

*Polynesia in Review: Issues and Events,*  
1 July 2006 to 30 June 2007

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

#### COOK ISLANDS

The period under review was dominated by an unprecedented call for general elections, parliamentary conflicts, and budget approval constraints that at times tested the interpretation of the powers of the head of state. Ongoing out-migration of Cook Islanders, environmental problems, and continuing inflation slipped under the radar as politicians pushed for major salary increases and most Cook Islanders struggled from paycheck to paycheck. The popular American television series *Survivor*, and some sporting successes, provided some respite, but an unpredictable tourist industry, technical personnel limitations, and occasional invasive diseases and insects reminded Cook Islanders to be constantly vigilant.

July 2006 began with continuing concern by many observers about the leak of the Queen's Honours list from the office of Prime Minister Jim Marurai, which he dismissed as "unimportant" (*CIN*, 5 July, 4). Perhaps of more concern to Marurai were political undercurrents aimed toward replacing him and the Speaker of the House (*CIN*, 6 July 2006, 1). Meanwhile, one of the laws finalized by the Cook Islands Parliament was a Marriage Amendment Bill outlawing marriages between homosexuals. The law was

clearly designed to counter the provisions of New Zealand's civil union legislation (*CIN*, 19 July 2006, 1).

Government also committed itself to a variety of programs including the development of geotourism through an agreement signed by Tourism Minister Wilkie Rasmussen and Sarah Laskin, vice president of public and business development for National Geographic. The agreement obligated the island country to adhere to fourteen geotourism principles designed to sustain and enhance the geographic character of a given place, including the environment, culture, aesthetics, and the well-being of its people. In return, National Geographic promised to produce maps and brochures "which identify the unique features of the Cook Islands" (*CIN*, 2 Aug, 2006, 1). The Cook Islands becomes only the fourth country to accede to the charter.

In July Teina Bishop, member for Arutanga (Aitutaki), resigned from his cabinet post realigning himself with the opposition Cook Islands Party (CIP). Not long after, Kiriau Turepu (CIP) won the snap election for the Matavera (Rarotonga) constituency, potentially changing the balance of power in Parliament and creating a footing for a change of government (*CIN*, 20 July 2006, 1). The political battle intensified when opposition CIP members met in Parliament without Democratic Party (Demo) government members. After swearing in the

newly elected Kiriau Turepu, they voted the Demo government out. The event was broadcast live on national radio, attracting accusations of a coup attempt bordering on sedition and treason. The extraordinary chain of events became even more confusing when Queen's Representative Sir Frederick Goodwin called for a general election. This essentially negated the by-election just won by Turepu and preempted the later attempt by CIP parliamentarians to use a vote of no confidence to force a change of government (*CIN*, 25 July 2006). The high court was drawn into the drama amid accusations of political maneuvering on both sides of the aisle. Meanwhile, caretaker Prime Minister Jim Marurai tried to reassure the general population that there was no cause for alarm (*CIN*, 25 July 2006, 1). The election was set for 26 September 2006.

Sir Geoffrey Arama Henry announced his retirement from the Cook Islands Party leadership effective 31 August 2006, and as member of Parliament representing the Takuvaine (Rarotonga) constituency. Mark Brown replaced Henry as CIP candidate for Takuvaine, and Tom Marsters, the member of Parliament for Murienua (Rarotonga), was eventually elected to lead the Cook Islands Party in Parliament (*CIN*, 13 Dec 2006, 1). The party now faces multiple challenges: new leadership, a seemingly overzealous head of state, possible court challenges, and a pending general election.

As candidates filed their nominations for the elections, Wilkie Rasmussen switched his allegiance to the Democratic Party. He had originally won his seat by nine votes over Demo

candidate Tepure Tapaitau (*CIN*, 10 Aug 2006, 1). Apparently catching the campaign committee off guard, the Cook Islands Party failed to nominate a substitute candidate, so Rasmussen entered the election unopposed. The election was hotly contested for 23 of the 24 seats. After some recounts—and allegations of bribery involving bread, fish, pearls, and an excavator—the Democratic Party won a majority of seats and formed a government (*CIN*, 14 Oct 2006, 1; *CIN*, 27 Oct 2006, 1).

During this intense election period, the caretaker government faced budgetary limitations, and the queen's representative issued an unprecedented decree authorizing bridging expenditure from 20 November to twelve sitting days after the first meeting of the newly elected Parliament (*CIN*, 18 Nov 2006, 1). In the subsequent debate over the intervention, New Zealand constitutional expert Dr Alex Frame warned that the claim of "necessity" cited by the head of state was difficult to justify (*CIN*, 18 Dec 2006, 1). A second legal opinion by Dr William Hodges, a member of the Auckland University law faculty, supported Frame's remarks but added that the queen's representative "does have reserve powers 'to sustain and not to destroy' peace, order and good government as provided by the constitution" (*CIN*, 21 Dec 2006, 13).

The national police provided one focus for the newly constituted Demo government when an eagerly awaited review identified poor leadership, financial mismanagement, and lack of public confidence as key issues facing the force (*CIN*, 5 Dec 2006, 1). In April, the cabinet appointed Patrick

Tasker, a New Zealand inspector, as the new commissioner of police. The new commissioner will be expected to manage necessary changes while sustaining police operations (*CIN*, 28 April 2007, 1). In another change, local Shola Ivaiti was named to replace Kevin Carr as financial secretary (*CIN*, 23 Feb 2007, 1). Earlier, former Solicitor General Janet Maki became the country's first woman ombudsman, beginning her new job 15 November 2006 (*CIN*, 1 Nov 2006, 1). Her stated goal was to provide a public service that ensures government accountability (*CIN*, 3 Nov 2006, 3).

The issue of fisheries poaching emerged in December, when long-liner FV *Tim Tam* was captured by a police squad fishing ninety nautical miles south-southwest of Penrhyn Island. The *Tim Tam* had a Korean captain and a crew made up of a Samoan, Fijian, Chinese, and three Taiwanese sailors (*CIN*, 6 Dec 2006, 1). About seventeen tons of mostly albacore tuna on board were sold off cheaply to the general public in Rarotonga (*CIN*, 14 Dec 2006, 1). Skipper Yeong Bae Han was convicted and fined the minimum NZ\$100,000, a far cry from the legal maximum of NZ\$1 million (*CIN*, 16 Dec 2006, 1). In May 2007, a Taiwanese long-lining vessel FV *Yin Chen No 1* was caught fishing illegally and Captain Man Liu Tsai was convicted in the high court. Noting that the vessel had made multiple excursions into the Cook Islands exclusive economic zone, the court ordered a fine of NZ\$200,000 plus NZ\$50,000 in costs (*CIN*, 24 May 2007, 1).

Another focus for controversy was the Ports Authority Board, whose chairman Don Beer Jr was sacked by

Cook Islands Investments Corporation (CIIC) board chairman Julian Dashwood over plans to tour Auckland ports in February 2007. The decision to terminate Beer may have also been influenced by a December 2006 audit that claimed improper payments of over NZ\$30,000 for consultancy work (*CIN*, Feb 2007, 1). Dashwood himself was later terminated after the change of government. "Maybe it's because I was trying to weed out corruption. I guess my standards are higher than theirs," declared Dashwood (*CIN*, 22 Feb 2007, 1). The Chamber of Commerce weighed in on the controversy by expressing concern at the "apparent political interference shown by the sacking of Dashwood" (*CIN*, 23 Feb 2007, 1). Local businessman Sam "Gumby" Crocombe replaced Beer as the new chairman of the Ports Authority Board, while Tapi Taio replaced Dashwood as CIIC chairman (*CIN*, 9 March 2007, 1).

In April 2007, the Chinese-funded National Police Headquarters in Avarua was finally opened with a ceremony led by Queen's Representative Sir Frederick Goodwin and the Chinese Ambassador Zhang Yuan-yuan (*CIN*, 2 April 2007, 5). The government revealed a Chinese-funded NZ\$7.5 million road-upgrading project for the 5.5-kilometer stretch of back road from Nikao to Takuvaine, to be completed in time for the 2009 South Pacific Mini Games (*CIN*, 14 March 2007, 1). China also agreed to fund a new sports stadium for the Cook Islands with NZ\$4 million in aid, plus a further NZ\$2 million in concessional loans (*CIN*, 20 March 2007, 1).

In January, Minister of Foreign Affairs and Immigration Wilkie Ras-

mussen noted an increase in foreigners illegally working in the country. He warned that it was a serious issue and, after meeting with communities of Samoans, Fijians, Kiribati, and others, some twenty foreigners were given forty days to leave the country (CIN, 5 Jan 2007, 1; CIN, 25 May 2007, 1).

As of December 2006, the Cook Islands total population including visitors was 19,569 (9,932 men and 9,637 women), an increase of 8.6 percent compared to the last census in 2001. Large population declines were noted for the Northern group, especially Manihiki Island, from 515 in 2001, to 351 in 2006 (CIN, 13 April 2007, 1).

The budget estimate for the 2006–2007 financial year tabled in Parliament by Minister of Finance Dr Terepai Maoate totaled NZ\$106.9 million (CIN, 14 Dec 2006, 1). The 2007–2008 budget policy estimates the government's net worth at NZ\$133.6 million in the new financial year, noting that aid to the Cook Islands is expected to total NZ\$28.7 million. This represents a drop of NZ\$8.6 million, partially explained by the removal of a one-off Australian payment of NZ\$4.5 million for the upgrade of the patrol boat *Te Kukupa* in the 2006 budget (CIN, 3 April 2007, 1). New Zealand retained its designation as the highest donor to the Cook Islands with NZ\$10.3 million in aid. Government debt is expected to be NZ\$54.8 million by June 2007. The budget statement anticipated that proceeds from the pearl industry would increase by 10 percent (from NZ\$2.1 million in 2006), while the fishing industry would continue exporting an estimated NZ\$9.9 million worth of fish a year (CIN, 3 April 2007, 1).

In March 2007, Parliament changed a law empowering the cabinet to give members a pay raise without being bound by the independent Remuneration Tribunal (CIN, 8 March 2007, 1). Proposed adjustments would increase the prime minister's salary from NZ\$75,000 to NZ\$105,000, with members of Parliament going from NZ\$35,000 to NZ\$50,000 per year (CIN, 12 April 2007, 1). The increases are apparently exclusive of many additional allowances. A group for political change challenged the government to justify the change, and the Chamber of Commerce's Teresa Manarangi-Trott described the raises as extremely disturbing (CIN, 10 March 2007, 1; CIN, 20 March 2007, 1).

Tourism remained the largest industry in the Cook Islands. Spotlighting that market, Air New Zealand's short-haul group general manager Norm Thompson and Air Rarotonga's managing director Ewan Smith signed a new code-share agreement to provide joint schedules between Aitutaki and Rarotonga beginning in May 2007 (CIN, 5 April 2007, 1). Air Tahiti began its first Tahiti-Rarotonga connecting flight under a code-shared service with Air Rarotonga (CIN, 3 April 2007, 1). The joint venture offers a twice-a-week service (CIN, 4 April 2007, 1). Cruise ship tourism continued during the year, and the 119,000-ton, 750-cabin *Sapphire Princess*, carrying 2,670 passengers, became the largest cruise ship yet to visit Rarotonga (CIN, 30 April 2007, 1).

During this review period, the government launched the country's fifteen-year sustainable development plan titled "Living the Cook Islands Vision—A 2020 Challenge"

(Te Kaveinga Nui—Pathway for Sustainable Development in the Cook Islands). In a public meeting, hotel entrepreneur and economist Tata Crocombe called it a plan to nowhere, pointing out that it failed to incorporate some of the country's biggest problems such as depopulation, human resource development, aid dependence—and politicians. Moreover he observed that the government was too big (*CIN*, 25 Jan 2007, 1). Cabinet Minister Wilkie Rasmussen defended the government by pointing out that the issues mentioned by Crocombe were not new, labeling his comments as “purely ideals and theories of convenience” (*CIN*, 26 Jan 2007, 4).

During the year, Tata Crocombe's sweetheart deal in purchasing the government-owned Rarotongan Hotel reemerged in the news. Tata Crocombe had been recruited by Sir Geoffrey Henry's government to broker the sale of state assets, but ended up purchasing the hotel himself for NZ\$3.25 million with no money down, and a grace period of ten years to pay back the money with no interest charges. The media noted that the ten-year period was ending in September 2007 (*CIN*, 18 Jan 2007, 1). Crocombe was also linked to a proposed Black Rock tourist development scheme incorporating the current golf course, Black Rock preschool, and Harley Street in Rarotonga (*CIN*, 25 Nov 2006, 1).

Throughout the year under review, religion maintained a powerful influence on politics. The Religious Advisor Council (RAC), representing the Cook Islands Christian Church, Catholic, Seventh-Day Adventist, Latter-day Saints, Assembly of God and

Apostolic Church denominations, was regularly called on to offer invocations and benedictions at government functions and events. In July 2006, the council issued a call for a national day to pray and fast for the political “circus” occurring in the Cook Islands. The RAC chairman, Pastor Tutai Pere, declared that the tiny nation needed “deliverance from further political bondage of disunity, instability and uncertainty” (*CIN*, 6 July 2006, 1). In another public display of political pressure, Ngatangiaa Cook Islands Christian Church Pastor Iana Aitau asked police to enforce a ban preventing people from swimming or surfing on Sundays. The police responded that they could only ask people but in effect could not enforce such a rule (*CIN*, 11 July 2006, 1).

In 2007 Cook Islanders appeared in third place on a list of the world's fattest countries. Nauru topped the list with the greatest percentage of overweight adults (94.5 percent) followed by Federated States of Micronesia, Cook Islands, Niue, Tonga, Samoa, Palau, and Kiribati. The United States follows in ninth place (74.1 percent). Conducted by the United Nations World Health Western Pacific Regional office and the London-based International Obesity Task Force, researchers looked at the adult population over age fifteen. Obesity rates highlighted imbalances between levels of physical activity, and significant changes in diet (*CIN*, 21 Feb 2007, 1).

The review period also saw a sharp rise in dengue fever cases (*CIN*, 14 Feb 2007, 1). The Cook Islands Ministry of Health finally responded with plans for a mosquito-spraying blitz (*CIN*, 15 Feb 2007, 1). Although the use of

Reslin in the spray and its potentially toxic effects received some heavy criticism from the public, spraying continued anyway (*CIN*, 18 April 2007, 1). A total of 1,394 cases of dengue have been recorded since May 2006, with most (1,296) having occurred in Rarotonga. Some nineteen tourists were affected.

Educational initiatives were also in the news during the year. Thirty-five students enrolled in the University of the South Pacific's new Master of Business Administration program, most being heads of departments paying their own way (*CIN*, 16 Feb 2007, 1). The USP center also received a NZ\$300,000 upgrade (*CIN*, 25 June 2007, 1). On the downside, the Cook Islands government withdrew its support for the South Pacific School of Medicine set up in Rarotonga on 16 March 2004. It was to be a two-year course costing foreign students US\$39,000 (NZ\$56,000). The government removed its backing after discovering that the founder, controversial American Dr Larry Sands, had been convicted of mail fraud, and disciplined for prescribing wrong medicines (*CIN*, 21 March 2007, 1).

By July of 2006, the popular television series *American Survivor* had begun filming its "reality game" on Aitutaki. Filming in Cook Islands was completed by 4 August, and Tourism Authority chief executive Chris Wong revealed that the production had injected an estimated NZ\$3 million into the Cook Islands economy (*CIN*, 5 August 2006, 1). Exposure of the Cook Islands to over 16 million people in the United States alone was expected to increase visitors to the country. Wong stated, "Our hope

is that outside entertainment value that reality TV shows provide, viewers will find the natural attractions of the country highly appealing and consider the Cook Islands as an option for an island vacation" (*CIN*, 20 Jan 2007, 7).

Another attraction in the Cook Islands during the year was the traditional canoe-building project, Te Mire Tarai Vaka (*CIN*, 18 July 2006, 1). However the most challenging sporting event was the third Vaka Eiva, a canoe race around the island of Rarotonga involving thirty-five teams of canoe paddlers from New Zealand, Australia, Hawai'i, Fiji, Niue, Tahiti, and Cook Islands (*CIN*, 17 Nov 2006, 1-17).

The year under review was also marked by drug and criminal activities. Cocaine bound for Rarotonga and valued at NZ\$5.6 million was seized in Auckland. Hidden in the linings of two suitcases, the cocaine is believed to have come from São Paulo, South America. It is uncertain whether Rarotonga was the final destination or a transit point to the Australian market (*CIN*, 29 Nov 2006, 1). An unprovoked stabbing of an unarmed youth brought the realities of big city violence to Rarotonga, with Cook Islands police declaring their determination to stamp it out (*CIN*, 21 Dec 2006, 1). The Religious Advisory Council reacted to the stabbing by calling for the formation of a youth action team dubbed "Youth for Life—Mapu Kia Ora" (*CIN*, 22 Dec 2006, 1).

Cook Islanders continued to take a deep interest in environmental issues. As active participants in the United Nations Framework Convention on Climate Change and the Kyoto Protocol since 1992, the Cook Islands

joined other island countries in a plea for a reduction of greenhouse gas emissions to larger countries that contribute most to global warming. Island nations have been described as “the conscience” on climate change (*CIN*, 21 Dec 2006, 5). The Cook Islands is already being impacted by climatic changes, particularly with regard to its tourism and pearl industries (*CIN*, 16 April 2007, 3).

As part of the government’s plan to reduce dependency on fossil oil, a wind energy farm project was proposed at Kiikii on the island of Rarotonga (*CIN*, 24 Jan 2007, 1). Preliminary testing for persistent organic pollutants (POPS) in Rarotonga lagoons indicated concentrations of chlorinated pesticide (DDT and methoxychlor), polycyclic aromatic hydrocarbons (PAH) and phthalates (DEHP) above the detection limit. Environmentalist Imogen Ingram pointed out that the government needed to take positive action to remedy the environmental challenge because it was a signatory to the Stockholm Convention that agreed to a total eradication of POPS (*CIN*, 15 Nov 2006, 7).

Another problem that emerged during the year took the form of the glassy-winged “sharpshooter” bug. Discovered in Rarotonga, and suspected to have arrived on plants smuggled in from Tahiti, the insect feeds on more than three hundred host plants including trees, crops, and plants such as hibiscus, gardenia, and papaya. It is also known to transmit Pierce’s disease, which affects grapevines (*CIN*, 4 April 2007, 1, 7). In more positive environmental news, the year marked the return of the kura or lorikeet

bird, which was once plentiful on the island of Atiu. Before it became almost extinct, its feathers were used for the cloaks and headdresses of high chiefs. In a joint effort in April, naturalists and Atiuans brought in twenty-seven birds from Rimatara Island in French Polynesia (*CIN*, 28 April 2007, 1).

As part of its Unit Titles Bill initiative the Tepaki group purchased the twelve-unit Castaway property for NZ\$2.3 million, adding to their recent purchases of Manea Beach for NZ\$1.8 million, and Lagoon Lodges for NZ\$4 million, with expected settlements for the Aquarius and the Manuia Beach properties (*CIN*, 2 May 2007, 1). The Tepaki group also maintains a keen interest in building a high-rise apartment block on the Cook Islands High Commission office location in New Zealand. The New Zealand High Court had ruled against Tepaki’s so-called “diplomatic project,” which planned to turn the Cook Islands High Commission chancery in Wellington into a high-rise office and apartment complex. Originally approved by the Cook Islands government, the deal was canceled when certain conditions were not met and when the government changed (*CIN*, 18 Oct 2006, 1).

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### FRENCH POLYNESIA

Political instability continued in French Polynesia during the year under review. The barely two-year-

old pro-independence government of Oscar Temaru lost power to a pro-French coalition when assembly members switched their allegiances. However, the new government stood on very unstable foundations from the beginning, and its internal divisions became more and more apparent toward the end of the review period.

July 2006 started with the highly publicized inauguration of a monument for the victims of nuclear testing by President Temaru on the fortieth anniversary of the first French nuclear test on Moruroa Atoll (*TPM*, July 2006; *TP*, 2 July 2006). While former territorial governments had supported the French policy of denying the issue of irradiation, Temaru's administration took sides with the test victims association, Moruroa e Tatou (Moruroa and Us), and supported their claims for transparency, independent inquiries, and medical follow-up for the former test workers and inhabitants of the islands closest to the testing base. French High Commissioner Anne Boquet, however, declared the inauguration to be an "unfriendly gesture" toward France (*TP*, 3 July 2006).

In late July, Florent de Vathaire, a radiation expert from the National Institute for Health and Medical Research (*INSERM*) of France, presented the results of a long-term study of thyroid cancer in French Polynesia. The study demonstrated a correlation between exposure to above-average radiation and the increase in cases of thyroid cancer, making him the first agent of a French government office to confirm the harmfulness of the tests (*TP*, 2 Aug 2007). He called for the immediate declassification of all medical files since the beginning of above-

ground testing and communicated the results of his study in an open letter to President Temaru, who read it in front of the Assembly of French Polynesia (*TP*, 4 Aug 2007).

On 4 August the French State Council removed Representative Nicole Bouteau from the assembly and declared her ineligible for one year. This was after the electoral audit office detected a procedural mistake during the election campaign in 2005, when Bouteau's party *No Oe E Te Nunaa* did not properly designate its financial delegate (*TP*, 4 Aug 2007). The harsh punishment of a young politician with no prior record of misdealings, for an accidental mistake, seemed at odds with the lenient treatment of other individuals previously charged with corruption. Although sentenced for embezzlement of public funds earlier in 2006, Emile Vernaudeau remained eligible, and on 13 July a court abbreviated Henri Flohr's five-year period of ineligibility for political corruption (*TP*, 17 July 2007; *TPM*, Sept 2007). Bouteau, one of the country's most popular and respected politicians, was replaced in the assembly by Thilda Fuller of the *Fetia Api* party, led by Philip Schyle. The *Fetia Api* party now had two representatives, and Bouteau's party was no longer represented.

In mid-October, another political crisis occurred when trade union members attempted to force the Temaru government to resign. After union leader Ronald Terorotua unsuccessfully called for a general strike, on 12 October members of his trade union *O Oe To Oe Rima* (You Are Your Own Hand) blocked the main road into downtown Papeete. They were joined by members of the former territorial



militia Groupement d'Intervention de la Polynésie (GIP, Polynesian Intervention Grouping) under its ex-commander Léonard Puputauki. The GIP had been dissolved by the Temaru government in January but continued to erect roadblocks throughout the following months. Members of a bus drivers' union reinforced the roadblocks with their buses. The protesters did not give clear reasons for their actions, expressing only a general sentiment of dissatisfaction, and the Temaru government refused to negotiate with them. Temaru then left the country to attend the Pacific Islands Forum in Fiji, where French Polynesia and New Caledonia were admitted as associate members (*TP*, 25 Oct 2007). After the president left, the protesters removed the roadblocks, but on 21 October they occupied the presidential palace, the vice president's office, and the assembly building. Temaru interpreted this as an attempted coup and, from Suva, requested that the French security forces intervene. During the night of 22–23 October, French paramilitary police squads, under orders from the high commission, intervened to liberate the occupied buildings. They used teargas to disperse the protesters in front of the assembly building after some of them turned violent (*TP*, 23 Oct 2007).

After the president's return, the strike leaders called a demonstration and demanded the resignation of High Commissioner Boquet, but only about two hundred people showed up for the march. The blockades were interpreted, not as expressions of public dissatisfaction, but rather as maneuvers manipulated by the political opposition (*TPM*, Nov 2006).

While the French intervention reinforced the position and credibility of the French state, it raised questions about the credibility of Temaru and his government, since he had vigorously denounced the French security forces in the past. While ordering them to intervene on his behalf, he made strong declarations criticizing France at the Pacific Islands Forum meeting (*TPM*, Nov 2006).

In a communiqué on 1 November, the presidency explained its strategy to pursue the reinscription of the country on the UN list of non-self-governing territories. This would guarantee an international process of decolonization, and allow the population to choose between various options, including independence (*TP*, 1 Nov 2006). Nevertheless, Temaru continued to be attacked by pro-French forces for his alleged support of independence. Throughout the second half of the year, controversial statements by the president, his cabinet, and assembly members continued to provoke heated debate. At the opening of the agricultural show in September, Temaru deplored the increasing inability of young Tahitians to farm and fish, and accused the French education system of producing only “idiots and unemployed” (*TP*, 4 Sept 2007; *TPM*, Sept 2007). During an assembly session in December, Union pour la Démocratie (UPLD) representative Ruben Teremate raised his concerns about the immigration of French settlers, referring to “‘ofe popa‘a” (foreign bamboo) displacing the “‘ofe ma‘ohi” (native bamboo) on the west coast of Tahiti. During the same session, Temaru welcomed the assembly members with the words “Greetings to

the ho‘o ‘āi‘a [sellouts] and to the here ‘āi‘a [patriots]” (*TP*, 10 Dec 2006). The French high commissioner and the pro-French opposition denounced these speeches as provocative, racist, and xenophobic.

On 10 November, Health Minister Pia Hiro resigned, accusing Temaru of giving inappropriate guidelines for health policy. While Hiro wished to maintain the present French standards in the local health system, Temaru had suggested keeping costs down by applying the standards of the independent Pacific Islands countries instead. Temaru appointed Tahitian physician Dr Charles Tetaria as the new minister for health (*TPM*, Dec 2006; *TP*, 12 Nov 2006).

Amid all these political troubles, the government sponsored the celebrations for the new local holiday *Matari‘i i Ni‘a* on 20 November. The rising of the Pleiades (*Matari‘i i ni‘a*) marked the beginning of the most fertile season in ancient Tahitian culture. The Temaru government had made this the new official local holiday, replacing 29 June, which marked the annexation of the Tahitian kingdom to France in 1880. Under the Flosse government 29 June had been celebrated as the “day of autonomy.” While the latter was politically controversial, 20 November was intended to be a purely cultural celebration of Polynesian identity and spirituality (*TP*, 30 Oct 2007). The 2006 celebrations became a large pan-Polynesian cultural festival, with groups from Aotearoa, Tonga, Sāmoa, Tokelau, Hawai‘i, and Rapa Nui participating. The festival was opened with a kava ceremony as well as traditional proceedings led by the religious revival group *Te Hivare-*

*reata* under the leadership of Tahu‘a (traditional priest) Sunny Moanaura Walker. The celebrations once more epitomized the new cultural policy of traditional revival and reintegration into the wider Polynesian community (*TP*, 19 and 21 Nov 2007).

While the government thus continued to pursue its policy of pan-Pacific cooperation and cultural renaissance, its political foundation in the assembly became more and more shaky. Months before, insurmountable tensions had developed within the bare majority UPLD coalition, and in April 2006, Temaru’s main coalition partner Emile Vernaudon left the coalition and allied himself with the pro-French *Tahoeraa* opposition of former President Gaston Flosse. Temaru, however, had temporarily saved his assembly majority through a makeshift alliance with four opportunistic representatives from the Tuamotu and Marquesas islands, who were originally elected on a *Tahoeraa* list in 2004 but had frequently changed sides. Due to the unreliability of the four representatives, Temaru’s new majority proved to be very unstable. In October and November, threats of a new political switch were expressed by the four, subsequently known as “Islanders,” and by late November it was unclear who held the majority (*TP*, 22 Nov 2006; *TPM*, Dec 2006). However, after long debates and delays, the budget for 2007 was finally passed on 7 December with the votes of the UPLD, including the four “Islanders,” so that the government’s majority appeared to be once more secured (*TP*, 7 Dec 2006).

Only a few days later, the opposition filed a motion of censure. Surprisingly, the motion was passed on

13 December, with a bare majority of twenty-nine votes, making it clear that two of the “Islanders” had indeed changed sides again, while the two Fetia Api representatives had given up their neutrality and joined the opposition (*TP*, 13 Dec 2006). In the following two weeks, while Temaru’s government remained in office as a caretaker administration, a new majority coalition under the name of “Autonomist platform” was formed, comprising Flosse’s Tahoeraa, Vernaudon’s Ai’a Api, Jean-Christophe Bouissou’s Rautahi (which had split from Tahoeraa), and the four “Islanders.” As both Flosse and his son-in-law and designated successor Edouard Fritch were unacceptable to the smaller coalition partners, Bora Bora Mayor Gaston Tong Sang, who had been lands minister under Flosse, was designated as the new majority’s presidential candidate (*PIR*, 21 Dec 2007).

On 26 December, Tong Sang was elected to be the new president with a majority of 31 votes, against 26 for Temaru. Besides the members of the new coalition, the two representatives of Fetia Api had also voted for Tong Sang. In his inaugural speech, the new president promised to consolidate the country’s financial situation and cooperate more constructively with the French government (*NT*, 27 Dec 2006; *DT*, 27 Dec 2006; *l’Hebdo*, 28 Dec 2006). Temaru, on the other hand, denounced the change of government, which he attributed to a conspiracy directed from Paris designed to sabotage his administration (*Fenua Info*, 19 Dec 2006; *NT*, 27 Dec 2006; *DT*, 27 Dec 2006). Some UPLD members also maintained that behind the formal leadership of Tong Sang, it was

actually Gaston Flosse who pulled the strings (*To’ere*, 21 Dec 2006).

The new president, born to a Chinese-Polynesian family on Bora Bora, received an engineer’s diploma in France and headed the municipality of his home island since 1989. Within the Tahoeraa party he was considered to be a rational technocrat (*DT*, 27 Dec 2007).

Three days after his election, Tong Sang presented his cabinet of fifteen ministers. Tamauri Foster, Mayor of Hao atoll and leader of the four “Islanders,” was appointed vice president and minister for Municipal Development. Seven ministers were from Tahoeraa, most of them former ministers under Flosse, including Teva Rohfritsch (Economy and Labor), Armelle Merceron (Finance), Tearii Alpha (Education), Jules Ienfa (Health), Madeleine Brémond (Social and Family Affairs and Housing), and Frédéric Riveta (Agriculture). Interesting to note was the absence of Gaston Flosse and most of his inner circle. Also striking was the overrepresentation of the “Islanders,” with four cabinet ministers—besides Vice President Foster, there were Moehau Teriitahi (Outer Island Development), Louis Frébault (Equipment), and Michel Yip (Postal Services, Telecommunications, and Pearl Farming)—and of the two small coalition parties with two ministers each: Maina Sage (Tourism and Environment) and Moana Blanchard (Transportation) for Rautahi; Natacha Taurua (Culture) and Clarenntz Vernaudon (Youth and Sports) for Ai’a Api. The “Islanders” had thus played the political power game very successfully. Beginning as Tahoeraa backbenchers, within two years they

rose to become the “kingmakers” in the assembly and received leading positions in the new cabinet (*DT*, 30 Dec 2007).

This pattern of opportunistic behavior by the “Islanders” led to strong criticism among the population. In more general terms, it was pointed out that the outer islands were over-represented in the new cabinet in comparison to Tahiti (where more than 70 percent of the population live). Besides that, within a few days of the appointment of the new cabinet, tensions developed within Tahoeraa, between the hard core of Flosse followers and the rest of the party. At the first assembly session of the New Year on 11 January, the new government lacked a majority because Flosse and two other Tahoeraa representatives were absent. The UPLD therefore immediately filed a motion of censure against Tong Sang, but it was eventually defeated (*TPM*, Feb 2007; *TP*, 18 Jan 2007).

The turning of the year thus marked, for the time being, the end of the barely two-year-long political experiment of “Tauti” (change) under Temaru’s leadership. This was regarded with mixed feelings. Most people seemed to be generally disappointed with politics and showed neither grief nor joy about the change of government. While there was a degree of discontent regarding the return of the Tahoeraa after the previous experience of almost twenty years of increasingly corrupt rule by Flosse, the initial euphoria for Temaru’s “Tauti” policy had also begun to fade away. Even though Temaru is indeed one of the few local politicians to have a true vision for the country’s future,

his government undertook only a few concrete steps to implement this vision. Further, despite the promise to break with the system of nepotism and corruption established under Flosse, many UPLD government officials had engaged in similar activities. In addition, Temaru’s plans to lead the country into independence were regularly attacked by the opposition, and many people were influenced by their pro-French propaganda. Unfortunately, most UPLD politicians failed to rigorously uphold their moral standards and implement their political visions.

After their initial attempt to oust the Tong Sang government proved unsuccessful, the now opposition UPLD announced that it would still continue to do whatever it could to get the new government, which they considered illegitimate, removed from office. For several consecutive weeks during late January and February, several hundred Temaru followers held weekly demonstrations against Tong Sang, demanding his resignation. The reason for the protests was an ongoing judicial inquiry against Tong Sang, who as Flosse’s minister of land affairs had been involved in a corruption affair in the early 2000s. At one of the protest events, Temaru argued that ethical standards require a politician to at least temporarily resign from office during a judicial inquiry (*TP*, 31 Jan, 7 Feb 2007). Temaru also expressed his hope that Socialist candidate Ségolène Royal might win the upcoming French presidential elections, and subsequently his party campaigned vigorously for her. This was something completely new, as Tavini Huiraatira used to boycott French presidential elections.

In early January, Tong Sang traveled to France to meet President Jacques Chirac and other French government officials in order to revive relations with Paris that had cooled down under Temaru (*TP*, 16 Jan 2007). That the new French Polynesian president was able to get an appointment with Chirac barely two weeks after his election, while Temaru had had to wait more than a year for such a meeting, clearly confirmed that Paris was politically biased toward Papeete. Tong Sang was also able to successfully lobby the French Parliament, and on 24 January the National Assembly voted to change the election system of French Polynesia by deleting the one-third-of-seats bonus. This provision had been inserted into the new organic law of French Polynesia in 2004 at the request of Flosse, but in effect it had helped Temaru win the 2004 and 2005 elections. The modification was confirmed by the French Senate and validated by the Constitutional Council in mid-February (*TPM*, Feb and March 2007).

In March 2007, the struggle over nuclear follow-up resumed. The French delegate for nuclear safety, Marcel Jurien de la Gravière, went to Tahiti to present an official report by the French Ministry of Defense on the radiological impact of nuclear testing (*TP*, 6 March 2007). The report admits some negative effects, but continues to downplay their significance. Moruroa e Tatou strongly criticized the report. The Tong Sang administration, however, had weakened the position of the test victim association by replacing anti-nuclear assembly members and Moruroa e Tatou members with bureaucrats in the government-

affiliated Orientation Council for the Follow-up on the Consequences of Nuclear Testing (COSCEN), established by the Temaru government (*TP*, 9 March 2007; *TPM*, April 2007).

While the new government proved to be an obedient puppet of Paris regarding the nuclear question, it remained very unstable. On 1 March the “Islanders” had founded their own party, called Te Niu Hau Manahune (the foundation of democracy). Together with the two other minor coalition parties, Rautahi and Ai’a Api, they created a third parliamentary group named “Polynésiens Ensemble” (Polynesians Together) in the assembly (*TP*, 1 March 2007). This proved to be another destabilizing factor for the majority. Several members of Tahoreaa broke away from their party and joined the new group, while Flosse clashed with some of the “Islanders” over budgetary issues (*TP*, 23 and 24 March 2007).

On 12 April, the deep rift within the ruling coalition became even more apparent when two pro-government candidates were presented for the yearly reelection of the assembly’s Speaker. While Edouard Fritch represented Tahoreaa, Hiro Tefaarere (an ex-UPLD representative who is now part of Ai’a Api) was the candidate of the Polynésiens Ensemble group. In the first round of the election, UPLD candidate Antony Geros received a majority of 26 votes, against 21 for Fritch, 8 for Tefaarere, and 2 abstentions (the two Fetia Api representatives). In a second round, Fritch received only 18 votes and Tefaarere 11, while Geros’s votes remained constant. In a final runoff, Fritch received a majority of only 28 votes against 27 for Geros and

2 abstentions. One of the government representatives had apparently voted for Geros rather than for Fritch (*TP*, 12 Apr 2007).

While the UPLD opposition stood strong and united, President Tong Sang's coalition government experienced a serious crisis only four months after his inauguration. Apparently, a power struggle was being fought between Gaston Flosse's Tahoeraa core group and a heterogeneous group of younger, more opportunistic politicians who stood behind Tong Sang. The latter group was on the winning side, at least it seemed so at first. While the Flosse faction had won some points by electing Fritch as the assembly speaker, more representatives defected to the other faction. Immediately after Fritch's election, three Tahoeraa representatives from the Leeward Islands, Tong Sang's home archipelago, entered the Polynésiens Ensemble group, and were subsequently threatened with exclusion from Tahoeraa. Rumors spread regarding the possible resignation or exclusion from the party of even President Tong Sang himself (*TPM*, May 2006; *TP*, 16 April 2007).

The next significant political event was the French presidential elections of 21 April and 5 May. Winning candidate Nicolas Sarkozy from Chirac's right-wing party, Union pour un Mouvement Populaire (UMP), was also leading the votes in French Polynesia. In the first election round, he received 45.23 percent of the votes (31.18 percent in France), against 41.68 percent for Ségolène Royal (25.87 percent in France). The third place was claimed by the liberal François Bayrou with 7.15 percent (18.57 percent in France).

The nine other candidates received less than 2 percent of French Polynesia's votes each. In the runoff election, Sarkozy barely won with 51.89 percent (53.06 percent nationally) against 48.11 percent for Royal. At 69.12 percent at the first round and 74.81 percent at the runoff, the participation rates in the territory were unusually high for a French presidential election (French Ministry of Interior Web site; *TP*, 22 April and 6 May 2007).

While few local voters take an interest in metropolitan French politics, French presidential elections have been used by local politicians to measure their own influence by endorsing one of the candidates (*TPM*, Feb and March 2007). In this case, all the pro-French parties of the ruling coalition supported Sarkozy, as he was the candidate of Chirac's UMP party (*TP*, 18 April 2007). The UPLD firmly supported Royal, and led a march of 5,000 people in her favor before the election, hoping that her administration would adopt a more constructive attitude toward Tahiti than the strongly partisan Chirac administration (*TP*, 14 April 2007). The result of the two election rounds shows that the polarization of the political landscape into two almost equal camps had consolidated, while the parties of the "third way," Fetia Api and No Oe E Te Nunaa, which supported Bayrou, were in decline.

It was interesting to note that Sarkozy was not leading the runoff vote in all municipalities of Tahiti, and was leading in only a few of the outer islands. In the Windward Islands (Tahiti and Moorea), Royal had the lead not only in the municipality of Faaa (where Temaru is the mayor) but

also in Hitiaa O Te Ra, Papara, Paea, and Moorea. As for the outer islands, Royal led the vote in the Leeward, western Tuamotu, and Marquesas islands. Tahoeraa had won in all these archipelagos at the last territorial elections in 2004 that brought the UPLD to power. In the 2005 by-elections, which reinforced the UPLD majority, the outer islands did not participate. That the same islands now voted for the candidate supported by UPLD might be seen as an indication that the UPLD has now established itself on the outer islands as well. Interestingly, Royal led the vote even on Tong Sang's home island of Bora Bora (*TP*, 6 May 2007).

The Pro-French forces were victorious again when the two deputies of French Polynesia in the French National Assembly were elected on 2 and 16 June. In the Western constituency (western half of Tahiti island, Moorea, the Leeward and Austral islands), the Tahoeraa incumbent and Papeete Mayor Michel Buillard led the vote in the first round with 41.50 percent, slightly ahead of his UPLD challenger, ex-President Oscar Temaru (40.16 percent), the difference being only 700 votes. On Tahiti and Moorea islands as well as on some of the outer islands, Temaru led the vote. Jean-Christophe Bouissou (Rautahi) scored third with 8.21 percent, ahead of Nicole Bouteau (No Oe E Te Nunaa) with 7.24 percent. In the Eastern Constituency (eastern half of Tahiti, Tuamotu-Gambier, and Marquesas Islands), the Tahoeraa candidate and Papara Mayor Bruno Sandras led the vote with 36.98 percent, followed by UPLD candidate Pierre Frébault (former minister of labor under Temaru)

with 29.73 percent. Incumbent Béatrice Vernaudon, who had been elected in 2002 for Tahoeraa but had declared herself to stand above partisan divisions in 2004, received only the third position with 33.53 percent (*TP*, 2, 3 and 5 June 2007).

In the runoff election, Buillard won the western constituency with 54.07 percent against Temaru with 45.93 percent, and Sandras did likewise in the eastern constituency with 56.96 percent against Frébault with 43.04 percent. The participation rate was considerably lower than at the presidential elections, with only slightly over 50 percent in the first round, and slightly over 60 percent in the runoff. The strong increase in votes for the Tahoeraa candidates in the second round was due to the endorsement by Bouissou and other minority candidates. As a result, the victorious candidates led the vote nearly everywhere in the western constituency, except for Temaru's municipality of Faaa and the Austral islands of Raivavae and Rimatara. In the east, Frébault led the vote in two districts on Tahiti, and on some of the Tuamotu islands, but also in the Marquesas Archipelago (*TP*, 16 June 2007).

Unsurprisingly, the governing coalition saw the election results as a popular legitimization of the change of government in December. At the same time, however, the tensions between the two factions of Tahoeraa (Flosse versus Tong Sang) surfaced again very prominently, as Tong Sang refused to officially endorse Sandras (a Flosse protégé) in the eastern constituency (*TP*, 5 June 2007). Sandras's election victory was thus seen by Flosse as a confirmation of his leadership and

a rejection of Tong Sang. The UPLD was disappointed by the results, but Temaru remarked that it was clear that his party had a stable electorate of at least 40 percent, and that their defeat was only due to the cooperation of all local pro-French forces as well as the massive vote of French settlers for the Tahoeraa candidates (*DT*, 17 June 2007; *TPM*, July 2007).

Meanwhile, the crisis within Tong Sang's majority continued, when on 5 June, Minister of Pearl Farming, Postal Services, and Telecommunications Michel Yip resigned, denouncing irregularities and corruption among his fellow ministers from the outer islands. His portfolios were redistributed among President Tong Sang and Vice President Foster (*TP*, 6 June 2007; *TPM*, July 2007). Subsequently, the UPLD filed another motion of censure on 19 June (*PIR*, 20 June 2007), and while Yip added his vote to those of the UPLD, it was defeated in the assembly on 23 June.

Tong Sang's government seems to be in a permanent state of instability. Both the UPLD and Flosse's group apparently want to provoke the dissolution of the assembly and new elections. However on 22 June, new French Minister for Overseas Territories Christian Estrosi stated there will be no dissolution before the regular elections of 2009 (*TPM*, July 2007; *NT*, 27 June 2007).

The review period ended with the celebration of the controversial autonomy holiday of 29 June, which was reinstated by Tong Sang and celebrated at the presidential palace with great pomp. The Order of Tahiti Nui, created by Flosse but abolished under Temaru, was reactivated and

medals distributed. Tong Sang and his coalition partners gave speeches in which they praised the dependence of their country on France and expressed their gratitude to King Pomare V for signing the convention of annexation. The president then demonstrated his ignorance by claiming that, thanks to France, Tahiti had the only university in the Pacific, bluntly ignoring universities in Fiji, Papua New Guinea, and Sāmoa that were all founded well before the University of French Polynesia. In a press conference on the same day, Temaru and leading members of his party denounced the celebration and talked about the true history of colonization, and the background of the 1880 treaty (*TPM*, July 2007; *DT*, 30 June 2007). It was interesting to observe that Flosse and his Tahoeraa core group were absent from Tong Sang's celebration. Flosse had also stopped publicly denouncing Temaru for quite some time, which has been interpreted by observers as an indication that he might eventually break apart the majority and strike a deal with the UPLD.

LORENZ GONSCHOR

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### MĀORI ISSUES

While political tension increased for Māori during the year, there was also great sadness. Like our Tongan and Samoan relations we lost significant leaders. In August 2006 the Tainui confederation of tribes lost their arikinui (paramount chief) of forty years, Dame Te Atairangikāhu. As the hereditary leader of Tainui's Kingitanga movement, she was their queen. Tainui established the Kingitanga in the 1850s in an attempt to stop the confiscation of their territories by European immigrants. They are the only tribal confederation in New Zealand to have established a British-style monarchy, and although the Kingitanga does not include most iwi (tribal groupings), it nevertheless enjoys widespread support and respect within Maoridom. Thus despite the fact that Dame Te Ata held no constitutional position in New Zealand law, she was often referred to as "the Māori Queen." She was a strong figure in Māori politics and a staunch supporter of Māori sports and culture (Bennion 2006 [Aug], 1; [Oct], 1; *Mana*, Oct–Nov 2006).

In September 2006, Ngāti Whātua lost their paramount chief, Emeritus Professor Sir Hugh Kāwharu. He was the chair of the Ngāti Whātua o Ōrākei Māori Trust Board for more

than twenty years and was the major force behind the Ngāti Whātua Treaty of Waitangi claims to the Auckland area. His determination to break through government mean-spiritedness and intransigence in order to settle the claims saw him taking on a hugely punishing workload after he retired as professor and head of the Department of Māori Studies at the University of Auckland in 1993. He signed an agreement in principle toward settlement of those claims shortly before his death (Bennion 2006 [Oct], 2).

In April 2007, veteran Māori actor and filmmaker Don Selwyn, one of New Zealand's most outstanding television and film producers and directors, passed away. He was Ngāti Kurī, Te Aupōuri, and Ngāti Kahu of the Far North. His greatest masterpiece was *Te Tangata Whai Rawa o Wēniti: The Māori Merchant of Venice*, the film version of Shakespeare's famous play, which had been translated into Māori by Pei Te Hurinui Jones in 1945 (Māori Party 2007a).

On the political scene over the past year, the racist attitudes toward Māori that continue to dominate the New Zealand Parliament resulted in ongoing and increasing tension between Māori and the government on many issues. Māori have once again had to resort to protest actions, as the government repeatedly denied us our legal rights. This time, however, coordinated protests across the country in response to refusals to return stolen lands resulted in the government's backing down and calling a temporary truce on that particular issue. For apart from strong judicial backing, particularly from the Waitangi Tribunal, and international condemnation from the United Nations (Stavenhagen

2006), the presence of the small but very effective independent Māori voice in Parliament, the Māori Party, is ensuring that Māori issues are no longer determined solely according to the racist whim of the major parties in the House.

The area that continued to be the major source of the tension was the settlement of Treaty of Waitangi claims. British immigrants, who settled New Zealand in large numbers beginning in the 1850s, have long sought to get rid of the Treaty of Waitangi. For over a century they simply ignored the treaty, and the courts sanctioned their behavior. But in the aftermath of World War II, international agreements outlawing racial discrimination, along with highly visible and embarrassing Māori protests, forced the New Zealand government to establish the Waitangi Tribunal in 1975. The brief of the tribunal is to inquire into Māori claims of breaches of the treaty. Initially, the government of the day did not expect the tribunal to hear many claims, meet often, or cost much (Oliver 1991, 9–10). But by the 1990s the tribunal was building an extremely bleak and ever-expanding record of extensive and serious atrocities committed against Māori. In an effort to limit its liabilities in the area, the national government announced in 1994 that it wanted to settle the claims. It accepted responsibility for the atrocities and was prepared to compensate Māori—but the money set aside for the settlements would be restricted to an arbitrarily set NZ\$1 billion, and the government would avoid returning any land if it could get away with it.

Since 1994 Māori have fought against this policy, which was drawn

up unilaterally by the government with no Māori input, and is deeply racist in intent. Even in the face of ongoing and strident Māori, judicial, and international criticism, no National or Labour government has been prepared either to amend the policy or to withdraw it and start again. As more and more claimants are being bullied into accepting pitiful settlements, it is now becoming clear that the primary aim of the policy is to get Māori around the country to agree that they should extinguish rather than settle their Treaty of Waitangi claims. Furthermore, in doing so, they are also effectively agreeing to a systematic extinguishment of the Treaty of Waitangi itself.

Legislation is currently before Parliament to remove all references to the principles of the Treaty of Waitangi from all legislation, and to date this has had the support of the present coalition government. To try to minimize international backlash, the New Zealand government joined Australia, Canada, and the United States in November 2006 in opposing the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. Māori have supported and worked on the declaration for twenty years.

The Treaty of Waitangi Claims Settlement policy is designed to legislatively absolve the Crown of any and all liability and responsibility for its innumerable historical breaches of the Treaty of Waitangi and the theft of more than 90 percent of the country's lands and resources from Māori. The government does this by bullying select groups of Māori, purportedly representing "large natural groupings" of many thousands of other Māori, into agreements that are legally

binding and unchallengeable. The primary aim of the agreements is to provide (1) full and legally unchallengeable removal of legal liability for all breaches of the Treaty of Waitangi, both identified and unidentified, committed in a particular geographic area prior to 1992; (2) full and legally unchallengeable acceptance by the iwi of all discriminatory legislation, including the Foreshore and Seabed Act 2004, along with all assertions of Crown authority, dominance, and sovereignty over Māori; and (3) full and legally unchallengeable acceptance that the iwi has relinquished all their sovereign rights and authority over the identified geographic area to the Crown.

In exchange for that agreement the Crown is prepared to make an apology for the breaches committed prior to 1992 (but not to stop committing further breaches) and to transfer a few acres of land. And while money is always mentioned as being part of settlements, if claimants want land returned they must use the money offered (and often borrow more as well) to buy the land from the Crown. As one would expect, the policy has caused huge divisions and strife within iwi. The Crown actively and openly fosters and exploits such divisions as it moves on relentlessly to achieve maximum implementation of its policy.

Of course, protection of Māori from all of these situations is presently guaranteed by the Treaty of Waitangi. The authoritative Māori version promises that the Crown shall have governance over its own subjects only, that Māori sovereignty is recognized and upheld, and that Māori have the rights of all British citizens. The

courts have repeatedly confirmed that the treaty is the country's founding document. Had the Crown been able to control the rapacious greed of British immigrants in the nineteenth and twentieth centuries, it would not now be faced with remedying the wrongs as well as addressing the racism that has been allowed to develop and become deeply entrenched in the Pākehā psyche. Māori have made it very clear that delaying remedies to the situation will not make it go away. And neither can legislative sleights of hand ever extinguish the Treaty of Waitangi.

Since mid-2006 the Crown has been dealing with twenty settlements. The Ngāti Mutunga Settlement Bill was enacted in November. It provides NZ\$14.9 million for Ngāti Mutunga to buy back some of the 150,000 acres the Crown had stolen from them. The land alone has an estimated monetary value of NZ\$5.19 billion (based on the NZ\$34,545 per acre paid to a Pākehā who had his land confiscated for Te Rōroa's treaty claims)—making the settlement payment equivalent to less than 0.3 percent of the value of the land stolen. The Settlement Act acknowledges that the settlement does not compensate Ngāti Mutunga for the atrocities committed against them. These include the rape, murder, and illegal incarceration of large numbers of the iwi; the government's waging war on them when they refused to give their lands to British settlers; the government's confiscating all of their lands; and many other breaches of the Treaty of Waitangi that they have suffered and continue to suffer. But the act then says that Ngāti Mutunga has foregone full compensation, as its contribution to the "development of

New Zealand,” and thus the settlement is full and final (Bennion 2007 [Feb], 6). During the House debate on the bill, the Māori Party was scathing of the government’s mean-spiritedness, referring repeatedly to the Crown as “the thief.” Party members advised Ngāti Mutunga to revisit the settlement in generations to come with a view to being properly compensated, and not to accept the “full and final” stipulation of the Crown (Māori Party 2007b).

Te Rōroa’s Claims Settlement Bill came before the House in March 2007. Te Rōroa is a hapū of Ngāti Whatua who were left virtually landless. (A hapū is a grouping of a large number of extended families.) They first complained to the Crown about breaches of the treaty one hundred sixty-five years ago, yet for several generations they have been under relentless attack from Crown officials who denied them their legal and human rights. The Waitangi Tribunal upheld all their claims in 1992, detailing countless atrocities perpetrated against them by the Crown (Waitangi Tribunal 1992). Te Rōroa has been in negotiations for more than fifteen years. The settlement is for NZ\$9.5 million to be used to buy back from the Crown a small portion of Te Rōroa’s land, now being used commercially. Extensive wāhi tapu (sacred sites) were stolen from them, and two thousand acres of these are returned in the settlement (Office of Treaty Settlements 2005).

In the House, the Māori Party protested that Te Rōroa had been subjected to “a negotiations process drafted by the Crown, and the Crown alone, based on false faith and dou-

ble-talk. It is a negotiations process that masquerades as being fair and reasonable in the circumstances but which, in fact, is anything but, and an empty insistence by the Crown that all settlements be full and final—an insistence that will haunt this Chamber long after it is cleared.” They warned that unfair settlements such as the one imposed in 2007 would be revisited by future generations. They also noted that considerably less land than what the Waitangi Tribunal had recommended was being returned to Te Rōroa. They informed the House “that an apology and a return of less than 3 percent of the claim value pepper-potted throughout the tribal homeland of Te Rōroa will simply not suffice” (Bennion 2007 [March], 6, 7).

In June 2006, Ngāti Whātua ki Ōrākei hapū signed an agreement in principle to settle their claims to the Auckland isthmus. It agreed to vest three volcanic cones and land around Pūrewa Creek in the hapū, but the lands are to be managed jointly by the hapū and the Auckland City Council with the council controlling the funds. The settlement is for NZ\$8 million, to be used as partial payment for up to NZ\$80 million of Ministry of Defence lands at Devonport—which they can buy from the Crown, provided they lease them back to the Crown and the Crown pays no rent for thirty years (Bennion 2006 [June], 8). The agreement came under serious threat when six other hapū with claims over the same area took the matter to the Waitangi Tribunal for an urgent hearing to prevent their claims being extinguished by such a settlement. The hearings took place in March 2007. The Office of Treaty Settlements,

which manages negotiations for the Crown, came under severe criticism from the tribunal when it was revealed that, in addition to wrongfully treating claimants and fomenting divisions among the iwi of Auckland, they had withheld crucial evidence from the tribunal during the inquiry and misled the tribunal (Waitangi Tribunal 2007, 101).

In September 2006, the Te Arawa Lakes Settlement Bill was enacted. The lakes in the central North Island include Lake Rotorua and have been severely polluted by farm runoff and sewage disposal. The NZ\$10 million settlement returns the lakebeds to Te Arawa, leaving them to consider a cleanup that is estimated to cost NZ\$200 million, even though Te Arawa is specifically not liable for the pollution. The settlement extends Crown theft of Māori assets in that it claims ownership not only of the water in the lakes but also the air-space above them. (The term “Crown stratum” is currently being used to describe the redefined space above the lakebed.) In the House during the debate on this bill, the Māori Party tabled a report on Māori experiences of the Treaty of Waitangi Settlement negotiations that demonstrates strong and universal condemnation of the process by claimants. Once again the Māori Party warned that these settlements cannot be full and final and will be revisited.

Attempts by the government to force a settlement of a portion of the huge central North Island forestry claims relating to the Kaingaroa forest and other lands around Rotorua triggered a series of court actions. Of direct relevance to these claims is the

Crown Forestry Rental Trust, which was set up in 1990 to hold forestry rental money in trust pending successful claims to forestry lands. The trust now holds well over NZ\$400 million, of which almost NZ\$190 million is for the Kaingaroa forest. On top of that the Crown Forest Assets Act 1989 provides for the transfer of Crown forest land, plus compensation to Māori once their claims to the land have been upheld by the Waitangi Tribunal. Claims to the central North Island, including the Kaingaroa forest, have been before the tribunal for some time and the tribunal issued its report upholding the claims in June 2007.

In a truly staggering example of arrogance and deceit the Crown managed to persuade part of the Te Arawa confederation of iwi, who are one of a very large number of claimants to the Kaingaroa forest, to settle Te Arawa's historical claims by giving over to the Crown NZ\$40.985 million in forestry rentals set aside for the Māori owners of the lands. In addition, the Crown persuaded them to use the remainder of their rental money plus another NZ\$8 million (which they have to borrow from elsewhere) to buy from the Crown the land that is rightfully theirs under the Crown Forest Assets Act 1989. The Crown stands to make a NZ\$90 million profit if they pass legislation to settle the claims along these lines. It will be able to do so after having convinced the claimants to enter into an agreement that allows the Crown to become a beneficiary of the Crown Forestry Rental Trust (at present only those with successful claims to the land can be beneficiaries of the trust). The claimants also have to agree to the Crown's selling the land

in question to Māori (land that the tribunal is likely to find belongs to the claimants and other Māori anyway). The Federation of Māori Authorities and the New Zealand Māori Council are currently pursuing the matter through the courts. The Waitangi Tribunal has issued a strongly worded report saying that it cannot endorse the settlement and that it has grave concerns over the potential negative impacts on the interests of other iwi with claims on the same land.

However, in the Far North, one iwi, Ngāti Kahu, took a very different approach. They withdrew from negotiations after the Crown started to sell off part of Ngāti Kahu's Rangiputa block, currently being used by the government's farming enterprise, Landcorp. In 1997, the tribunal had indicated that it would make binding recommendations in order to return Rangiputa to Ngāti Kahu if negotiations with the government failed. Since 1997, successive governments have threatened Ngāti Kahu that if they do seek binding recommendations under the State Owned Enterprises Act 1986, the government will repeal the act. Once negotiations with the Crown had ceased, Ngāti Kahu moved on to the land, repossessing it. Their stance started a chain reaction as other iwi, whose lands were also being sold by Landcorp, took similar action. A protest march in the Far North town of Kaitiāia in support of the repossession was the biggest the town has ever seen. In the House the Māori Party relentlessly pursued the government over the issue, calling on all iwi to follow suit and repossess their lands. After two weeks the government backed down and temporarily withdrew the lands

from sale. Each of the iwi concerned is now pursuing binding recommendations through the Waitangi Tribunal, a mechanism that allows the tribunal to order the Crown to return State Owned Enterprise land, Crown Forest lands, and certain other Crown lands to their Māori owners.

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## RAPA NUI

The year under review marked the beginning of great political change on Rapa Nui. In a long process initiated by the Chilean president, a draft bill for an organic law providing a special political status for the island was elaborated, while the Chilean constitution was finally amended to create the administrative category of a special territory. On the local political land-

scape, there was a shift away from the local elite at the election for the local Development Commission, with two opposition and pro-independence candidates receiving the highest numbers of votes.

The period under review started with the loss of one of the most important political figures of the island's recent history. In mid-August 2006, veteran opposition and pro-independence leader Juan Chávez passed away at age eighty-two (Rapa Nui resident Stephanie Pauly, pers comm, 13 March 2007). One of the cofounders of the Rapanui Council of Elders in the 1980s, Chávez had led various initiatives of resistance against the Chilean government, and since 2001 he had been the president of the pro-independence Rapanui Parliament. He was also renowned as one of the island's most culturally knowledgeable koro (elders). At the time of this writing, no successor has been named to head the Rapanui Parliament, but within the months following Chávez's death, the pro-independence forces consolidated themselves once more under its umbrella.

At the same time, the controversy about a planned casino on the island was resolved in September 2006, when the Chilean authorities once again refused to grant permission, thus stopping the project indefinitely. The reason for the refusal was the incompatibility of the juridical status of the island with Chilean gambling legislation. Also the nonexistence of income taxes on the island would have made it impossible for the Chilean fiscal authorities to track the earnings of the casino (*Noticias de Rapa Nui*, Sept 2006). The casino project,

a joint venture between the Chilean company Grupo Martinez-AM Holding and Rapanui entrepreneur Petero Riroroko, had stirred up passionate debates within the community. While it had the support of Mayor Petero Edmunds and Council of Elders President Alberto Hotus, former Governor Enrique Pakarati had strongly opposed the project, along with Rapanui organizations on the Chilean continent, and apparently most of the local population. The demise of the plan was therefore greeted with much joy and relief on the island, while it represented a severe setback for the political ambitions of Edmunds and Hotus.

Although there will be no gambling on the island, the tourism industry and the immigration of Chilean settlers continue to grow, leading to constant infrastructure problems such as traffic jams and electricity blackouts (*RNJ*, Oct 2007). In November 2006, Chile's Public Works Ministry announced that it would spend US\$2.4 million on improving the road network in order to facilitate access from the capital Hanga Roa to Ovahe and Anakena beaches, and to some of the more remote moai (statues) for which the island is famous. It was announced that once the road network has been completed, Rapa Nui would have a forty-six-kilometer-long circuit, intended to attract more tourists to the island (*Santiago Times*, 12 Nov 2006).

The main issue during the year, however, was the project for a special administrative statute for the island. Currently a municipality and a province within the continental Chilean region of Valparaíso, Rapa Nui is supposed to become a special territory

outside of the normal Chilean administrative system, and will be placed directly under the national government in Santiago. The first step toward achieving this new political status will be to change the Chilean constitution in order to create the administrative category of a special territory. Second, an organic law must be passed to specify the administrative system in that territory. Debates regarding the new statute have been going on both locally and in Chile for years, and thus the parliamentary process has progressed very slowly. On 2 May 2006, the Chilean Senate unanimously adopted the constitutional reform (Senate of Chile Web site, reviewed 19 June 2006; *SUBDERE*, 10 May 2007; *RNJ*, Oct 2006), but in order for it to become law, the Chamber of Deputies still had to vote on it.

The organic law bill for a Special Statute, on the other hand, has so far not even been introduced in either house of Congress. An official Special Statute proposal published in August 2005 (Government of Chile 2005) stirred up much controversy, because only three local individuals—Mayor Edmunds, Elders Councilor Hotus, and then Governor Pakarati—were involved in its making. Rapanui opposition leaders had vigorously protested and demanded more popular input (Chávez and others 2005), while alternative proposals had been ignored by the Chilean authorities.

However, new Chilean President Michelle Bachelet, inaugurated in March 2006, proved to be more attentive to those concerns than the previous administration, and during a visit to the island in May 2006 she declared that she favored a new debate on the



project, with broad community participation (Government of Chile 2006; SUBDERE, 8 May 2006). While the 2005 proposal was declared obsolete, a working group gathered community input over a nine-month period and a new bill was drafted (Governor Carolina Hotu, pers comm, 17 July 2006). On 1 December 2006, the Undersecretariat for Regional Development within the Chilean Ministry of the Interior held a workshop on the statute project on the island (SUBDERE, 4 Dec 2006), and a Chilean government delegation led by Undersecretary Claudia Serrano traveled to the island for a two-day final seminar from 24 to 26 January 2007, organized by Governor Carolina Hotu. The results of the nine-month working group were publicly discussed at the seminar—with the participation of both the local authorities and the general public—and the conclusions were presented to the undersecretary for further elaboration with the president (SUBDERE, 24 and 26 Jan 2007). The process of drafting the bill has thus become much more transparent, with the local opposition now willing to participate (Rapanui Parliament member Inés Teave, pers comm, 12 July 2007).

The draft bill, currently still in the making, can be summarized as follows in its latest version as of July 2007 (Government of Chile 2007a): An introduction recognizes the Rapanui as an indigenous people with a special ethnic, social, and cultural identity (article 1). While the bill reinforces the sovereignty of Chile by citing the 1888 annexation document signed by the local chiefs, the title of the Rapanui population to all the land of the island is clearly recognized, and any title cur-

rently claimed by the Chilean state is classified as title held in trust on behalf of the Rapanui people (article 3).

The new administrative framework created by the bill would consist of a governor, a Rapanui Development Council, directors of the local government departments, the Council of Elders, and a Rapanui Development Corporation. The governor would be appointed by the Chilean president and must be ethnic Rapanui. As the Chilean State representative, he or she would direct all the responsibilities of the Chilean government on the island, and would be at the same level as an intendante (regional administrator) on the Chilean continent. The governor would also direct the local administration in collaboration with the Rapanui Development Council (articles 8–16). This council would be composed of the governor and six members elected for a four-year term by the native Rapanui community. The council would have the right to formulate development policies in all social, cultural, and economic fields, similar to a regional council in Chile, and have a say in the attribution of funds within the local administration. The governor would have the power to veto its decisions within ten days, but the veto could be overridden by a two-thirds majority of the council (articles 17–28, 30–33). The council would also have the authority to recommend to the Chilean president the removal of the governor (article 11g).

The local government apparatus would be structured into five departments (infrastructure, lands and resources, economic development, culture and education, planning and social affairs), each headed by a direc-

tor appointed by the governor after being approved by the Development Council. Each department would exercise the responsibilities of the respective national Chilean ministry or ministries on the island (articles 33–36). While the Rapanui governor's office and the Development Council would be within the budget of the Chilean Ministry of Interior (article 37), an investment fund would be established for local development projects (articles 38–42).

The Council of Elders, as a recognized traditional institution representing each native family, would have a prominent function in the new administrative system, as it would have consultative authority on all matters involving the Rapanui cultural heritage (article 29). It would also have an executive branch, called the Corporation for the Defense and Protection of the Rapanui Culture and Heritage (CDPRCH). This corporation would consist of five members designated by the Council of Elders. It would have all the responsibilities currently exercised by the local office of the National Corporation for Indigenous Development and some other Chilean government agencies concerned with cultural preservation (articles 43–44).

The most important task of the corporation, however, would be the handling of land matters. The draft bill recognizes all the lands without a private Rapanui titleholder to be traditionally owned by the Rapanui community (article 45). The title to all of those lands, currently claimed by the Chilean state, would be transferred to the CDPRCH, including all the rights and assets currently held by the Chilean National Development Cor-

poration (CORFO), which includes the valuable soils of the Vaitea state farm in the island's interior, as well as the Hotel Hanga Roa, currently owned by a Chilean company (transitory articles 1, 2, 5). In addition, the CDPRCH would also have the oversight over the island's water reserves (article 47).

In conclusion, the bill would definitely reform the administrative system of Rapa Nui. It contains no reference to Valparaíso region; the island's administrative relationship would be exclusively with Santiago. Most, if not all, Chilean government offices on the island that are currently dependent on various Santiago- or Valparaíso-based agencies would become centralized under the local administration. There is also strong cultural reference in the bill. For the first time in a Chilean legal document, the name "Rapa Nui" would be used to refer to the island, though sometimes alongside the name "Easter Island." It would also be the first official document to mention the Rapanui flag (article 12e), and the teaching of Rapanui language and culture would be made mandatory at all levels of the public education system (article 48). The bill also mentions the possibility of a future administrative division of the island conforming to the traditional clan districts (articles 12v, 15i, 28h).

On the other hand, however, the local chief executive would still not be elected locally but would continue to be appointed from Chile. The governor's serving as both representative of the Chilean state and head of the local government might lead to conflicts of interest. Concerning the Council of Elders: If that institution is given an administrative function with substan-

tial amounts of power, questions arise regarding how it will be composed and how it will function internally. The “Council of Elders” currently recognized by Chile consists of a faction led by Alberto Hotus, who claims council presidency for life, although the legitimacy of his claim is widely contested. If the council is to become an administrative agency, it ought to be reformed and democratized, but the draft bill does not address this issue. Also unclear is the future position and role of the currently existing municipality. Its functions are not clarified, but its mention several times in the draft bill seems to imply the continuity of its existence. If that situation is maintained in the final version, it would mean continuing the absurdity of having two parallel administrations (governor’s office and municipality) for a community consisting of only one village with a few thousand inhabitants. In summary, one could say that in spite of several progressive elements, the draft bill would only restructure the Chilean administrative system rather than create a system of true internal autonomy comparable to that provided by the statutes of the French or US Pacific territories.

One other burning issue in the debate on the special statute—the ongoing immigration of Chilean settlers—was raised by many participants at the January seminar (SUBDERE, 26 Jan 2007), but no provision for regulating immigration is included in the draft bill. The draft only promises further discussion of that issue in parallel with the pursuit of the statute bill.

Meanwhile, on 5 June 2007, the Chilean Chamber of Deputies finally passed the constitutional reform by a

vote of 100 to 1 (*Informativo Provincial*, June 2007, 1st issue; SUBDERE, 5 June 2007). The reform was signed into law by President Bachelet on 27 June (Government of Chile 2007b), thus creating Rapa Nui and the Juan Fernández Islands off the Chilean coast as Special Territories, to be governed according to organic laws for each territory. This cleared the way for the Special Statute bill to be debated and eventually passed in Congress.

While the slow process of administrative reform continues, elections for the members of one of the existing political institutions, the Easter Island Development Commission (CODEIPA) were held on 10 June 2007, with some surprising results. According to the 1993 Indigenous Law, the commission operates as a consultative institution on all matters concerning the economic, social, and cultural development of the indigenous Rapanui population, including land matters. The commission consists of five elected ethnic Rapanui, seven representatives of Chilean state institutions, as well as the governor, the mayor, and the president of the Council of Elders. At the 2007 elections, among 25 candidates, including all 5 incumbents, the highest numbers of votes were won by 2 non-incumbent pro-independence activists, Mario Tuki and Raúl Teao, who received 248 and 234 votes, respectively. Tuki and Teao have been known as outspoken land rights activists since the 1990s, and were coauthors of a 2003 report commissioned by the Chilean Historical Truth Commission, in which they denounced the Chilean takeover in 1888 and argued that the island is still an independent kingdom (Tuki

and others 2003). Also newly elected was Luz Zasso Paoa with 152 votes, who became the first female member of the commission. Among the incumbents, Jorge Emilio Pont and Marcelo Ika, who is also a municipal councilor, were reelected with 195 and 149 votes, respectively. Famed veteran community leader Alfonso Rapu, who led the 1964 popular uprising that ended arbitrary military rule over the island, and who was the island's first elected mayor in the 1960s, curiously missed being reelected, securing only 109 votes. The two other incumbents, Rafael Tuki and Luis Pate, also missed reelection, each receiving fewer than 100 votes (*Informativo Provincial*, June 2007, 1st issue; Resultados Elecciones CODEIPA 2007).

The election results seem to point, on the one hand, to a growing dissatisfaction on the part of the community with the local political elite (affiliated with the ruling Chilean center-left parties), which has been running local institutions for more than a decade, and on the other hand, to a rise of Rapanui nationalists. Most of the latter had also previously overcome their differences and reunited themselves under the Rapanui Parliament, whereas previously Tuki and Teao had led their own respective organizations. The leadership of Alberto Hotus in the Council of Elders is now more contested than ever, and Mario Tuki is likely to challenge him in an upcoming election (Alberto Hotus, radio interview, broadcast 18 July 2007; Mario Tuki, public speech in the Rapanui Parliament, 20 July 2007).

While great changes are being initiated in both political institutions and local politics, the island's quality

of life is being improved as well. A new hospital, promised by President Bachelet during her visit in May 2006 (*La Tercera*, 6 May 2006), will finally be built. In June 2007, a model of the hospital was presented to the public by the governor and health officials from Chile (*Informativo Provincial*, June 2007, 2nd issue).

Finally, a rare occasion of international publicity for Rapa Nui arose in late June, when in a campaign to name the new seven wonders of the world through online voting, the moai of Rapa Nui made it to the final selection of the top fourteen. Not only did the local political leadership participate enthusiastically in campaigns for their island, but the competition also boosted Chilean pride in claiming possession of the island. The campaign was also used to raise awareness about the special statute and development projects on Rapa Nui (*La Nación*, Special Edition, 22 June 2007). In the end, however, the island did not make it to the top seven (New Seven Wonders Web site).

Rapa Nui may thus not be one of the seven wonders of the world, but it is certainly a wondrous place to be watched closely, in this crucial period of political change, which will hopefully be for the best of its people.

LORENZ GONSCHOR

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## SĀMOA

As expected, Sāmoa's economy continued to thrive during the year. And again as expected, the main political developments of the latter half of 2006 concerned the aftermath of the 31 March general elections, the breakup of the Samoa Development United Party (SDUP), and the monopoly of political power by the governing Human Rights Protection Party (HRPP). In the first half of 2007, the major political development was the passing away, at age ninety-five, of one of the world's oldest heads of state, Malietoa Tanumafili II, and the election of Tui Atua Tupua Tamasese Tupuola Efi to replace him.

Although election petitions followed the general elections, there were not as many as in some previous years. Besides the usual disputes between the political parties, this time some of the petitions concerned members of the same political party. In one case, the Supreme Court found SDUP mem-

ber Paepae Kapeli Su'a guilty of two counts of bribery during the election period and deprived him of his seat. The petitioner, Tautoloitua Farani Posala, was also found guilty of three counts of bribery and three of treating (favorable treatment). Both were ruled ineligible to contest the by-election. In another case, HRPP Member of Parliament Leanapapa Laki brought an election petition alleging bribery and treating against his successful opponent Pa'u Sefo, who countersued. The Supreme Court upheld four allegations of bribery and one of treating against Pa'u and his election was declared void. Ten allegations of bribery and one of treating were also proved against Leanapapa. The court stated that neither could stand as candidates in the by-election.

The case that attracted the most interest, however, was brought by Samoa Party Leader Su'a Rimoni Ah Chong against Minister of Communications and Technology Mulitalo Vui Siafausa, alleging bribery and treating. On 3 August 2006, the Supreme Court dismissed all charges relating to bribery or treating against the minister on the grounds of insufficient evidence. This left one charge against him, involving an o'o or gift presentation (fine mats, food, or money, separately or together) he had made at Vaimoso, an urban village in Apia. The question for the court to decide was whether such an o'o was legal.

Su'a's petition stated that the o'o at Vaimoso was illegal because it occurred in a village that is not in the minister's constituency, while Mulitalo's lawyer, Toleafoa Solomona, argued it was an o'o regardless of where it was made. To support his

case, the respondent acquired the services of a cultural specialist, Fuimaono Fereti Tupua, who argued that it was acceptable for an o'o to be made outside the boundaries of an electoral constituency because all electors were entitled to their share of the gifts. In other words, Fuimaono stated, an o'o should follow electors wherever they were (SO, 5 Aug 2006). Mulitalo had already presented an o'o to Lano, Asaga, and Pu'apu'a, the three villages in the constituency.

The legal opinion from lawyer Daryle Clarke of the Attorney General's Office did not help the minister's case. Representing Electoral Commissioner Tanuvasa Isitolo, Clarke argued that if such an activity occurred outside the physical boundary of a constituency, it could not be regarded as an o'o. The implication was that if it was not an o'o and legitimized by custom, then it was bribery and therefore illegal. After nine days of hearings, the Supreme Court ruled that the o'o at Vaimoso was illegal and found Mulitalo guilty of bribery. In a thirty-five-page decision, the court said it was not satisfied that there had been a change in custom to allow an o'o to be made outside a constituency. Mulitalo's election was therefore declared void.

In a counter-petition, Mulitalo filed criminal charges against Su'a for treating and bribery. Three charges of bribery were brought against Su'a, one of which was later withdrawn. Su'a was accused of giving Faalafi Tauave SAT\$50 to induce him, his wife, and their children to vote for him in the general elections (currently, one Samoan tala [SAT\$] = US\$.36). He was also charged with giving a brand

new television set to the family of Muliaga Faalafi to solicit his support and that of his family (SO, 28 Sept 2006). Su'a denied both charges, saying his gift of money was motivated only by custom and appreciation for the generous hospitality shown to him by the family. The television set was a gift to a relative and his acts were the result of kindness and charity (SO, 20 Sept 2006). On 26 September 2006, the court found that the bribery charge relating to the SAT\$50 gift to Faalafi Tauave was not proven, but upheld the charge relating to the television set.

Chief Justice Patu wondered why Su'a presented the television to Muliaga Faalafi's mother, Malama, two days before the election, when he did not give out his usual Christmas gifts to the other poor, elderly, and sick residents of Lano. He noted that the family had not asked for a television set, but had only asked that Su'a take the old one for repairs in Apia. Su'a need only have told Malama that the television set could not be fixed, or give her a new set after the elections. The important factors to be considered, the chief justice said, were the imminence of the election, and the value of the television set and aerial, more than SAT\$300—a big gift to a poor family. Patu concluded that “the dominant motive behind the giving of the TV set to Malama was not charity but to induce her to support and vote for the defendant at the election” (SO, 29 Sept 2006). Su'a was “shattered” by the decision, which incurred a SAT\$300 fine. It was clear, he said, that the law did not distinguish between relatives and electors. He vowed to return the Transparency International

Integrity Award that he had won in May 2003.

Both Mulitalo and Su'a come from Lano village, and they were the only two candidates in the general elections. Their rivalry split the village into two factions. When Su'a lodged his petition against Mulitalo, he was banned from the village by the opposition. Mulitalo denied having anything to do with the ban. And when Mulitalo lost, Su'a's family home at Lano was burned by a person who was later caught and charged by police. In retaliation, Su'a complained to the Supreme Court, which ordered the Lano village council to revoke the ostracism order against Su'a or risk going to jail. In making the order, Justice Pierre Slicer said the village council's power was not greater than that of the Legislative Assembly, the constitution, the electoral act, the head of state, or the Supreme Court. The banishment was illegal because it violated the right of citizens to a free election (SO, 8 Aug 2006). However, after further consultations between Chief Justice Patu and the two Australian judges of the court, the order was amended to enable the village council to file a petition with the Land and Titles Court to settle the dispute within seven days, failing which prosecutions would follow. Eventually, the village canceled its banishment order.

Several by-elections took place following the election petitions and the death of two sitting members of Parliament. In the by-election for Faasaleleaga No. 2 in September, Pa'u's daughter and HRPP candidate Letoa Rita edged out another HRPP candidate, Papalii Samuelu Petaia. At age thirty, Letoa Rita was the young-

est of the candidates and the fifth woman to be elected to the current Legislative Assembly. But the political struggle in this constituency did not end there, because Papalii lodged another election petition against Letoa Rita, alleging eleven counts of corrupt practices. The latter reciprocated by filing a counter petition, alleging nine instances of corrupt practices. After a five-day hearing, the Supreme Court upheld five allegations of bribery and three of treating against Letoa, but found that the allegations against Papalii had not been proven beyond reasonable doubt. The election was declared void and Letoa Rita was ordered to pay costs of SAT\$5,000 to Papalii. In his third attempt, Papalii Samuelu Petaia was finally in luck. He topped the poll with 384 votes, some 62 votes more than his nearest rival, Papalii Masipa'u. The incumbents for Sagaga le Falefa and Faleata West retained their seats after the election petitions, and HRPP candidates Vui Tupe Ioane and Muagututia Siaosi Meredith gained a further two seats in by-elections held 6 October 2006.

Two members of Parliament passed away: Sililoto Tolo Tuafai, age sixty-seven, member for Vaimauga West, and Manuleleua L Leleua, age eighty-two, member for Faleata East. The Vaimauga West by-election was won by Patu Ativalu Togi II, a former SDUP member of Parliament, but running under the HRPP ticket. The Faleata East by-election was won by former Member of Parliament Patauave Etuale, who was solidly backed by Vaimoso village, while the only other candidate, Aveau Niko Palamo, had strong backing at Lepea and Vailoa villages.

As of June 2007, then, the composition of the political parties had hardly changed since the time of the general elections on 31 March 2006, when the Human Rights Protection Party commanded 35 seats, the others being split between the Samoa Development United Party and Independents. After the election petitions and by-elections, the Human Rights Protection Party controlled 36 seats (an increase of one), the Samoa Development United Party 7 seats, and Independents 6 seats.

Soon after the general elections the stresses that had affected the Samoa Development United Party as a result of its poor performance in the elections were made manifest, dealing a blow to party politics in Sāmoa. In August 2006, five of the nine members of the party staged a coup d'état by ousting party leader Lemamea Ropati and substituting lawyer Asiata Vaai with Mulipola Oliva as deputy leader. The "rebels" claimed that under the constitution, the majority had the right to decide the party leader. However, changes in the command structure are normally carried out in a formal caucus meeting, and the only person who had the authority to call such a meeting was Lemamea. Accordingly, Lemamea and others—including veteran Aeau Peniamina, former Speaker of the Legislative Assembly; Fuimaono Naoia Tei, member for Falealili; and Sililoto Tolio Tuafaiava, member for Vaimauga West—refused to accept the rebels' "misguided" action.

The rebel members claimed the reason for their change of allegiance was Lemamea's poor leadership qualities. For instance, Asiata said, the party had no plans for the next five to ten



years, and if the party was to succeed in toppling the Human Rights Protection Party from power, it had to move forward under new leadership (SO, 31 Aug 2006). Lemamea in turn accused Asiata of wanting to be the party's leader since he joined the Samoa Development United Party. In a letter to the *Samoa Observer*, he accused Asiata of removing Tupua Tamasese Efi as leader and Leilua Manuao as deputy leader of the Samoa National Development Party (SNDP). Asiata was also responsible for changing the party's name from SNDP to SDUP. Having accomplished these goals, Lemamea said, Asiata continued to try and have Lemamea removed as leader. Despite attempts at reconciliation, the differences between the two factional leaders were too deep. Finally, Lemamea decided to step down as leader of the party. In tears he told supporters he could never work with Asiata again. However, he wished the new party leader well for the future (SO, 28 Sept 2006).

But this was not the end of the political drama. Under House regulations, a political party has to have a minimum of eight members to be recognized by the Speaker. At the end of the March general elections, the Samoa Development United Party had ten members, but lost one as a result of an election petition against Paepae Kapeli Su'a. As a result of the ensuing struggle for leadership, both Lemamea Ropati and Sililoto Tolo Tuiifaiva resigned from the party to become Independent members. This left only seven party members, one short of the required minimum. Asiata took the matter to the Supreme Court,

but Chief Justice Patu ruled that the Speaker's actions were in accordance with the provisions of Standing Order 20 that covers such matters (SO, 22 March 2007).

These developments were not forced on the country by the ruling Human Rights Protection Party. In fact, when the leadership struggle within the Samoa Development United Party came out into the open, Prime Minister Tuilaepa Sailele Malielegaoi urged moderation. He said if the issue was not resolved, and if there was only one political party in Parliament, that was "not what democracy is about." He said it was important to have a good opposition leader, because such a person was a potential future prime minister of the country (SO, 16 Sept 2007). Given the rapid social, economic, and political development being successfully pushed by the HRPP government, it is difficult to envision the emergence of another dominant political party in the near future.

The passing away of His Highness Malietoa Tanumafili II Sāmoa's head of state since 1962, on 10 May 2007, marked the end of an era. Malietoa represented an era of decolonization, when the New Zealand colonial administration attempted to make peace with Samoan political dissidents (the Mau) and prepare Sāmoa for independence. In 1945 New Zealand began to send Samoan students on scholarship to New Zealand to train them to take over public service positions from expatriates. In 1949, Malietoa was appointed to the highest position possible for an indigenous person in Sāmoa, that of Fautua, or chief adviser to the administra-

tor, together with Tupua Tamasese Meaole. In that same year, he was made chairman of a committee to prepare Sāmoa for independence, and when this finally came in 1962, he and Tamasese were appointed co-heads of state for life. Unfortunately Tamasese died in 1963, leaving Malietoa to serve as the sole head of state until the time of his death. His tenure was marked by an attitude of tolerance and moderation in all things. He had a great impact on the judicial system by refusing to allow capital punishment, always commuting death sentences to life imprisonment. Several years ago, the Samoan Parliament abolished capital punishment, thanks indirectly to the influence of Malietoa.

Within weeks of Malietoa's death, all the political parties unanimously supported the election of former Prime Minister Tupuola Efi as the new head of state for a term of five years, in accordance with the constitution. Tupuola Efi was prime minister from 1976 to 1979, and from 1979 to 1981, and, over the years, acquired two higher matai titles as well: Tui Atua and Tupua. He is also a noted scholar of Samoan language, folklore, and culture. His academic achievements have been recognized by Te Matahauariki Institute at Waikato University, which made him an associate member; by Te Whare Wānanga o Awanuiārangi, the tribal university where he is an adjunct professor; and by the National University of Samoa, where he is a frequent speaker. Tui Atua Tupua Tamasese Tupuola Efi is very much a product of the postcolonial era, characterized by the people's desire for education, upward mobility,

identity, and a place in the world. He is eminently suited to help the Samoan people achieve their goals and aspirations.

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### TUVALU UPDATE

*In this special segment, Bikenibeu Paeniu, Tuvalu Minister for Finance, Planning, and Industries, provides his own account of some events analyzed by Tauaasa Taafaki in a 2004–2006 review of Tuvalu (The Contemporary Pacific 19 (1): 276–286 [2007]).*

In the review, Taafaki discussed events surrounding a march on Parliament in April 2006 organized by the Chamber of Commerce. Paeniu notes that the controversy involved a grant provided by Taiwan for Small/Medium Enterprises and administered by his ministry: "The article gave the impression that this grant was intended for the Chamber of Commerce. However, it was for small and medium sized enterprises, not for the Chamber of Commerce. To protect the grant from being politicized, I outlined in a mem-

orandum to the secretary for Finance how the funds would be administered: US\$100,000 was to be administered by the Small Business Centre in the Department of Commerce and Industries and used for training entrepreneurs; \$30,000 would take the form of a direct grant to the Chamber of Commerce (this amount was determined based on an earlier written submission by the chamber); and the balance of the money would be administered by the Development Bank of Tuvalu (DBT). In the same memo I asked the secretary for Finance to work out clear terms of reference for the administration of the DBT grant, and I subsequently obtained the approval of cabinet for the policy overall. When I returned from an overseas trip I learned that the secretary and the president of the Chamber of Commerce had lobbied all the ministers, including the prime minister. After the Speaker refused a request to allow them to meet with Parliament, they called on their members to march. I met with the marchers when they arrived at Parliament and explained the government's side of the story. My department secretary, accountant, and aid coordinator were also present to clarify the situation with regard to the grant and the disbursement of funds. The marchers started disbursing as the members came to understand my side of the story."

Bikenibeu Paeniu also took exception to an assertion in the review that as Minister of Finance he was "firmly behind" a German-based proposal to establish a bank in Tuvalu, which turned out to be a scam. Paeniu states that in 2004 he was asked by Prime

Minister Toafa to investigate the German proposal. "He handed me the documentation and especially a 'red' [book] that contained all the details of the proposal. I expressed my reservations, but the prime minister insisted that I take it on board. It so happened that the Head of the Pacific Financial Technical Assistance Centre (PFTAC) was visiting, so I gave him the 'red' book and requested his advice. The PFTAC came back and advised no. However the Prime Minister insisted I take a closer look at it. In early 2005 we traveled to Germany, where we visited the OECD [Organisation for Economic Co-operation and Development] as well as the Centre for Money Laundering and Tax Office in Bonn. Although we agreed for the German investors to come to Tuvalu to make a presentation to Cabinet and members of the public, their proposal was yet to be officially endorsed. I still had many serious questions about a proposal that seemed too good to be true. Negotiations continued, the proposal got more complex, and the press got involved. The late Robert Keith Reid was preparing to publish an article, and I managed to consult him in time and provided my side of the story. He finally wrote an article for *Islands Business*, which I liked very much (Keith-Reid and Pareti 2005). As the dialogue continued, I came to realize that the German proposal was becoming more complicated, when by this time it should have been more easily understood, so I came to the conclusion that it was a scam. Eventually I said no to the proposal and informed the cabinet accordingly. My decision was not the result of pressure from

Australia, New Zealand, or anybody else. The whole proposal was a fake, and I came to believe that the investors were simply after Tuvalu's Trust Fund."

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### WALLIS AND FUTUNA

On Sunday, 1 April 2007, the 11,165 registered voters in Wallis and Futuna elected the twenty members of the Territorial Assembly. Thirteen of the twenty incumbent assembly members were part of the national presidential majority lead by Ermenegilde Simete (Union pour un Mouvement Populaire [UMP], from Mua). The archipelago is divided into five electoral constituencies, with thirteen territorial representative seats for the three Wallisian districts (Mua, Hahake, and Hihifo), and seven seats for the two kingdoms of Futuna (Sigave and Alo). Twenty-six party lists were filed for these elections just before the proportional vote. Three women were listed at the head of their parties along with Victor Brial, the UMP territorial deputy.

An audiovisual campaign, monitored by the French media authority (Conseil supérieur de l'audiovisuel [CSA]), was broadcast by RFO (Réseau France Outre-mer) on both radio and television—the only media currently available there. This was the second

time this had occurred in Wallis and Futuna. Unfortunately, a breakdown in the aging plane that provides domestic flights for the two-hundred-thirty kilometer journey between Wallis and Futuna caused a problem for certain candidates in recording campaign messages.

While the health of the elderly lavelua (paramount chief, or king) remained precarious (see the account of the 2005 customary law crisis in Angleviel 2006), the question of his succession was not an issue in this campaign. The rate of voter participation, always very high, was 75 percent. Twenty of the twenty-six party lists obtained a seat. Seventeen incumbent representatives ran for reelection, and fourteen of them succeeded. Two women were voted into the new assembly with a five-year mandate. Ermenegilde Simete was reelected, despite being beaten by Donald Mercier (a candidate with Socialist leanings) in Mua. Simete won 481 votes, compared to his competitor's 392. UMP deputy Victor Brial came in first in the Sigave electorate with 309 votes. The departing UMP majority representatives were either directly reelected (as was the case for ten of them), or replaced by new representatives also favoring this majority.

Due to the wide range of voting possibilities, negotiations were held to strengthen the UMP majority. The UMP/consolidated right parties came out slightly ahead in the end, winning twelve seats to the Socialist/consolidated left's eight seats. On 11 April, Pesamino Taputai, a member of the UDF (Union pour la démocratie française)—MoDem (Mouvement

démocrate), a centralist party, became president of the Territorial Assembly, with Victor Brial elected vice president, and Ermenegilde Simete president of the permanent commission.

On 22 April 2007, 7,208 voters (64.5 percent) went to the polls for the French presidential elections, with the following results: Olivier Besancenot 71 votes (0.99 percent); Marie-George Buffet 40 votes (0.56 percent); Gérard Schivardi 15 votes (0.21 percent); François Bayrou 804 (11.20 percent); José Bove 41 votes (0.57 percent); Dominique Voynet 60 votes (0.84 percent); Philippe de Villiers 14 votes (0.20 percent); Ségolène Royal 2,832 votes (39.46 percent); Frédéric Nihous 25 votes (0.35 percent); Jean-Marie Le Pen 86 votes (1.20 percent); Arlette LaGuiller 63 votes (0.88 percent); and Nicolas Sarkozy 3,125 votes (43.55 percent).

Sixty-nine percent of Wallisians and Futunians turned out to vote during the second round of the presidential election on 6 May 2007; 3,866 voted for Nicolas Sarkozy (50.17 percent), while 3,840 voted for Ségolène Royal. There has been a clear shift in Wallis and Futuna toward the left, which may be due either to a change in attitude or to voters being weary of the principal local authorities, who have been in office for a long time.

The victory of the departing UMP deputy following the presidential elections seemed to be a foregone conclusion in June 2007. However, surprisingly, Victor Brial was beaten by Socialist Albert Likuvalu. This result was due to declining support for those in power too long (which is often a problem in small insular areas), as well as a combination of several other

factors: Likuvalu's strong support for the former lavelua during the 2005 customary law crisis, internal conflicts in the local UMP chapter, and private problems in Futuna.

The 2007 legislative elections were held on 10 and 17 June 2007. In the first round, Victor Brial received 2,624 votes (33.7 percent); Albert Likuvalu 2,424 votes (31.1 percent); Atonia Ilalio 973 votes (12.5 percent); Pesamino Taputai 661 votes (8.5 percent); and Ermenegilde Simete 1,101 votes (14.1 percent). The smaller parties then joined forces with the larger ones, as they usually do. Simete (UMP) and Taputai (UDF) from the territorial majority gave their support to Victor Brial and, once Atonio Ilalio, the third candidate, had been eliminated, he asked his supporters to vote for Likuvalu. In the meantime, Donald Mercier, though Socialist, stated prior to the first round that he would vote for Brial, asking his territorial voters to do the same.

In the second round on 17 June 2007, Likuvalu received 4,152 votes (51.79 percent), while Brial only received 3,865. It should be noted that in the first round the number of people voting by power of attorney was 20 percent, while the number of abstaining voters was 29.67 percent. In the second round, 27.50 percent abstained. Likuvalu, the new deputy, was born on 14 November 1943 in Alo. He was the first Wallisian to obtain a baccalaureate, and after earning a master's degree in geography from the University of Lyon, he became the first certified teacher in history-geography. His opposition party, Alliance d'opposition (opposing the UMP), was recently absorbed by the

local chapter of the national Socialist party (PS) to which he belongs. Victor Brial has appealed the results of the election.

In customary law matters, the Administrative Court of Mata'utu studied approximately fifty appeals presented by the leaders of Uvea on 12 March 2007. These were intended to render null and void the prefectorial decrees made by Xavier de Fürst, who represented the French State during the 2005 crisis. At that time the prefect had, among other things, published several decrees recognizing the customary law chiefs who were in favor of change. The court finally rendered null and void the decrees made by Fürst and ordered the State to pay damages to the territorial constituency of Uvea, or in other words, to the members of the lavelua's governing body. The court cited Article 3 of the 1961 statute that in part specifically "prohibits any involvement of the Republic's institutions in the operation of customary law institutions, and does not give any administrative authority either to the State or the territory in questions of customary law."

Lavelua Tomasi Kulimoetoke, king of Wallis since 1959 and father of six, died on 7 May 2007 at the age of eighty-eight. A six-month period of mourning was decreed and a new lavelua cannot be named until it is over. Some people have raised the possibility of amending customary law to replace the lavelua by the three district chiefs (faipule), thereby reinforcing their authority.

In military affairs, the French frigate *Jacques Cartier* arrived in Wallis on 5 May with a detachment of twenty naval infantrymen (Régiment

d'Infanterie de Marine du Pacifique [Nouvelle Calédonie] or RIMAP-NC) aboard. They were quartered in the village of Halalo, where they built a fale (traditional house) as part of their tour of duty.

The Wallisian and Futunian community in New Caledonia, numbering over 20,000 people, remains the archipelago's key link with the outside world. A special agreement among the State, New Caledonia, and the island territory of Wallis and Futuna, specified in Article 225 of the organic law dated 19 March 1999 affecting New Caledonia, was signed into law on 1 December 2003. This agreement formalized relations between Wallis and Futuna and New Caledonia. Articles 1 and 2 of the agreement concern the organization of services provided by the State, with the latter providing that services in New Caledonia and the island territory of Wallis and Futuna can be organized separately. A private civil aviation department specifically for Wallis and Futuna was therefore created by interministerial decree on 12 July 2006, fully independent of the one existing in New Caledonia. A defense ministry decree dated 22 November 2005 replaced a national police detachment stationed on the islands of Wallis and Futuna with a company, and increased the number of staff. The creation of the Department of Health and Social Services within the Work Inspection and Social Services Administration was formalized by a Territorial Assembly decree of 2 August 2006. This decree was necessary to better coordinate the territory's health and social policy.

Article 4 of the agreement allows for New Caledonia and the island

territory of Wallis and Futuna “to discuss (when necessary) subjects having an impact on the . . . expatriate community.” Periodic meetings take place between Wallis and Futuna’s Territorial Assembly president and the president of the government of New Caledonia, to discuss specific subjects.

On 1 September 2006, the City of Noumea’s Jeudi du Centre-Ville (Thursday evening open air market) was dedicated to Wallis and Futuna and its expatriate community. On 13 September 2006, the Territorial Advisory board for the women of Wallis and Futuna put on an exhibit of Wallisian and Futunian arts and crafts

in Noumea. Following sixteen months of construction, the Wallisian and Futunian community of Vallon-Dore inaugurated a new church dedicated to St Theresa on 24 September 2006. Aloisio Vaitulukina, president of the kingdom of Sagave’s expatriate community since 1994, died on 12 June 2007 at the age of seventy-one.

FRÉDÉRIC ANGLEVIEL

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