remaining articles address the issues of emergency and disaster relief, defense, international relations, and the Tokelau International Trust Fund. The document was slated to come into force on the date it is signed, that is, pending the outcome of the referendum, which is now history.

In the weeks leading up to the referendum, several issues came to

the fore that could have been influential in determining the result. Here I discuss just three of the issues: (1) the rights of the Tokelau people living abroad to participate in political development of their homeland; (2) the lack of understanding as expressed by many; and (3) the disunity in formulating and articulating of the voice of Tokelau by the Council for Ongoing Government.

The first UN mission treated the Tokelau homeland and the Tokelau communities in New Zealand as one. I have participated in many discussions between Tokelau elected leaders and Tokelau communities in New Zealand and Sāmoa; I have heard many people living abroad expressing a wish to participate in political decision making in the homeland by engaging in debate and elections. Many want to be considered Tokelau citizens once self-rule is established, and to maintain the rights to land plots and house sites to which they are entitled by customary law. The General Fono, however, ruled in the 1990s that only Tokelauans residing in Tokelau could make decisions affecting Tokelau, reasoning that those living abroad (some five times as many as those living in the homeland) should not determine local political matters. Yet, at the same time, the sons and daughters of Tokelau overseas were repeatedly urged to return and serve their homeland. This decision applied in the case of the referendum, despite repeated appeals from Tokelau communities abroad. However, there is no evidence that the issue of Tokelauans residing abroad participating in the referendum was ever debated in the Village Councils

and General Fono. In the final days before the referendum, letters from individuals and groups from abroad were read publicly, asking the homeland to reconsider the General Fono decision, and presenting arguments on why Tokelau should vote no.

In the weeks before the referendum, the phrase “I do not understand” was often repeated, particularly in the discussions about the referendum itself and the voting process. In 2004 and 2005, the public consultations regarding political development were conducted by a team of legal advisers, but the aims of the public education envisaged in the Modern House Project were never achieved. This, combined with the input from overseas, resulted in confusion. One politician advised: “If you do not understand the issues involved, vote no.”

The Council for Ongoing Government compounded the uncertainty by its own disunity. In mid-2005, the General Fono instructed the six members of the Council for Ongoing Government to visit all the three communities for a round of discussions. The purpose was to consult and enlighten the Tokelau public not only on current constitutional and political issues, but also on the planned referendum. The visit eventuated but the whole council did not participate. This did not go unnoticed, and from this point on the council as a team did not speak with one collective voice for Tokelau.

Another referendum is planned to take place in 2007. The General Fono reviewed the results of the referendum and noted “that the draft Treaty between Tokelau and New Zealand is still on the table” (General Fono 2006). The General Fono also agreed

to refer the issue again to the three communities.

Come what may, there are a number of important issues that need to be addressed. First among them is a return to a village-centered public education strategy as envisaged by the Modern House Project, instead of the irregular, brief consultative visits by an Apia-based group. Second, the issue of Tokelau people in overseas communities wishing to participate in decision-making in Tokelau needs be revisited. What might be the rights of Tokelauans living abroad to engage in major decisions affecting economic development in their homeland with regard to representation and participation? What might be the role of people residing abroad in international politics involving their homeland? These and other questions must be discussed between representatives of the homeland and the diaspora. Careful translation of official documents from English to Tokelauan (and Tokelauan to English) is another major issue, particularly if the documents represent the “voice” of either Tokelau or New Zealand. Last but not least is that the members of the Council of Ongoing Government need to speak with one voice. As representatives of the Village Councils and villages, and spokespersons of the General Fono in the international arena, the council must present a united face for Tokelau.

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## TONGA

The last decade has seen an escalation of social, political, and economic changes in Tonga, but the events of the past year have been extraordinary: Thousands of people participated in numerous protest marches, climaxing in a general strike that held the government hostage for six weeks; royal family insiders spoke publicly against the authority of the king; the first elected and commoner member of Parliament was named prime minister; the first woman was appointed to cabinet; and the king gave his assent to the National Committee for Political Reform. It has been a dramatic, traumatic, and emancipatory year for Tonga, and in these respects the consequences of the popular uprisings of 2005–2006 constitute a political, social, and psychological coup for Tongans at home and abroad.

In March 2005, whistle-blower revelations about Shoreline, the company holding a monopoly on power

generation, provided the impetus for the first major march of what became a season of marches. Piveni Piukala, a former computer systems manager at Shoreline, alleged financial mismanagement, falsification of audits, and exorbitant salaries of approximately US\$400,000 each for the three main executives, Sosefo Ramanlal, Soane Ramanlal, and Crown Prince Tupou-to'a. Piukala warned that the problems at Shoreline would cause the people to feel disloyal toward the royal family and especially toward the crown prince. In early May, the People's Representatives filed writs in the Supreme Court against Shoreline and the Tonga Electric Power Board. At the same time, the Tongan Human Rights and Democracy Movement (THRDM) began organizing a petition and conferring with the People's Democracy Party and other "Demos"—democracy movement supporters—about a protest. The petition listed objections to the way the national electricity provision had been privatized, to the fact that Shoreline held a monopoly, and to the fact that electricity was so expensive while the company's directors received such high salaries. After gaining twenty thousand signatures, on 26 May 2005 a record four thousand people marched to present the petition to the palace. It was read aloud by the THRDM president, the Rev Simote Ve'a. As he spoke, Ve'a also called on the king to surrender power to the people and to become a ceremonial figurehead like the monarch in Britain. (The People's Representatives later disavowed prior knowledge of these latter demands.)

The next day, parliamentarians



considered the forthcoming budget and appropriations for salary revisions, which had been going through committees including the Higher Salary Review Committee. Amid the debate, 'Akilisi Pohiva, the First People's Representative for Tongatapu, was steadfast in moving for a delay on the salary revisions vote. His motions were defeated, and on 1 July the new salary scales came into effect. Upper-echelon civil servants were awarded raises of up to 57 percent, while some of those in the bottom tiers received nothing.

The public servants' strike was the defining event of 2005. It began, unofficially, early in July. Soon after the salary revisions were released, deputy ministers and other mid-level administrators from various sections of the public service began clandestinely discussing the recently released revised salary scales. Their cautious discussions with each other stemmed from the unusual way in which salaries and departmental budgets had been released: Previously, the civil roll was an open document, and civil employees were able to compare budgets and remuneration. But in 2005, this transparency was foregone; administrators were told that they only needed to know the information for their own sections. However, as one deputy department head told me, "The cabinet's attempt at secrecy was defeated in the Tongan way: Of course, we all have family in other parts of the civil service. After some phone calls, we knew the whole budget! That's when we knew that the pay rises were unfair."

A meeting of a thousand civil servants on 13 July led to the formaliza-

tion of the Public Service Association (PSA), with Finau Tutone as president and Maliu Takai as vice president. At the meeting there were calls for a national strike and another protest march, but the newly formed PSA executive managed to convince the members to begin with a letter of grievance. This was submitted to Paula Ma'u, the deputy secretary to the prime minister, on 15 July, with a response requested within three days. The prime minister was out of the country, but on 20 July, with no response from the prime minister's office, Clive Edwards (former minister of police but now one of Tongatapu's People's Representatives) gave an interview on television. He spoke of the inequity of the new salary structures. As Edwards put it, while government ministers now earned over T\$100,000 (US\$52,532) a year, policemen struggled to survive on T\$50 (US\$26.27) a week. The People's Representatives, he affirmed, would support a strike if the Public Service Association called for one. The following evening, 21 July, two thousand civil servants met at the Queen Sālote Hall in the capital of Nuku'alofa and voted for an immediate strike.

At the time of the Shoreline protest, a march of four thousand people seemed a huge turnout. But it proved to be a mere rehearsal for the protests to come. Despite pleas by the PSA executive to give the prime minister's office more time, and buoyed by the momentum of the turnout for the Shoreline protest, the civil servants had had enough. Overnight they mobilized, and on 22 July an estimated six thousand people marched through Nuku'alofa to Parliament.

These numbers reflect roughly 8 percent of the residents of the main island of Tongatapu, and 6 percent of the national population. The turnout for the march and the rapidity with which the civil action was mobilized astonished even the organizers. Their demand was simple: change the salary scales.

The first response came from Acting Prime Minister Cecil Cocker. He advised the striking workers that the cabinet could not accommodate them; they had to follow procedure and seek a resolution to their salary disputes from their heads of departments and the Public Service Commission. He also warned that if people did not return to work, they would be dealt with under the public service regulations—a clear threat. The next day, 23 July, downtown Nuku'alofa was like a ghost town. Strikers had not returned to their desks. The offices of the Ministries of Marine and Ports, Fisheries, Lands, Labor, Works, the Post Office, the Civil Service Commission, and the Treasury were essentially closed. A lack of ports personnel required one ship to bypass its scheduled stop in Tonga. But the government remained steadfast: there would be no changes to the salary scales.

Undaunted, the Public Service Association held a rally on 25 July, again at Queen Sālote Hall, where they voted to ask Parliament to support their cause. Following the rally, some two thousand people marched to Pangai Si'i, a park located in central Nuku'alofa between Parliament, Treasury, and the Prime Minister's Offices. They declared their intention to wait there for the government's

response to their request. The following morning, Finau Tutone issued a call for the civil servants to begin meeting at Pangai Si'i until they received the government's response. Public schools throughout the country were forced to close, as 1,466 (out of 1,600) teachers walked off the job. The PSA letter proposed increases of 80 percent to salaries for the lowest-level employees, 70 percent for those at the mid-level, and 60 percent for those in the upper ranks. They estimated the raises would cost T\$20 million (US\$10,506,409) and could be covered without increasing taxes. This has come to be referred to as the "60, 70, 80 Letter."

In Parliament, the Tu'ipelehake, nephew of the king and a Nobles' Representative, made a motion in support of the PSA letter. With cabinet members abstaining, Nobles' and People's Representatives voted to refer the letter to the cabinet. Meanwhile, a labor negotiator and a retired judge arrived from New Zealand, at the request of the Tongan government, to act as mediators. Acting Prime Minister Cecil Cocker demanded that the strikers return to work while the negotiations took place. The Public Service Association responded that they would, if granted an immediate 60 percent pay increase. When government refused, the association refused to meet with the mediators. When they returned to New Zealand, the labor negotiator called on the trade unions there to support the Tongan strikers.

By 28 July, with imports and exports stymied, the business community became involved. Sione Kioa, president of the Tonga Chamber of

Commerce, brokered a deal between the PSA executive and most government ministers that seemed to provide a means for people to return to work while negotiations continued. The deal called for a return to the old salary structure (the one that had been in place prior to 1 July 2005), but with an increase of 10–15 percent for all civil servants below heads of departments and ministers, and an agreement to plan for further pay increases as they could be afforded. The deal also called for reforming the membership of the Higher Salary Review Committee so that it included actual civil servants. The final point was to suspend and defer the implementation of the salary system that had been devised by the Higher Salary Review Committee. All that was required for civil servants to return to work was some sort of official confirmation from the prime minister, who had recently returned from overseas. The prime minister, Prince ‘Ulukalala Lavaka ‘Ata, thanked the businesspeople for their interest but advised them that government would follow its own process.

The prime minister’s rejection of the deal was perceived by many civil servants as a strong-arm tactic, rumored to be on the advice of the crown prince. They saw it as intended to break their solidarity and play on their poverty. Whether these motives were true or not, the strikers began to show increased resolve: Pangai Si‘i became the daily staging ground for the striking workers to hear speeches, sing songs, and drink kava. This attracted supporters beyond those working in the civil service, as well as those working in essential branches,

such as health and police, or those who could not afford to go on strike.

On 29 July, the cabinet offered a unilateral raise of 12.5 percent, funded mostly by cabinet ministers agreeing to relinquish the raises allocated to them by the Higher Salary Review Committee. The cabinet argued that this was all the country could afford. The minister of finance, Siosua ‘Utoikamanu, said that the PSA proposal would cost T\$36.8 million, and would require raising more taxes, contrary to what the Public Service Association had determined. Later, the finance minister admitted to an error in his estimation. His error was a source of both amusement and derision within the ranks of the striking civil servants. As one striker told me: “I used to look up to them, they were the ministers, but now, I saw, they don’t know what they are doing! I am the one with the degree in economics, we are the ones who have the education, and they make decisions but they even don’t know how. They are incompetent and we cannot let them ruin Tonga any more.” The 12.5 percent offer was rejected and was later followed with other cabinet proposals—20 percent, then 30 percent—but the strikers’ resolve was solid. “We know the money is there,” many people said, in response to the argument that pay raises over 30 percent would bankrupt the country.

By now, the gatherings at Pangai Si‘i were larger and more elaborate. Marquees, tables, and benches were set up, and a portable loudspeaker system allowed the growing crowds to hear and voice their opinions. Food was donated by local businesses, and a local television station aired live

broadcasts of the speeches. Sympathy for the striking workers was expanding across the country and overseas. The interest of foreign media organizations was acknowledged with protest signs written in English.

On 3 August, the head prefect of Tonga College led one hundred singing and clapping students to Pangai Si'i, where they declared their support for their teachers and expressed concern for their education. In response, the minister of education, the Reverend Dr Tevita Palefau, announced a salary offer for teachers amounting to T\$2 million, with raises ranging from 60 percent to 125 percent. Two days later, on 5 August, in the largest political gathering in Tongan history, teachers and other striking workers met at the Teufaiva Stadium to discuss the offer. They voted resoundingly to reject the offer, seeing it as "too late" and as a blatant attempt to split PSA solidarity. The Tu'ipelehake spoke in support of the strikers' goals and acquired the nickname, "the People's Prince." The cheering and clapping crowd of ten thousand, with the Tu'ipelehake among them, then marched from the stadium to Parliament to deliver their unified response: the only acceptable offer was "60, 70, 80, for all public servants."

5 August was a busy day in Nuku'alofa. While actively supporting the strikers in their off-hours, most physicians, dentists, nurses had remained on the job. But this day, some six hundred health professionals, led by Drs 'Aivi Puloka and 'Ana 'Akau'ola, marched to Pangai Si'i, leaving behind a skeleton crew to handle obstetric and emergency cases at Vaiola Hospital. Striking health workers were

joined by students and parents from the Nuku'alofa Primary School, the Catholic Women's League, and the Tonga Institute of Higher Education. The civil servants' strike was becoming a general strike.

Soon thereafter, the cabinet issued an order to close Pangai Si'i. This led to the first confrontation between strikers and police. Early in the morning on Monday, 8 August, police cordoned off the park entrances. When the initial group of strikers arrived they were told to go home. Instead, a crowd gathered at the perimeter of the park. The mood was defiant. The potentially volatile situation was defused when the Reverend 'Aisea Kava began to pray: as the police officers joined in the prayer, the crowd of about two hundred spontaneously surged into the park with cries of "Don't fear!" One woman described it to me afterward as "a wonderful moment. It was like God was there with us." Police admonished the crowd for disobeying the cabinet order but did not force them to vacate (privately, several police officers told me they supported the strikers' goals and only refrained from joining the strike out of duty to keep the peace). PSA president Finau Tutone drafted an immediate letter to the Privy Council, requesting reversion of the cabinet order, while People's Representative Clive Edwards requested a court injunction. On the same day, the king tried to appease the strikers by promising an independent audit of the salary scales. The PSA executive and strikers responded that they would continue to wait at Pangai Si'i for the results. The next day, Chief Justice Robin Webber delivered his judgment

that the cabinet had no right to close Pangai Si'i.

On Sunday, 14 August, Teufaiva Stadium was again the site for a huge gathering—this time a church service in which an estimated five thousand people came to pray with the king for a solution to the strike. But His Majesty was upstaged by his democracy-supporting nephew, the Tu'ipele-hake, who received applause and cheers when he stood to read a Bible passage. On Monday, the Public Service Association offered cabinet a twelve-point proposal for how to resume negotiations. It included the need for two arbiters—one for the government and one for the association—plus a mutually agreed “umpire.” As the association waited for the cabinet's response, the royal family traveled to Auckland to celebrate the engagement of Princess Pilevu's daughter, Fanetupou Vava'u, to the grandson of the Samoan paramount chief, Malietau Malietoa. The irony of civil servants struggling to pay bills while the royal family funded a lavish celebration did not go unnoticed, and led to the first real strike-related violence within Tonga.

On 17 August, students at Tonga College were informed that their principal, Tu'amelie Faaitu'a, and head tutor, Lopaki Fifita, were being removed to the main education office in Nuku'alofa. Both had been supporting the civil service strike. Frustrated and angry, boys of the senior class began to smash computers in the school offices, then stormed outside and attacked the cars of the new acting principal, Kakala Unu, and an administrator from the Ministry of Education. Then they marched off

the school compound. Police arrested two hundred students and detained another one hundred until their parents came to retrieve them. Later that day at Pangai Si'i, a protestor read a letter threatening more violence if the government did not settle in favor of the strikers. In the early hours of 18 August, four cars parked in the Inland Revenue Service lot were torched and exploded. The following night, Sosefo Ramanlal's house was attacked with Molotov cocktails. Damage was minimal. But on 23 August, Uoleva, a historic house in the village of Tatakamotonga (on Tongatapu) that belonged to the royal family, was destroyed by fire. On the northern island of Vava'u, computers at the government high school were found smashed and classrooms ransacked. The damage was done in the early hours of 24 August, and police suspected students. Meanwhile, the king was still in Auckland, and his residence there was the focus of unprecedented protests, which were also tinged with violence.

A surprise visit to Pangai Si'i by Princess Pilevu, recently returned from New Zealand, and acting as regent in her father's absence, may have helped stem the violence, which was shocking to Tongans on both sides of the debate. On 25 August, the princess wept as she spoke to the strikers and referred to the personalized attacks on her father. In response to her request that people return to work, Fotu Fisi'iahi, PSA secretary, asked her politely to give the requested raises of 60 percent, 70 percent, and 80 percent, so that they could resume working (such boldness was unthinkable just a few months

before). While people were impressed that the princess would make such a gesture, and hopeful that she would implement some positive action, they continued to occupy the park. Later that same day, two hundred supporters arrived from the island of 'Eua. They marched from the wharf to Pangai Si'i, followed by trucks laden with produce for the cash-strapped strikers. People had been without payment for five weeks.

Meanwhile, in New Zealand, Dr 'Ana 'Akau'ola, the kingdom's only radiographer and a member of the PSA executive, was participating in a hastily arranged speaking circuit, explaining why she supported the strike. She and Sione Fifita, a cleaner in the Ministry of Works, spoke to several groups about the strike, the pay demands, and how they could be funded. Their audiences were drawn from trade unions and social justice activists, Green Party members, elected members of the New Zealand Parliament, and members of the broader Pacific community. While they were in Tonga, Thomas Goddard, a retired New Zealand judge who specialized in employment law, was in Tonga, attempting to negotiate an end to the strike. Even though he had been invited by both the government and the Public Service Association, by 27 August he admitted defeat, saying he had not even been able to get the parties to agree on a process. Part of the civil servants' intransigence resulted from their growing realization that the best solution for Tonga was democratic reform. Thus, what started as a protest against the inequities of higher-paid civil servants getting raises while lower-paid and

longer-term workers received little or nothing became a platform for advocates of democratic reform. Strikers and democracy proponents coalesced into a natural and politically savvy alliance. While they had been touched by the princess's tears, the strikers were more profoundly affected by their own solidarity and success.

In the end, the strikers got everything they asked for. As supporters continued to arrive from the outer islands, bringing food and textiles as gifts to their Tongatapu confederates, on 1 September the Public Service Association delivered its most startling demand: that the cabinet resign and put in place a democratically elected Parliament. The People's Democratic Party, led by long-time People's Representative Teisina Fuko, had delivered a letter to the palace earlier in the strike (11 August), asking the king for a more democratic system in Tonga, in which the people of Tonga would take part in running the country by having the right to elect the members of cabinet, including prime minister and government ministers. This small petition was reiterated as a demand, one that the princess regent and her younger brother, the prime minister, must have taken seriously, given the recent violence and the overseas support for an end to the monarchy. On 1 September the Privy Council met, after which time the princess regent led her brother and most of the Privy Council members across to Pangai Si'i to deliver their offer directly to the striking civil servants: If the strikers would return to work that day, they would pay the 60-70-80 percent increases on an interim basis while negotiating a long-

term agreement. They would also set up a negotiating committee made up of the respected noble Fielakepa (who holds a graduate degree in law), Minister of Foreign Affairs (and former diplomat) Tu‘a Taumoepeau, and Minister of Labour, Commerce, and Industries Feleti Sevele, a former People’s Representative who had been made a cabinet minister. The final, and most important inclusion in the committee’s makeup was Dr Sitiveni Halapua, director of the Pacific Islands Development Program at the East-West Center in Honolulu and expert facilitator with success in the aftermath of the latest Fiji coup.

The PSA response to the Princess Regent and Privy Council came a few hours later. They rejected the offer but were willing to enter into negotiations with the new team. Having put in the demand for an elected cabinet, and after weeks of domestic and overseas support for democratic reforms, there was a feeling among some members of the PSA executive that they had an opportunity to effect real change. Plans were already in the works for a pro-democracy march, set for 6 September. During negotiations, ironically enough, it was long-time democracy activist ‘Akilisi Pohiva who counseled the PSA executive to accept the offer and carry on to fight for democratic reforms. On 3 September, all parties signed a memorandum of understanding by which the civil servants would return to work. The Public Servants Association, established in the early days of the strike, and with little training as labor negotiators, ended up with a resounding win for the civil servants. The pay raises were implemented as 60-70-80, but with the

proviso that the 60 percent increases would be immediate, while the rest would begin in the next fiscal year. Strikers were to be paid for the time they had been on strike, and the students who supported them (including the vandals) would not be disciplined. The memorandum also included provisions against government downsizing, especially at the expense of those who had participated in the strike. Another important aspect of the memorandum stipulated that the cabinet team members would raise the demand for a fully elected government with the rest of the cabinet. On 5 September, after forty-four days of striking, the civil servants returned to work.

Ostensibly, the protest began over objections to the salary revisions. In reality the roots of the civil action were laid several years before. For decades, Tonga has been described as having a MIRAB economy (based on Migration, Remittances, Aid and Bureaucracy). As the main employer, the Tongan civil service has become bloated, cost-inefficient, and bifurcated: While some employees’ job categories and skills were outmoded (typists, drivers, filing assistants), others required years of specialized overseas education (economists, statisticians, environmental scientists, health professionals). Tonga’s long-term commitment to higher education has enabled a brain drain that benefits the nation and individual households in terms of remittances, but has done far less for internal productivity or efficiency.

Tonga’s King Tāufa‘āhau has consistently thought of himself as a modernizer, and under his reign the

government has sustained long-term and generally positive relationships with foreign advisers, aid donors, and lenders, including Australia, Britain, Canada, China, the European Union, Japan, New Zealand, Taiwan, the United States, the International Monetary Fund, and the Asian Development Bank (ADB). Most recently, Tonga has been planning for membership in the United Nations and World Trade Organization. Tupou IV's reign has ushered in an increasingly import and cash-based economy, and a growing diaspora of the well-educated, with a local economy that has for a long time sustained an ideology of security and well-being through family, church, tradition, and household-based subsistence production.

However, recent reports have indicated household subsistence is no longer a source of security, and Tongans are experiencing real hardship. An ADB-funded team (in conjunction with local researchers) conducted an assessment of Tonga's progress towards the UN Millennium Development Goals for Poverty Reduction. The report, entitled "Priorities of the People: Hardship in Tonga," drew on comprehensive qualitative and quantitative research conducted in communities from 'Eua and Tongatapu in the south to Tafahi in the north. It flagged problems relating to the increased monetization of the Tongan economy because of high remittance rates; the urbanization and out-migration from rural and island areas, which created extra burdens for remaining rural residents; low growth rates in private economic sectors; perceived inadequacy of governance standards; weak private

investment; poor access to services and opportunities; poor quality of service delivery; lack of employment or other income-generating and technical-training opportunities; ruptures in the traditional Tongan *kainga* (extended family) safety net; economic hardship in a small but significant percentage of households; and increasing income maldistribution. The report specifically recognized that measures to alleviate the hardship required concurrent micro- and macro-level responses, with emphases on health, social, and educational service delivery to the more remote villages, opportunities for vocational training, improved governmental standards, private sector investment, and fiscal discipline.

The assessment, conducted in November 2003, came midway in the government's implementation of its Economic and Public Sector Reform Programs (underway since 2001), intended to ensure equitable prosperity for the nation in the future, and based on the overseas and internal economic advisers' arguments that with household income highly dependent on remittances, reduced numbers of households producing their own food, and limited avenues for improving the foreign trade balances, Tonga was headed for financial collapse. Aiming to reduce their costs, the government planned to downsize the civil service and encourage private sector and entrepreneurial businesses while preventing a brain drain. Privatization and corporatization of public enterprises would create the jobs to absorb the public servants who would be made redundant. Essentially, the ADB report confirmed the importance of



the Tongan government's reform directions and strategies.

The civil service salary scales were part of this neoliberal strategy to modernize the Tongan economy. They were intended to align remuneration with job skills, responsibilities, and level of education, and thereby reduce the incentive for high-skilled, prioritized labor to emigrate, but also to provide disincentives for redundant workers to remain on government payrolls. What seems to have taken the cabinet and royal family by surprise was the degree to which ordinary Tongans would object to this strategy of remunerative inequity. While the new civil service pay scales mimicked principles of remuneration common in the nations to which Tongans have been migrating, they were radically different from past practices in which seniority, personal history of service, job title (rather than skills), and (unfortunately) gender factored into individuals' promotion and remuneration. Rather than posing the question as "How can we make Tonga's economy more productive and competitive?" the strikers asked, "Why should those who are already paid so much more get raises?" and "What kind of government allows some Tongans to be so much poorer than others?" Those questions merged economic agendas with moral ones.

While such language was rarely used in Tonga, the protests of 2005 represented resistance to aspects of the neoliberal models of economic reform. Reducing government expenses through privatization, improving efficiency and fiscal conservatism through corporatization, and depending on private sector entre-

preneurialism to stimulate jobs are mantras that are by now familiar in all globalization scenarios. There is no question that some Tongan businessmen have succeeded in these sectors, both in Tonga and overseas. But for many Tongans, the model of corporatization of public enterprises is best exemplified by the actions of the princess royal (who controls Friendly Islands Satellite Communications [Tongasat], including the income from Tonga's highly lucrative geostationary satellite slots) and the crown prince (who, as minister of Foreign Affairs and chairman of the Tonga Electricity and Power Board, convinced the cabinet to give him a twenty-year lease to manage the board as his own company). The geostationary satellite slots were supposed to provide Tonga with the equivalent of Iraq's oil and keep the country wealthy, but the nation receives very little income from Tongasat. Tupou-to'a promised to make the business more efficient, thereby reducing electricity rates and improving services for Tongans. Shoreline did buy new generators, but they also reduced their staff from 120 to 20, borrowed heavily, and paid the three owner/chief executive officers huge annual salaries. As high-profile models for how the private sector will create jobs for the forthcoming civil service redundancies and meet the government's goals of a higher standard of living for all Tongans, both Shoreline and Tongasat have failed to impress.

The Tongan government's goals—attaining a higher standard of living for all Tongans and creating more efficient and effective public sector services—were, and remain, laudable.

However, by 2005, as world prices and local inflation rose, as the value of remittances waned, and as the changes introduced under the Economic and Public Sector Reform Programs began to be felt, the reality of the experience for ordinary Tongans was akin to that of East Berliners after 1989. Inflation hit double digits, some 23 percent of the population was experiencing incomes below the poverty line (T\$28/US\$14 per week), and many were having to make tough choices between food, school fees, and personal debt payments. Others, confronted with the novel experience of performance indicators, felt unfairly targeted by the shift in the culture of the workplace. Attempts to set the example for the neoliberalization of the economy and instill an ethic of efficiency in government ministries, coupled with the privatization of state resources, a history of poor fiscal decisions, and recognition that success in the changing economic environment depended on skills and financial backing not generally available to those civil servants that the government hoped to make redundant, all helped make the public manager of the reforms, Prime Minister Prince 'Ulukalala Lavaka 'Ata, personally unpopular. It also led to more vocal resentment of his elder siblings, the princess royal and crown prince, both of whom do have the wherewithal to engage in the kinds of private sector investment, entrepreneurial activities, and privatization of public services promoted by the economic reform plan. While the two are seen as competitors, they have both capitalized on their privileged status as royals to enable their entrepreneur-

ial activities and private wealth. At the same time, various economic and policy mistakes over the past several years have all come to a head. This was the context for the general strike.

Following the signing of the memorandum of understanding, democracy activism did not abate. On 6 September, as planned before the memorandum was signed, Tongans delivered a petition asking the king to implement major constitutional change within twelve months. On 12 September, thousands of people again marched to the palace to present the king with a petition demanding reforms to his absolute monarchy, dismissal of the prime minister and all fourteen cabinet ministers, establishment of an advisory committee that would include all of the People's Representatives to discuss how political power should be returned to the government, and, finally, the withdrawal of Shoreline's development license. News reports referred to the 12 September event as Tonga's largest political march ever. Local businesses supported the march with taxis, trucks, concrete mixers, and other heavy equipment. Even the immigrant Chinese, who are normally regarded with suspicion, participated in the march. At the time, people viewed the protest as a fitting finale to the civil servants' strike and the remarkable political turn that events had taken. In December, more pressure was exerted on the king, his cabinet, and the royal family, with proposals being presented for parliamentary reforms. In general, people have come to express support for a monarchy, which, like Britain's, is far removed from day-to-day governance.

These are difficult issues in Tonga: the monarchy is an important icon of national identity, and people remember that Tāufa‘āhau Tupou IV established the first education scholarships. Loyalists opine that he foresaw this result and will therefore enable the move to democracy. Thus, even as political reform models are discussed, some resentment of the activists (especially ‘Akilisi Pohiva) continues to surface among those who support some form of engaged monarchy. One of the results of the PSA strike is an increase in issues-based dialogue among Tongans; the sense that their opinions matter is perhaps greater than ever before. Soon after the memorandum of understanding was signed, two committees were established to discuss options and desires among the domestic and diasporic Tongan communities, especially those in New Zealand, Australia, and the United States. Malakai Koloamatangi, ‘Akilisi Pohiva, Sitiveni Halapua, and the Tu‘ipelehake have helped spearhead these various consultations. At the same time, advocates of political reform have been concerned by the king’s failing health. Privately, they worry about the crown prince’s tendency to be heavy handed, impatient, and sometimes disdainful toward “ordinary” Tongans; his involvement with Shoreline and concern with self-enrichment add pressure to have the democratic reforms resolved before Tupou V takes the throne. (In fact, as this issue went to press, Tupou IV had just passed away in an Auckland hospital, after a long illness.)

Amid the very public critiques aimed at him, Prince ‘Ulukalala Lavaka ‘Ata tendered his resignation

as prime minister. Long assumed to be suffering under the conflicting models for leadership exercised by his elder brother and sister, and certainly unpopular for having tried to implement the economic reforms that led to the civil servants’ strike, he resigned and removed himself from all cabinet committees on 11 February 2006. This was hailed as a victory by the Public Service Association. When the crown prince, acting as regent, appointed Minister of Labour, Commerce, and Industries Feleti Sevele as acting prime minister (a position that was confirmed on 30 March 2006), the international media focused on the fact that Sevele was Tonga’s first elected, commoner prime minister. It was interpreted as a sign that democracy was coming to Tonga.

The facts that Sevele has a graduate degree in economics, was a successful Tongan businessman long before he was a parliamentarian, was a close friend of Tupouto‘a, and had been speaking about how much Tongans and Tonga’s economy were going to have to become “leaner and meaner” seemed not to cause alarm. Prince ‘Ulukalala Lavaka Ata had seemed incompetent partly because even while trying to instill better business practices in government, he was sensitive to Tongan sensibilities, including the requirement to take the advice of his elder siblings. But Sevele (like the crown prince) has a history of rejecting Tongan traditions if they conflict with his financial interests. He has certainly initiated a number of actions to reform government and the civil service.

Soon after the strike ended, Sevele introduced the need for an Employ-

ment Relations Bill, and, despite its being against the spirit of the memorandum of understanding, supported the need for downsizing of the civil service through a redundancy package. The cabinet hoped to let a thousand civil servants go. At the same time, comparing Tonga's civil servants to Fiji's, Sevele pointed out the inequity: Annually, Tongans enjoy 36 days vacation, up to 42 days of sick leave, and a bereavement leave of 7 days. In Fiji, civil servants receive 10 days holiday, 12 days sick leave, and 3 days for bereavement. He made this point as part of a general statement that Tongans have to adopt more "modern" work ethics.

Since taking office, Sevele has restructured the public service departments, reshuffled his cabinet, and appointed the first woman cabinet minister, 'Alisi Taumoepeau. Sevele has also negotiated a T\$60 million loan from China. The loan is supposed to help balance Tonga's budget and provide the funds to buy back Shoreline, as well as fund development projects such as wharfs, schools, roads, and airport renovations, and pay for vehicles and renovations initiated for the meeting of the Pacific Islands Forum originally scheduled to be held in Tonga later this year. (In return for the loan, Tonga will support the One-China policy when necessary at the United Nations.) Yet even as Tonga is preparing to buy back its power generation company, Sevele is looking into an expanded and accelerated privatization agenda, including selling houses owned by government for the use of ministers and senior public servants and its 40 percent share of the Westpac Bank of

Tonga, privatizing Airport services, and reselling Shoreline (a New Zealand company has expressed interest in buying it). The civil servants' redundancy package has been negotiated, and a total of 817 accepted early retirement from the civil service on 30 June 2006. The early projections of a thousand redundancies were not met, but even with the gap, the Ministries of Education and Works were both considering hiring interim workers to help cover the immediate shortfall in labor. It seems that Tongans now have a prime minister who is much better equipped to be the architect of the very neoliberal reforms that were causing them discontent. It remains to be seen whether these reforms will lead to the generalized prosperity that is one of the goals of the Eighth Tongan Development Plan.

On the democracy front, the most recent news is tragic: On 6 July 2006, while in California to conduct consultations for the National Committee for Political Reform, the "People's Prince," the Tu'ipelehake, his wife, the former diplomat Princess Kaimana, and a friend, Vinisia Hefa, were killed in an automobile accident. The sudden loss of highly placed members of the royal family, elites who were thought of as sympathetic to the people's needs, came as a shock to the democracy movement. Sitiveni Halapua has taken over the Tu'ipelehake's role and will complete the report on Tongans' ideas on political reform to be submitted to the king.

Tongans have expressed vehement disapproval of their government's decisions in the past, most notably in 1899 when King Tupou II's choice of wife and queen almost sparked a civil

war, and with more frequency since 2002, when government tried to stifle a critical media. That action also triggered petitions, legal challenges, and marches. But nothing within living memory approaches the events of 2005–2006 for drama, mass participation, and long-term ramifications. What began as a protest against neo-liberal reforms of civil service payrolls became a catalyst for changes that have already led to serious political, economic, and, perhaps most significantly, psychological ramifications for the Tongan people: The monarchy is not overthrown, but the sacrosanct status once enjoyed by the Tupou dynasty and traditional nobles is gone; their modern “tapu” has been broken.

Nevertheless, though democracy advocates can legitimately claim a moral victory and point to the promise of real changes in governance, and while it is likely that reforms will move Tonga toward a more democratic polity, the tangible responsibilities of the royal and noble elites to the nation will have been reduced, while their economic and symbolic privileges remain unchanged. At the same time, the restructuring agenda that stimulated the general strike has actually been accelerated by the strike’s resolution.

In addition to the economic effects, the general strike’s main results to date have been cathartic and charismatic: grumblings long expressed in private have been aired publicly and internationally; traditional elites have been forced to respond to commoners’ perspectives; alliances have formed on the basis of relations of production, education, and experience rather than

only on kinship ties; and Tongans around the world have been mobilized to discuss exactly what type of political structure they want for their homeland and nation. This has been a peaceable coup, and once again Tongans have demonstrated their remarkable tendency to appear to be following external trends and influences while persisting in doing things in their own way.

HEATHER E YOUNG LESLIE

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## TUVALU

The World Summit on Sustainable Development held in Johannesburg in 2002 provided the impetus for Tuvalu's first-ever National Summit on Sustainable Development, which took place from late June through early July 2004. Invited participants included several from each island (chiefs, elected councilors or kaupule, women, and youth delegates), representatives from each of the eight island communities on Funafuti, senior officials, ministers, politicians, and representatives from youth groups, faith-based organizations, women's associations, regional bodies (South Pacific Applied Geoscience Commission, Forum Secretariat, Pacific Regional Environment Programme, University of the South Pacific), and business houses. Four or five expatriate Tuvaluans working abroad (including myself) were also invited by the government to act as resource people at the summit. The purpose of the summit was to consult widely and map out strategies for Tuvalu's development over the next ten years (2005–2015). An estimated four hundred people gathered in Funafuti at the Tausoa Lima Falekaupule (Council of Elders Meeting Hall) for the summit.

In an attempt to demonstrate political neutrality, the government agreed that Minister of Finance Bikeni Pae-

niu and Leader of the Opposition Kamuta Latasi would cochair the summit. The two of them skillfully steered the meeting through difficult and sensitive issues, kept the interest of the participants alive through good humor, prompted the discussion when there might have been a stalemate, and tactfully managed the more vocal participants to ensure that everyone had a chance to express his or her views.

The entire summit was therefore characterized by the rich quality of consultation and expressions of genuine concern over the country's development needs—specific to each island and also common to all. The diversity of participants and the different and rich cultural and traditional nuances they brought to the summit added flavor to a fully consultative and participatory meeting. The combined contributions of all the delegates, their active participation and keen interest, and the support of various island communities who provided abundant refreshments, all made for a most creative and enriching experience.

This was the first time that such an extensive consultation had taken place at the national level regarding the country's development. National development strategies have hitherto been widely understood as the sole preserve of the government. A few years before, only the planning office—mostly staffed by expatriate officers—was assumed to possess the skills and knowledge to write development policies and strategies for Tuvalu. In fact, an expatriate officer from one regional organization said his special mission at the summit was to develop and write the vision state-

ment for Tuvalu. However, the quality of what transpired proved that such assumptions are no longer valid.

Eight main thematic areas were agreed to and formed the substantive agenda: strengthening macroeconomic stability; improving the provision of social services; improving development of the islands and Falekaupule (Council of Elders); creating employment opportunities and enhancing private sector development; improving capacity and human resources development; developing Tuvalu's natural resources; improving the provision of support services; mainstreaming of women in development; and good governance.

After each plenary session, the large gathering usually split up into four groups to discuss the items in more depth and to come up with findings. Both the plenary and group discussions were considered to be of very high quality. Visits to the islands and the different island communities by task groups from the Ministry of Finance to familiarize people with the agenda preceded the actual summit. The submissions from the islands and island communities were therefore very well prepared and clearly articulated. This led to focused, engaged, and stimulating general discussions. Such extensive consultation, especially in a fragmented place like Tuvalu where transportation and movement of people is difficult and requires considerable effort to coordinate, does not come cheap. However, many delegates applauded support for the process and the inclusion of a large number of people; many also felt excited at actually being part of making the country's development plans

and policies. For a great number of participants, the summit presented a fertile arena to learn from and share ideas with one another. A traditional high chief described the summit as the most important historical gathering ever held in Tuvalu since its independence in 1978.

However, two things appeared to mar the summit. The first issue involved the absence of most of the permanent secretaries in many of the discussions. When questioned about this, the secretary to government surprised everyone by saying that the permanent secretaries were too busy with their work and attendance would mean no one would be “on watch.” Since permanent secretaries are known to be away often on overseas trips, the explanation did not make much sense. The fact that the chiefs, traditional leaders, and cabinet ministers, as well as the overseas participants had all taken time off to attend the summit made the absence of permanent secretaries culturally and professionally unacceptable.

Second, the manner in which one or two of the ministers asked questions and directed their concerns to the government during the debates had the mark of betrayal. It is one thing to offer personal insights on how things might be undertaken or improved, but it is another for individuals to openly criticize government policies as though they were not part of the decision-making process. In fact, the openly critical comments foreshadowed a political coup. A month later, Saufatu Sopoanga was dethroned as prime minister by a motion of no confidence.

A number of major resolutions

emerged from the summit. The first stressed that sustainable development was dependent on good governance and recommended strengthening the oversight of the functions of public institutions to improve accountability and transparency. Economic growth was needed for improving standards of living, and the summit called for a review of the public service, state-owned enterprises, and improvement in budget management including providing a stable macroeconomic environment. Recognizing the fluidity of the political leadership in the country, the summit also resolved that the sustainable development strategies agreed on at the summit would remain operational and effective despite any changes in government during the planning period. After the summit, the government met with development partners to discuss how the plan might be funded and implemented.

The summit also produced a historical document called the Malefatuga Declaration, after the traditional name of the area where the summit was held (the old meaning of malefatuga is “challenge,” the place where conflicts are resolved. Its modern usage is “place of identity and confidence, where good deeds are recorded”). The Malefatuga Declaration was signed by the two cochairs, all the island head chiefs, and representatives of the private sector, women’s council, and national youth association, all pledging their commitment “to the full implementation of the strategic priorities and key actions as adopted through [the various] resolutions.” The Malefatuga Declaration also affirmed a commitment to ensuring



effective monitoring and assessing the impact of the agreed strategies and action plans. The resolutions and conclusions of the summit, and the Malefatuga Declaration, provided the foundation for, and helped to inform, the preparation of Te Kakeega II, the country's National Strategy for Sustainable Development for the period 2005–2015.

The launch of the impressive new central government office complex coincided with the end of the summit. These two events were cause for much feasting, celebration, and traditional entertainment. Taiwan's deputy minister of foreign affairs, Michael Kau, was the guest of honor in a celebration that marked the launch of the new building. The imposing three-floor administration office complex, which towers over the rest of Funafuti Island and includes large water cisterns in the basement, was funded by the government of Taiwan at a cost of US\$8 million. But as one participant commented, "The test of a new building is how well it is maintained, and the quality of decisions that spring from the boardroom!" The Tuvalu Philatelic Bureau commemorated the occasion of the new building with two new A\$2 stamp issues, each one depicting Taiwan President Chen Shui-bian and Tuvalu Prime Minister Saufatu Sopoanga.

In mid-July 2004, Tuvalu joined the International Whaling Commission (IWC) amid an international chorus accusing Tuvalu of supporting Japan in exchange for economic assistance. In spite of Tuvalu's insistence that it has not been the subject of influence, allegations continued to mount that Tuvalu's membership was

an obstacle to the push toward banning commercial whaling. While Sopoanga's government was trying to fend off potential threats to Tuvalu's IWC membership, domestic politics turned sour when a vote of no confidence removed Sopoanga from office on 26 August 2004. Two government members—Elisala Pita, also from Sopoanga's constituency, and Speaker of Parliament Otinielu Tausi—crossed the floor, making it possible for the motion to succeed. *Tuvalu News* reported that Tausi was dissatisfied with Sopoanga's financial policies and some cabinet ministers were unhappy with Sopoanga's disappearance on a visit to mainland China (Tuvalu recognizes Taiwan and not China). Sopoanga had previously expressed his disapproval of the Taiwan representative in Tuvalu associating himself publicly with leaders and members of the opposition and had accused the representative of meddling in Tuvalu politics.

In early May 2006, New Zealand Conservation Minister Chris Carter visited Tuvalu to discuss whaling issues, prior to the IWC meeting that was to be held in June. On paper, it looked increasingly likely that the pro-whaling nations would achieve a majority on the commission for the first time. Anti-whaling nations wanted to turn that around, and the minister's visit was part of a campaign to influence countries in that direction. To overturn the 1986 moratorium on commercial whaling, a three-quarters majority is required. Similar visits to Solomon Islands, Kiribati, and Nauru were also planned. Tuvalu's response to the "flying lobby visit" was that its posi-

tion since it joined the international body would remain unchanged. Tuvalu has consistently said that it supports “the sustainable use of whatever resources” there are, including whales. Contrary to the statements of various international commentators, a spokesperson maintained that Tuvalu had not been bought by Japan. He pointed out that while Japan remains an important development partner, its overall level of development assistance for Tuvalu has not substantially increased. Nevertheless, the visit from New Zealand produced an agreement for a survey of whale and dolphin numbers in Tuvalu waters. The rationale for the project remains unclear.

Under normal circumstances, Parliament would have met several days after Sopoanga’s removal to vote in a new prime minister. However, Sopoanga resigned his seat in a maneuver designed to garner support and buy the government more time. Under the Tuvalu Constitution, all fifteen seats should be filled before the Parliament can vote on such important matters. Sopoanga re-contested his seat and won the by-election. Unfortunately, though, he lost the prime ministership to his deputy, Maatia Toafa, who became the first prime minister from Nanumea Island and the first from the northern group. Some key observers in Tuvalu suspected that a great deal of conspiracy within Sopoanga’s own party, especially among the more senior ministers and others, transpired while Sopoanga was out campaigning for the by-election. The election for prime minister took place on 11 October 2004.

During the period from July 2005 to June 2006, two main issues domi-

nated Tuvalu. The first relates to the threat of global warming to the low-lying atolls of Tuvalu. [Editor’s note: See the feature review of five recent videos about these concerns, pages 294–306, this issue.] The second concerns the plight of Tuvaluan workers abandoned on Nauru by the Nauru Phosphate Corporation.

Tuvalu took every opportunity to heighten global consciousness of the urgent threat of global warming to its low-lying island atolls at both international and regional forums, through the media, and by raising the general level of awareness of its people. In a speech on 16 September 2005 to the 66th Session of the UN General Assembly, Prime Minister Maatia Toafa emphasized the slim margin of survival associated with fragile island environments: “Tuvalu’s long-term security and sustainable development is closely linked to issues of climate change, preserving biodiversity, managing limited forests and water resources.” Cyclones, aggravated by the effects of climate change, have a devastating effect on small economies and the lives of island communities. For Tuvalu, the effects are alarming. Toafa claims that the international community should give far greater attention to these kinds of environmental and security issues.

Extraordinarily high tides in February 2005 exacerbated by bad weather caused significant flooding in Funafuti, the capital of Tuvalu, much to the anxiety and trepidation of the inhabitants. Those affected were evacuated quickly to the government primary-school buildings, while their personal property, animals, and gardens were completely destroyed.

Travel through these areas proved difficult, as debris, stones, and boulders from the ocean side of the southern part of the island had been swept into the middle of the island by giant waves. Most alarming was the fact that seawater was rapidly oozing out of the countless potholes along the sides of the airport runway, prompting a CNN reporter to remark that Tuvalu was bleeding or eroding from within. These high tides and the damage that they caused were widely reported by various media sources in the Pacific.

In February 2006, during a climate refuge forum (organized by Friends of the Earth as part of the Sustainable Living Festival), a Tuvaluan living in Melbourne commented that Tuvaluans should be moved to Kioa Island in Fiji. Kioa, a volcanic island much higher in altitude than Tuvalu, is populated by Tuvaluans who were moved there in the 1950s. The argument that relocating Tuvaluan citizens to Kioa would ensure the survival of the Tuvaluan culture did not find favor with the Tuvalu government. It was seen as a retreat, a surrender of the government's basic premise that Tuvalu's demise is being caused by the lifestyle and behavior of the more industrialized countries, which must accept the obligation to find a suitable remedy. Relocation of the population was therefore not a priority, although at the same time the government was seriously looking at investing in the purchase of land overseas—Australia and New Zealand were mentioned.

Related to the issue of relocation was the current government's request to resettle more Tuvaluans in Niue. Some years ago several Tuvaluan fam-

ilies migrated to Niue under an informal scheme agreed to by then Tuvalu Prime Minister Kamuta Latasi and Niue Premier Frank Lui. These families have now established themselves in Niue and are without doubt contributing to the cultural, social, and economic life of Niue in many ways. For instance, a few Tuvaluans played for Niue's national teams for soccer and the Rugby Sevens, and their skills in fishing supplied the domestic demand in stores, restaurants, and hotels. However, the Niue government is still considering Tuvalu's request and is treading cautiously on the issue. Some in Niue feel that the Tuvaluans are only using Niue as a doorway to further migration to New Zealand.

The stranding of about 400 Tuvaluan and perhaps 1,300 I-Kiribati workers and their families on Nauru dominated the Tuvalu news agenda throughout the year. They had been recruited to work in the phosphate mines by the Nauru Phosphate Corporation, a company that is totally owned by the Government of Nauru. The company experienced severe financial problems and failed to either pay the workers' wages or repatriate them to their home islands. It is hard to imagine how these people have survived for so long; no doubt they have been depending on what little gardens they can grow around their houses, fishing, and help from their families abroad.

In August 2005, Tuvalu's former governor-general, the Honorable Faimalaga Luka, passed away in Fiji. Since his appointment in 2002, Governor-General Luka spent a good part of his time traveling to Fiji for med-

ical assistance, often with a relatively large entourage. Prior to his appointment, he served briefly as prime minister in 2001. His tenure in that position ended abruptly when he was voted out as a result of a political conspiracy from within his own caucus, contrived by his close associates.

A by-election in the electoral district of Nanumaga, caused by the resignation of one of its members of Parliament, the Honorable Namoto Kelisiano, saw former Cooperative Society Purchasing Officer Halo Tuavai voted in. Kelisiano was previously on the opposition benches, and Tuavai's choice to side with the government ensured the latter of a thin majority in the House of Parliament. The reason given for Tuavai's alliance with the government was to lend support to his colleague from the same electorate, Speaker of Parliament Otinielu Tausi. The Honorable Kelisiano, a ship's engineer, resigned in order to run the island's power plant at the request of his home community.

Prior to this, two by-elections in the country had resulted in further enhancing and cementing Prime Minister Toafa's majority position. The Honorable Sio Patiale, a member of Parliament from Nanumea Island, resigned on medical grounds, and was replaced by a former Speaker of Parliament, the Honorable Kokea Malua, who returned as a government supporter. In May 2005 another by-election was held, following the sudden death of one of the members from Nui Island who had been leader of the opposition group. His replacement, the Honorable Taom Tanukale, joined the government ranks and was subsequently made the acting minister

of health and education, while the incumbent went overseas for long-term medical treatment. In a 15-seat Parliament, the government holds 10 seats, while the opposition has 5 seats.

The position of the current government seems assured, providing the possibility of a renewed political landscape. Tuvalu has seen ten prime ministers in the twenty-eight years since independence—no doubt a record in the region. The problem with the parliamentary system is that the prime minister does not have anything to fall back on in the event of a no-confidence vote. He cannot call for general elections in order to secure the majority he needs to carry out his mandate, because the constitution does not provide for this. Neither does it provide for a limit to the number of votes of no confidence that can be made against an incumbent prime minister.

In an apparent case of tit-for-tat politics, the Honorable Otinielu Tausi, Speaker of Parliament, declared vacant one of the seats for the Funafuti electoral district, which was held by the Honorable Kamuta Latasi. The vacancy was declared due to Latasi's continual absence from sessions, as required under parliamentary rules of procedure. The Honorable Latasi, a former diplomat, veteran politician, and former prime minister, was undergoing medical treatment in Fiji under the government's own scheme. Patients undergoing overseas medical treatment under the auspices of the scheme do so only with the approval of the minister of health. The government was therefore clearly aware of the reason for the member's absences.

It is believed that the Speaker acted

contrary to legal advice, and government members did not attempt to deal with his unusual actions within their own caucus. The chief justice upheld an application by the member and ruled that the dismissal was unconstitutional, noting that the whole matter would not have arisen if the former prime minister had followed the rules of procedure. Moreover, from a political perspective, the Speaker's decision to sack the member only served to strengthen the latter's position within his own electorate. The Funafuti community was determined to simply field him back should there be a by-election, and community pressure meant that the possibility of other candidates wanting to contest and win would be very slim.

In mid-2005 Tuvalu hosted the annual Forum Economic Ministers Meeting on Funafuti Island. More than ninety overseas visitors filled up what limited accommodation was available on the island, including a guesthouse owned by Minister of Finance Hon Bikeni Paeniu. The cost for Tuvalu's hosting the meeting was conservatively estimated at A\$10,000, but it would be useful to know whether the actual cost outweighed the revenue generated.

When the market value of the Tuvalu Trust Fund (TTF) exceeds its calculated maintained value, the difference is a distribution to Tuvalu's treasure chest. As of 30 September 2005, the difference came to some A\$12.5 million, of which nearly A\$1 million was made available to support the 2005 budget, and the balance of more than A\$11 million was to be made available for the 2006 budget. The payment for the 2005 budget was

the first in three years, and the distribution available for the 2006 budget represents the largest single-year payment from the fund (the largest payout previously was A\$11 million for the 1988 budget). The fund is invested in diversified portfolios managed by international fund managers based in Australia.

The success of the Tuvalu Trust Fund led to the establishment of the Falekaupule Trust Funds (FTF) for each of the eight main islands in the country. These were designed to underwrite the costs and projects of island local governments, encourage decentralization, enhance capacity, and achieve a significant level of development finance for island communities. Since 2004 the Falekaupule Trust Funds adopted an investment structure almost identical to that of the Tuvalu Trust Fund. In September 2005, it also announced a payment, the first in four years, of almost A\$2 million. This FTF distribution will be made available to the island communities in 2006 to support island development and community projects. An unattributed report claims that the distribution formula was reached after immense political rumblings and internal fighting. The eight island communities would share 75 percent of the monies equally, and the remaining 25 percent would be distributed based on the size of the resident population of each island.

No distribution from the Tuvalu Trust Fund was paid out in the previous four years (2000–2004), and the last significant distribution was in 1988. If budget planning assumes more payouts, there is a real possibility of Tuvalu's ending up with unman-

ageably large budget deficits. For 2005, the government had to draw considerably from its consolidated trust fund (Account B) in order to bring the budget deficit down to an acceptable level. Incorrect revenue forecasts and excessive government expenditure were the main causes for the large 2005 deficit. An Asian Development Bank economic survey pointed out that the Tuvalu civil service is one of the largest by regional standards, and current indications are that it is still growing at an alarming rate.

Excessive expenditures on travel, especially by ministers, have often caused tensions in the civil service. The level of subsistence allowances for Tuvalu's traveling officials may be the most generous in the world, and the situation has received attention in several audit reports. The problem is exacerbated when ministers change their travel itineraries, usually while overseas, to suit their personal preferences, for example, to add stopovers in destinations like Auckland and Brisbane where relatives may reside.

*Islands Business* magazine ran a feature article in late August 2005 on a moneymaking scheme devised by some individuals from Lessing University in Berlin headed by a Dr Ronald Bauermeister. The scheme involved the establishment of a Bank of Commerce of Tuvalu, and a register of international companies. A further proposal was the opening of Tuvalu diplomatic missions in Europe, presumably to be staffed by members of this group. It was generally understood that Treasurer Bikeni Paeniu, as the minister of finance, was firmly behind the proposal. However, senior

officials who accompanied the minister to various talks declared that the details of the proposal were very unclear. Observers speculated that the outside financiers might be interested in the TTF investments, or in using Tuvalu to lend credibility for obtaining letters of credit or bank loans. Investors might also be trying to evade or avoid taxation in their home countries. Fortunately, pressure from other countries, particularly the development partners, may have persuaded Tuvalu policymakers to drop the idea.

In 2004, the ANZ Bank was close to signing an agreement to take over the operations and management of the National Bank of Tuvalu (NBT). While this was a move I was strongly opposed to, the ANZ Bank did promise a greater variety of banking services not previously available under the NBT management. However, the emergence of the Berlin tax scheme and the obvious ambiguities surrounding it forced the ANZ Bank to shelve its proposal. The Bank of South Pacific (Papua New Guinea), which had just acquired the Westpac Bank Branch in Niue, was reportedly also interested in expanding its operations to Tuvalu, but postponed the initiative because of the proposed scheme.

Taiwan President Chen Shui-bian's visit to a number of Pacific Island states in early 2006, including a transit visit through Fiji and a day's visit to Tuvalu, caused some consternation in the region. Six countries in the Pacific—Tuvalu, Solomon Islands, and the republics of Nauru, Palau, Kiribati, and the Marshall Islands—recognize Taiwan, and the ongoing rivalry between China and Taiwan for

recognition by Pacific countries has concerned policy makers in both Canberra and Wellington for some time. On 10 December 2005, PacNews reported a Taiwanese diplomat's accusations that New Zealand (and Australia) were treating the Pacific as if they owned it, adding that New Zealand enjoys trade with Taiwan and should respect Taiwan's right to establish diplomatic links with other countries. A regional academic from the University of the South Pacific also commented that New Zealand was as guilty of ideological bribery as China and Taiwan. These comments came in response to former New Zealand Minister of Foreign Affairs Phil Goff's criticisms of the Taiwan president's tour, saying that checkbook diplomacy employed by both China and Taiwan undermines work to address serious issues such as poverty. While the majority of the countries of the world follow the One-China policy, Tuvalu, like other Pacific states, maintains its prerogative to establish links with any country it chooses.

President Chen Shui-bian was accorded a traditional welcome on his arrival at the Funafuti International Airport. As he and his entourage descended from the small plane, a group of primary school children serenaded the president with Taiwanese songs. They sang: "Taiwan's scenery is really beautiful. Taiwanese friends are really cute. Taiwanese A-bian [Chen's nickname] is really brave. Taiwan, Taiwan, go go go. A-bian, A-bian, go go go."

Taiwan is probably the second largest donor to Tuvalu after the European Union, and has come to Tuvalu's financial assistance in a

number of ways. For example, Taiwan agreed to rescue the Tuvaluans and I-Kiribati stranded in Nauru; bailed the government out of severe budgetary deficits; paid for the newly built office complex in Funafuti; and paid for many government ministers' travels abroad. However, there is skepticism about the transparency, accountability, and propriety of Taiwan's assistance, and the repercussions for good economic governance and prudent financial management. Many believe that the more liberal the donor assistance is, the more opportunity there is for the recipient country to become corrupt in the use of aid donations. It is important that Taiwan (as well as China) appreciates the need for donor harmonization and coordination, transparency, and accountability, and that it provides funding assistance in line with the government's stated strategic objectives and priorities.

Public suspicions of misuse of funds loomed large after allegations surfaced in an Internet chat room popular with Tuvaluans that a former Telecom supervisor had misused company funds by investing them in real estate in Wainuiomata, Wellington, New Zealand. Investigations are now being carried out by the Tuvalu Trust Fund Advisory Committee, as well as by the police.

Meanwhile, disgruntled members of the Tuvalu Chamber of Commerce and their supporters marched to Parliament House in Funafuti on 7 April 2006, the final day of the session. They were angry that Minister of Finance Bikeni Paeniu was withholding an aid package of US\$400,000 designated for the private sector. The

marchers wanted Parliament to direct the minister to have those funds paid directly to small businesses through the Development Bank. The marchers held placards and signs saying to the minister, "Give us our money, \$400,000. Do not speak about God for you are a liar" (my translation). As a result of this protest, the minister reluctantly released A\$100,000 to the Development Bank to provide businesspeople with loans. It was a gesture intended to ensure silence. The Chamber of Commerce members were far from happy, as they saw no reason why the minister should withhold any portion of the funds.

For some, the future of Tuvalu looks bleak. Many harken back to the days when Tuvalu was able to secure its independence, repeal its first constitution drafted by the colonial office in London, produce a new constitution more relevant to its needs and changing conditions, and establish a trust fund that became a model for other small nations.

#### TAUAASA TAAFAKI

*THIS REVIEW covers a two-year period from mid-2004 to mid-2006. It benefited enormously from the comments of an external reviewer who remains anonymous. However, the views expressed here are my own and any errors or omissions are entirely my responsibility.*

#### WALLIS AND FUTUNA

The "non-event" of the year was the follow-up to the customary law crisis, as reformers have decided to abandon

efforts to crown a new Lavelua (paramount chief, or king, of Wallis), thereby allowing Lavelua Tomasi Kulimoetoke to regain his throne. Procedures for dismissing a Lavelua do exist, but they have always involved, to a greater or lesser extent, both discussion among the families with titles and the use of violence. This is the first time in the history of Wallis that a Lavelua has held the title continuously for 46 years. The average length of reign from 1869–1959 was 5.6 years.

This exceptional longevity is primarily due to the political adroitness of the current Lavelua, who has been able to keep his throne despite the existence of other candidates from various royal families, and has also been able to maintain the important role of customary law while administrative and political power increased. His longevity has also been favored by higher-level administrators, who would like to see a strong power emerge. Members of the Lavelua's close family, the people actually running the Grande Chefferie (the customary government), have also encouraged his continuation in office, as the eighty-six-year-old Lavelua has not expressed himself in public for several years. It would seem that the Kulimoetoke family cannot imagine the idea of abandoning all the material advantages associated with ruling, even though the position has never been hereditary (Angleviel 2005, 2006).

During a television news broadcast on RFO-Wallis on 14 June 2005, the Lavelua's prime minister called for a demonstration of support for the former Grande Chefferie in front of the royal palace. One hundred fifty peo-



ple showed up the next day and went to the fale fono (meeting house) at Mata Utu, Wallis's main center, to prevent the swearing in of three members of the new customary government advisory board (fau). A former customary law minister, Sanele Tauvale (of the Reform Party) was seriously injured during the incidents that followed. The ceremony was postponed until the afternoon, and Clovis Logologofalau was crowned as the new Kivalu (prime minister) in the presence of the bishop and Senator Robert Laufoaulu. On 17 June, the reformers crowned a new Kulitea (minister of justice and culture) while the king's supporters (in Sagato Soane) installed another Kulitea. The same day, during the television news, Gaston Lutui, one of the leaders of the Wallisian department, criticized the prefect (Wallis and Futuna High Commissioner Christian Job) for diverting the pay from the Lavelua's customary government to the reformers' ministers, and demanded Job's resignation. On 20 June the prefect announced a one-month suspension for Lutui. Lutui then told the prefect, "You are going to tremble." Tension grew over the following weeks between the supporters of the former Chefferie and those supporting change.

The reformers, feeling that RFO-Wallis was clearly leaning in favor of the former Grande Chefferie and that the large Wallisian community in New Caledonia had been misinformed, went to Nouméa for a press conference on 9 September 2005. The delegation included, among others, Clovis Logologofalau (the new Kivalu), the Kulitea Nivaletu Pooi Taputai, and

two Faipule (head district chiefs), Mikaele Halagahu and Pelenato Sione. At the press conference they announced that a new Lavelua recognized by the prefecture would be crowned on 25 September. The new ruler they designated was Ahu Hiasinito, former Faipule of the district of Hihifo.

On 25 September, despite the presence of nearly one hundred twenty policemen, the old king's loyal supporters put roadblocks in place, and some of the demonstrators had long-distance weapons and sticks of dynamite. The former Lavelua's supporters also occupied Hihifo International Airport. The ceremony was postponed again and the government sent a mediator over from Nouméa. On 26 September, New Caledonia Secretary-General Louis Le Franc agreed to the main demands made by the former Chefferie, which regained its legitimacy, authority, and allocations. The local newspaper *Les Nouvelles Calédoniennes* observed that "the show of strength that has been going on since last Thursday obviously worked for the conservatives, while the reformers, armed only with pens, seemed isolated and weaker yesterday" (*LNC*, 27 Sept 2005). The second phase of the crisis was therefore an unexpected return to the initial situation following a political decision made by the government.

At the same time, most of the customary law delegates representing Wallisian customary law in New Caledonia took the side of the former Lavelua. They went to Wallis as a delegation around mid-September to confirm their loyalty to Tomasi Kulimoetke. The head of this delegation,

Aloisio Sako, designated Faipule for Hihifo and president of the independent political party called Rassemblement Démocratique Océanien, declared that the rumors circulating about the Lavelua having pro-independence ideas were false and that the real problem was that the office of the Lavelua was the depository for property taxes.

On 22 September, there was a demonstration in Nouméa on the request of the designated leaders, gathering six hundred Wallisians in support of the former Lavelua, as they believed that the government wanted to change the 1961 statute by putting the reformers in power. The conservatives consider this statute to be the “most advantageous out of all the French overseas territories guaranteeing free health care, free medicine, no taxes, etc” (*LNC*, 22 Sept 2005). The prefect immediately published a declaration indicating that no project was currently under consideration to reform the statute.

A committee was set up in Nouméa on 6 September under the leadership of Sosefo Polelei to discuss and provide information on traditional customs. The people under him refused to get involved in the debate, feeling that they needed to clarify the situation in terms of customary law regulations as well as define the relationship between customary law and republican law. Then there is the Fa‘u Fenua Association (“Build Our Country”), which believes that this is a domestic issue for Wallis. This group of young intellectuals further believes that the customary law leaders who organized the demonstration before going to Wallis to support the former Lavelua’s party “sparked the rivalries in the

community and sowed discord between the families” (*LNC*, 23 Sept 2005).

On 6 October, the reform Kivalu sent a letter to the president of France saying that a “small number of the current Lavelua’s supporters, thirsting for power and over-armed, had been terrorizing the Wallisian population of which a majority of the expatriate families were subject to xenophobic attitudes on a daily basis.”

On 10 October, reformer Sosefo Tagatamagoni was speaking with other young people in the village of Vaitupu when Casimilio, a supporter of the Lavelua on his way home from a party, took him aside. The young reformer had his back to Casimilio when he received the first saber blow and was lying on the ground when a second blow struck his head. The young man died the next day and his family refused the customary law pardon, demanding that this criminal matter be judged by Western law. Because of the unstable situation in Wallis, the accused was then transferred to New Caledonia where he will appear before the court in Nouméa.

Following this death, several reformers chose to exile themselves voluntarily to New Caledonia. Reform Kivalu Clovis Logologofolau stated on 17 October that “the prefect of Wallis just told me again that he wasn’t able to ensure my safety in my own country . . . the Government took a step back to avoid carnage, ok. However this continuing attitude is the same as not providing assistance to people in danger.”

This marked the beginning of the third phase of the crisis, and no one knows whether the situation will

continue to deteriorate, or if those supporting dismissal of the current Lavelua are just going to wait for his death. Whatever happens, this customary law crisis has had a clearly negative effect on how Wallisians (and Futunians) perceive the customary government and the government of France.

On the political front, the French government appointed former Territorial Assembly President Patalione Kanimoa (of the Union pour un Mouvement Populaire [UMP]) to the position of economic and social adviser. In February 2005 the Territorial Assembly presidency had changed from UMP to an alliance between the Union Pour la Democratie Française (UDF) and local leftists. The new assembly president, Albert (Apeleto) Likivalu, is a history professor.

On the cultural front, Saatula, the customary law minister from Malae (Alo, Futuna) has been designated president of the International Board of Folklore Festivals and Traditional Art Organizations for the South Pacific. On 14 July, the French warship *Jacques Cartier* was present in Wallis to participate in Bastille Day events. Five sailors, including two Wallisians, received medals for national defense after a mass celebrated by the bishop of the archipelago.

Relations between Futuna and the rest of the world are still difficult, as usual. In mid-February the *Jacques Cartier* went to Futuna to cover the absence of the twin otter air service for three weeks due to bad weather. The beginning of the school term was postponed for a week. Both kings of Futuna went to Paris between 13 and 19 March, accompanied by Deputy

Victor Brial. They met with the minister of foreign affairs and French President Jacques Chirac. The kings requested more autonomy in their relationship with Wallis, which was granted because each kingdom will soon have its own sub-prefect and general administration. Both kings were given a royal kava ceremony when they stopped in Nouméa—the king of Sigave (Visesio Moeliku) on 11 March, and the king of Alo (Soane Patita Maituku) on 12 March. In terms of gifts (katoaga), they received more than fifty pigs.

In other news, a teacher from France was attacked on 22 June 2006 by a hitchhiker, who first punched her and then hit her with a hammer. She managed to escape and run to a police station. The person guilty of this sinister sexual attack was transferred to the New Caledonian Penitentiary.

There is still a very large Wallisian and Futunian community in New Caledonia, making up 10 percent of the population there. Each year a traditional dance competition is organized on 14 July, which is both French independence day and the anniversary of the 1961 establishment of overseas territory status for Wallis and Futuna. The Wallisian and Futunian youth organization gathers over forty dance groups and more than six thousand visitors attend the event.

The victims of Ave Maria continue to demand compensation for their expulsion from Saint-Louis between 2001 and 2003. Out of the 171 families expelled, 49 are still waiting for the possibility of buying a home. On 17 December 2005, the Southern Province of New Caledonia gave five million Pacific francs to each of the

171 families concerned. The president of the association for Saint-Louis and Ave Maria victims expressed the view that “we absolutely have to avoid regrouping everyone by community. We live in a multi-ethnic country and we mustn’t recreate a new Ave Maria” (LNC, 13 July 2006).

On 14 September 2005, eighty-five-year-old Pere Sagato Iau, chaplain for the Wallisian and Futunian community, was made a knight in the Legion of Honor. On 10 December, Cyprien Setiano, a Futunian born in Koné, was ordained a priest by the archbishop of New Caledonia in the Cathedral of Nouméa. He has been assigned to the Bon-Pasteur parish in Vallée-du-Tir (Nouméa).

In science, a research group from the University of New Caledonia studied the “Dynamics of sea cucumber (*Holothuria*) populations” in July 2005.

In sports, the new Wallis Hihifo Golf Association course, currently offering nine holes, received the sponsorship of the Dumbea City Golf Association on 19 July 2005. Wallisian Laurent Simutoga, who plays post for

the team Stade Calédonien (rugby) and is former captain of the territorial cadet team, began studying at Lindisfarne College in Hasting (New Zealand) in February 2005. Two other Caledonians joined him in February 2006, Wallisian Claude Ikauno and European Florian Attenoux.

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