

*Polynesia in Review: Issues and Events,**1 July 2007 to 30 June 2008*

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

### COOK ISLANDS

Issues in the Cook Islands during the period under review highlight controversial government decisions as well as some notable judicial and parliamentary amendments. Government indifference to voter concerns was reflected in conflicts at Aitutaki and Manihiki airports, a drawn out debate over an indoor stadium for the country, the sudden discontinuation of the vaka (district) council, unfair cost-of-living adjustments (COLA), and even a challenge from the traditional leadership in the House of Ariki. This review underlines the growing disconnect between the Cook Islands government and Cook Islanders, and the marginalization of Cook Islands Māori and their paramount chiefs.

The loss of one of the greatest sons of the Cook Islands was a sad event for all Cook Islanders. Dr Thomas Robert Alexander Harries Davis KBE (1917–2007), former prime minister of the Cook Islands and a United States Apollo Space Program scientist, passed away on 23 July 2007 (CIN, 24 July 2007, 1, 5). He was a well-known medical doctor, scientist, statesman, author, voyager, and Pacific politician, who played a major role in the formation of the East-West Center's Pacific Islands Development Program

in Hawai'i (CIN, 28 July 2007, 5). Hundreds attended his state funeral on 27 July at the Are Kari Oi Nui (CIN, 30 July 2007, 1).

Landowners of two outer-island airports were dissatisfied with the government. At one point Manihiki Airport landowners, angry about lease terms, initiated a forced airport closure by spreading debris over the runway to render it unusable (CIN, 5 July 2007, 1). They later agreed to a new lease arrangement for sixty acres of land at an estimated value of NZ\$200 per acre (CIN, 1 Feb 2008, 1). (One NZ dollar was the equivalent of US\$.69 as of August 2008.) Despite the agreement, a flight to Manihiki was turned back by some disgruntled Manihiki airport landowners (CIN, 14 May 2008, 1). A police patrol boat was required to help keep the peace (CIN, 16 May 2008, 1).

Conflict at the Aitutaki airport focused on the desire of local residents to keep the Sabbath holy (CIN, 12 June 2008, 1). About 300 protestors strongly, yet peacefully, expressed their displeasure at government-sponsored efforts to land planes on the island on Sundays (CIN, 23 June 2008, 1). The peaceful demonstration was in contrast to previous occasions when debris was spread on the runway. In recognition of continuing high emotions, the government agreed to a six-month trial period, although expressions of resistance to Sunday

landings continue (*CIH*, 28 June 2008, 2).

The courts were busy this year beginning with what is believed to be the first successful defamation case in the Cook Islands. The case was successfully argued by lawyer Charles Little for William Framhein against property developer Tim Tepaki (*CIN*, 2 July 2007, 1). The judge awarded NZ\$90,000 to Framhein. Prominent businessman Richard Barton was convicted on five charges of willfully filing false income tax returns and fined (*CIN*, 10 Nov 2007, 1). The American owners of the South Pacific School of Medicine indicated that they plan to take the government to court for renegeing on a contract to open a school in the Cook Islands (*CIN*, 12 June 2008, 1). Meanwhile, Vai Peua, the member of Parliament for Pukapuka Island, criticized the Cook Islands High Court and Justice System for sending criminals to the outer islands to serve out their sentences. He also lashed out at the police for failing to monitor a criminal who shot three people on his island (*CIN*, 31 July 2007, 1).

The tourism industry faced both challenges and opportunities. Cook Islands Tourism Corporation chief executive Chris Wong resigned after pressure from various sectors of the public for alleged financial discrepancies (*CIN*, 28 July 2007, 1). John Dean was selected to succeed Wong (*CIN*, 20 Feb 2008, 1) and now faces several major challenges in maintaining tourism as the country's major industry. The Asian Development Bank outlook highlighted the vulnerability of the tourism industry in the Cook Islands, with its inadequate and aging

infrastructure. Aggressive approaches by some local operators proved counterproductive. The Rarotonga Beach Resort, for example, generated some negative publicity when it charged a man NZ\$100 for using its beachfront (*CIN*, 18 Sept 2007, 1). The Crown Law Office contributed to the debate by pointing out that the resort's property ended at the high-water mark, which can be difficult to define because of erosion, rising sea level, or land reclamation (*CIN*, 21 Sept 2007, 1).

In spite of these challenges, the high standards maintained by some operators attracted global attention. At the World Travel Awards held in Sydney on 10 June 2008, the Cook Islands received several prestigious accolades. Additionally a proposed new Kia Orana Air group sought an operating license so that it could compete against the successful Air Raro (*CIN*, 6 May 2008, 1). However, rising fuel costs will be a major challenge for the new airline. For example, one-way fares on Air Raro from Rarotonga to Manihiki went up during the year from NZ\$682 to NZ\$1150, an increase of 69 percent (*CIN*, 17 Oct 2007, 1).

Development needs also extend to health. In a report presented to a Cook Islands health conference, Dr Kevin Palmer of the World Health Organization indicated that the country was in dire need of more health personnel. However, Dr Palmer also horrified many local residents when he declared that Reslin spraying was one of the safest insecticides in the world, and recommended the use of DDT, a substance that is banned in many countries (*CIN*, 13 July 2007, 1).

The shipping issue continues to

heat up in Parliament and, in spite of the public uproar, the government has reportedly incorporated a contingency budget allocation for the purchase of a ship (CIN, 12 Feb 2008, 1). Express Cook Islands Line had sought approval for a ten-year shipping license to enable it to build a new 114-meter-long cargo ship to service the country. The government now faces the need to upgrade the harbor, which cannot accommodate ships this long, and remove the current two-year license restriction (CIN, 5 March 2008, 1). By March 2008, a NZ\$6 million harbor extension was being implemented (CIN, 7 March 2008, 1).

In the fishing area, a two-member team from Greenpeace, Nilesh Goundar and Sari Tolvanen, visited the Cook Islands to lobby for a sustainable and equitable Pacific fishery (CIN, 17 July 2007, 7). Prime Minister Jim Marurai agreed to champion the campaign to save the Pacific tuna (CIN, 18 July 2007, 1). Several troubling incidences occurred within Cook Islands waters. Two Koreans and a Vietnamese employed on the fishing vessel *FV Matira* were left stranded on Rarotonga for three months when the shipowner refused to pay their salaries, accusing the men of damaging his vessel (CIN, 18 July 2007, 1). The Korean Embassy in Wellington was drawn into the matter, and fighting between the Korean and Vietnamese crewman further complicated communication difficulties (CIN, 9 Aug 2007, 1; 10 Aug 2007, 1). In September, the *FV Moana* sank in rough seas forty kilometers off Rarotonga, although the three Fijian crewmen were rescued (CIN, Sept 2007, 1). In early 2008, Tapi Taio's cargo ship *MV Maungaroa*

was washed up on Avatiu harbor and then his *FV Ana* was grounded on the reef two months later (CIN, 17 March 2008, 1). Fortunately, *FV Ana* was successfully and safely removed (CIN, 19 March 2008, 1). However, the wreckage of *MV Maungaroa* remains on the Avatiu reef (CIN, 2 April 2008, 1).

At one point, controversy erupted over government plans to scuttle the derelict *MV Mataora* seven miles off Rarotonga, fully laden with asbestos waste (CIN, 29 Oct 2007, 1). Locals were disturbed by the government's secrecy and rushed approach to the dumping, and called on Greenpeace to intervene (CIN, 29 Oct 2007, 1). Despite the protests, and although bad weather interceded, the sinking was eventually carried out (CIN, 3 Nov 2007, 1).

Continuing its support of various Cook Islands development projects, China loaned NZ\$9.3 million to assist in the construction of an indoor stadium and the relocation of the Ministry of Education offices. Foreign Affairs Minister Wilkie Rasmussen initially questioned some of Deputy Prime Minister Dr Terepai Maoate's statements about the China loan, suggesting that Maoate should have walked away from it (CIN, 30 Aug 2007, 1). The conflict escalated when Rasmussen threatened to push to remove Maoate from the cabinet (CIN, 3 Sept 2007, 1). Prime Minister Jim Marurai shied away from the public spat between his two ministers, preferring to deal with it "in house" (CIN, 7 Sept 2007, 1). Meanwhile the Chamber of Commerce weighed in requesting more discussion of the indoor stadium contract, and mounting public opposition forced the government to

place the project on hold (*CIN*, 7 Sept 2007, 1; 11 Sept 2007, 1). By October 2007, the cabinet finally approved the new indoor sports stadium for the 2009 Pacific Mini Games. The expected grant from China would go toward the cost of constructing the stadium, but the source of funding for the hosting of the mini games, estimated at NZ\$2.715 million, was still unclear (*CIN*, 25 Oct 2007, 1). The government later sought to increase the amount of the soft loan from China to NZ\$13 million (*CIN*, 16 Feb 2008, 1).

Mini games CEO David Lobb expressed outrage that the planned sports complex had not been fully discussed with the local sports community, and his criticism received support from Cook Islands National Olympic Committee President Tiki Matapo (*CIN*, 16 Feb 2008, 1; 22 Feb 2008, 1). The government's indecision over the hosting of the world youth netball championship also caused anxiety among sports organizers (*CIN*, 5 March 2008, 1). Amid public criticism, the prime minister reconfirmed that the government will deliver on the sports facility (*CIN*, 6 March 2008, 1; 8 March 2008, 1). The International Netball Federation board subsequently reaffirmed the Cook Islands as the host for the 2008 World Youth Netball Tournament (*CIN*, 8 April 2008, 1).

The projects sank further into conflict when the Chamber of Commerce renewed its demands that the government stop the multimillion-dollar China loan and abandon plans for the indoor sports complex (*CIN*, 25 Feb 2008, 1). The Chinese government expressed concern about the negative

public comments and indicated that the soft loan might be withdrawn (*CIN*, 30 April 2008, 1; 7 May 2008, 1). The government revitalized its commitment to the loan but promised that 50 percent of the money will be given to local contractors. At the close of the year in review the loan was finalized (but not signed), and contracts to construct the stadium were in place.

While open public conflict over the national stadium continued, the University of the South Pacific–Cook Islands committee suggested that the proposed Pacific studies campus on Rarotonga was far more important than the stadium. A sixty-year lease for fifteen acres of land had already been approved for such a campus, but planning was delayed pending a more positive government response (*CIN*, 5 Sept 2007, 1).

A major issue throughout the year was the cost of living adjustment (COLA) for Cook Islands public servants. President of the Cook Islands Workers Association Anthony Turua was critical of how the politicians' 4 percent COLA was quickly approved, backdated, and paid out, while public servants had to wait (*CIN*, 9 July 2007, 1). The opposition members of Parliament joined the censure by questioning the government's mishandling of budgeting and payouts (*CIN*, 11 July 2007, 1). The Workers Association opted to go to court over the COLA issue, with Turua pointing to increases in fuel prices, power and phone bills, freight costs, and a 100 percent markup on the cost of commodities. He also highlighted the fact that COLA had been ignored since 2001 (*CIN*, 14 Sept 2007, 1). In October, the cabinet agreed to a limited 4 percent COLA

payout, but union members said that the decision fell short of what had already been approved for public servants (*CIN*, 18 Oct 2007, 1). Also, the proposed payout was not backdated as it had been for politicians (*CIN*, 19 Oct 2007, 1). Opposition spokesman Norman George agreed with the public servants and criticized the government for its mishandling of the COLA and sports stadium issues (*CIN*, 24 Oct 2007, 1).

As the COLA debate continued, new salaries for heads of ministries were recommended (*CIN*, 18 Feb 2008, 1). Unlike public servants, “secret” pay increases for members of Parliament were reportedly approved. The prime minister received an increase from NZ\$75,000 to NZ\$105,000, and the MP base salary was increased from NZ\$35,000 to NZ\$50,000 (*CIN*, 7 June 2008, 1). Subsequently, it was revealed that the finance secretary was to receive NZ\$120,000 per year (*CIN*, 8 June 2008, 1). The salary review for other heads of ministries finally established top salaries at NZ\$75,000 plus per annum (*CIN*, 9 June 2008, 1; 14 June 2008, 1).

There was also controversy when the government suddenly abolished the Rarotonga Island’s Vaka Council, which was scheduled to cease operating by February 2008. Minister of Internal Affairs Ngamau Munokoa explained that the locally elected Vaka Council was not maintaining the upkeep of community roadsides, road drainage systems, and streams. Council mayors challenged Munokoa’s reasoning and pointed out that they had accomplished much more than their budget allocation called for, and that mayors had always received sup-

port from the communities they served (*CIN*, 10 Oct 2007 1).

Relationships with the House of Ariki also plagued the government during 2007–2008. Established in 1967, the House of Ariki has become an important and recognized voice on traditional culture and land issues (*CIN*, 26 July 2007, 5). However, the institution has been marginalized by the government and maintains merely an advisory role with no real powers. This may have made Ariki leaders vulnerable to outsiders who come in with promises of respect as well as support for land control and cultural integrity. Bruce Ruatapu Mita, an eloquent Australia-based New Zealand Māori with an appreciation of traditional leadership, exploited this vulnerability. While the government quickly labeled Mita as a scam artist seeking seabed mineral rights, Mita organized secret meetings with traditional chiefs and convinced many to follow his advice (*CIN*, 2 May 2008, 1; 30 May 2008, 1). Calling themselves Te Ui Ariki Ngateitei O Te Kuki Airani, several of the country’s paramount chiefs signed a proclamation declaring that they no longer recognized the government, Parliament, the Crown, and ties to the British queen, and that the country’s natural land and sea resources belonged to them. Spokesmen Vakatini Ariki and Vaeruarangi Teaukura Ariki publicly read the proclamation, stating that now was the time to rid the country of government politics, which had marginalized and ignored traditional leaders.

The prime minister turned down a request by Vakatini Makea Ariki to meet, and Deputy Prime Minister Terepai Maoate suggested that the Ui

Ariki proclamation appeared to be treasonous (*CIN*, 12 June 2008, 1; 13 June 2008, 1). After pressure from the government, the House of Ariki reaffirmed their support of the queen as head of state. Opposition members also urged the government to refrain from legal or negative responses, and to respect the basis of the concerns expressed by the paramount chiefs.

Bruce Mita was not the only person to show interest in seabed mining (*CIN*, 29 April 2008, 1). US Ambassador William F McCormick met with Maoate and expressed interest in a joint US–Cook Islands exploration of the manganese nodule in the Cook Islands exclusive economic zone (*CIN*, 10 Nov 2007, 1). A Canadian merchant bank also sought access to the Cook Islands seabed minerals, describing them as being worth billions (*CIN*, 20 Nov 2007, 1).

Maoate agreed to reinstate the nodule advisory committee and alluded to ongoing discussions with the Norwegian government, International Financial Corporation, Commonwealth Secretariat, and Asian Development Bank (*CIN*, 17 April 2008, 1). When the opposition boycotted the nodule committee, its leader, Tom Marsters, explained that seabed mining “is the future of the Cook Islands” and that the government should leave it to the professionals (*CIN*, 18 April 2008, 1). Instead of a committee, the opposition recommended that the prime minister create a nodules portfolio (*CIN*, 23 April 2008, 1). The World Bank offered to provide support for development of the country’s seabed resource in the most environmentally sustainable and financially secure manner (*CIN*, 28 April 2008, 1).

The export of fresh maile lei (garland made from the leaves of the fragrant maile vine) from the Cook Islands to Hawai‘i was seriously and abruptly affected by the shutdown of Aloha Airlines, which prevented the shipment of thousands of dollars worth of the plants (*CIN*, 2 May 2008, 1). On a more positive note, the ANZ Bank opened a solar-powered branch in Aitutaki Island, a first in the Pacific. The forty-eight solar panels produce 12,000 kilowatt-hours of electricity per year (*CIN*, 25 Oct 2007, 1).

Perhaps the most tragic development for the Cook Islands occurred on the road, with seven accidental deaths in twelve months. Rarotonga’s per capita death toll from traffic accidents is the highest in the world (*CIN*, 10 Aug 2007, 1). Recognizing the seriousness of the situation, the government pushed for an amendment to the Transport Act 1967. It sought to change the speed limit, introduce immediate fines, and require motorcycle riders to wear helmets. The amendment called for jail terms and heavy fines for reckless driving that results in bodily harm (*CIN*, 15 Sept 2007, 1). After public consultations, the amendment was refined, and the speed limit on the island of Rarotonga was reduced from sixty to fifty kilometers per hour (ie, thirty-seven to thirty-one miles per hour). Exceeding the speed limit would result in fines up to NZ\$250 (*CIN*, 27 Oct 2007, 1). A petition against motorcyclists being required to wear helmets emerged, with the anti-helmet group arguing that the headgear should not be mandatory (*CIN*, 26 March 2008, 1; 3 April 2008, 1). Bowing to pres-

sure, the government scrapped the compulsory helmet law, inadvertently leaving some retail shops stuck with preordered supplies of helmets (*CIN*, 4 April 2008, 1). Police also began using laser guns to catch speeding drivers (*CIN*, 16 April 2008, 1).

In the 2007–2008 period, the Cook Islands Parliament passed an electoral amendment act that clearly defines the process by which a prime minister may be removed from office, either by the defeat of an annual appropriations budget, or a vote of no confidence.

The act also forces members to vote according to party lines or automatically lose their seats. This part of the act attempts to prevent the party hopping that has led to the formation of new governments outside of Parliament (*CIN*, 11 Aug 2007, 1).

Secretary of Foreign Affairs Edwin Pitman resigned from his post after fifteen years of service (*CIN*, 14 Nov 2007, 1). To the surprise of many, Minister of Foreign Affairs Wilkie Rasmussen selected fellow lawyer and former British honorary representative Mike Mitchell to succeed Pitman (*CIN*, 16 Jan 2008, 1). Public criticism emerged over the appointment because Mitchell is only a permanent resident, not a Cook Islander (*CIN*, 17 Jan 2008, 4). This was especially troubling as the Ministry of Foreign Affairs is responsible for immigration, and controls the process for issuing permanent-resident status. It was noted that Mitchell's expertise lay in areas other than foreign affairs, and Cook Islanders were insulted that qualified local candidates were not considered (*CIN*, 19 Jan 2008, 1, 4). Mitchell reviewed the Cook Islands' overseas offices, and after determining that the consulate in

Hawai'i was no longer justified, it was closed (*CIN*, 1 March 2008, 1).

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### FRENCH POLYNESIA

With three changes of governments, political instability in French Polynesia increased further during the period under review. Reform of the country's political system and fresh elections, both unilaterally imposed by Paris, served to further aggravate the situation. Meanwhile, the local political scene was being reconfigured, with once staunchly pro-French leader Gaston Flosse allying himself with his pro-independence archrival Oscar Temaru, while many of Flosse's former allies formed a heterogeneous pro-French coalition under Gaston Tong Sang.

In mid-July, the governing pro-French coalition under President Tong Sang, formed in late December 2006 out of Flosse's *Tahoeraa Huiraatira* (People's Rally) party and several splinter groups opposed to the previous pro-independence president, Oscar Temaru, broke apart after barely six months in existence. An internal power struggle between Flosse and Tong Sang had been going on for several months, but it escalated during Tong Sang's visit to Paris in early July. Tong Sang and his delegation met French President Nicolas Sarkozy

and negotiated contracts with several French ministries (*NT*, 10 July 2008). However, assembly Speaker Edouard Fritch, Flosse's son-in-law, and other leading Tahoeraa members were not part of the delegation and complained about the lack of discussion about the contracts in the assembly before the trip (*NT*, 7 July 2007; *TPM*, Aug 2007).

As a result, shortly after Tong Sang's return from Paris, the five Tahoeraa ministers in Tong Sang's cabinet resigned, and the party decided to withdraw from the coalition, leaving Tong Sang and his remaining coalition partners in a minority position (*DT*, 19 July 2007).

One day later, Flosse announced that he had had talks with opposition leader Temaru and was ready to form a new governing coalition (*DT*, 20 July 2007). He advocated a reconciliation of the two historically opposed political blocks, and an agreement to respect each other's political convictions and work for the common good (*NT*, 21 July 2007). When French Secretary of State for Overseas Territories Christian Estrosi criticized the proposal, Flosse accused him of having a colonialist attitude (*NT*, 23 July 2007). In an extraordinary party convention on 25 July, Tahoeraa approved the withdrawal from Tong Sang's government and the negotiations with Temaru. However, Flosse had insisted on an open vote instead of a secret ballot (*DT*, 26 July 2007). Subsequently, the party encountered many problems with dissidents who deserted to Tong Sang, thus weakening Flosse's position (*TPM*, Oct 2007).

Flosse's maneuver surprised many observers, but it can be explained in terms of the changing political land-

scape in Paris. Since Sarkozy took over the presidency from Jacques Chirac in May, the latter's close friend Flosse no longer receives special support from Paris. Instead, Sarkozy has made his preference for Tong Sang quite obvious. As he demonstrated earlier in his career, Flosse is much more a power politician than an ideologue (he changed from an apologist of authoritarian colonial rule to an ardent supporter of local autonomy in the early 1980s). He was ready to ally with the pro-independence camp in order to undermine the new Sarkozy–Tong Sang axis and keep himself in a position of power.

After Tong Sang's attempts in consultations with Tahoeraa leaders to save his minority government failed, Temaru's UPLD (Union for Democracy) coalition filed a motion of censure against the government. This was adopted by the assembly on 31 August with an ample majority of 35 votes, combining those of UPLD with those of Tahoeraa (*TPM*, Sept 2007). Tong Sang had attempted to delay his overthrow by filing a procedural complaint, and on 8 September about 2,500 people marched through the streets of Papeete in support of the ousted president (*DT*, 9 Sept 2007). However, the show of force was to no avail (*TPM*, Sept 2007).

For the election of a new president on 13 September, Tahoeraa came up with a new twist. It denied any alliance with the UPLD and presented Edouard Fritch as its own candidate to run against Temaru and Tong Sang. As none of them could receive the overall majority required to be elected, Flosse's strategy was apparently to force a second round of voting, in



which he hoped Tong Sang's supporters would vote for Fritch because of their ideological opposition to Temaru. However, two days before the election, the French Council of State (the highest administrative court) decided that a relative majority would be sufficient in the second round of voting. Temaru was elected president once more with a relative majority of 26 votes, and in his inaugural speech he thanked Flosse for his indirect support (*DT*, 12 Sept 2007; *NT*, 12 Sept 2007; *DT*, 14 Sept 2007; *TPM*, Oct 2007).

On 18 September, Temaru presented his new cabinet of sixteen ministers, almost identical to that during his previous term. The only new faces were former assembly Speaker Antony Geros as vice president instead of Jacqui Drollet, and pearl dealer Marc Collins as minister of tourism (*DT*, 19 Sept 2007; *NT*, 19 Sept 2007; *TPM*, Oct 2007). Tahoeraa refused to participate in the government, but agreed not to file a motion of censure against Temaru's minority government and cooperate with the UPLD in the assembly.

The change of government cast a cloud over the meeting of Pacific Islands royal families on Marae Taputapuatea on the island of Raiatea from 12 to 14 September. The meeting was organized by the royal customary council association Na Huiarii Mata Ara e Pae under the leadership of Tahitian royal family descendant Joinville Pomare and with the support of the Tong Sang government. The organizers hoped to reunite all the chiefly families of Polynesia on the famed marae (ancient temple), which was the spiritual and political center of Eastern Polynesia until about 600

years ago, and from which ancient voyages of exploration departed for destinations as distant as New Zealand and Hawai'i. The guests included Māori King Tuheitia, Paramount Chief Tumu Te Heuheu of Ngāti Tūwharetoa (who was also Chairperson of the UNESCO world heritage committee); the president of the Cook Islands' House of Ariki, Ada Rongomatane Ariki; several other Cook Islands high chiefs and the country's prime minister, Jim Marurai; Princess Malia Kulimoetoke of Uvea (Wallis); a chief from Futuna; a delegation of chiefly descendants from Rapa Nui; and a chiefly descendant from Hawai'i. Also present were two Kanak chiefs from the Customary Senate of New Caledonia. During the three-day meeting, the delegates discussed the role of traditional leaders in the contemporary Pacific, and signed a declaration to commit themselves to the preservation of the cultural heritage of Polynesia. In the presence of UNESCO official Te Heuheu, the participants also supported listing Marae Taputapuatea as a world heritage site (*DT*, 11, 13, 15 Sept 2007; *TPM*, Oct 2007).

Invitees from Sāmoa and Tonga, on the other hand, cancelled their already confirmed participation at the last minute after receiving a diplomatic note cosigned by Gaston Flosse and Oscar Temaru urging them not to attend the meeting because of the ongoing change of government (*TP*, 6 Sept 2007). The two leaders apparently feared that the meeting, sponsored by Tong Sang, could give the latter an unintended boost by raising his profile among Pacific Islands leaders. Temaru initially refused to hold the reception for the chiefly guests

scheduled by Tong Sang in the Papeete presidential palace. After some negotiations, the reception did finally take place in a lukewarm atmosphere.

Temaru and Pomare, both long-time pro-independence leaders, have strong disagreements on the political shape the future independent country might take. While Temaru favors a system of Western-style democracy, Pomare advocates the restoration of a political role for traditional leaders, as well as the re-creation of customary land tribunals. Because of these and other disagreements, Pomare has allied himself with Tong Sang and other pro-French politicians.

Since Tong Sang was ousted by his own party, it was not surprising that soon after the consolidation of the new Tahoeraa-tolerated Temaru minority government, he formally resigned his Tahoeraa membership and founded his own party on 28 September. It was named O Porinetia To Tatou Ai'a (Polynesia Is Our Country), and consisted of Tahoeraa dissidents mainly from the Leeward Islands, as well as a few veteran politicians with other affiliations (*TP*, 28 Sept 2007). On 11 October, Tong Sang signed a partnership agreement with former Temaru ally Emile Vernaudon's Ai'a Api (New Homeland) party, Philip Schyle's formerly centrist Fetia Api (New Star), and several small pro-French splinter parties under the umbrella name of To Tatou Ai'a (Our Land) (*TPM*, Nov 2007). After some hesitation, the alliance was also joined on 27 November by Jean-Christophe Bouissou's Rautahi (Unity) party, another, earlier Tahoeraa dissident group.

Meanwhile, in reaction to the

constant political instability, the French government revised the political statute governing the territory. On 1 August, Secretary of State Estrosi announced that his office was preparing this, and anticipated elections in early 2008 (*TPM*, Sept 2007). He consulted various local political leaders during the two following months, receiving mixed reactions. Tong Sang and his allied splinter parties supported Estrosi's proposal, while the two large parties, Tahoeraa and UPLD, declined. In order to create more stable majorities, the revision included a new voting system for the assembly of French Polynesia, which in the future will be elected through a proportional system in two rounds of voting. Only lists that receive more than 12.5 percent in the first round can participate in the runoff ballot, and lists that receive more than 5 percent are allowed to merge with one of the larger lists. In addition, the president of French Polynesia can no longer be overthrown in a motion of censure, but only in a "motion of defiance," which means the simultaneous election of a successor. The Speaker of the assembly, whose yearly reelection had caused political turmoil in the past, will in the future be elected only once for the full five-year legislative term. Furthermore, the new statute includes more stringent control mechanisms on the use of French subsidies by the local government in order to prevent embezzlement, corruption, and bad governance (*NT*, 20 Sept 2007; *TPM*, Oct and Dec 2008).

On 4 October, the assembly held a nonbinding vote on the proposal, and rejected it with an overwhelming majority; UPLD and Tahoeraa

denounced it as interference in the country's autonomy, and as reminiscent of colonialism. However, when Temaru met Sarkozy in Paris a few days later, on 9 October, he was informed that early elections in January under the new system were a done deal (*TPM*, Nov 2007). In spite of overwhelming local opposition, the reform was rushed through the French parliament. It passed the National Assembly on 22 November and the Senate on 30 November, with votes from Sarkozy's UMP (Union for a Popular Movement) and allied right-wing parties prevailing over the opposition French Socialist party (*TPM*, Dec 2008). This episode proved once more that the statute of autonomy does not guarantee real local self-government, as France remains able to make arbitrary modifications to its political system against the explicit will of the local assembly.

It was only logical, therefore, that at the Pacific Islands Forum meeting in Nuku'alofa, Tonga, on 15 October, President Temaru reiterated the demand to reinscribe French Polynesia on the UN list of non-self-governing territories, from which France had removed the territory unilaterally in 1947 (*TPM*, Nov 2007; July 2008).

Political corruption is a pressing issue, now affecting every political camp. Efforts to fight it through political and judicial means have been largely ineffective. On 12 October, Jean-Paul Barral, the new Temaru appointee at the head of the Post and Telecommunications Office, drastically cut his own salary and removed all additional benefits associated with the position. Previous officeholders, especially those under the ministry

of Emile Vernaudeau in the first two Temaru governments, had grossly abused these privileges and embezzled large amounts of funds, a scandal that provoked massive public criticism (*TPM*, Nov 2007).

On 29 November, a Papeete court confirmed the sentences of 23 individuals including former President Flosse for embezzlement of public funds through the creation of so-called "fictional employments," ruling that they needed to reimburse a total of 308 million CFP francs (US\$3.5 million) of fraudulently received salaries, in addition to fines (*TPM*, Dec 2007).

The most spectacular effort by the local judiciary in the prosecution of corruption was the arrest of Emile Vernaudeau on 4 December for his role in the post office embezzlement scandal. In sharp contrast to the previous lenient treatment of corrupt politicians, Vernaudeau was placed in detention for the following four months until completion of the judicial inquiry (*TPM*, Jan 2007).

The specter of outer-island secession also reemerged. On 31 October, the mayor of Hiva Oa in the Marquesas, Guy Rauzy, and his colleague Teina Maraëura of Rangiroa in the Tuamotus suggested to Secretary of State Estrosi that their respective archipelagos should remain French territories in the event of Tahiti's independence (*TPM*, Dec 2007). During the Marquesas Islands festival on 17 December, which Estrosi attended, Mayor Joseph Kaiha of the Marquesas island of Ua Pou publicly demanded the creation of a separate French overseas entity for the Marquesas. This led to strong and polemic reactions from Temaru and Flosse,

who accused Kaiha and Estrosi of attempting to dismantle the territorial integrity of the country. A protest march called by Temaru's party on 22 December attracted 1,200 participants in downtown Papeete (*TPM*, Jan 2008). The idea of Marquesan secession has existed in local political debates for decades, but it had never sparked such passionate reactions.

The focus on the country's unity was probably a result of the electoral campaign of December and January. While President Temaru attempted to revive the popular support for change that had brought him to power in 2004 and 2005, and focused on denouncing ongoing French colonialism, Tong Sang claimed to be the only competent and reasonable politician capable of reunifying the population and working constructively with Paris. Flosse, on the other hand, distanced himself from Temaru and stressed his pro-French ideology, while denouncing Tong Sang as an imposter and emphasizing the long period of political stability under his previous term in office from 1991 to 2004 (*TPM*, Jan and Feb 2008).

The two election rounds, on 27 January and 10 February, brought a surprising development as Tong Sang's recently formed alliance of splinter parties won a relative majority in both of them. In the first ballot, To Tatou Ai'a, including allied party lists on the Tuamotu and Marquesas islands, achieved 36.52 percent of the vote, considerably more than the UPLD with 32.83 percent, while Tahoeraa with 21.82 percent came far behind. Nicole Bouteau's small No Oe E Te Nunaa (For You, People) party—the only one that had constantly upheld its

high moral standards and that did not participate in power plays—reached the fourth position with 5.40 percent, and was thus the only minor party qualified for an eventual merger with one of the three leading lists. Ten other lists received less than 1 percent each (*TP*, 28 Jan 2008).

During the campaign, and even more so between the two election rounds, the actions and attitude of Secretary of State Estrosi were strongly criticized. Over a period of several months preceding the election, Estrosi visited Tahiti unusually often, each time demonstrating a conspicuously positive attitude toward Tong Sang. Immediately after the first election round, Estrosi telephoned Nicole Bouteau and Gaston Flosse, and advised them to merge with Tong Sang's list for the second ballot. Bouteau refused and expressed her indignation at the secretary's interference in the electoral process, preferring to uphold her dignity and leave active politics for the time being (*TPM*, Feb 2008). Flosse also refused, so the three leading lists went unchanged into the runoff. At the same time, the leadership of the ruling French UMP party congratulated Estrosi for the "successful carrying out of the election," reinforcing the impression that he had interfered in the election process in Tong Sang's favor. Both Flosse and Temaru expressed their indignation, and Temaru subsequently filed a legal complaint against Estrosi (*TPM*, Feb 2008).

The results of the runoff ballot reinforced the tendencies apparent in the first round. To Tatou Ai'a received 45.12 percent and gained 27 of the 57 seats in the assembly, two short of the

overall majority. UPLD received 37.18 percent of the votes and 20 seats, whereas Tahoeraa fell further behind, gaining only 17.16 percent and 10 seats.

To Tatou Ai'a's lists led the ballot in four of the six electoral constituencies. In the traditional Tahoeraa stronghold of Pirae, To Tatou Ai'a gained an absolute majority of votes. UPLD was the leading party in Temaru's stronghold of Faa'a, as well as in the Tahoeraa-ruled municipalities of Paea, Pajara, Moorea, and Taputapuatea, and in the constituency of the Eastern Tuamotu islands. Tahoeraa, on the other hand, which had lead the vote in most of the outer islands in the last elections in 2004, achieved a majority only in the Austral Islands constituency (*NT*, 11 Feb 2008; *DT*, 11 Feb 2008).

In spite of Tong Sang's surprising success, no party held an overall majority in the assembly, necessitating the formation of a governing coalition. Estrosi once more attempted to interfere in the election process by calling on Flosse to ally with Tong Sang, an action which suggested that Paris wanted to remove Temaru from the presidency at all cost (*DT*, 11 Feb 2008).

Tong Sang and Fritch subsequently began negotiations to form a coalition, but these failed because of Tahoeraa's excessive demands. Flosse then negotiated with Temaru, but the talks were suspended when Tong Sang declared he would fulfill all of Flosse's requests. According to their coalition agreement, Fritch was reelected Speaker of the assembly with the votes of To Tatou Ai'a and Tahoeraa in the constituting session on 22 February. In the

second session on 23 February, however, during which Tong Sang was supposed to be elected president, Flosse made yet another unexpected move. The night before he had suspended the ongoing talks with Tong Sang, and instead made an agreement to form a governing coalition with UPLD. At the last minute, Temaru withdrew his candidacy, and Flosse was elected president with a bare majority of the combined 29 votes of Tahoeraa and UPLD against the 27 votes for Tong Sang. One unknown representative had abstained. Assembly Speaker Fritch subsequently resigned, and Temaru was elected on 29 February to replace him. As another part of the deal, UPLD and Tahoeraa formed a common parliamentary caucus called UDSP (Union for Development, Stability and Peace), which enabled them to obtain the leading positions in the assembly's administration and on the various committees (*TPM*, March 2008).

In his inaugural speech, Flosse said it was time to stop the ideological debate between independence supporters and autonomists (in local politics, the autonomists are considered pro-French), and form instead a government of unity in order to work for the future of the country. As the most experienced of the three leaders, he claimed to be the most suitable to lead the coalition and act as arbiter between the two opposing factions of To Tatou Ai'a and UPLD (*TP*, 23 Feb 2008).

Temaru argued that Flosse was the lesser of two evils, considering it more important to prevent the election of Tong Sang, who he regards as a French puppet. The latter, on the other

hand, vehemently refused Flosse's offer to participate in the government, and many To Tatou Ai'a members and supporters were outraged at what they perceived as a distortion of the election results and thus a defrauding of the voters. On 1 March, a large protest march was organized by To Tatou Ai'a in downtown Papeete, rallying about 9,000 people (*TPM*, March and April 2008). However, the protestors seemed to forget that French Polynesia has a parliamentary, rather than a presidential system, and a relative majority of seats does not guarantee a party the right to hold the presidency.

Secretary of State Estrosi refused to congratulate Flosse and merely "took notice" of his presidency. A spokesperson of the UMP party, of which Flosse has been a member for decades, announced it would break off all official contacts with Tahoeraa, which used to be the UMP's local affiliate. He accused Flosse of betraying the ideals of UMP by forming an alliance "against nature" (*TP*, 24 Feb 2008).

On 28 February, President Flosse presented his cabinet, consisting of 15 ministers—5 from Tahoeraa, including Edouard Fritch as vice president, and 10 from UPLD, primarily those who served in Flosse's and Temaru's previous cabinets. An exception was Temaru's daughter Teua Temaru, a young marine biologist with no previous political experience, who became minister of environment (*TP*, 28 Feb 2008).

Analyzing the election results and their aftermath and comparing them with those of 2004 (outer islands) and 2005 (by-election on Tahiti and Moorea), one can make the following observations. The UPLD lost a con-

siderable amount of support, as many voters became disappointed with the performance of Temaru's governments, which failed to sufficiently implement their electoral platform of good governance and social justice. A decisive element for the UPLD's loss of a majority was also the defection of Emile Vernaudon's Ai'a Api party, originally the second-largest component of the UPLD, to Tong Sang's party. The core element of UPLD, Temaru's pro-independence Tavini Huiraatira (People's Servant) party, on the other hand, remains comparatively strong.

Most remarkable was Tong Sang's performance and his ability to gain a relative majority when his party had been in existence for only a few months. He successfully presented himself as the embodiment of renewal and good governance, despite the fact that he had been a cabinet minister under Flosse for many years and was under judicial inquiry because of his involvement in a corruption affair in the early 2000s. In addition, many of his allies are suspected of corruption, or regarded as notorious opportunists. One explanation for his electoral success was that many voters felt insecure because of France's uncooperative attitude toward the Temaru governments, and longed for political stability and a secure flow of financial subsidies from Paris. This made them feel compelled to vote for the candidate favored by Paris. Also important were the massive number of votes cast for Tong Sang by the steadily growing number of French settlers, as well as those of the economically influential Chinese community, of which Tong Sang is a part.

The demise of the once all-powerful

Tahoeraa can be explained through the party's split following the quarrel between Flosse and Tong Sang. An important section of the former Tahoeraa electorate, including the French settlers, the Chinese community, and the Polynesian upper class, almost completely defected to Tong Sang, an observation clearly confirmed by Tong Sang's absolute majorities in all upper-class suburban neighborhoods. Apart from a few individuals from these social classes who are personally tied to Flosse, Tahoeraa only retains hold on its core electorate among the rural and working-class Polynesian population, which tends to be critical of France. Since Temaru's core electorate comes from the same social class, the political alliance of the two leaders is not as illogical as it might seem at first glance.

Electoral campaigning was far from over, however. On 9 and 16 March, municipal elections took place, which largely confirmed the tendencies of the preceding territorial elections. Unsurprisingly, Oscar Temaru was reelected with an overall majority in the first round as mayor of Faa'a, the country's largest municipality, a position he has held since 1983. In a similar landslide, Gaston Tong Sang was reelected mayor of the island of Bora Bora. President Flosse's Tahoeraa, on the other hand, suffered further defeats. In the party's former stronghold of Pirae, Edouard Fritch lost the mayoralty to Beatrice Vernaudon (To Tatou Ai'a), and in the third largest township of Punaauia, long-serving Tahoeraa mayor Jacques Vii was defeated by another Tong Sang supporter, Rony Tumahai. In Papeete, the capital and second largest city, Mayor Michel

Buillard was reelected, but only after having switched his allegiance from Tahoeraa to To Tatou Ai'a. In the township of Mahina, the long-serving, now Tong Sang-allied Mayor Emile Vernaudon, was reelected in absentia, since he was detained on embezzlement charges throughout the electoral campaign (*TP*, 10, 17 March).

On the outer islands, the picture was less clear, with many lists reflecting local issues more than Papeete politics. Two of Tong Sang's allies most notorious for their frequent change of allegiance, Marcellin Lisan of Huahine and Temauri Foster of Hao in the Tuamotus, lost their mayoralties to local alliances between Tahoeraa and UPLD (*TP*, 17, 22 March 2008).

After the municipal elections, political agitation calmed down a little, and the new government was able to deliver its first major achievement. On 19 March, the UDSP majority in the assembly adopted the 2008 budget of 161.29 billion CFP francs (US\$2.03 billion), which had been originally introduced by Temaru's government in December 2007 but was then vetoed by Tahoeraa.

Another example of the constructive policy of the UDSP alliance was the nuclear issue. The government-affiliated Orientation Council on the Follow-up on Nuclear Testing (COSCEN) was maintained by the Flosse government. In early March it met with the French government's delegate on nuclear safety, Jurien de la Gravière, to coordinate the cleanup of military sites on the islands and atolls surrounding the former testing ground. While visiting Mangareva, one of the islands targeted for cleanup, de la Gravière, along with a COSCEN

delegation, supervised the deconstruction of a 1960s antinuclear shelter, the material of which will be used to seal parts of the island's road (*TP*, 2, 3 April 2008). He promised also to help in the restoration and maintenance of Mangareva's St Michael's Cathedral, the oldest and largest nineteenth-century Catholic church building in the Pacific. The cathedral is a historic monument that has fallen into disrepair and is threatened with collapse (*TP*, 5 April 2008). A few weeks after de la Gravière's visit, the territorial health office announced a series of missions to examine and supervise the health of former test workers and inhabitants exposed to radiation (21 March 2008).

Even though electoral campaigning was definitely over, a new twist in the political drama began to unfold in early April. Michel Yip and Justine Teura, two UPLD assembly representatives from the outer islands, resigned from the UDSP caucus and allied themselves with a group of outer-island representatives of To Tatou Ai'a, who had previously formed a third parliamentary caucus named Te Mana o te Motu (The Power of the Islands). This was apparently a tactical maneuver in order to make Yip's and Teura's floor crossing appear less extreme (*TP*, 8 April 2008). Shortly after the formation of the new caucus, Tong Sang and his supporters filed a motion of defiance against Flosse (*TP*, 10 April 2008).

At first Temaru and Flosse appeared little impressed, and the next day they presented a declaration underlining the commitment to their coalition government with a detailed governing platform (*TP*, 11 Apr 2008). In the

following session of the assembly on 15 April, however, the motion of defiance was passed with a bare majority of 29 votes against 27 and 1 abstention. After less than two months in office, the Flosse government had been overthrown and Tong Sang was once again president (*TP*, 15 April 2008).

In his inaugural speech, the new president emphasized that his election finally took into account the popular election results of February, and promised to pursue an impartial and citizen-oriented form of governance. Flosse and Temaru, on the other hand, questioned the legitimacy of the change of government because it was the result of representatives' floor-crossing.

The French government demonstrated once more its partisan support for Tong Sang, as President Sarkozy and other French government officials congratulated the new Polynesian president immediately after his election. Two months before, Flosse had not received any such congratulations from Paris (*TPM*, May 2008).

On 19 April, Tong Sang announced his cabinet, composed of 14 ministers, most of them unchanged from those in his cabinet in 2007. Jules Ienfa became the new vice president (*TP*, 19 Apr 2008). Interestingly, Teva Huiotu-Hapaitahaa, son-in-law of Michel Yip, became minister of pearl farming and interisland communications, and Justine Teura's daughter Ottine Teura obtained the portfolio of outer-island development. This reinforced the impression that the two turncoat representatives were "bought" by promising them ministerial portfolios for their family members (*TP*, 19 Apr 2008). Tong Sang also convinced



Tahoeraa representative Armelle Merceron to join the cabinet as minister of solidarity and housing. In addition, he offered a fifteenth cabinet position to a member of UPLD, but this was declined (*TPM*, May 2008).

The latest change of government demonstrated that the chronic political instability continues despite the political reforms intended to end it. Since 2004, the country has seen only bare majorities, and an ever-increasing number of politicians have adopted an opportunist pattern of behavior, whereby they join whichever party is most likely to form the majority.

Only eleven days after his inauguration, Tong Sang reshuffled his cabinet, appointing Louis Frébault as minister for development planning after his wife, a To Tatou Ai'a assembly member from the Marquesas islands, had threatened to cross the floor. Two weeks later, To Tatou Ai'a representative Fernand Roomataroa from the Austral Islands was appointed minister of agriculture, after he criticized Tong Sang and threatened defection to Tahoeraa (*PIR*, 16 May 2008).

Despite his promises of good governance, President Tong Sang's administration has thus followed the patterns of opportunism and nepotism that have become typical of all local governments. Another example is the Office of Postal Services and Telecommunications, where Tong Sang resumed the deplorable practice of replacing existing officers with political cronies. The honest and efficient Jean-Paul Barral, maintained in office under Flosse, was removed by Tong Sang on 9 May and replaced as director by Jean-Christophe Bouissou's associate Moana Blanchard, who had

previously left a poor record as administrator of another territorial agency (*TPM*, June 2008). In June, the daughter of Hiro Tefaarere—a To Tatou Ai'a representative notorious for his erratic switches of allegiance—was appointed to a minor position at the post office, after her father had threatened another floor-crossing (*TPM*, July 2008).

The political unrest continued throughout the month of May, taking the form of a constant quarrel between Tong Sang's government and the UDSP opposition. When the government submitted a series of contracts of financial assistance and cooperation that were to be signed with the French government and submitted to the assembly for approval on 6 May, Speaker Temaru refused to open the session, deferring it instead to a date after the president's planned trip to Paris. A subsequent attempt by the To Tatou Ai'a caucus members to hold their own assembly session in another building was declared invalid by the French High Commission (*TP*, 7 May 2008). The contracts were eventually approved, while Tong Sang was already in Paris, and signed by President Sarkozy on 27 May. The two presidents spoke of "turning the pages" toward a new era of transparency and cooperation between Paris and Papeete, denouncing "ancient practices" that had been detrimental to the country's image (*TPM*, June 2008). This was quite ironic, as Tong Sang and his supporters have participated in these "ancient practices" just as much as their adversaries. While promising a stricter scrutiny of the French government over the local government's finances, the signed contracts essentially renewed French

subsidies for various local businesses and government agencies. A real, substantial difference from the practices of previous administrations remains to be seen.

Meanwhile, all indicators showed that the country's economy was not performing well. The tourism sector continued to decline, and many territorial services did not function well, due to constant changes of staff positions depending on the current governments in office. These effects can be ultimately linked to the country's political instability, which is deplored by all sectors (*TPM*, May and June 2008).

On 29 June, the territorial holiday commemorating the enactment of the 1984 statute of internal autonomy, as well as the annexation of Tahiti by France in 1880, was celebrated by the presidency with great pomp. During the evening of the controversial holiday, Temaru and his supporters held their traditional ceremony at a monument in Faa'a to honor Tahitian soldiers who fell during the resistance to French colonization in the 1840s. This year, Gaston Flosse, who had briefly attended parts of the autonomy celebrations in the morning, participated in the Faa'a ceremony for the first time. He laid a wreath and spoke in honor of Polynesian resistance against France, including on his home island of Mangareva. He called for a greater, more visible monument to be built (*TP*, 30 June 2008). Since for decades Flosse had denounced the monument and Temaru's commemorations as anti-French propaganda, his shift in attitude once more caused widespread consternation (*TPM*, Aug 2008).

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## MĀORI ISSUES

In the latter part of 2007, relations between Māori and the New Zealand government came close to the breaking point. A raid carried out by a New Zealand Police armed defenders squad in full combat gear traumatized a small Māori community in the central North Island on 15 October, just weeks after the NZ government had joined Australia, Canada, and the United States to vote against the adoption of a United Nations declaration on indigenous rights. The raid coincided with the release of a government report showing that almost 20 percent of Māori currently live in Australia. Many had left New Zealand for better economic opportunities, but also "to escape the perceived prejudice of Pākehā (New Zealanders of European descent) and mainstream negativity about Māori issues" (Hamer 2007, 14). Yet by mid-2008, with polls indicating the likelihood of a change of government in the upcoming general election, Māori started reaping the benefits of a government desperate for our support, particularly in settling Māori land claims.

On 15 October 2007, the first reports of early morning police raids around the country started appearing, as environmental and Māori sovereignty activists were targeted for alleged terrorist activities. Both the commissioner of police and the prime minister had been briefed prior to the raids, several of which involved single households in urban areas where there was minimal disturbance to neighbors and the wider community. But in Ruatoki, a small, remote Māori community in the Urewera Ranges located in the heart of Tūhoe tribal territory, the media reported a massive police presence. The Māori Party later reported that seventy armed police were in Ruatoki that morning when three people were arrested (Māori Party 2007a). A roadblock was set up on the only road out of the community, with people, cars, and a school bus being searched and photographed. Houses and property were inspected and some were damaged. Four rifles and 230 rounds of ammunition were seized. Many people were detained and transported to Rotorua, only to be subsequently released to find their own way home. The whole community was traumatized, including preschool children, who referred to the black-clad, helmeted, gun-carrying paramilitary police who boarded their school bus as “the ninja army” (Māori Party 2007b).

Ruatoki is the home of the well-known Māori rights campaigner and activist, Tama Iti. He was one of the seventeen people from around the country arrested and charged under the Firearms Act, and one of six held in custody while the police tried to gather evidence to justify charges

under the 2002 Terrorism Suppression Act. According to police, those arrested had been running terrorist training camps in the very remote Urewera Ranges. However, the Māori media quickly identified the so-called “training camps” as camping sites used by local hunters. According to media reports, the evidence police appeared to have relied on was mainly recordings of conversations, including telephone conversations, texts, and e-mails. Eventually, the solicitor general refused to allow terrorism charges to be laid and the six people held in custody were released on bail.

In Parliament, the Labour minority government’s Māori members remained silent, claiming it was a police matter (*NZH*, 29 Oct 2007). The Māori Party, however, bitterly attacked the police and the government for violating the community of Ruatoki and leaving the Tūhoe people traumatized. Māori Party MP Hone Harawira drew particularly strong personal criticism and abuse from Pākehā for speaking out against the police actions. He responded by issuing a press release citing the full text of his attack in Parliament and refusing to back down (Māori Party 2007c). His claim that his statement accurately reflected the feeling in many Māori communities around the country was supported by the results of a survey showing a high level of concern about the raids among Māori participants (Māori Party 2007d). In his statement he said, “I will not sit quietly by, while State forces terrorise my people. If this requires of me that I speak out against the rule of law that would impose terror on Māori communities in this country, then I

will speak out. I will speak out against it in this chamber, on television, in newspapers, and anywhere else I possibly can” (Māori Party 2007c). Nationwide protests followed. The human rights commissioner received official complaints, as did the United Nations human rights committee who asked the New Zealand government for an explanation. In November, the police commissioner conceded that the raids had badly damaged relations with Tūhoe, which could take decades to heal (*NZH*, 9 Nov 2007). In March 2008, he acknowledged and expressed regret over the hurt caused (*NZH*, 30 March 2008).

One month before the raids, the Māori Party had launched a blistering attack on the government for voting against the United Nations Declaration on the Rights of Indigenous Peoples (UN 2007). It had been adopted by the UN General Assembly on 13 September 2007 by an overwhelming majority of 143 to 4. The four states who voted against it—the United States, Australia, Canada, and New Zealand—all share a history of British colonization, which has left the indigenous peoples of those countries marginalized, deprived, and oppressed minorities in their own lands, stripped of their lands and natural resources, denied sovereignty, and subjected to racism and discrimination. The declaration, in its forty-five articles, sets out the human rights and fundamental freedoms of indigenous peoples: the rights to self-determination, cultures, traditions, languages, institutions, worldviews, and ways of life. It calls on states to prevent and redress theft of land and natural resources, and forced assimilation, while establishing

minimal standards to eliminate the racism, discrimination, marginalization, and exploitation that inhibits the development of indigenous peoples.

Māori had been involved in the drafting of the declaration from the outset, in the early 1980s. One of the reasons the document took so long to formulate was that the four states who voted against it had consistently impeded its progress, thereby drawing widespread condemnation from the global indigenous community. None of the opposing countries consulted properly with the indigenous peoples they claimed to represent. In addition, they did not want the injustices suffered by those peoples scrutinized, nor did they want it known that current legal ownership of lands by states and nonindigenous individuals derives from an initial theft (Taonui 2007). The declaration urges that land be returned where possible, but where it is not possible it recommends compensation at full value. In New Zealand, Māori have been forced to accept very much less, calculated to be an average of 0.06 percent of losses (Mutu 2004, 201). The New Zealand government does not want to admit that its processes of providing restitution are unfair and unjust.

The adoption of the declaration by the United Nations received scant attention in mainstream media in New Zealand, and the government tried to play down its importance. However, Māori Party MP Hone Harawira toured the North Island delivering seminars on it. The New Zealand Human Rights Commission issued a statement saying the contents of the declaration would guide its work (NZHRC 2007). With the change of

government in Australia in November 2007, the Australian Human Rights and Equal Opportunity Commission announced that the new government supported the declaration (AHREOC [2007]). And by April 2008, news from Canada's indigenous peoples indicated that the Canadian Parliament now also supported it (Assembly of First Nations 2008). With New Zealand becoming more isolated in its stance, a change in the government's attitude toward Māori, particularly with respect to its loathed Treaty of Waitangi claims settlement policy and process, became more inevitable.

In March and again in June 2007, the Waitangi Tribunal issued reports severely critical of the government's settlement policy and process (Waitangi Tribunal 2007a, 2007b). When the government ignored them, the Federation of Māori Authorities and the New Zealand Māori Council pursued the matter through the courts. At the same time, iwi (tribal groupings) in various parts of the country continued with the repossession of lands the government refused to return to them and was trying to sell off (Mutu 2008). In April 2007 the government had delayed the sale of some of the blocks for three months. It announced in September that several had been withdrawn from sale for four years. But the government was unable to gain sufficient support in the House to pass several of its proposed settlements into law. In September the minister of Māori affairs was ridiculed when he tabled the first report in twelve years outlining the progress of successive governments in implementing the recommendations of the Waitangi Tribunal with respect to Māori Treaty

of Waitangi claims against the Crown. Of the 48 reports disseminated by the tribunal, only 12 had issues addressed or implemented, and it was unclear what had happened to the rest (Benion 2007 [Sept], 8).

Finally, in October, the deputy prime minister and minister of finance took over the portfolio for Treaty of Waitangi negotiations. Almost immediately, direct negotiations between claimants and the Crown took on a sudden urgency as the meanness of spirit and bad faith on the part of the government that had plagued negotiations for more than a decade appeared to be set aside. In the Central North Island, where the Waitangi Tribunal issued the first two parts of a seven-part report on the largest inquiry it had made to date (Waitangi Tribunal 2008), eight iwi came together to develop their own solution for the settlement of their claims to the 176,000 hectares of land under the eight Central North Island forests. The forests include the country's largest exotic forest, Kaingaroa. They presented their proposal for the return of the forestlands and related assets in April 2008, and reached agreement with the government in May. The deal was promoted as being worth NZ\$419 million, implying that the government was far exceeding the previous largest payouts of NZ\$170 million each for the Tainui fisheries and Ngāi Tahu settlements. Yet NZ\$223 million of the NZ\$419 million was made up of accumulated rentals from the forests. The rentals belong to the iwi, not the Crown, as a result of the tribunal upholding their claims to the forestlands. The remaining NZ\$196 million is the value the Crown has

put on the 176,000 hectares of land under the forests. The amount of land being returned is proportionally larger than has been achieved elsewhere in the country, but it is being returned already encumbered. In purely monetary terms, the settlements of each for the eight iwi are on par with other treaty settlements, and as such still do not amount to fair, reasonable, or just recompense for all the violations they have suffered at the hands of the Crown. Yet one of the iwi involved, Te Arawa of the Bay of Plenty, was able to use the deal to improve its own proposed settlement significantly, including no longer having to pay for geothermal wells and five school properties (*Mana* 2008 [Aug], 16–17).

In the Bay of Plenty, the mountain Mauao, also known as Mt Maunganui, was finally returned to its rightful owners in May 2008. However, in a sleight of hand that amazed legal observers, the government managed to retain the mountain's historic reserve status, and the minister of conservation continues to have all the rights and obligations of a freehold owner (Bennion 2008 [May], 4).

In the Far North, Ngāti Kahu had returned to the tribunal to seek orders for the return of 5,095 hectares of state-owned lands and forests after negotiations failed and they repossessed the 3,711-hectare Rangiputa station to stop the government selling it. In April 2008, the tribunal gave the government three months to make an offer that was acceptable to Ngāti Kahu. For the first time ever, the Crown apologized to Ngāti Kahu, and intensive negotiations with a chief negotiator appointed by the minister

followed. Crown policy for settling treaty claims was largely abandoned. Instead, the negotiations focused on the social, economic, and spiritual needs and mana whenua (traditional sovereign authority, power, and control) considerations of the fifteen hapū (grouping of extended families) and their associated marae (traditional venue for gatherings of the local tribal group), which make up Ngāti Kahu. By the end of June, the Crown made an offer that broke a lot of new ground in terms of treaty settlements. It involved the return of the control of more than 10,000 hectares of land to Ngāti Kahu, with fee-simple title to more than half of it, including Rangiputa station. The rest will come under the control of a statutory board made up of equal Ngāti Kahu/Crown membership, chaired by Ngāti Kahu, and with all its business conducted according to Ngāti Kahu customary law. The offer also included a cash contribution of NZ\$7.5 million to be used to rebuild the fifteen marae and their associated housing, which are currently either nonexistent or in a very poor state of repair. Ngāti Kahu is in the process of drawing up an agreement in principle with the government, which they are planning to sign in early September, before the general election.

During the year we lost several Māori icons who had made huge contributions to the well-being of their people. In September, Sid Jackson passed away. He was a prominent Māori leader who had conducted a lifelong campaign for justice for Māori, with a totally unswerving commitment to revolution and freeing

Māori from the oppression of British immigrants. Later that month, Anglican Archbishop Whakahuihui Vercoe passed away; he was a priest for fifty-four years and former bishop of Aotearoa. In his address at Waitangi for the commemoration of the 150th anniversary of the signing of the Treaty of Waitangi, he told Queen Elizabeth II that Māori were marginalized in their own land.

In January 2008, we lost a towering literary figure: poet, and author, Hone Tuwhare. He wrote the first book of poetry by a Māori author in English, and will be remembered as a great artist and philosopher whose real talent was his simplicity. Then, one month later, it was Barry Barclay. He was a leading light in the world of indigenous filmmaking, having been the first Māori to direct a feature film. Barclay made a number of documentaries and was a fierce advocate against injustice, particularly what he saw as racism against Māori in the film industry and barriers to telling Māori stories (*Mana* 2008 [Aug], 17). He was also a dedicated writer and had most recently published *Mana Tūturu: Māori Treasures and Intellectual Property Rights* (Barclay 2005).

There were also commemorations for the arrests thirty years ago of Eva Rickard and sixteen others at Raglan for trespassing on their ancestral lands, which had been taken and used as an airfield during World War II. The lands had then been given to the local golf club and it wasn't until much later that they were eventually returned to the rightful owners. The 1978 arrests of 222 people at Takaparawhau (also known as Bas-

tion Point) were also commemorated. Those lands were also returned, although not until 1987.

It was the third year in a row that peaceful commemorations had been held at Waitangi on Waitangi Day, although the prime minister, fearing a backlash over the terror raids on Tūhoe, refused to attend the formal ceremonies. The peaceful commemorations at Waitangi are largely attributed to the Māori Party presence in Parliament and the role they have played as the independent Māori voice unafraid to bring Māori issues to the attention of the House and the nation.

However, the highlight of the Māori year was the award of the Victoria Cross to Corporal Willie Apiata in July 2007. This was the first time the award has been made to a living Māori; the two previous awards were posthumous. There has been a great deal of bitterness among Māori servicemen that many Māori who should have been given Victoria Crosses, especially during World War II, did not receive them, even though returned servicemen and their families pursued it for more than fifty years. Corporal Apiata received his Victoria Cross for valor in Afghanistan in 2004 for saving the life of a comrade while under heavy fire from opposing forces. Huge hui (traditional gatherings) to celebrate the award were held at Te Kaha on the East Coast and at Waitangi. In April 2008, in a gesture of remarkable generosity, and to mark ANZAC Day, he gifted his Victoria Cross to the nation. In Māori we say, he mahi tino rangatira, a most noble and selfless deed.

MARGARET MUTU

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## RAPA NUI

Politics on Rapa Nui during the review period focused mainly on the organic law bill for the future special administrative status of the island. The bill was subject to continuous debates, until being finally introduced in Congress in a watered-down version. On the local political scene, the established politicians are clearing the way for a new generation of leadership, some very reluctantly, others more freely.

The process of replacing the political elite started in early June 2007, when pro-independence opposition leaders Mario Tuki and Raúl Teao won the highest numbers of votes in the elections to the Easter Island Development Commission (Gonschor 2008, 242). This electoral success boosted the ambitions of the opposition leaders, and their next campaign aimed at unseating veteran community leader Alberto Hotus from the presidency of the Council of Elders. Hotus, who is politically affiliated with the Chilean ruling center-left coalition, claims to hold the presidency of the council for life, even though this claim has never been universally accepted and has been an issue dividing the community for the last two decades.

The dissidents subsequently called for an election of the council's presidency, which was held in late August in semi-official fashion in a Hanga Roa school building. The three candidates were Mario Tuki, Leviante Araki, and Agterama Huki, all of whom are known for their pro-independence position and their bitter opposition to Hotus. The election was won by Tuki, but only a minority of about 200 voters participated. Alberto Hotus refused to participate or even acknowledge the election. When Chilean President Michelle Bachelet visited Rapa Nui for the annual ceremony commemorating the 1888 annexation of the island on 9 September, she was greeted by Hotus, presenting himself as the president of the Council of Elders. However, Tuki protested and tried to interrupt Hotus, arguing that it was he, Tuki, who was in fact the legitimate president following the election (TRN, undated article circa Sept 2007).

Many observers questioned the purpose of the election. In fact, neither Hotus's nor Tuki's interpretations is in line with the original purpose of the Council of Elders, which was to consist of the eldest representative of each family name existing on the island. These family representatives would then elect one among them as president. There is no basis for claiming the presidency for life, nor does it make sense to elect the president by popular vote. Furthermore, the position of president should not be that important in relation to the whole council, which is supposed to be a collective organ, representing each family. Shifting the focus to the presidency is thus a manipulation for political pur-

poses and a distortion of the council's intended function.

While factional political struggles continued with less intensity, the reform process of the island's political status was also slowly progressing. A constitutional reform to create the category of "special territories" outside the normal Chilean administrative system was passed on 5 June 2007 after being stalled in Congress for two years. President Bachelet signed the reform into law on 27 July, clearing the way for an organic law to specify a system of administration for the island (Gonschor 2008, 242). However, the process of drafting that bill was far from complete.

Over a period of several months during 2006, community workshops had produced a draft bill that was presented to the public in January 2007. This draft bill, which was extensively analyzed in last year's review (Gonschor 2008), proposed an island administration headed by a Santiago-appointed governor and a locally elected council with strong powers of control. It reserved both governorship and council membership to ethnic Rapanui. It also created a commission appointed by the Council of Elders to take over the management of all public lands from Chilean government agencies (Government of Chile 2007a). At the time of my visit to the governor's office in July 2007, Governor Carolina Hotu still considered this draft to be the basis for the final bill (Hotu, pers comm, 17 July 2007). But earlier, in a 28 February letter to Claudia Serrano, the undersecretary for regional development and administration, Mayor Petero Edmunds had complained about the community

draft, arguing that the proposal was anathema to the national unity of Chile and also racially discriminatory because of the reservation of key offices for native Rapanui (Edmunds 2007). This move by the mayor—criticizing the draft from a pro-Chilean perspective—came as quite a surprise. In two interviews given to Chilean and Argentinean journalists in December 2006 and January 2007, Edmunds had advocated a diametrically opposed position—one that was radically autonomist if not pro-independence—calling for the island to be decolonized and freed from Chilean rule (El Ojo Digital, 26 Jan 2007; TRN, Nov 2007). The mayor's vehement opposition to the community draft was probably due to the prominent participation of the local opposition in its making. He felt that his status as mayor was not properly acknowledged, as he explained in a later interview (TRN, 27 May 2007).

Although President Bachelet confirmed her approval of the special statute bill during her visit on 9 September (Noticias Correa, 9 Sept 2007), and there were rumors that the bill would be introduced in Congress before the end of the year, nothing happened for a long period. Apparently the Chilean government took the mayor's objections seriously, and another draft bill, prepared by the Ministry of Interior, was released in September 2007. In contrast to the community draft, the ministry's version contained no offices reserved for ethnic Rapanui; replaced the name "Rapa Nui" with "Easter Island"; increased the power of Santiago-appointed officials in relation to locally elected institutions; and deleted the paragraphs pertaining to the

reorganization of land tenure (Government of Chile 2007b).

With the two strongly different versions circulating, endless discussions on the final draft followed. On 17 December, Undersecretary Serrano visited the island and met with Governor Hotu, Mayor Edmunds, Hotus from the Council of Elders, and the five elected members of the Easter Island Development Commission to discuss the new version of the bill and win their approval for it (SUBDERE, 17 Dec 2007). However, in contrast to the undersecretary's visit in 2006, there was no community participation in the meeting.

In the months following Serrano's return to Chile, no visible action took place regarding the bill. Public attention focused once more on the local political scene. Mayor Edmunds continued to attract attention with contradictory statements and erratic moves, such as his sudden shift from an anticolonial to a pro-Chilean position the previous year. Edmunds and the intendente (regional administrator) of Valparaíso region, Ivan de la Maza, had a strong falling out in June 2007, accusing each other of broken promises and inaction (RNJ, Oct 2007, 165). In early 2008 Valparaíso regional councilor Enzo Muñoz wrote a letter of complaint about the mayor's lack of performance (TRN, undated article). In May, Edmunds announced that he would not seek reelection in the municipal elections scheduled for October 2008. This was later confirmed by the Christian Democratic Party of Chile, of which Edmunds used to be the local candidate. The party endorsed Luz Zasso Paoa, the only female member of the Easter

Island Development Commission, as their new candidate for the mayoralty (TRN, undated article).

Edmunds's outspokenness also created uproar on another occasion. On 26 March 2008, Finnish tourist Marko Kulju broke off the ear of a moai (megalithic statue), a crime for which he was arrested, fined US\$15,750 and banned from Rapa Nui for three years. The mayor publicly stated that one of Kulju's ears should be cut off as an appropriate punishment (RNJ, May 2008, 77; TRN, March 2008).

The occasional vandalism exemplified in Kulju's case is only one of the problems intensifying with the growth of mass tourism. The number of visitors, presently estimated at about 50,000 annually, is increasing by 20 percent every year, a development that causes not only satisfaction but also increasing concern among the Islanders. During the review period, a new luxury hotel named Posada Mike Rapu opened its doors, and several more are being planned. Edgar Hereveri, president of the island's Chamber of Tourism, expressed concerns that the appropriate infrastructure is lacking to accommodate more visitors and warned that the island had collapsed once before—referring to the collapse of ancient Rapanui culture in the seventeenth or eighteenth century due to overpopulation and depletion of resources (RNJ, May 2008, 76–77).

As a result of the tourism boom, and the accompanying mass influx of migrants from Chile, observers see the cultural heritage of the island as increasingly endangered. While some Islanders are very defensive about their cultural identity, others are becoming

increasingly westernized. Confronted by a mix of ideas from Chile, the United States, and other Polynesian islands, the Rapanui “cannot agree on whether they should follow in the footsteps of Tikopia or Las Vegas,” as one critical voice put it (Shawn Mc Laughlin, in *RNJ*, May 2008, 67).

In December 2007, the island tragically lost one of the bearers of hope for the future of its heritage, when Clemente Hereveri passed away at age thirty-two. Hereveri was one of the most proficient experts of Rapanui language, culture, and oral history among the younger generation. He had studied archaeology in Chile, served as the secretary of the recently formed Rapanui Language Academy, and worked for the defense of indigenous rights throughout Chile. He was also a leading participant in the discussions about the special statute bill (*RNJ*, May 2008, 79).

Toward the end of the review period, the issue of Rapa Nui’s status came up again. From 5 to 6 May 2008, a Chilean government delegation visited the island in order to present the latest government draft version of the bill. They discussed it with local political leaders in Governor Hotu’s office, to prepare for its impending introduction in Congress. During the meeting, participants made proposals for modifications and in the end agreed on a list of additions to perfect the bill (*SUBDERE*, 12 May 2008). On 4 June, the bill was finally completed and sent by President Bachelet to the Chamber of Deputies (Government of Chile 2008), where it was formally introduced on 2 July (*SUBDERE*, 3 July 2008).

The current bill, more similar to the

Ministry of Interior draft than to the community draft, can be summarized as follows: The current province of Easter Island, subject to the Valparaíso region, will be abolished and replaced with the Special Territory of Easter Island, directly dependent on the central government in Santiago, and no longer part of any region. The insular administration will be headed by an island governor, appointed by the Chilean president, with prerogatives similar to a regional intendente (articles 2–3). Qualifications for the island governorship include two years of residency in the territory prior to appointment (article 4), but do not include Rapanui ancestry or knowledge of the Rapanui language, as in the 2007 community draft. All government agencies on the island, both those of the insular administration and those depending on metropolitan Chilean government departments, will be under the authority of the governor (articles 13–23; 37–39). The island governor will be assisted by, and preside *ex officio* over, an Island Development Council consisting of six elected members, four of whom must be ethnic Rapanui; the president of the Council of Elders will also serve as an *ex-officio* member, along with the mayor, who has a right to speak but not vote (articles 24–29, 48–49). The council’s main prerogatives will be budgetary appropriations and confirmation of votes on projects proposed by the governor (articles 21, 30, 43, 46). In contrast to the provisions of the 2007 community draft, the council will have no powers to initiate the governor’s removal from office or to confirm his appointments of civil servants. The presently exist-

ing municipality, with the elected mayor and six councilors, will remain structurally unchanged, but it will be dependent on the island governor's office instead of the Valparaíso regional administration. However, its administrative responsibilities will be increased (article 67).

Special attention is given to the protection of the Rapanui identity and cultural heritage, which the governor has an obligation to protect (articles 1, 11, 15a). The Council of Elders is recognized as a legitimate local institution with advisory powers in all matters pertaining to Rapanui culture and language (articles 51–52). Furthermore, the bill creates a Rapa Nui Lands Commission, to be formed in place of the present Easter Island Development Commission, which will be disbanded (article 76). Composed of the governor (who will preside *ex officio*), five elected ethnic Rapanui councilors, the president of the Council of Elders, a representative of the Chilean Ministry of Public Lands, and the local representative of the Chilean Office for Indigenous Development, the Rapa Nui Lands Commission will supervise the administration and use of Chilean state-controlled lands and coordinate grants of land title to Rapa Nui families (articles 53–58).

In conclusion, it is worth noting that while the 2007 community draft was already a compromise between Rapanui calls for autonomy and Chilean claims of centralized authority, the 2008 bill represents an extremely watered-down version of the original proposals for a genuine statute of autonomy made by Mayor Edmunds and others in 2002–2003 (*RNJ*, Oct 2003, 150). As such, the bill

is not likely to either solve the island's administrative problems or satisfy the Rapanui's demands for autonomy. The bill severs ties with Valparaíso region and places the island directly under Santiago, but the relationship between the island community and the Chilean-appointed government apparatus remains essentially the same. With the powerful chief executive still appointed rather than locally elected, it is difficult to see the statute as one of internal autonomy. In addition, the bill increases rather than reduces bureaucracy, by creating new institutions but failing to abolish existing ones. The continuing existence of two parallel administrations—the municipality and the governor's office, each with its own elected council, executive head, and numerous supporting staff—seems absurd for a community consisting of only one settlement with a few thousand inhabitants.

One must wonder why the island cannot follow the example of all other dependent but internally autonomous Pacific Islands territories such as French Polynesia, American Samoa, Norfolk Island, or Tokelau. Each of these territories has a local government consisting of an elected assembly and an elected chief executive, responsible for all local affairs, while the metropolitan executive government is represented by a high commission (French Territories), administrator (New Zealand and Australian territories), or a federal office (US territories) to administer its sovereign prerogatives. A similar arrangement was advocated for Rapa Nui in one of the earlier draft proposals (*Hacia un Estatuto de Autonomía para Isla de Pascua* [2003]), but apparently no

Chilean legislator even took up this idea. With no elected local chief executive in existence to represent the island internationally, it seems that Chile, despite all the apparently liberalizing measures of the last few years, is still determined to prevent Rapa Nui from taking its rightful place in the Pacific region as, at the very least, an internally self-governing political entity.

Finally, the bill says nothing about controlling immigration to the island, and the issue was not taken up during its preparation, even though this was one of the most important points of concern raised in the 2006–2007 workshops. The immigration issue had therefore been included in the community draft as another piece of legislation to be prepared in parallel. If the Chilean government is really committed to the “preservation of the identity of the Rapanui people” as it states in article 11 of the bill, something must be done soon to stop the uncontrolled influx of Chilean settlers that as of a few years ago had already turned the Rapanui into a minority on their own island.

In summary, if the present bill passes, it will certainly count as a first step in the right direction. But in order to create a meaningful autonomous government that can address the island’s long-term needs, much more substantial political reform will be necessary in the near future.

LORENZ GONSCHOR

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## SĀMOA

During the year in review, the Human Rights Protection Party (HRPP) maintained its dominance over the unofficial minority parties. However, the introduction of several controversial policies led to some fragmentation of the party following the defection of two HRPP stalwarts. With the breakup of the Samoa Development United Party (SDUP) the previous year, there was no official opposition party in the Samoan Parliament, so effective opposition to government measures was missing. The year may be described as one where the Human Rights Protection Party, principally through its leader, the effervescent Prime Minister Tuilaepa Sailele Malielegaoi, attempted to test the limits of its political power. The result was the emergence of people power, but will that be enough to halt the HRPP juggernaut?

The most controversial issue, which has led to some fragmentation in the HRPP political machinery, was the adoption of a policy that banned left-hand-drive motor vehicles, and changed the side of the road on which traffic travels from the right to the left. Horse carriages and motor vehicles have been driven on the right-hand side of the road in Sāmoa since 1899, so it was a shock when the country learned in early September 2007 that the Tuilaepa government was drafting a bill to change that. Perhaps it was not so much the policy itself that prompted public opposition, but the manner in which it was introduced: There was no consultation with stakeholders, no proper scientific study to determine the effects of such a change, rejection of expert opinion by the Chamber of Commerce and the Institute of Professional Engineers, Samoa (IPES), and inattentiveness to public opinion. In other words, there was a perceived lack of transparency and accountability in the formulation of the new government policy, leading to charges of recklessness and possible underhanded dealings. Public accusations against the prime minister over the issue were simply laughed off, which made public relations even worse.

The reason the prime minister gave to the *Samoa Observer* for implementing the policy was the need to align with neighboring countries, namely New Zealand and Australia (SO, 18 Sept 2007). Of course, it was only the first shot fired in a propaganda war that pitted the prime minister and his Human Rights Protection Party against some of the most powerful civic forces in the country—a war

that was to last the better part of a year. Never has an issue dominated the editorial section of the *Samoa Observer* for so long, with the great majority of letter writers opposed to the switch. In response, the government used its own newspaper, the *Savali*, and the government-owned SBC TV and SBC Radio to counter the arguments of its opponents.

The immediate reaction to the announcement came from the Samoa Rental Car Association, which opposed the switch. There was no doubt in the mind of the association president that such a change would have dire consequences for the car-rental business in Sāmoa, the belief being that tourists would feel uncomfortable because they were used to driving on the right side of the road. The switch would also pose a major problem to the association's members, because all their new vehicles are left-hand drive. Above all the association condemned the government's failure to consult with stakeholders (SO, 19 Sept 2007). Other areas of concern to the association were the high cost of conversions (which could amount to millions), potential lawsuits, death, and compensation.

The next round of opposition came from a group of nongovernmental organizations (NGOs) made up of the Samoa Chamber of Commerce, the Samoa Umbrella of Non-Government Organizations (SUNGO), the Samoa Association of Manufacturers and Exporters, Women in Business, and the Taxi Association of Samoa. These organizations argued that the switch would cause enormous hardship to all Samoans, and they expressed concern about the potential for more

car accidents and serious injuries; the high cost of changing infrastructure (roads, signage, traffic lights, etc); and the environmental impact of scrapped left-hand-drive cars. They estimated that the total cost to the economy would be at least 790 million Samoan tala (SO, 5 Nov 2007). (Currently, one Samoan tala [SAT\$] equals approximately US\$0.38.) The nongovernmental organizations called on the prime minister to withdraw the decision, to engage in a process of public consultation, to release any reports that had informed the government's decision, and to establish a commission to look into the issue. Another prominent opponent, the Institute of Professional Engineers, Samoa, warned that the switch could cost the country one billion tala, a figure approaching the entire gross domestic product (SO, 16 Dec 2007). Representatives of the Samoan insurance industry also asked the government to properly research the social and economic impact of the switch, indicating that it would take years before the proportion of left-hand-drive vehicles on the roads would diminish significantly.

The prime minister and his ardent supporters were just as vociferous in their announcements in public and through the government-owned media. In an interview with *Savali* (SO, 11 Nov 2007), Prime Minister Tuilaepa dismissed all the opponents' concerns as trivial or based on incorrect assumptions. His primary justifications were saving energy by doing away with gas-guzzling American cars, and helping ordinary people whose families live in Australia and New Zealand acquire affordable cars from those countries. A week



after Tuilaepa's *Savali* interview, Minister of Works, Transport and Infrastructure Tuisugaletau Sofara Aveau announced that the cabinet had approved the new policy, opening the way for drafting the legislation and parliamentary discussion. Moreover, the government had estimated the cost of the switch to be SAT\$5 million and called the NGO estimate "way out of kilter." Addressing safety concerns, the minister noted that the government planned to implement a driver-training program for those who needed it, and that bus stops and one-way streets might be introduced in the city. He also rejected any suggestion that the road switch had to do with economic pressures from Sāmoa's overseas development partners and donor agencies.

Shortly after the minister's announcement, a citizen's group called the People Against Switching Sides (PASS) emerged, with prominent lawyer Toleafoa Solomon Toailoa as convener and later chairman. Toailoa called a public meeting on 30 November 2007 to discuss the issue. Toleafoa said that the issue should have been put to the public first, and that he had decided to take action only after seeing all the letters to the editor and hearing people's complaints. The swiftness of the government's action also gave the appearance that the decision was a *fait accompli*. Toleafoa had called the meeting, he said, on his own initiative and was not doing it because he was against the prime minister. He also asked politicians to not attend the meeting so that they could not use it for their own political purposes. The crucial issue, Toleafoa explained, was that the public was not convinced by the government's arguments for the

switch, and that the claim that the change would cost only SAT\$5 million "just shows how silly that sort of statement is as it lacked any basis." Key decisions require consulting the public, he added, and not doing so runs counter to the culture and democratic ideals on which Samoan society is based (*SO*, 27 Nov 2007).

Hundreds turned up to the meeting, and it was decided to hold a protest march to Parliament. On 17 December, an estimated 15,000 people marched, and Speaker Tolofuaivalelei Falemoe Leiatua adjourned Parliament to enable the prime minister and members to meet them. Toleafoa presented a petition with more than 33,000 signatures to the Speaker. The Speaker said the petition would be presented to Parliament that day, but reminded the marchers that the legislation had not yet been tabled in Parliament, and that the petition could not be considered until it was (*SO*, 18 Dec 2007). The next day, the PASS petition was tabled in Parliament, along with a second petition from the Institute of Professional Engineers, Samoa.

Parliament appointed four government members and three independents to form a petitions committee. Toleafoa warned that if the petition did not receive a favorable reception, he would resort to legal options. He promised that the measure would not become law. However, the PASS rhetoric fell on deaf ears. On 10 March 2008, the petitions committee tabled a nineteen-page report in Parliament. The report recommended that the government carefully consider the concerns of the petitioners, but reminded members that they represent their constituencies and are authorized

to make laws for the benefit of the country. They also noted that the cost estimates by the petitioners conflicted with those of the government (SO, 11 March 2008). While the PASS membership responded with shock, its chairman, Toleafoa, was not surprised. He described the report as a farce, since four members of the committee represented the HRPP majority and only three represented the unofficial minority parties, independents, and the Samoa Development United Party. While the committee sought the views of the nation, these views were not reflected in the report, Toleafoa said.

The PASS group did not remain idle while the Road Transport Reform Bill worked its way through Parliament. It carried out a second protest march on 14 April 2008, when Parliament was scheduled to reconvene to discuss the bill. The estimated number of people who joined the march was higher than before (18,000 this time), causing Toleafoa to declare that the great majority of the population was against the switch (SO, 15 April 2008). Nevertheless, the bill was eventually passed on 18 April 2008. The legislation puts an end to the importation of left-hand-drive vehicles (as of 2 May 2008), and drivers will be required to travel on the left side of the road beginning in the second half of 2009.

PASS chair Toleafoa said the day the Road Transport Reform Bill was passed would be remembered as Black Friday, a day when the government ignored the voice of the people to pass a law that would cost lives and cripple the economy. Citing unconstitutionality, in March the PASS group filed a legal action in the Supreme Court against the bill.

The government's intransigence over the traffic issue led directly to the later resignation of two key HRPP members, Safata MP Palusalue Faapo II and Aleipata Itu I Lalo MP Muagututia Siaoisi Meredith. A third HRPP associate minister, Hans Joachim Keil, opposed and voted against the right-hand-drive bill, but chose to remain with the party. Keil, one of two representatives of the Individual Voters' Roll, said his constituency opposed the switch and pointed out some major shortcomings in the petitions committee report. Palusalue also stated that his constituency opposed the switch, and that the Human Rights Protection Party had failed to take into account its immediate impact. He predicted that there would be deaths on the road as a result. Muagututia said that as a member of the Institute of Professional Engineers, Samoa, he supported the IPES position and was disappointed that the report of the petitions committee did not adequately address the problems of cost and safety. That only two HRPP members defected from the party as a result of these events is certainly a credit to the management skills of the prime minister. There was no mass exodus, as some critics of the bill had hoped.

Another major consequence of the road transport reform issue was the formation of a new political party made up of those members of Parliament who opposed the switch, including the independents, members of the Samoa Development United Party, and the two members who defected from the Human Rights Protection Party. Lealailepule Rimoni Aiafi, the chairman, said the party was formed due to the immediate need for a strong

parliamentary opposition, and to gain power in the 2011 general elections. But despite having the requisite numbers (fourteen), the new party cannot yet be recognized in Parliament because, according to the Standing Orders of Parliament, registration of members and the formation of a new party can only take place after a general election and before a new Parliament is formed.

The second major issue that confronted the governing Human Rights Protection Party during the year under review was the Land Titles Registration Bill 2007. The bill was controversial from the start due to the provision that ownership of customary land must be registered under the name of a family chief. Traditionally, ownership of Samoan customary land was vested in the primary heirs (*suli tau toto*) of a title, which means a family corporation. For any major activity requiring the use of a family's customary land, all the primary heirs had to be consulted for their approval. Under the new bill, ownership would be vested in the name of individual matai (chiefs) and not under the title representing the family corporation. As critics of the bill have argued, this means that the named chief could will the land to his own descendants, begging the question: What about the property rights of the other heirs, such as those connected through collateral lines?

When the bill came up for discussion in Parliament, Prime Minister Tuilaepa said that passing the bill would in no way affect rights over customary land. Such rights, he stressed, were already in the Samoan constitution and HRPP members were well aware of the need to protect

them. What the bill would do, he went on, is provide for registration of freehold land. (There is much uncertainty in the ownership of freehold land under the current deeds system, even if a person holds a deed to confirm ownership). The prime minister pointed out that the bill introduces the Torrens system for registering freehold land—under which ownership would be more secure—and only deals with customary land with regard to leasing it. If a person or a business defaults in repayment of a loan, the bank is not authorized to take customary land as compensation. Instead it can only take over the lease of a person who defaults on repayments, and advertise for another person to continue the lease. In his comments, however, the prime minister did not address the main question relating to registration of customary land under the name of an individual chief.

The SUNGO chairperson, Vaasiliifiti Moelagi Jackson, said that Land Registration Bill 2008 was unconstitutional, unethical, and un-Samoan. She reasoned that customary land in Sāmoa is not private; holders of matai titles are trustees, not owners, of Samoan customary lands; and matai titles, not individual chiefs, are vested with proprietorship of such lands. Therefore, private property registration systems cannot be applied in principle or practice to Samoan customary land, unless there is consensus from all of the heirs (SO, 10 March 2008).

Sua Rimoni Ah Chong, leader of the Samoa Party, said the registration of customary land under any matai's own name would signal the death of the fa'a-Sāmoa because it would transfer authority over customary

land from a group title to that of an individual. This was inconsistent with article 102 of the Samoan constitution, and if the prime minister wanted to change the constitution, then it would have to be done properly (SO, 18 May 2008).

The government appointed the Task Force on the Economic Use of Customary Land, which visited villages around the main islands of 'Upolu and Savai'i to canvass people's views about the bill. A member of the task force, Masinalupe Tusipa, chief executive officer of the Justice Ministry, said it was not the function of the committee to explain the contents of the Land Titles Registration Bill but rather to obtain the views of the country regarding the leasing of customary land, to explain that leasing of customary land was not new, and to counsel people about where to obtain help if they wanted to lease their land.

Despite widespread opposition to the bill, the government approved it on 13 June 2008 under its new title, the Land Act 2008. True leasing of customary land for development has been in the law books for at least thirty years, yet there has been very little sign of any extra boost to agricultural development. It remains to be seen how successful this act will be in fulfilling the government's intentions of promoting development through the use of idle customary land.

Asiata Saleimoa Va'ai, leader of the unrecognized Samoa Development United Party, believes the Land Act resulted from pressure by aid donor countries and international financial institutions. This is also the popular view among the public. Like the right-hand-drive legislation, the Land

Act may return to haunt the Human Rights Protection Party in the next general election.

The government has also been grappling with other land issues. Due to land-related grievances, the people of Satapuala village occupied government land located opposite the International Airport terminal at Faleolo. Violence was narrowly averted as a result of face-to-face meetings between the village matai and the prime minister. The compromise reached was the formation of a joint committee made up of representatives from the village and the government to discuss concerns about boundaries, compensation, priorities in lease grants within the government's proposed township at Faleolo, and so on.

A similar event occurred when persons from a village in the Siumu district occupied private land several miles inland. Again, the occupation had to do with grievances against the government over land matters. Eventually, the squatters were removed and charged by the police. The occupation was not as serious as the Satapuala situation, however, because most people in Siumu district were against the action of the squatters, preferring instead to continue their fight in the courts.

Further, the government decision to relocate the inhabitants of Sogi village, just behind the Kitano Hotel, Apia, has led to resentment among the residents, who have been living there for generations. Eventually, Minister of Natural Resources and Environment Faumuina Tiatia Liuga told the thirty families involved that they had to relocate from public land to an inland site at Falelauniu

because the government needed to protect the mangrove environment, prevent flooding, and accommodate population increases. Each family was entitled to one quarter acre of land at a reduced price, a generous repayment period without interest, a 15 percent discount if the entire amount is paid in one lump sum, and relocation costs of SAT\$3,000 per family (SO, 9 April 2008). In addition, the government agreed to donate two and a half acres at Falelauniu to the Congregational Christian Church in return for its quarter-acre section at Sogi, and the Samoan Land Corporation would provide SAT\$100,000 for the construction of a new church and a residence for the pastor.

In July 2007, the Land and Titles Court declared invalid the bestowal of the Malietoa title on Papali'i Fa'amausili Moli, son of the late head of state, and ruled that the protocol of a court decision in 1939 must be followed in choosing a successor. The protocol applies to the three main lineages (Malietoa Moli, Malietoa Natui-tasina, and Malietoa Talavou) when they reach agreement on a candidate. However, some observers are of the opinion that it may take a long time for such a consensus to be reached.

The Electoral Committee, which was tasked to look into the Report of the Commission of Inquiry into the 2006 general elections, recommended that the Individual Voters' Roll be abolished before the 2011

general election. It also recommended the prosecution of individuals who make bribery payments to others in order to influence them not to lodge, or to withdraw, an election petition, as well as those who extort money for the withdrawal of petitions. Finally it recommended the creation of additional parliamentary seats for Vaimauga Sisifo and Faleata Sisifo, in keeping with population trends (SO, 13 Nov 2007).

Hans Joachim Keil, as current representative of the Individual Voters' Roll, argued that there is no need to legislate away the existence of the roll, as it will die a natural death. He pointed out that currently there are only two members, while previously there were five. The number of people who qualify for the roll will gradually diminish, and the number of those who take on matai titles will increase.

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