

## Political Reviews

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*Micronesia in Review: Issues and Events,*  
1 July 2016 to 30 June 2017

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Reviews of American Sāmoa, Cook Islands, Niue, Sāmoa, Tokelau, Tuvalu, and Wallis and Futuna are not included in this issue.

#### FRENCH POLYNESIA

The year under review was again relatively calm, without major political upheavals. Backed by a surprisingly stable majority in the Assembly of French Polynesia for his Tapura Huiraaatira party, President Édouard Fritch continued leading the country with an essentially conservative political agenda, not aiming at major institutional or policy changes. On the regional level, the country gained the controversial distinction of becoming a full member of the Pacific Islands Forum (PIF). National elections in France brought some fresh air into the local political scene, giving Fritch's camp the opportunity to measure its popular support, while the pro-independence opposition was able to place its first-ever representative in the French National Assembly. At the same time, the massive reconfiguration of the political scene in Paris during those elections has the potential to induce changes in the local configurations in Papeete over the coming years.

The first consequential political event affecting the territory during the review period happened far away on Pohnpei in the Federated State of Micronesia, where the PIF annual meeting took place from 8 to 10 September 2016, and the status of French Polynesia and New Caledonia,

associate members since 2006, was upgraded to full membership in the organization (PIR, 10 Sept 2016).

While appearing at first glance a gesture of appreciation toward the two large French overseas possessions by their independent Pacific neighbors, full membership for French Polynesia—as for New Caledonia—was in fact highly controversial, both within the country and among the larger Pacific community. The government of French Polynesia and especially President Fritch, who was present in Pohnpei, surely expressed their satisfaction and joy to have at last reached formal equality with the neighbor countries, as did the president of New Caledonia's government, Philippe Germain.

But, just like the Kanak pro-independence parties in New Caledonia, Papeete's pro-independence opposition strongly opposed full membership and had in fact lobbied against it as much as possible (RNZ, 11 Sept 2016). Opposition leader and former French Polynesia President Oscar Temaru, head of the pro-independence Tavini Huiraaatira party and the larger opposition coalition Union pour la Démocratie (UPLD), had always warned that premature membership before having reached either independence or full self-government could jeopardize or at least slow down the decolonization process, since it weakens the position of the Island states to put pressure on France in order to accelerate that process, making it more attractive to local leaders to

insist on complete decolonization as a precondition for full PIF membership.

Indeed, the acceptance of the two territories as full members clearly contradicts the self-definition of the Pacific Islands Forum as consisting of “independent and self-governing states” (PIF Secretariat 2017). This makes sense, since in only partially self-governing territories such as French Polynesia, the colonial metropolis—France, in this case—continues to have decisive influence. And it must be recalled that the PIF was founded in 1971 specifically to create an organization run by Island leaders in which colonial powers (specifically France, with its extremely reactionary colonial policies at the time) had no possibility to interfere (Fry 2015, 3–4). Since according to the organic law of French Polynesia foreign affairs is an area of responsibility of the French national government and not of the semiautonomous country government, the latter cannot make its own decisions in this field without prior approval from Paris. Hence, decolonization experts warned that membership for French Polynesia and New Caledonia would be tantamount to a Trojan horse for France to enter the Pacific Islands Forum (OTR, 19 Sept 2016).

It was also suspected that Australia and New Zealand, whose geopolitical interests appear to align ever more closely with those of France, were exerting pressure on the smaller island states to accept this de facto membership of France, in order to obtain a further ally to support their neocolonial regional hegemony in the Pacific Islands Forum and to contain the ramifications of Fiji’s alternative partnerships with China and other

non-Western powers (RNZ, 14 Sept 2016; OTR, 18 Sept 2016).

Armed with PIF membership as evidence of tacit regional approval of the country’s current relationship with France, in early October 2016 Fritch attended the meeting of the United Nations’ Special Committee on Decolonization in New York to lobby for the removal of French Polynesia from the United Nations list of Non-Self-Governing Territories (NSGTs), to which it had been re-added in 2013. Fritch, the first-ever pro-French local political leader to attend such a meeting, argued that since pro-French parties held the majority in the local assembly, decolonization was not desired by the local people, and furthermore, that acceptance into the Pacific Islands Forum demonstrated that such a process was unnecessary (PIR, 4 Oct 2016).

But this turned out to be a futile undertaking. Without checkbook-wielding regional hegemony like Australia and New Zealand in the room, a body run entirely by nonaligned countries of the Global South like the UN Decolonization Committee was not easily impressed by Fritch’s efforts. Furthermore, the pro-French party *Tahoeraa Huiraatira* of former President Gaston Flosse, the third force in the local assembly, from which Fritch’s movement had split in 2015, publicly disavowed Fritch’s New York mission and denied his authority to speak for all “autonomist” (ie, anti-independence) locals (TI, 3 Oct 2016). Unlike the Pacific Islands Forum, the United Nations would not bend its rules on decolonization. And as these rules stand, only a UN-supervised referendum of self-determination, resulting in

either independence, free association, or full integration (ie, becoming an administrative unit of metropolitan France in this case) would lead to a removal from the list. In the end, Moetai Brotherson, Tavini Huiraatira's representative at the Decolonization Committee meeting, provided more convincing counterpoints at the meeting, highlighting the fact that the country's "relisting on the UN list in 2013 gave France bad reasons to want us in the Forum, but at the same time gave our Pacific brothers a noble motivation to welcome us in" (OTR, 7 Oct 2016).

Based on a draft prepared by the Decolonization Committee, the UN General Assembly unanimously adopted Resolution 71-120 on the question of French Polynesia on 6 December 2016. While taking note of PIF membership for the territory, the resolution once more chastised France for refusing to cooperate and submit information on the territory—this was the third year in a row that French Polynesia was the only NSGT for which the administrative power refused to submit any information, in violation of its obligation to do so under article 73e of the UN charter. As in the year before, the UN General Assembly urged France to work with both the territory and appropriate UN bodies to educate the people on their right of self-determination and to implement it without delay. In addition, this year's resolution contained much stronger language in support of the country's economic and ecological rights, underlining "the permanent sovereignty of the people of French Polynesia over their natural resources, including marine resources and undersea miner-

als" and requested UN authorities to monitor the impact of French nuclear testing on the territory's environment and its people's health (United Nations 2016).

Meanwhile, back home, the ghosts of the past were catching up with President Fritch, reminding everyone that, despite his efforts to style himself as a new, rational, and forward-looking leader in local politics, he was far from a blank slate, as in late September he was sentenced to repay 6.5 million CFP francs in salaries that he had received for a "fictional employment" in the presidential office under Flosse between 1996 and 2004, part of a large scheme of illegal funding of Tahoeraa (Pacnews, 1 Oct 2016). (One hundred CFP francs is approximately US\$1.00.) Flosse himself and several others were sentenced to pay back an overall sum of 243 million CFP francs to the public treasury (*TI*, 22 Sept 2016).

But apparently this type of behavior was not confined to the recent past, as in mid-October, Flosse and Assembly Speaker Marcel Tuihani, Fritch's successor as Flosse's lieutenant party leader, were detained for questioning about a current suspected "fictional employment" of four Tahoeraa party members at the assembly's secretariat, at a combined annual salary of over 36 million CFP francs (*PIR*, 15 Oct 2016). Just a few days earlier, Flosse and his partner Pascale Haiti had been sentenced to pay a fine of 3 million CFP francs for stealing expensive silverware from the presidential palace after Flosse's removal from the presidency due to the confirmation of another corruption conviction on appeal in 2014 (*RNZI*, 12 Oct 2013).

While corruption remains rampant in local politics, the overall economic situation is not improving either. French subsidies to the local government and other monetary transfers from Paris remain the lifeline of the country. In August 2016, French High Commissioner René Bidal announced the possible increase of annual grants from Paris to the country government to 10.8 billion CFP francs, based on an obligation to compensate French Polynesia for three decades of nuclear testing from the 1960s to the 1990s (*TI*, 31 Aug 2016). But this figure does not cover various other monetary transfers to the territory, for instance, spending by the French state in areas of responsibility not delegated to the country government, as well as state subsidies to the municipalities. Altogether, money directed to the territory from Paris one way or another amounts to a total of far over one billion US dollars annually.

As long as France is willing to pay these sums, there is a semblance of economic prosperity, but it is certainly far from a desirable form of economy. A dynamic private sector providing economic growth has been virtually absent for a long time. As Fritch's minister for economic recovery, Teva Rohfritsch, succinctly stated, "The whole challenge is to get from an economy of public monetary transfers to an economy of growth" (*TI*, 10 Oct 2016).

In order to create such growth, Fritch and his predecessors Flosse, Temaru, and Tong Sang have all tried to attract investment in various development schemes, but it appears none of them has yet yielded significant revenue for the country. These

include Flosse's "pharaonic" tourism development project named Mahana Beach, continued by Fritch but still in little more than its planning stage; a Chinese-run aquaculture farm in the lagoon of Hao atoll that is under construction (*TI*, 21 June 2017); and, more recently, plans to reopen phosphate mining on Makatea, where such mining operations existed until the 1960s, and possibly on other Tuamotu islands as well (*TI*, 30 Nov 2016). More eccentric is a project by Seasteading Institute, a libertarian think tank in California, to build a city of floating islands within French Polynesia's exclusive economic zone as a prototype for the envisioned future creation of such modules on the high seas beyond the control of any government—a project that also received President Fritch's support (*TI*, 5 Jan 2017).

On a more practical level, French Polynesia also worked on the further diversification of its foreign relations, mainly in order to open up new tourist markets. In November, the country government announced a new French Polynesia liaison office in St Petersburg, Russia, which opened in early 2017, to advertise more efficiently to the growing upper-class Russian tourist market (*PIR*, 14 Nov 2016; *TPM*, 24 Feb 2017), while a similar Canadian office was being built in Papeete (*TI*, 29 Nov 2016). Not only are significant numbers of Canadians visiting Tahiti, but there is also a growing Tahitian diaspora in the francophone part of Canada.

More controversial are the Fritch government's projects to implement neoliberal "reforms" aimed at reducing social security systems and ser-

vices, which have never been as well organized as in metropolitan France. Since the gap between rich and poor has already been widening dramatically over the last few years, such measures are sure to provoke major protests by trade unions and possible social unrest (*TPM*, 28 Oct 2016).

At the same time, the widening of social inequalities inevitably leads to further deterioration of social values. During the review period, various criminal court cases took place involving domestic violence, including pedophile abuse and other sexual aggressions. As if all of this was not enough, Islamic extremism was being imported from France into the local Nuutania prison, where a Polynesian inmate who had become an adherent of jihadist Islam in a jail in France repeatedly attacked his cellmates and guards and had to be put into solitary confinement (*TI*, 1 Sept 2016).

On a more positive note, toward the end of the year Walt Disney Corporation announced that its Polynesian-themed, animated juvenile film *Moana* would be dubbed entirely in Tahitian, including all song texts, and the Tahitian version of the film would be released in local theaters in early 2017. While the small target audience would not make this commercially viable for Disney, the corporation intended to make a positive contribution to cultural preservation in the Pacific, part of a campaign to improve its image among indigenous communities that have often accused Disney and other Hollywood firms of exploiting their culture without giving anything back (*TI*, 24 Oct 2016). Around the same time, a French film studio was producing a movie about the

life of French painter Paul Gauguin, with most scenes filmed on location in Tahiti (*TI*, 3 Jan 2017). Ironically, while Gauguin's legacy in Tahiti was celebrated in cinematography, the Gauguin Museum, a major tourist attraction, definitively closed in early 2017—a move beyond comprehension in terms of tourism development strategy (*TPM*, 16 June 2017).

Back to politics, the simmering issue of Marquesan secession received new impetus during the review period, as apparently the mayors of all six municipalities in the archipelago have now agreed to lobby Paris to separate their archipelago from the rest of French Polynesia to become its own French overseas entity. Both Fritch and Temaru, in a rare display of unity, denounced the proposal, as had Flosse in the past (*RNZI*, 30 Nov 2016).

While this issue will probably remain in a standoff for years to come, the upcoming French presidential and parliamentary elections started having major repercussions on local politics after the beginning of the New Year. Receiving ever-lower ratings, incumbent François Hollande decided not to run again for the French presidency, and since both his Socialist party and the center-right Gaullist Republicans presented weak candidates, a lot of attention began to be paid to Marine Le Pen of the far-right National Front, who was considered to be within reach of the presidency.

In New Caledonia the National Front has always been supported by the most reactionary faction of French settlers and accordingly opposes any steps toward decolonization there. It has similarly opposed decolonization in French Polynesia, where the party

has no significant support base, mainly for reasons of French national prestige. But in February 2017, to boost her support in French Polynesia for the upcoming elections, Le Pen made a surprising turn by announcing that if elected she would initiate a process leading to a self-determination referendum after ten to fifteen years, with a preferred final status of free association in which France would only be responsible for foreign affairs, defense, currency, and judiciary, while irreversibly devolving all other fields of governance to the country government (*Polynésie Première*, 11 Feb 2017). Le Pen's new platform in favor of free association happened to be identical with that of Flosse's Tahoeraa Huiraatira party, and indeed Tahoeraa became the official local partner in Le Pen's presidential campaign (*TI*, 27 March 2017; *TPM*, 7 April 2017).

Meanwhile, Fritch's Tapura, which had taken over Tahoeraa's former position as the Republicans' local partner, logically backed the latter's candidate, François Fillon. Temaru's Tavini-UPLD, on the other hand, did not endorse any presidential candidate, but Temaru himself announced his candidacy for French president, not actually hoping to win the vote but rather in order to get access to campaign time in the French national media to advocate for the decolonization of his country. But in the end, he was unable to gather the necessary five hundred signatures of elected officials in at least thirty different French administrative districts (RNZI, 2 March 2017).

While less than half of registered voters participated in the presidential elections, held in two rounds on 22

April and 6 May, the results reflected the local endorsements, with Le Pen scoring 33 percent in the first round, and a record 42 percent in the second round (much higher figures than in France), while Fillon, who placed only third in France, came in first in French Polynesia with 35 percent. The upstart Emmanuel Macron, who surprisingly scored first place on the national level in France, was far behind in French Polynesia, since he lacked the support of a major local political party. In the runoff against Le Pen, Macron received Tapura's support, as well as that of several splinter groups, and locally won with 58 percent, but this was still far behind his landslide victory figures on the French national level (*TI*, 23 April, 7 May 2017).

Of more importance for local politics were the French national assembly elections that followed on 3 and 17 June, even though participation rates turned out to be similarly low. The three deputy seats that represent French Polynesia in France's lower legislative chamber were hotly contested by the three major political parties. Boosted by Le Pen's high scores in the previous month, Flosse felt overly confident of winning back all three seats (which in fact Tahoeraa had won in 2012, but two of the deputies had followed Fritch's 2015 split and joined Tapura).

In the first constituency—comprising the city of Papeete and its eastern suburbs, as well as Moorea and the Tuamotu and Marquesas archipelagos—Tapura incumbent Maina Sage led the vote in the first round and successfully defended her seat in the runoff against Tahoeraa candidate Moana Greig. Former Senator Rich-

ard Tuhejava of Tavini-UPLD did not make it to the runoff, because he had competition from Tauhiti Nena, a former leading UPLD member who had recently split off and formed his own party named Tau Hoturau. In the second constituency (rural Tahiti and Austral Islands), Tahoeraa loyalist incumbent Jonas Tahuaitu did not run for reelection, and Tapura's Nicole Sanquer beat the new Tahoeraa candidate, Teura Iriti, in both rounds, solidly taking over Tahoeraa's last stronghold for Fritch's camp. UPLD's Tina Cross only scored third in the first round, while an independent candidate, Tepuaraurii Teriitahi, gained a surprisingly high score and thus played a role similar to that of Nena in the first constituency.

But it was the third constituency—including the large cities of Faaa and Punaauia on Tahiti as well as the Leeward Islands—that delivered the biggest surprise. Tapura incumbent Jean-Paul Tuaiva, damaged by corruption accusations, had declined to run again, and his successor as Fritch-affiliated candidate, Patrick Howell, led the vote in the first round with a solid 33 percent. But the second-highest score was not Tahoeraa's Vincent Dubois, but rather Moetai Brotherson of Tavini-UPLD, and since Dubois decided to endorse Brotherson for the runoff, the latter won against Howell and thus became the first local pro-independence politician to sit in the National Assembly (*DT*, 5 June, 19 June 2017).

An analysis of the election results points to the beginning of a new cycle in the ever-revolving local political landscape. For Fritch's Tapura, the elections proved that the new party

did not merely commandeer a parliamentary majority of convenience but could actually mobilize significant electoral support. Flosse's rump Tahoeraa, on the other hand, experienced not more than a momentary blip with Le Pen's high scores—partly explainable through UPLD's boycott of the presidential elections—but in fact has once more sunk to a historic low point of political power. In between the two election rounds, Flosse's loss of power continued, since Assembly Speaker Marcel Tuihani Jr (Flosse's lieutenant and possible successor after Fritch's desertion), decided to join his father, Tahoeraa treasurer Marcel Tuihani Sr, in quitting the party to become a nonpartisan, making Tahoeraa lose its last significant political officeholder (*TI*, 6 June 2017).

Tavini-UPLD, on the other hand, was able to profit from the power struggle between Tapura and Tahoeraa and gain entry to the French national legislature, an important step in its long-term strategy of pushing for the country's decolonization. While Temaru had made a blunder with his unsuccessful bid for the French presidency, he was smart enough to keep himself in the distance for the legislative elections and give Brotherson a chance to gain a public profile as a possible successor at the helm of the pro-independence movement. Unlike the idealistic but not always practically inclined Temaru, Brotherson is a realist intellectual characterized by both high moral integrity—one of the few local politicians never accused of corruption—and political acumen. On the very day of his election, Brotherson announced supporting a bill in the National Assembly that would



prohibit all politicians convicted of corruption from running for office, a measure that would be particularly useful in French Polynesia. Wearing a floral shirt, sandals, and shorts or pareu (wrap kilt) while his National Assembly colleagues were all dressed up in suits and ties, Brotherson immediately gained French national media attention as someone proudly representing his Polynesian identity in Paris (*TI*, 17 June, 20 June 2017).

It remains to be seen whether Brotherson and his two Tapura colleagues Sage and Sanquer will be able to work constructively with the government of France's new President Macron, whose new party *En Marche* also swept the legislative elections on the national level. While Sage and Sanquer joined the national caucus *Les Constructifs* (the Constructive Ones) that gathers the remnants of the Republicans and other center-right parties that survived *En Marche*'s sweep, Brotherson and several other pro-independence deputies from other French overseas regions joined the French Communist Party in its new caucus, *Gauche Démocrate et Républicaine* (Democratic and Republican Left). Sage and Sanquer, together with President Fritch, are pushing for the continuation of negotiations with Macron's government toward the so-called Papeete Accord, which should give the country slightly more control over domestic affairs and guarantee further financial aid but is far from adequate compared to its alleged counterpart, the Nouméa Accord in New Caledonia (Gonschor 2017, 141–142). Shortly before leaving office, Hollande and Fritch had signed a preliminary accord, but a final

agreement remains to be negotiated (*PIR*, 19 March 2016). Brotherson, on the other hand, found it refreshing that Macron had denounced former French colonial policies as “crimes against humanity” during the presidential campaign and saw it as a possible indication that, unlike Hollande, the new president might be willing to collaborate with the United Nations on the territory's decolonization (*TI*, 17 June 2017).

Perhaps the most positive measure undertaken by the Hollande government toward the end of its term was the amendment to the so-called Morin Law of 2010 that regulates compensation of nuclear test victims, passed by the National Assembly in February (*TNTV*, 9 Feb 2017). Promised by President Hollande during his visit to the territory a year prior, the amendment deletes a clause in the original law that had the effect of rendering most compensation claims technically “negligible,” so that of the thousands of irradiation victims, only seven had been awarded compensation under the terms of the law—a fact that the two largest test victims associations, *Moruroa e Tatou* (MeT) and *Association 193*, had repeatedly denounced (*TI*, 21 July, 14 Oct 2016). Based on the amendment, the Paris Council of State, France's highest court of appeal, ruled on 28 June that all rejected cases had to be reexamined and that hitherto a causal relationship between nuclear irradiation and certain types of cancer must be presumed, unless it has been specifically proven that the cancer in question had another cause (*TI*, 3 July 2017).

While the amendment is good news for the victims of nuclear testing, the

test victims lost two of their most ardent advocates during the review period. On 25 December 2016, John Taroanui Doom passed away at age eighty. Besides having been the cofounder and main coordinator of MeT, the country's oldest nuclear test victims association, Doom had been active in the Evangelical Church of French Polynesia, the country's largest denomination, which under his influence became actively opposed to nuclear testing and supportive of decolonization, changing its name to Maohi Protestant Church in 2004. As a lay synod member and church administrator, Doom had furthermore worked at the Pacific Conference of Churches and later represented the Pacific churches at the secretariat of the World Council of Churches in Geneva. In those positions, Doom was instrumental in organizing a global network of solidarity in opposition to nuclear testing and in support of its victims. Furthermore, as an excellent orator in Tahitian, Doom was also a founding and lifelong member of the Tahitian Academy and thus played an important part in codifying and modernizing the country's principal indigenous language (*TI*, 26 Dec 2017). Shortly before his passing, Doom had succeeded in publishing his memoirs, providing insights into much of the social, political, and cultural life of the territory over the second half of the twentieth century (Doom 2016).

One of John Doom's principal partners in organizing Moruroa e Tatou, French nuclear weapons expert and peace activist Bruno Barillot, passed away on 25 March 2017, aged seventy-six. Having run a documentary center on French nuclear arms

in Lyon for several decades, as well as being a cofounder of MeT, Barillot had come to Tahiti during one of Temaru's earlier terms as president to serve as the country government's official delegate in charge of the legacy of nuclear testing and as liaison with the victims associations. In between Temaru's multiple short terms in office, when local pro-French parties were in power and Barillot lost his government job, he had usually worked for the Protestant Church and MeT instead. After being fired once more by Flosse in 2013, Barillot was rehired by the Fritch government in August 2016 (*TI*, 26 March 2017; *TNTV*, 25 March 2017).

The country also lost an iconic figure in local journalism, Alex W Du Prel, who died on 14 March at the age of seventy-three. Also known as an author of short stories, Du Prel started *Tahiti Pacifique Magazine (TPM)* in 1991. A remarkable one-man operation run out of a small home office off the grid on rural Moorea Island, Du Prel's magazine became feared by the political class for its unwavering investigative journalism, often providing the initial evidence used in corruption trials, and generally giving insights in social and political issues not offered by other media (*TI*, 14 March 2017; *TPM*, 24 March 2017).

Several long-serving politicians also passed away during the review period, including Roger Doom (John's brother), who had been mayor of West Taiarapu for most of his life as well as territorial assembly member (*TI*, 16 Sept 2016); his colleague Sylve Perry, long-serving mayor of the neighboring East Taiarapu municipality and also a former assembly

member (*TI*, 26 Aug 2016); Joseph Ah-Scha, assembly member from the Marquesas Islands (*TI*, 25 Jan 2017); and Pori Chan, delegate mayor of Kaukura Atoll in the Tuamotus (*TI*, 1 May 2017). Finally, the country also mourned two important cultural figures, local music producer Alphonse Vanfau (*TI*, 28 June 2016) and Wilfrid Pinai Lucas, one of the promoters of the Tahitian cultural renaissance during the end of last century (*TI*, 31 Jan 2017).

LORENZ GONSCHOR

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- RNZI, Radio New Zealand International. Daily radio and Internet news. Wellington. <http://www.rnzi.com>
- TI*, *Tahiti Infos*. Weekday daily newspaper and Internet news. Tahiti. <http://www.tahiti-infos.com>
- TNTV, Tahiti Nui Television (the country government's television network) <http://tntv.pf>
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### HAWAI'I

The year under review in Hawai'i saw the traditional Hawaiian voyaging canoe *Hökūle'a* and its accompanying vessel *Hikianalia* return to O'ahu on 17 June 2017 after a three-year, forty-thousand-mile, worldwide voyage dubbed "Mālama Honua" (Care for the Earth). The voyage circumnavigated the Earth using only traditional Polynesian navigation techniques,

reaching 150 ports in twenty-three countries and territories (PVS 2017). Captain Ka'iulani Murphy stated, "We really are sailing in their (the ancestors') wake . . . we had to relearn what our ancestors had mastered" (Civil Beat 2017). Originally trained by Satawal's Mau Piailug, Polynesian Voyaging Society President Nainoa Thompson noted that traditional Pacific Islanders "figured it out—how to live well on these islands . . . that is the challenge of the time for planet earth and all of humanity." Thompson used the attention on *Hōkūle'a's* return to urge Hawai'i to become a leader on sustainability (Caron 2017).

Just as *Hōkūle'a* was returning from her voyage, Hawai'i Governor David Ige affirmed the state's commitment to the Paris Climate Accords, signing two bills aimed at reducing greenhouse gases in a manner consistent with the Paris agreement. This was one of Hawai'i's perceived acts of defiance toward President Donald Trump, who pulled the United States out of the accords. One news outlet reported: "Mr. Ige, a Democrat in his first term as governor, said in remarks before the signing: 'We are the testing grounds—as an island state, we are especially aware of the limits of our natural environment'" (Bromwich 2017).

Hawai'i lost celebrated musicians Palani Vaughan, Eddie Kamae, and Ernie Cruz Jr during the period under review. Vaughan was a well-known scholar of King David Kalākaua (who reigned 1874–1891) and in the 1970s and 1980s he revived interest in the monarch's period with a four-album series devoted to Kalākaua (KHON2 2016). Kamae's passing was even

noted by the *New York Times*, which called him an "innovator and a historian on four strings"; "Mr. Kamae was one of the most influential Hawaiian musicians of the second half of the 20th century, at once an innovator and a diligent steward of folkloric customs. He is best remembered as a founder of the group the Sons of Hawaii, which made a handful of widely emulated albums in the 1960s and '70s that set the terms for the revivalist movement known as the Hawaiian renaissance" (Chinen 2017). Cruz was a longtime member of the popular music group Ka'au Crater Boys, and his younger brother, Guy Cruz, also a noted singer, died just a few days after him (Kakesako and Berger 2016).

Politically, Hawai'i was at the forefront of opposition to newly elected US President Donald Trump's Muslim travel ban, which sought to prohibit travel to the United States from seven predominantly Muslim countries. After Hawai'i Attorney General Douglas Chin filed a motion challenging the ban, US District Judge Derrick Kahala Watson ruled on 15 March 2017 that "the Government's narrowly defined list [of types of family members allowed to travel] finds no support in the careful language of the Supreme Court or even in the immigration statutes on which the Government relies" (State of Hawai'i 2017). Trump-appointed Attorney General Jeff Sessions stated publicly his disbelief that "a judge sitting on an island in the Pacific" could deter a decision of the US president (Savage 2017). As a result of his decision, Watson received threatening messages and was put under twenty-four-hour protection by the US Marshall Service,

which protects federal judicial officials (Silva 2017).

On 7 July 2017, Judge Watson ruled against Hawai'i's challenge to the revised ban, claiming that only the US Supreme Court had the authority to rule on the case (Somin 2017a), but a week later he issued an injunction against key parts of the travel ban executive order (Somin 2017b). At issue was the definition of "close relatives," and whether grandparents met the qualification for exemptions to the travel ban. In his 14 July ruling, Watson held that grandparents were "the epitome" of close relatives.

In some quarters, it is thought that the fate of Native Hawaiians' claims to political sovereignty lies in the international arena. To this purpose, proceedings were initiated in the Permanent Court of Arbitration (PCA) in The Hague, Netherlands, for the case *Larsen v Hawaiian Kingdom*. This continuation of the Larsen case is in the form of a fact-finding International Commission of Inquiry. The initial case stems from 2001. The underlying basis of the case is the continued existence of Hawai'i as an independent state. This is based on the fact that Hawai'i was annexed to the United States in 1898, allegedly, through a Joint Resolution of Congress, rather than a treaty. As a unilateral and domestic action, the resolution, it is argued, cannot be used to acquire foreign territory. The new International Inquiry lends credence to this argument, and the fact-finding format does not require the participation of the United States, a factor that had led to the inconclusive result of the original Larsen case in 2001 (Hawaiian Kingdom blog 2015).

The 2001 case was cited in the high-profile PCA case *Philippines v China* regarding the South China Sea, and the citing of the 2001 case lends support to the emerging discourse of Hawai'i as an independent state (Hawaii Kingdom blog 2016). Federico Lenzerini, professor of international law at the University of Siena, Italy, is the counsel for the Hawaiian Kingdom and Dr David Keanu Sai is the kingdom's agent. Lance Larsen is represented by attorney Dexter Ka'iama. Professor Francesco Francioni of the European University Institute in Florence, Italy, is the appointing authority, tasked with forming the International Commission of Inquiry for the case. According to the Hawaiian Kingdom blog (2017): "The PCA accepted the case as a dispute between a state and a private party, and acknowledged the Hawaiian Kingdom as a non-Contracting Power under Article 47 of the 1907 Hague Convention for the Pacific Settlement of International Disputes."

In the realm of cultural politics, advocates and opponents of the Thirty Meter Telescope (TMT) on Mauna Kea, Hawai'i Island, experienced both victories and setbacks as the courts stalled construction. As Hawaii News Now pointed out, the Mauna Kea movement "has spread far beyond the slopes of Mauna Kea. Rallies are now springing up around Hawaii, the mainland and around the world . . . from Oregon to Kentucky, New Mexico, North Dakota, Georgia and Massachusetts. There are even pictures and rallies from Korea, New Zealand, England and Germany" (Gutierrez 2015). Meanwhile, two prominent Hawaiian leaders, includ-

ing Office of Hawaiian Affairs trustee Peter Apo, claimed to represent a “silent majority” of Kanaka ‘Ōiwi (Native Hawaiians) who support TMT (Richardson 2017). The telescope issue also affected the island of Maui as opponents of a solar telescope there unsuccessfully attempted to block access to the summit of Haleakalā (Hawaii News Now 2017).

Underlying many of these struggles was the question of the political status of Native Hawaiians. Still mourning the passing of movement leader Dr Kekuni Blaisdell in early 2016, the Hawaiian sovereignty movement evaluated its prospects immediately after the election of Donald Trump. On 10 November 2016, a Community Forum on the Future of the Hawaiian Nation was held in Honolulu to discuss the prospects for Hawaiian self-governance. The forum took the form of a debate between supporters of recognition by the US federal government and advocates of independence, and it became quite heated as federal recognition supporters accused others of personal attacks over the previous few years. The federal recognition position was represented by attorney Mililani Trask as well as Michelle Kauhane and Robin Danner, both formerly of the Council for Native Hawaiian Advancement. Independence supporters, represented by Mauna Kea activist Kaho‘okahi Kanuha, Dr Kalamaoka‘āina Niheu, and Dr Kū Kahakalau, questioned whether federal recognition was at all feasible under President Trump, given that it was to be achieved by executive order. Robin Danner responded that the path had been created and remained open for recognition (osten-

sibly by a future administration) (Blair 2016).

In what has become an annual observance, Hawaiians celebrated the Hawaiian Kingdom holiday Lā Ho‘iho‘i Ea, Hawaiian Restoration Day, which commemorates the return of Hawaiian independence from Britain after a five-month takeover in 1843. The 2016 observance was held in downtown Honolulu at Thomas Square—named for Admiral Richard Thomas, who restored Hawaiian sovereignty—before the City and County of Honolulu closed the park for renovations and transfer to the Department of Enterprise Services. Renovations will include installing a statue of King Kamehameha III, who famously proclaimed on 31 July 1843, “Ua mau ke ea o ka ‘āina i ka pono” (The sovereignty of the land is perpetuated in righteousness), which became the motto of the Hawaiian Kingdom and later the state motto.

Electorally, the Democratic Party continued and further entrenched its dominance of the Hawai‘i political scene. Some credit (others blame) the pro-rail, pro-Democrat Pacific Resources Partnership (PRP)—which describes itself as “the backbone of Hawaii’s construction industry,” and as representing “the Hawaii Regional Council of Carpenters . . . and over 240 diverse contractors”—for this dominance (PRP [2017]). The group established a SuperPAC (Political Action Committee), which allows for the bundling of campaign donations of much larger amounts than previously allowed. In December 2016, Pacific Resources Partnership was fined for failing to disclose its campaign spending (Pang 2016). The results of the

2016 elections had only three Republicans victorious in Hawai'i's seventy-six-member legislature. Similarly, Democrats Brian Schatz (US Senate) and Mazie Hirono (US House) won 70 percent and 68 percent, respectively, of Hawai'i votes. In the presidential race, 61 percent of Hawai'i voters chose Democratic candidate Hillary Clinton over Republican Donald Trump, who received 29 percent of Hawai'i votes (State of Hawai'i 2016).

In a close but stunning upset, Keli'i Akina defeated long-standing trustee of the Office of Hawaiian Affairs (OHA) Haunani Apoliona. While Akina's campaign slogan was "Uniting Hawai'i," many viewed his candidacy as divisive, as he opposes both full independence and US federal government recognition of Native Hawaiians. Akina is director of the Grassroot Institute, which in late 2015 had successfully prevented the certification of the results of an election for delegates to a constitutional convention seeking federal recognition. On the Grassroot Institute's appeal of lower court decisions allowing the delegate election to proceed, the US Supreme Court enjoined the counting of the ballots (Hawai'i Free Press 2015). Another candidate nearly succeeded in ousting the former chair of OHA; longtime sovereignty activist Mililani Trask was narrowly defeated by then-chairperson Robert Lindsey for the Hawai'i Island seat on the nine-member OHA board of trustees.

Debate continued over the half-completed, beleaguered US\$10 billion rail project on the island of O'ahu. Additional funding was needed for the controversial project connecting the "second city" of Kapolei with down-

town Honolulu. A special session of the Hawai'i State Legislature was set for 14 August to discuss rail funding (Hawaii Independent 2017a). Proposals floated earlier in the year included raising the hotel room tax from 9.25 percent to 12 percent for ten years and diverting some of the neighbor islands' share of that tax, even though the rail system will only benefit the south and west shores of O'ahu (Dayton 2017).

Due to the bellicose rhetoric of President Trump and North Korean leader Kim Jong-un, Hawai'i civil authorities crafted plans in preparation for a nuclear strike from North Korea, including at one point even renovating Cold War-era bunkers (later determined to be useless [Morales 2017]; see also Hauser 2017). The Hawaii Independent news website ran an editorial critiquing this response: "President Trump recently responded to North Korean aggression by boasting that the Kim regime didn't have weapons that could reach the U.S. mainland. After the Democratic People's Republic of Korea failed to launch a missile on April 15, the 'Day of the Sun,' the LA Times and Washington Post repeated Trump's retort, reassuring Americans that North Korea could not reach the U.S. mainland and, in so doing, crassly implied that threatened strikes on Hawai'i were of no concern. The reaction here in Hawai'i has been [not unlike] that of a battered spouse: Hawai'i state representatives have convened a panel to reactivate Cold War nuclear shelters. One that was listed as being capable of housing 14,000 was not a bunker at all, but a parking structure. Rather than addressing the real problem—U.S. militarism in Hawai'i,

which puts us all in harm's way—our 'leaders' seek the protection of their battering spouse (protection that consists, at present, of a very unreliable missile defense system)" (Hawaii Independent 2017b).

Hawai'i experienced both population and economic growth in 2016. Hawai'i's population increased very slightly to 1.43 million, and the state's gross domestic product (GDP) rose to \$83 billion in 2016, up from \$80 billion in 2015. The per-capita GDP rose from \$56,554 in 2015 to \$58,742 in 2016 (DBET 2016). Much of this growth was tourism and construction-driven. Though hotels (accommodation) and construction each represented only \$4 billion of the GDP, they were some of the largest single sectors and suggest a fairly diverse economy. Development continued in the Kaka'ako region of Honolulu, with construction and plans for more than twenty high-rise residential towers. Although stretching back decades, plans for workforce housing were mainly supplanted by luxury condo development, with single units selling near, or in many cases, over \$1 million, and as high as \$36 million (Bruner 2016).

On Kaua'i, Facebook founder and Chief Executive Officer (CEO) Mark Zuckerberg drew the ire of Native Hawaiians when he filed multiple "quiet title" claims against hundreds of Hawaiian landowners whose ownership claims stretch back to the origin of private property rights in 1850. During the period of the privatization of land in Hawai'i (1840–1855), kuleana (usually translated as "native tenant rights") constituted both a right to, and responsibility over, land for

Hawaiians. The 1850 Kuleana Act provided a means for maka'āinana (commoners) to divide out these rights and gain a fee-simple title to the lands under their cultivation. Zuckerberg dropped his claims after protest and media scrutiny. According to Julia Carrie Wong of London's *Guardian* newspaper, the "Facebook CEO wrote that he did not understand [the] history of [the] 'quiet title' process, which many native Hawaiians consider a tool to dispossess them of 'sacred' lands" (Wong 2017).

Homelessness (called "houselessness" by some [see, eg, Terrell 2016]) continued to be a problem as the median house price on O'ahu hit \$795,000 in mid-2017, an all-time high (Segal 2017). A recent study found that Native Hawaiians are disproportionately represented in the state's homeless population (HUD 2017). Plans to address the issue included a "pu'uhonua" (refuge) development in Kahauiki, near the Daniel K Inouye International Airport.

Some of the economic changes are related to the long-term transition from sugar to a diversified, tourism- and construction-driven economy. Hawai'i's very last sugar plantation, at Pu'unēnē in Central Maui, closed at the end of 2016. Sugar was first produced commercially in the Hawaiian Kingdom in 1835 and became the dominant industry for nearly a century and a half before beginning a slow decline. According to Robert Osgood of the Hawai'i Agricultural Research Center, "Hawaii produced over a million tons of sugar per year for over 50 years. At one time that was 20 percent of all the sugar that was consumed in the United States" (*Honolulu*



*Star-Advertiser* 2016a). The plantation's owner, Alexander & Baldwin (a so-called "Big Five" company, part of a small group of economically dominant firms in Hawai'i), plans to use its lands for diversified agriculture.

On 15 July 2016, the Public Utility Commission voted to reject a proposed deal in which Florida-based NextEra Energy would have purchased Hawaiian Electric Industries (HEI) for \$4.3 billion (*Honolulu Star-Advertiser* 2016b). HEI provides electricity to 95 percent of Hawai'i residents through its subsidiaries Hawaiian Electric Company, Maui Electric Company, and Hawaiian Electric Light Company on Hawai'i Island; it also owns American Savings Bank. HEI, along with the State of Hawai'i, set a goal of reaching 100 percent renewable energy by 2045.

Hawai'i's high cost of living drew attention in 2016. In April 2014, the Hawai'i State Legislature passed a bill that would gradually raise the minimum wage from \$7.75 in 2015 to \$10.10 by 2018 (*Hawaii News Now* 2014). The March 2016 issue of *Hawaii Business* featured a story comparing how three people who each made significantly less than the average annual income of \$51,000 (according to the 2010 census) were coping, using different strategies and making daily sacrifices in order to make ends meet. One mother who lives with her parents on Hawai'i Island described the kinds of sacrifices that many families are making: "They want to see a movie. Or go to McDonald's. Once in a while we'll go bowling, but that's a luxury. My daughter now wants her own room. She's a freshman in high school, and

she deserves it. I feel bad for her because she should have her own space. But I just can't afford it. I have to say no to my kids all of the time" (Yu 2016).

‘UMI PERKINS

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### MĀORI ISSUES

It was a year of some highs, which included a number of Māori athletes competing in the Olympic Games and their medal haul, as well as two important victories in the courts. But the battle for justice, equity, and recognition of Māori rights continued unabated in the face of increasingly harsh socioeconomic conditions and an uncaring government. Before we consider a selection of these successes and struggles, we pause to consider some of the many Māori leaders we lost over the past year.

Ngāpō Wehi of Ngāi Tūhoe, Whakatōhea, Ngāpuhi, Te Whānau a Apanui, and Ngāti Kahu—kapa haka exponent, composer, choreographer, and teacher—passed away in July 2016. He and his late wife Pimia had been involved in kapa haka (traditional Māori performing arts) for more than fifty years. They earned respect and recognition as two of the great leaders of the art, leading their kapa haka teams to win prestigious national competitions six times (Haami 2013, 7; Mane 2016a).

Another kapa haka exponent, orator, musician, and gifted saxophonist, the Reverend Te Napi Tūtewehiwehi Waaka, passed away in November. He was Tainui and Ngāti Pīkiao and was well known for his charismatic charm and his ability to send crowds into fits of laughter (Māori Television 2016b). Within a fortnight, his relation Mita Mohi of Ngāti Ranginui, Ngāi Te Rangi, Ngāti Rangiwewehi, and Ngāti Tūwharetoa also left us. As an exponent of the art of mau rākau (Māori weaponry), he had set up programs to train young men, including thousands who were at risk, in traditional weaponry skills (Makiha 2016).

The loss of Awanuiārangi Black at the age of forty-eight soon after was keenly felt. A leader of Ngāi Te Rangi, Ngāti Ranginui, Ngāti Pukenga, and Ngāti Raukawa ki Ōtaki, he served on a number of bodies including the National Iwi Chairs Forum, the Bay of Plenty Regional Council, and Te Taura Whiri i Te Reo (the Māori Language Commission). He also led the campaign for formal commemorations of the British invasion of Tauranga Moana in the 1860s (Cairns and others 2016). A fortnight later, singer Bunny Te Kōkiri Miha Waahi Walters (Ngāi Te Rangi) passed away. He recorded a number of hits in the 1970s (Māori Television 2016a).

In January 2017, it was Ngāpuhi's Iwi Puihi (Percy) Tīpene, founding member and chairperson of Waka Kai Ora (Māori Organics Aotearoa). Percy had extensive knowledge of primary industries, having been a government auditor, advisor, and technician. He combined this experience with a deep knowledge of tikanga (Māori law) to establish the world's first indigenous

organic verification system, Hua Parakore (Hutchings and others 2012; Organics Aotearoa New Zealand 2017). We also lost Tama Nikora in January. Tama was a former chairman of the Tūhoe Waikaremoana Trust Board and their spokesperson throughout the Urewera inquiry in the Waitangi Tribunal. He strongly criticized and opposed both the Tūhoe settlement and the Central North Island settlement, which extinguished the claims that he had fought so hard for (Te Kani Williams [Tūhoe], pers comm, 14 July 2017). Tainui's Tokoroa Pompey passed away in February. Another gifted saxophonist, as well as a singer, comedian, and all-around entertainer, he was a member of several of the Māori showbands that toured nationally and internationally in the 1960s and 1970s. He was a strong supporter of Tainui's Kingitanga movement and acted as spokesperson for both the queen, Dame Te Atairangikaahu, and her son, King Tūheitia (Gardiner-Hoskins 2014). In May, it was lawyer John Te Manihera Chadwick (Ngāti Tūwharetoa and Ngāti Kahungunu), the founder of the New Zealand Māori Law Society. He mentored generations of young Māori lawyers, saw each of the three partners in his Rotorua legal firm become judges, and made huge contributions to the community, especially young people (Adlam 2017). Then, in June, we lost one of the most outstanding and formidable advocates for the recognition of Māori authority and power in the environmental arena: Dame Ngāneko Minhinnick of Ngāti Te Ata, Waiohua, and Waikato-Tainui. It was Ngāneko's claim to the Waitangi Tribunal

about the pollution of the Manukau Harbour in Auckland and the Waikato River, as well as her fight to stop New Zealand Steel digging up her ancestors' bones from iron sands on the west coast, that eventually brought a halt to the abuse and despoliation. This claim also saw Māori responsibility for the well-being of the natural environment recognized in legislation. Ngāneko had to seek support from the United Nations in her endless battles against the Pākehā (European) ignorance and greed that had wrought so much damage to her ancestral seas and lands. That resulted in the first of the now three reports of UN rapporteurs who were invited to investigate the state of human rights of Māori, all of which have condemned the New Zealand government's treatment of Māori (Daes 1988; Stavenhagen 2006; Anaya 2011). We bade each of these leaders and many others farewell over the past year as they commenced their journey to join their ancestors.

We were excited to see the number of Māori who competed in Rio in the Olympic Games in August and the Paralympic Games in September. Māori Television listed fifty-four Māori athletes, coaches, and an official, with forty-nine of them representing New Zealand (Mane 2016b). Forty-six took part in the Olympics and made up one-quarter of the New Zealand team. Four took part in the Paralympics. Our canoer extraordinaire, Lisa Carrington (Te Aitanga a Mahaki, Ngāti Porou) led the New Zealand Olympic team medal haul with a gold and a bronze. Our sevens rugby women, ten of whom are Māori (in a team of fifteen) won silver. Australia, who had Amy Turner of

Tainui on their team, beat our team to the gold. But it was the medal haul of our Paralympians that was outstanding: Cameron Leslie (Ngāpuhi) won a gold in swimming; Emma Foy (also Ngāpuhi) won a silver and a bronze in cycling; and Holly Robinson (Ngāi Tahu) won a silver in javelin.

Back home, the ongoing issues that continued to gnaw at Māori and sap our energy included ever-present racism, homelessness, and the abuse of Māori children in state institutions. On top of these, Māori continued to try to protect ourselves from legislative moves to remove even more of our rights, including the divisive treaty claims settlement process; the rewriting of the Māori Land Act; the implementation of the Marine and Coastal Area Act, which is the largest ever confiscation of Māori land; and the refusal to recognize Māori ownership of fresh water—all of which demonstrates the New Zealand government's ongoing lack of compliance with the United Nations Declaration on the Rights of Indigenous Peoples. The rest of this review will consider how Māori tried to address each of these issues over the past year. This includes noting a few positive highlights.

For many years now, academics and a number of Māori professionals have been drawing attention to the damage caused to Māori by the systemic racism that pervades both government and nongovernment institutions (McIntosh and Mulholland 2011). Denial of the existence of racism is problematic, with some Pākehā (Europeans), fearing the loss of White privilege, characteristically seeking to silence individuals who raise the issue (Abel and Mutu 2011).

But an increasing number of Māori leaders have continued to speak out and, in recent years, have been joined by some Pākehā leaders (Husband 2016). In September, in a move that reflected the growing realization that the issue can no longer be ignored, the Human Rights Commission launched its “That’s Us” campaign as New Zealand’s first anti-racism campaign. It called on New Zealanders to share their stories of racism, intolerance, and hatred, and then published a large number of them on its website (NZ Human Rights Commission 2017). Complementing that was the June/July edition of the long-running *Mana* magazine, which focused on racism and ran under the title “New Zealand’s Shameful Secret” (Hayden 2016). The issue included in-depth articles on institutional racism—in the health care system, in the justice system, in prisons, and in state welfare institutions. Each piece drew on well-known research and painted horrific pictures of the realities of each of these sectors. They highlighted the government’s callous and uncaring refusal to address the problems in any meaningful way. In June, the Human Rights Commission reported having reached more than three million people with its “That’s Us” campaign and that it was launching the second stage of its campaign, “Give Nothing to Racism,” aimed at stopping interpersonal racism. The campaign is being fronted by the 2017 New Zealander of the Year, Taika Waititi (Te Whānau a Apanui), the award-winning film director, actor, and comedian, whose best-known achievements to date are his films *Boy* and *Hunt for the Wilderpeople* (TVNZ 2017b).

Difficulties faced in trying to eradicate racism stem at least in part from what leading constitutional expert Moana Jackson has labeled a “deliberate misremembering” of the country’s brutal history of British colonization (2016). Although the Waitangi Tribunal has been reporting in detail over the past thirty-five years on the atrocities committed, this history is still not taught in almost all of the country’s schools. For several years now, Māori in the areas invaded by the British in the 1860s have been holding commemorations. Initially, the government refused to contribute or participate. In 2014, two high school students mounted a petition calling for a national day to commemorate the British invasions. In October 2016, the government announced that starting in 2017, 28 October would be the “New Zealand Wars” commemoration day. A more accurate description would be the “Sovereignty Wars” to reflect the fact that they were wars to take power, lives, and land from Māori. The misnaming of the day raised questions about whether it signals that the government would persist in trying to silence hapū (grouping of extended families) and iwi (nation) knowledge of the injustice, cruelty, and brutality of the invasions. As Jackson noted: “If a commemoration merely expresses regret for the painful wrong of wars without having the courage to address [the constitutional and political power structures it imposed] through a process of constitutional transformation, it is not a commemoration at all. It will simply be a deceit, rather like a burglar regretting the wrong but keeping the spoils” (Jackson 2016).

While the Sovereignty Wars may be

over, the brutality of colonization and the racism that underpins it has never ended. The plight of Māori children in state welfare institutions has highlighted most starkly the immeasurable harm that has been done by successive governments’ refusal to intervene and stop the racist behavior of those entrusted with the care of those children. New Zealand is one of the few commonwealth countries not to have had a public inquiry into child abuse in state institutions. The report of the Confidential Listening and Assistance Service sounded the alarm about abuse dating back to the 1950s (Henwood 2015). Having listened to the accounts of more than 1,100 survivors, Judge Caroline Henwood, chairwoman of the service, wrote, “I was deeply shocked by the stories and by the overall level of violence and abuse that New Zealanders were willing to inflict on children. . . . The most shocking thing was that most of this was preventable. If people had been doing their jobs properly and if proper systems had been in place, much of this abuse could have been avoided with better oversight” (2015, 12).

Stories reminiscent of the treatment of Native American and First Nations children in the residential schools of the United States and Canada and the stolen generations in Australia are now being heard in New Zealand (Smith 2009, 29; Newshub 2017). Henwood approached National Iwi Chairs Forum desperately seeking support for the victims of the state welfare institutions, most of whom are Māori. While the service is bound by confidentiality not to divulge the details of the abuse, iwi leaders knew about it and supported Henwood. So

too did the Human Rights Commission and a number of prominent New Zealanders who sent an open letter to the government calling for an independent inquiry (Johnston 2017). Henwood also drew up “A Covenant for Our Nation’s Children,” a statement that commits to protecting children from violence, abuse, and neglect and to providing them with a proper standard of living. It also promises to support their emotional and mental well-being, provide them with education, and take children’s views into account (Henwood 2016). The National Iwi Chairs’ Forum signed the covenant in August, but the government refused to endorse it and has continued to refuse to hold an inquiry into abuse of children in state institutions.

Many Māori children who were state wards end up in prison in later life as a result of the abuse. In April, the Waitangi Tribunal released its report on disproportionate reoffending rates (Waitangi Tribunal 2017). Māori have an imprisonment rate that is more than three times that of the general population. We consistently make up over 50 percent of the prison population, and Māori women make up over 60 percent of the female prison population. For many, incarceration has become normalized. The tribunal noted that the disparity between Māori and non-Māori reoffending rates is long-standing and substantial. High Māori reoffending rates contribute to the disproportionate imprisonment of Māori. The tribunal found the Crown, through the Department of Corrections, to be in breach of its treaty obligations by failing to prioritize the reduction of the high rate of Māori reoffending relative

to non-Māori. The tribunal’s recommendations included creation of a new Māori-specific strategic framework, the development of targets to reduce Māori reoffending rates in partnership with Māori, and the Crown’s establishment of a dedicated budget to appropriately resource these actions.

Homelessness also continues to have a disproportionate impact on Māori. Last year’s burgeoning homeless figures have continued to escalate to the point that they are higher than at any other time in recent memory (Twyford, Davidson, and Fox 2016, 2). In many cases, those affected are working families. No longer is the problem evident only in Auckland and the bigger cities; it is also on the rise in Rotorua, Tauranga, Hamilton, and Kaitiāia as the homeless travel farther afield trying to find relief. Although the government ignored calls for an inquiry into homelessness, Labour, the Greens, and the Māori Party conducted a cross-party inquiry. Their report, published in October, made twenty recommendations, including increasing rather than decreasing the state housing stock and making Housing New Zealand a public service instead of a state-owned enterprise charged with paying a dividend to the government and tax on its income (Twyford, Davidson, and Fox 2016, 12–16).

The fundamentally flawed treaty claims settlement process has continued to visit almost unbearable pain on communities as it tears them apart. Arguments within Ngāpuhi—the country’s largest iwi with more than 120 hapū and over three hundred claims—have highlighted the shortcomings of the process. The divisions



it has caused there have been drawing media attention for several years now. The government has told them that all Ngāpuhi claims must be bundled together under one settlement, even though elsewhere in the country hapū have succeeded in having their claims settled individually. This is the government’s “large natural grouping” policy. It is a key part of the treaty claims settlement policy, whose aim is to extinguish as many claims as possible within each legislated settlement in order to remove hard-won legal rights. This includes the compulsory return to Māori of certain types of lands through orders made by the Waitangi Tribunal. Coupled with the government-imposed cap on the overall size of the combined settlements, the inevitable result is that almost all claims are being extinguished without being addressed, and, of the few that are addressed, none have been addressed fully (Mutu 2017b). Painfully aware of these restrictions and injustices, claimants still fight for the return of at least some of what was stolen. Deciding who is mandated to negotiate these settlements has been fraught with difficulty for almost every iwi (Mutu 2017b). The reason is simple: It was not the imposed “large natural groupings” that had their lands stolen, lives taken, and rights removed—it was whānau (extended families) and hapū in the thousands of Māori papa kāinga (homelands) throughout the country. So each whānau and hapū will inevitably fight to make sure that their claim is addressed. By imposing a “large natural grouping” structure over the settlements process, the government is attempting to socially engineer the demise of whānau and hapū

and their claims, causing an inevitable backlash. It is therefore unsurprising that the Waitangi Tribunal continues to receive applications about injustices being perpetrated in the settlements but, in keeping with previous decisions, almost all have been declined hearings. In the past year, these included Ngāti Mihiroa against the Heretaunga Tamatea Deed of Settlement (Haimona 2017) and Whanganui iwi against the Taurewa Forest Deed of Settlement (Reilly 2017b). In some rare cases, claimants have the financial resources to seek judicial reviews of tribunal decisions. One, from Āraukūkū hapū—whose claims were extinguished in the Ngāruahine settlement after the tribunal refused to hear them—has been unsuccessful in both the High Court and the Court of Appeal (Watson 2016).

In contrast, two others, Ngāti Kahu and Te Aitanga a Māhaki, have been successful in the High Court and the Court of Appeal, setting an important precedent (Kapa-Kingi 2016). Both had to apply repeatedly to be heard by the tribunal. They were only granted hearings after Te Aitanga a Māhaki successfully challenged the tribunal’s refusal to hear them in the Supreme Court in 2011 (Supreme Court of New Zealand 2011). But the Waitangi Tribunal has been under threat for many years now. The threat is that if they made the orders sought by Te Aitanga a Māhaki and Ngāti Kahu to return certain Crown land, the government would abolish the tribunal (Hamer 2004, 7)—a very serious breach of the rule of law. So neither applicant was granted the orders to which they were legally entitled. Both successfully appealed to the High

Court. On appeal in the Court of Appeal, the court issued directions in December that the tribunal had to make a decision rather than continuing to defer to the government's treaty claims settlement policy. The Crown did not appeal the decision, and so both iwi are now back before the Waitangi Tribunal waiting yet again for a hearing.

An even more groundbreaking precedent came out of the Supreme Court in February. The *Wakatū Incorporation and kaumātua (elder) Rore Pat Stafford of Nelson*, having been denied the right to have their claim negotiated and settled separately, filed for urgency in the tribunal. Like so many others, they failed to get a hearing. In 2010, they filed proceedings in the High Court claiming that the Crown owed fiduciary duties to the Māori customary owners of land in Nelson, dating back to 1839. The land had been given over on the basis that one-tenth—some 15,100 acres—would be reserved for the original Māori owners; however, the terms of the arrangement had not been met and the land was never fully allocated. Despite the government having extinguished all the claims made to the Waitangi Tribunal for Te Tau Ihu (the top of the South Island) in the 2014 settlement, a majority of the Supreme Court found that a fiduciary duty existed and that it had been breached. It found that Mr Stafford, as a descendant of some of the original owners, is entitled to pursue remedies in the High Court (Reilly 2017a). The decision is significant for its recognition of enforceable fiduciary duties in relation to nineteenth-century land transactions. Even though the government asserts that the

treaty claims settlement process fully and finally extinguishes all historical claims in a geographical area, this decision recognizes that there is a further means of redress through the courts in certain circumstances.

Stung by both these court decisions, the government has flooded the media with pro-settlement propaganda as it continues to drive through as many settlements as it can. Settlements legislated in the past year included *Te Atiawa*, *Taranaki Iwi*, *Ngāruahine*, *Rangitāne o Manawatū*, and *Whanganui River (Office of Treaty Settlements 2017)*. But the government has struggled to overcome the attention also being paid to the anger of those being divided and disenfranchised by the settlement process. A major research project being undertaken with claimants and negotiators is beginning to identify the extent of the devastation that treaty claims settlements are causing (McDowell 2016; Mutu and others 2017). Examples of the government's dishonesty, including probable fraud, in negotiations are being reported across the country, as are examples of its stand over tactics in dictating what settlements will be; its divide-and-rule tactics and the damage this has wrought among and between *whānau*, *hapū*, and *iwi*; its use of manipulation and then bullying and duress against claimants who refuse to comply; and its refusal to address almost all of the claims before legislatively extinguishing them (Mutu 2017b). Claimants and negotiators are clear that, contrary to government assertions, none of the settlements are full and final and they will be revisited. In August 2016, National Iwi Chairs Forum warned the government

that all its settlements would unravel after it reneged on the loathed 1992 fisheries settlement in order to ban fishing in Ngāti Kuri's Te Rangitāhua territory with its proposed Kermadec Ocean Sanctuary (Mutu 2017a, 149). The proposal has not been progressed.

A beleaguered minister of Māori development continued to battle Māori resistance to the rewriting of the Māori Land Act 1993 (Mutu 2017a, 149–150). In June, when it became obvious that the opposition was making it an election issue, he dropped it, undertaking to revisit it if he was returned to the government after the election. There is also little comment about more than three hundred applications reportedly made to the High Court for recognition of extremely restricted Māori customary title and use rights provided for in the Marine and Coastal Area Act. The act confiscates Māori ownership of our foreshores and seabed and sets a high bar for Māori to meet in order to gain any recognition. Rather than submitting to the act, at least one iwi, Ngāti Kahu, has required the government to meet the same bar in order to prove it has any rights to these lands within Ngāti Kahu's territories. The government failed to meet the tests and as such has been found to have no rights or title in Ngāti Kahu's foreshore and seabed (Te Rūnanga-ā-Iwi o Ngāti Kahu 2017).

The government is also sidestepping the matter of the ownership of freshwater, having refused to carry out its promise to the Supreme Court in 2013 to address the issue of Māori rights and interests in freshwater. However, there is mounting pressure from the rest of the population to charge fresh-

water bottling companies and farmers who irrigate their lands for their use of the resource. When some of the bottling companies illegally tapped into Māori-owned springs, efforts to stop them were not always successful, and several of those cases are still being heard in the Waitangi Tribunal. Ngāti Tama ki te Waipounamu's case was an exception. As guardians of the sacred Waikoropūpū springs in Golden Bay, whose waters are some of the clearest in the world, Ngāti Tama took the Tasman District Council to the High Court to stop them illegally authorizing a bottling company to take their water. Their win and the government's undertaking to consider a water protection order for the springs are positive steps for Ngāti Tama (TVNZ 2017).

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## NORFOLK ISLAND

In the time since the passage of the Norfolk Island Legislation Amendment Act 2015 in the Australian Parliament, Norfolk Island has endured the most tumultuous years since its settlement by the HMS *Bounty* descendants from Pitcairn Island in 1856. That act abolished the limited form of self-government enjoyed by Norfolk Islanders since 1979 as enshrined in the Norfolk Island Act 1979, removed any acknowledgment of the special position of the Pitcairners in regard to their homeland on Norfolk Island, and determined that governmental arrangements henceforth would be based on a New South Wales (Australia) “regional council” model. These moves were made against the express wishes of the great majority of Norfolk Islanders and island residents as expressed in a referendum and were described by internationally recognized human rights lawyer Geoffrey Robertson QC as “a heavy-handed act of regression” (Robertson 2016).

These legislative actions precipitated the formation of the grassroots organization Norfolk Island People for Democracy (NIPD); a petition to the United Nations by the NIPD together with the Norfolk Island Council of Elders (COE) for the Island to be listed as a non-self-governing territory under the aegis of the United Nations; and the occupation of the “Tent Embassy” in the grounds of the Old Military Barracks in Kingston, Norfolk’s historic precinct and administrative

center. Complaints against the conduct of the Norfolk Island administrator (appointed by the Australian government) became widespread. An account of these and other events of 2015–16 has been given in the pages of this journal (Gonschor 2017). A series of contemporary articles published in the local media outlets the *Norfolk Islander* and Norfolk Online News is also available in book form (Nobbs 2017).

The year under review has continued to see a high level of political activity both on and off the island, initiated by the COE and the NIPD on the one hand and the Australian government on the other. The Australian government's plans were implemented on Norfolk Island on 1 July 2016. In the lead-up to that day, elections for a new Norfolk Island Regional Council (NIRC) were held on 28 May 2016. For this election and contrary to previous Island practice, residents who were not Australian citizens (including, in particular, New Zealanders and British) were disenfranchised. The NIRC comprises five councilors elected for a term of four years and from whom one member is chosen as mayor, with that position to be held for one year (now amended to two years). At the council's inaugural meeting of 6 July 2016, Ms Robin Adams—a former member and minister in the disbanded Norfolk Island Legislative Assembly—was elected mayor. In a period of continuing transition to new arrangements, the NIRC's activities are regulated under the New South Wales Local Government Act 1993, in addition to various Commonwealth Acts and Norfolk Island Acts still applicable to Norfolk Island.

Norfolk Islanders have no democratic representation in New South Wales. The Norfolk Island administrator remains overseer of the island in relation to commonwealth (ie, Australian federal) matters.

In July 2016, Australian Senator Fiona Nash was appointed minister for local government and territories and became responsible for Norfolk Island affairs. In the following month, Norfolk Island received a fact-finding visit from an all-party group of parliamentarians from the United Kingdom (UK) House of Commons. Following their visit, the parliamentarians read a public statement into the record of the British House of Commons, reporting that “the Administrator of Norfolk Island . . . has lost the confidence of the overwhelming majority of the people of Norfolk Island. The current situation is untenable and cannot go on. It is damaging the lives of the people of Norfolk Island as well as the reputation of Australia” (Kawczynski, Sherriff, and Rosindell 2017).

Minister Nash made her first visit to the island on 16–17 September 2016. Major issues discussed with the new council included the provision of electricity services and the role of solar power; waste management; connection to the Hawaiki submarine telecommunications cable system; a waiver on repayment of the commonwealth loan for the resealing of the airport runway carried out in 2006; and possible commonwealth financial assistance grants.

The focus on telecommunications was precipitated both by the impending rollout of the Australian national open-access broadband data network (the NBN) and the breaking of ground for the installation of a

new undersea fiber optic cable linking Australia and New Zealand with the West Coast of the United States. This cable, being installed by a New Zealand consortium called Hawaiki Cable, is proposed to include spurs that will connect Hawai'i, American Sāmoa, Tonga, Fiji, and New Caledonia in the network. The route will pass within ninety kilometers of Norfolk Island, and an option existed to connect Norfolk Island into the system or alternatively to install a connector in the cable for future connection as a lower cost option—estimated at A\$2.5 million (US\$2 million).

In October 2016, Norfolk Island received a visit from controversial Australian Senator Pauline Hanson. Many on Norfolk lauded Hanson's visit as possibly representing the first from a current Australian politician who was prepared to engage directly with and listen to Islanders across the spectrum of opinion, and who, having undertaken at a public meeting to do certain things on her return to Australia, actually did them (eg, Hanson 2016). As the UK delegation before her had done, Senator Hanson called for the removal of Norfolk Island Administrator Gary Hardgrave on account of his conduct on the island (see Gonschor 2016 regarding complaints about Administrator Hardgrave).

An NIPD delegation made a visit to Canberra in late November 2016, its declared purpose being to “progress the rights of the Norfolk Island People for an Act of Self-Determination; to explain the practical ‘on the ground’ problems the Norfolk Island people face as a direct result of Canberra’s newly imposed ‘remote control’

administration of the island; and to find common ground for a more democratic way forward” (Magri 2016). The delegation met with more than thirty commonwealth members of Parliament and advisors from across the political spectrum. The parliamentarians they talked to knew very little about Norfolk Island but expressed genuine distress at that situation when its realities were explained. Leader of the delegation Chris Magri commented: “No one was able to provide us with a rational explanation which supported the abolition of our Parliament” (Magri 2016). While “We are not going back” appeared to be the mantra emanating from the Australian government, the NIPD delegation left with some optimism as to future possibilities.

On 11–12 December 2016, Minister Nash revisited the island to meet with the NIRC and representatives of other organizations including the COE and NIPD, as well as with groups from the business community. Nash's meetings with the NIRC addressed topics previously canvassed, albeit with a stronger focus on the island's telecommunications future. The island's appeals for a connector to the Hawaiki cable and for a waiver on repaying the 2006 loan for the airport runway reseal were rejected by the commonwealth, although the issue of guaranteed annual financial support for the Island's tourism industry (previously provided by the Norfolk Island Government) remains under discussion at the time of this writing.

The Island was thrown into further turmoil by the announcement on 16 December by Air New Zealand that it would be withdrawing air services



from Auckland to Norfolk Island as of May 2017. However, a New Year's announcement by the company Norfolk Island Airlines indicated that they would be stepping into the breach. These flights have commenced, but at the time of writing the future of this initiative remains uncertain.

Meanwhile, in London on 22 November, COE President Albert Buffett and technical advisor André Nobbs, accompanied by the UK parliamentarians who had visited Norfolk Island, delivered a petition to 10 Downing Street calling for an act of self-determination for Norfolk Island under the requirements of the United Nations Charter (COE 2016; Vollmer 2016). This petition was tabled in the House of Commons the following day. This visit to London also saw the launch of the United Kingdom–Norfolk Island All-Party Parliamentary Group. The COE delegation from Norfolk Island was back in London in March 2017 for further consultations and a meeting with the United Nations high commissioner for human rights, Zeid Ra'ad Al Hussein, before continuing to New York for additional consultations. The COE also wrote to Australian Prime Minister Malcolm Turnbull, inviting him to support an act of self-determination for Norfolk Island through a UN-mediated process (COE 2017). This act of self-determination remains the core demand for the COE and the NIPD, who envisage a choice among the options of integration with Australia, self-government in free association with Australia, and independence.

At the end of March 2017, Eric Hutchinson, a former Liberal Party politician from Tasmania, was

appointed Norfolk Island administrator following the completion of Hardgrave's term.

At the grassroots level, the NIPD's Centre for Democracy in the Burnt Pine shopping precinct continues to promote the cause of self-determination locally. Members of the Norfolk Island community had on 27 April 2016 commenced a peaceful occupation of the area surrounding the despoiled Legislative Assembly building in the Old Military Barracks compound. The "Tent Embassy," as it has become known, has provided a focus for protest banners, meetings, and explanations to tourists, against the actions taken by the Australian government (see Gonschor 2017). The Tent Embassy has been continuously occupied from its inception up to the time of this writing. The NIRC has in the past twelve months been actively engaged in developing its forward plans, including those involved with long-term strategy, operations, and workforce.

The Australian government has continued to invest monies in Norfolk Island over the course of the year in review. These investments have included expenditures on Island infrastructure, including the Central School, health services, the pier at Cascades, and the extension of the NBN, together with the provision of wider access to social services (Nash 2016b). The infrastructure investments may well become substantial assets for Norfolk Island in the future. However, they have not been received without question or controversy. Claims have been made that investments have been more in line with what the Australian government thought Norfolk Island

should have than what Islanders considered appropriate for the island; that the Island's hospital has been downgraded to a non-procedural service (without anesthesia and unable to carry out operations); and that some investments have been poorly planned and wasted money. This set of issues has been actively discussed in local media (eg, Nobbs 2016b).

Minister Nash has claimed that the overall investment of the Australian government in Norfolk Island will be around A\$143 million (US\$112 million) over four years (Nash 2016a). However, the figure has never been itemized and appears grossly inflated. It is claimed on the island that the cost of implementation of the panoply of commonwealth and state laws and regulations now imposed on Norfolk Island should not be held to the Island's account; that the assets of the Norfolk Island community taken over by the commonwealth have not been appropriately compensated; and that the economic and social losses from the Australian intervention must also be brought to account (Nobbs 2016a).

Norfolk Island continues to face major economic, social and cultural, environmental, and organizational issues. Reliable funding to support forward planning for tourism, as well as a waiver on the debt for the runway reseal, are among the economic issues of importance. Other looming issues include rising costs for businesses as the Island adjusts to Australian national employment standards, minimum wages, superannuation legislation, and regulatory compliance. Business confidence on the island is currently at rock bottom.

Perhaps the most contentious

current issue is how this island of two thousand citizens can finance its needs as a regional council, given that previous abilities to raise general revenues (from a goods and services tax, customs duties, a gaming authority, and philately, among other things) have been abolished. The imposition of land rating by the commonwealth (Commonwealth of Australia 2016) is likely to have a devastating effect on many Norfolk Islanders, who are land rich and cash poor, holding land as a part of their heritage and tradition and not merely as a commercially fungible asset. A nascent anti-land rates movement has recently formed on the island to protest this development.

Other issues that the island is having to come to terms with include the Australian government's proposals for new commercial development of the island's World Heritage site, the Kingston and Arthur's Vale Historic Area; the creation of a marine reserve around Norfolk Island; and extensions to the boundaries of the Norfolk Island National Park. The new NIRC functional arrangements also pose problems that remain to be resolved.

Over the last two years, Norfolk Island has been subject to very substantial changes on two different fronts: (1) the removal of self-government; and (2) economic issues relating to how and to what extent the island can pay its way in the world. Robert Ellicott, the Australian minister responsible for Norfolk Island when limited self-government was granted to the Island in 1979, managed to discriminate between the two. But the joint standing committee that in 2014 reported on Norfolk Island to the Australian Parliament, as well as

the legislators who imposed the Norfolk Island Legislation Amendment Act 2015, merely conflated them. Academic reflection suggests that this imposition was done with inadequate consideration of its consequences (Wettenhall 2017).

As far as I can determine, the Australian Government has never given an adequate explanation for the removal of self-government (see also Magri 2016). To independent observation, it appears fundamentally as a regressive neocolonialist act (Robertson 2016). Both nationally and internationally, the NIPD and the COE continue to seek the means to express Norfolk Islanders' right to make a reasoned choice as to their appropriate relationship with Australia.

The economic and social issues discussed here draw attention to the general problem faced by all Pacific Islands—namely, the difficulty of achieving infrastructure investment and balancing their budgets over the longer term. Notably, this is not a problem that metropolitan countries themselves have been able to avoid. All Pacific Islands have required and continue to require subventions of one sort or another from metropolitan powers (compare Hezel 2012). The key question thus becomes: What are the assumptions of the metropolitan powers that underlie their provision of assistance to small, isolated islands? This is at base a political (ie, ideological) issue. One might take what could be called a “colonialist” or “absorptive” approach to this issue, or alternatively, an “island developmental” one.

The Australian Government has chosen to take an absorptive approach

to Norfolk Island, with the proclamation that “citizens on Norfolk Island will have the same rights and responsibilities as those in other parts of Australia” (Fletcher 2016). This approach centralizes power and imposes on Norfolk Island the overwhelming panoply of legislation from commonwealth and state—and their concomitant bureaucratic processes—whether appropriate or not. In some cases this is backed up with a social security system for those seriously disadvantaged, but any policy adjustments relevant to Norfolk Island must emerge from underneath this imposed approach. Major decisions about the island are made by a legislature 1,900 kilometers away and on behalf of a community with little or no influence on those decisions or electoral outcomes. The Norfolk Island economy and society now have no defense against unrestrained immigration to the island, depredations wrought by privatization of public service monopolies, the imposition of debilitating levels of land rates, and the increases in fees and charges as a result of new regulatory requirements. This absorptive approach also entails deep wounds to Norfolk Islanders who now question the good faith of the Australian government.

An alternative “island developmental” approach would recognize that small, relatively isolated islands have particular needs with regard to economic security and sustainability within environmental limits. It is an approach that chooses policies that emphasize response flexibility rather than rigidity, that balance precaution against economic growth, and that acknowledge the importance of lived

experience in the specific island context (Nobbs 2015).

The experiences of Norfolk Island in 2016–17 provide an important case study for the entire Pacific region on the dangers to Island societies' genuine interests that can arise from the implementation of metropolitan neocolonial and neoliberal policies.

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*The current Norfolk Island administrator declined an invitation to discuss the Australian government's perspective on these matters for this review.*

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## PITCAIRN

The islands of Pitcairn, Henderson, Ducie, and Oeno (commonly known as Pitcairn) make up a single territory, the last remaining United Kingdom Overseas Territory in the Pacific Ocean. As of March 2017, Pitcairn, the only inhabited island of the group, had a total resident population of forty-one—a near historically low figure. The entire population lives in the lone settlement of Adamstown. The only way of accessing the island is by sea, but due to the difficult terrain, ships must moor offshore, with longboats operating between the ships and the landing at Bounty Bay. Due to its relative isolation, its small and aging population, and the high level of subsidy provided by the UK government, there are concerns over the future viability of the settlement. Therefore, during the period under review (1 July 2016–30 June 2017), there was significant focus on the ways in which Pitcairn’s future could

be secured. Also considered in this review are implications for Pitcairn of “Brexit” (the United Kingdom’s decision to leave the European Union [EU]); problems of smuggling between Pitcairn and French Polynesia; and Pitcairn’s mayoral elections.

The sustainability and security of Pitcairn have been long-standing concerns not only for the Islanders but also for the UK government. Over the past year there has been a concerted effort on the part of both groups to discuss what the future might hold for Pitcairn, and what initiatives could be undertaken to secure its future as a permanent settlement. However, the fundamentals underlying this process are extremely difficult. Pitcairn relies almost entirely on budgetary support from the United Kingdom—totaling £3.48 million in 2016–17 and £3.01 million in 2017–18 (£1.00 = US\$1.31). The per capita spending is £73,000 (DFID 2017, 2, 14). Over 60 percent of the funds go toward supporting government and civil society activities, and 20 percent for other social infrastructure and services (DFID nd). The amount of money spent on Pitcairn is not usually considered a big issue in the United Kingdom, although in January the *Daily Express* tabloid published an article criticizing UK financial support of Pitcairn (Culbertson 2017).

Pitcairn does have a few domestic revenue streams, such as tourism, craft sales, and the production and sale of honey, but these are limited. The highest revenues derive from passenger fares and landing fees, totaling NZ\$295,000 in 2016–17 (NZ\$1.00 = US\$.72). Other sources of revenue that were successful in the past are

now struggling. For the 2016–17 fiscal year, for example, the sale of stamps and commemorative coins recorded a loss of NZ\$4,500 (DFID 2017, 9). Thus, as a report from the UK Department for International Development (DFID) suggested that Pitcairn’s reliance on financial aid “will not change in the medium term” (DFID 2017, 3), DFID has ruled out ending financial aid for the time being, suggesting that “public services would collapse and the islanders would return to basic subsistence or leave the island” (DFID 2017, 12).

A second, associated concern relates to the aging population and the declining number of Islanders who are economically active. For example, the minutes of the Pitcairn Island Council meeting of 21 November 2016 noted “that the island’s aging population has resulted in fewer and fewer locals being fit enough to traverse some of the existing tracks and to safely guide tourists” (PIC 2016, 2). Of the total resident population, as of March 2017 there were 26 Islanders in paid employment, with only 8 of this group under fifty years of age. Also, only 4 women of childbearing age live on the island. As DFID stated (2017, 15), “By 2025, based on current projections and assuming there are no children on the island, the population could reduce to 33, with 18 over 65.” As things stand, it looks unlikely that there will be a meaningful increase in the population, so the United Kingdom made it clear that there has to be a “frank discussion of the viability of the island” (DFID 2017, 6). Such discussions certainly became more pronounced during the period under review.

An important opportunity for the sharing of views about Pitcairn’s future came with the visit of two officials from the Overseas Territories Department (OTD) of the UK Foreign and Commonwealth Office (FCO) from 23 to 26 February, marking the first visit from the OTD in almost two years. The OTD officials participated in a range of meetings including with the mayor, deputy mayor, and the Island Council. Discussions covered a range of issues such as repopulation, capacity constraints, the shipping service, and the effect of child safety measures (Hebb 2017; PIC 2017c, 1–2). The OTD officials noted that the visit marked “the beginning of an on-going conversation so as to develop closer ties with Pitcairn” (PIC 2017c, 2).

In conjunction with these discussions, a number of initiatives were also undertaken or continued in an attempt to improve Pitcairn’s future. First, with regard to the repopulation plan, several new applications for residency were approved, although as of March 2017 none of the successful applicants had moved to the island (DFID 2017, 6). Second, the tourism industry was more heavily promoted with new marketing agents placed in the United States and Europe, as well as with Pitcairn’s participation in international cruise ship events in Miami. Third, the long-delayed Alternate Harbour Project was completed in March. This included the building of a jetty at Tedside, on the northwestern side of the island, and improving the condition of the road leading to it. It was hoped that, now that these projects were completed, tenders would be able to more easily transport cruise ship passengers to the island. During 2016,

656 passengers landed on Pitcairn from cruise ships, yachts, and other vessels (DFID 2017, 9). However, these successes were relatively modest in scale and thus had minimal impact on the underlying problems facing the island.

Further, there were several other factors that made it difficult for Pitcairn to plot a clear path ahead. Perhaps the most important of these factors was Brexit. Pitcairn is an Overseas Country and Territory (OCT) of the European Union. OCTs are not part of the European Union and thus are not directly subject to EU law, but they do have associate status and thus receive various forms of assistance from Brussels. Under the European Development Fund (EDF) Pitcairn receives some financial assistance—equivalent to just under 10 percent of the support the United Kingdom provides. During the year, EDF 10 focused on developing the island's tourism industry, while discussions were held on how funds from EDF 11 should be spent. At the Pitcairn Island Council on 1 February, the importance of EU aid was made clear: “[It has] helped create a platform to facilitate our developing tourism industry, to improve our environmental protection, [and] to increase our sustainability” (PIC 2017a, 3). There were thus understandable concerns that the United Kingdom's departure from the European Union would put this support at risk.

Some assurances over funding were given at the UK–Overseas Territories Joint Ministerial Council in November (FCO 2016, 2), and Councilor Leslie Jacques, who helps oversee relations with the United Kingdom and the

European Union, suggested “that Councillors trust the [Brexit] process, trust in HMG (Her Majesty's Government), trust in our Ministers, [and] take a positive and optimistic view” (PIC 2017b, 1).

Despite these assurances, the overall lack of clarity provided by the UK government over the Brexit talks, coupled with the indecisive outcome of the June 2017 UK general election, further muddied the waters and seem poised to complicate Pitcairn's efforts to strengthen its economy and social structures. This was illustrated with the British pound's decline in value against the New Zealand dollar, the operating currency of Pitcairn. The pound fell by 28 percent after the Brexit vote, meaning a shortfall in budgetary support. As a consequence, the United Kingdom released some additional funding in December to cover the unexpected deficit (DFID 2017, 8). Another problem highlighted by Brexit was the possibility that the crucial trade route between Pitcairn and French Polynesia might become more difficult. Indeed, there were already real tensions around the route because of the significant amount of smuggling of goods from Pitcairn to the nearby island of Mangareva. It was noted that the French Polynesian authorities “requested” a stop to the smuggling of alcohol and cigarettes on *Claymore II* (the cargo-passenger vessel servicing Pitcairn), and Pitcairn was reminded that their use of Mangareva was “a privilege and not a right” (PIC 2017d, 3). New measures were enacted to deal with the problem—for instance, all exports from Pitcairn now require an Export Declaration Form—but the governor remained concerned

and warned smuggling “posed a risk to the very future of Pitcairn” (PIC 2017e, 3).

Another issue constraining Pitcairn’s development and that was discussed during the year was the community’s ongoing progress in adopting and embedding child safety measures—a legacy of past and more recent cases of child sexual abuse. Several child safety workshops were held, and a formal “reconciliation” process began. There was debate over how this should be planned. Pitcairn’s Family and Community Advisor (FCA) suggested two options: that a statement admitting past actions and harm done be developed and signed by those who had been convicted, or professional support be sought to work with the entire Island community. The second option was favored (PIC 2017a, 4–5). As a result of these efforts, the governor stated that he “believed Pitcairn is now seen as a vanguard of progress,” and he hoped “the Visitor’s Notice that is currently being distributed to all visiting vessels, could be discontinued” (PIC 2017e, 2). The Islanders of course welcomed these sentiments, but the issue is one that continues to affect Pitcairn, including in relation to its repopulation plan.

There were two other events of note during the period under review. First, on 15 September 2016, Pitcairn’s entire Exclusive Economic Zone was officially declared a marine protected area—the second largest contiguous and undisputed marine protected area in the world after the zone around the Northwestern Hawaiian Islands. The announcement came at the “Our Ocean Conference” held in Washington DC and attended by FCO Minister

Sir Alan Duncan (UK Government 2016). The protected area prohibits all fishing save for some sustainable local fishing by Pitcairn residents. Then, on 9 November, the Island’s mayoral election took place, with Shawn Christian beating former Deputy Mayor Simon Young. Voting is compulsory on Pitcairn.

The year under review witnessed a great deal of work around improving the viability and sustainability of Pitcairn. Important measures were taken in relation to promoting tourism, working toward the island’s repopulation, and ensuring that EU funds were secured for the future. Also significant was the visit by the FCO officials. However, Pitcairn’s future as a viable settlement was now being debated more than ever, including by Pitcairners themselves. It is clear that the United Kingdom will not withdraw its funding, but the small and aging population is an almost impossible trend to reverse. In addition, Pitcairn was buffeted by other concerns—particularly Brexit and the smuggling of goods to French Polynesia—which placed the island further on the back foot.

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## RAPA NUI

During the review period, Rapa Nui indigenous politics were principally political ecological in scope; they involved struggles to control cultural and material resources and ancestral territory and to regulate island population growth. This review highlights four major contests: the struggle for the self-determination of Rapa Nui patrimony; the continued fight of the Hito/Hitorangi family to regain their ancestral land from the Hotel Hangaroa Eco Village and Spa; political organization to establish a law to restrict Chilean and international migration to the island; and the battle to resist state and transnational forces seeking to develop the ocean surrounding the island into a marine park.

The political reclamation and occupation in March 2015 of the “sacred places” (vahi tapu) that state and transnational forces had developed into the “Rapa Nui National Park” (Parque Nacional Rapa Nui) for global tourism (Young 2016a,

240–243) had become embroiled in complex state strategies of criminalization of Rapa Nui leaders by August 2015 (Young 2017, 173–175) but stabilized in favor of Rapa Nui movements for self-determination as the review period began. In July and August 2016, the foundations of the co-administration of the park were established: on the second of July, the Rapa Nui–determined organization Ma‘u Henua was officially created; and on the second of August the board of directors was elected by the Rapa Nui people (Análisis Informativo, 26 Aug 2016). Ma‘u Henua represents itself as an “indigenous community” in partnership with the Chilean state National Forestry Corporation (Corporación Nacional Forestal, CONAF) to administer the park; it reports ultimately not only to CONAF but to the Rapa Nui–determined organization Honui, which is an assembly of representatives of the recognized thirty-six indigenous “extended families/clans” (hua‘ai) that constitute the Rapa Nui people (Parque Nacional Rapa Nui, 2017). In a self-determined election, 792 of 1,004 registered Rapa Nui voters elected the following board of directors of Ma‘u Henua: Camilo Rapu (President), Tavake Hurtado Atan (Vice President), Pepe Tuki Hito (Secretary), and Petero Hey Icka (Treasurer) (UCVmedios, 25 Aug 2016). Anakena Manutomatoma, one of the Rapa Nui representatives on the Chilean government–organized Commission for the Development of Easter Island (CODEPIA), which supported the creation of Ma‘u Henua, noted that the partnership is understood to be temporary; the full agreement calls for a complete transfer of administra-

tion to the Rapa Nui people during September 2017, following a year of co-administration (Análisis Informativo, 26 Aug 2016). The transfer and strength of Ma‘u Henua administration was a result of complex negotiations. CONAF representatives tried to “severely restrict” the participation of the Rapa Nui people in the co-administration and did not specify a transfer date in its initial draft of an agreement; however, Honui leaders successfully challenged the draft by quoting a speech of Chilean President Michelle Bachelet that agreed to a transfer during an island visit in April 2016 (UCVmedios, 25 Aug 2016). In an official plenary meeting on 19 January 2017 at the Chilean National Library in Santiago, Chile, between Ma‘u Henua, CODEPIA, CONAF, and other state representatives, evidence was presented that the transition was thus far successful; revenues collected from tourism under the Ma‘u Henua administration of the park had on average doubled and exceeded expenditures, and the number of protected “sacred sites” (vahi tapu) had increased from five to twenty-five. While at times there was disagreement between representatives of Ma‘u Henua and those of CONAF, the transfer of administration was seen to be progressing toward the agreed-on goal of a complete transfer of power in September 2017 (Prensa Rapa Nui, 26 Jan 2017).

In contrast to the progress on self-determination of Rapa Nui patrimony, in October 2016 the Hito/Hitorangi family—who had been seminal in the 2010–2011 struggles of the Rapa Nui people to reclaim lands developed by the Chilean state and private interests that culminated in state violence

against the Rapa Nui people (Young 2012)—reasserted conflict with the Hangaroa Eco Village and Spa. Large banners placed in front of the hotel have long obstructed the ocean views of the guests with statements critiquing the hotel. But on 6 October 2016, Hito/Hitorangi family members intensified protest by constructing an occupation camp in front of the hotel with a cooking area, sleeping tents, and benches, punctuated by a mass of Rapa Nui national flags (Biobio, 7 Oct 2016). A government order was established the next day to evict the family, but instead an agreement was later signed between family members and the government of Chile to create a discussion table to address solutions to the conflict (El Ciudadano, 20 Oct 2016). At the beginning of the new year, the occupation camp remained, with large signs reading “Hotel Pirata” (Pirate Hotel), and “Hotel built on stolen land” placed in front of the hotel (Opal Press, 7 Jan 2017). No new resolution has subsequently been publicized.

One of the benchmarks of settler colonialism is demographic. While colonialism may involve settlers, until they begin to outnumber the indigenous or other colonized peoples, settler colonialism is conceived as a possibility but is not official; a “settler colonial situation” is defined as one in which settler colonial people have become a “majority of the population” (Veracini 2010, 5). The threat of Rapa Nui minoritization emerged during the second half of the twentieth century and the early twenty-first century. Chilean settlement began in the late 1960s as part of a Chilean administration that began to gov-

ern the island in terms of the 1966 legislation known as “Easter Island Law” (Ley Pascua) (Stanton 2000, 143–144). While Ley Pascua established civil rights for the Rapa Nui people for the first time in a history with the Chilean state dating to 1888, and can thus be interpreted as progressive (Delsing 2009, 158–163), it is also intelligible as the beginning of the state settler colonial project for the island. Indeed, it was only after Ley Pascua that a significant portion of the island became populated by Chileans who administered the island in terms of state-determined bureaucratic institutions on a day-to-day basis (Gomez 2010, 63–64). While in 1950 there were only 29 non-Rapa Nui out of 753 on the island (Makihara 1999, 335), between 1960 and 1981 the population increased from 1,134 to 2,335 and the number of Chilean settlers increased from 125 to 725 (Stanton 2003, 114). Over the twenty-year period of 1992–2012, there was an 86 percent increase in population on the island (IWGIA 2012, 19). In a 2012 article in the *New York Times* (6 Oct 2012), then Mayor Luz Zasso Paoa stated that the 3,000 Chilean settlers living on the island at that time outnumbered the 2,800 Rapa Nui people (Romero 2012).

The initial passage of legislation in the Chilean House of Representatives to regulate increased settlement on the island in April 2017 in terms of the formulation of a “residential law” (Ley de Residencia) (Gobernación Isla de Pascua, 3 May 2017), and subsequently approved by the Chilean Senate in 2 August 2017 (Gobernación Isla de Pascua, 4 Aug 2017), reflects over a decade of local organizing on

the island. On the heels of a state truth commission that led to proposals for reconciliation with all indigenous peoples, including extensive recommendations for Rapa Nui (Gobierno de Chile 2008), community-based statutes for “Special Administration for Easter Island” dating to 2002 and revised in 2005 as well as thereafter repeatedly called for regulation of migration to the island (Gonschor 2007, 241–242). The women’s political organization Makenu Re’o Rapa Nui, formed in 2009, has been particularly forceful in mobilizing for migration control (Christ 2012, 42–43), as other political organizations like Parlamento Rapa Nui have centered action on self-determination of Island government and lands (Young 2016b, 268–269), marine resources (Young 2017, 177–178), and patrimony (Teave and Cloud 2014). Ley de Residencia is anticipated to be officially signed into law by President Bachelet on 9 September 2017 on island (Biobio, 4 Aug 2017), coinciding with the symbolic date of the signing of the “Agreement of Wills” (Acuerdo de Voluntades) of 9 September 1888, which commenced Chilean colonial history in Rapa Nui (Teave and Cloud 2014, 406–408). Chilean Undersecretary of Regional Development Ricardo Cifuentes supported the legislation and emphasized that it is critical for a “different development strategy” for the Island based in “environmental sustainability” (*El Correo Del Moai*, 18 May 2017). Island Governor Carolina Hotu Hey distinguished the law as responding to “environmental problems” recognized by President Bachelet and as “very good news for the whole community” (Gobernación Isla de Pascua, 4 Aug

2017). Rapa Nui Municipal Councilman Mai Teao conceived the law as good for the Rapa Nui “material and immaterial culture” as well as for “the people” (Sandoval 2017). In meetings with Chilean senators, CODEPIA representative Anakena Manutomatoma also expressed support of the law as “positive” for both the Rapa Nui people and other residents of the island (Gobernación Isla de Pascua, 4 Aug 2017). In personal communications with me (Aug 2017), Erity Teave, who is vice president of Parlamento Rapa Nui, said she was impressed with the “overwhelming” support for a law that she conceives as addressing cultural, environmental, infrastructural, and social problems that require “urgency.”

The politics over President Bachelet’s announcement of a marine park conservation project in collaboration with Pew Charitable Trusts on 5 October 2016 at the internationally attended “Our Ocean” conference in Valparaíso—which met with public rejection by Rapa Nui leaders of CODEPIA and the National Council for Indigenous Development (CONADI) as noted in last year’s review (Young 2017, 177–178)—continued throughout this period. Potential resolutions that seemed to emerge in May 2017, however, became complicated again by June. Rapa Nui Mayor Petero Edmunds announced publicly in late May that, after numerous consultations, the Rapa Nui people rejected the initial marine park proposal, emphasizing that in the context of their recent struggle to dismantle the administration of their patrimony under a Chilean national park, they were “adverse” to creating “a park

in the sea” (*El Mostrador*, 30 May 2017).

Confusingly, alternative communications were consequently expressed by state and Pew representatives at the high-level United Nations Ocean Conference on the implementation of UN 2030 Sustainability Goal 14, which I personally attended from the 5th to the 9th of June 2017 in New York City. Three broadly distinct groups of Rapa Nui people also participated in the conference: CODEPIA representatives Anakena Manumatoma and Poky Tane Haoa, who were among the Rapa Nui leaders who challenged the marine park proposal of the state following its announcement; members of *Te Mau o te Vaikava o Rapa Nui*, the organization that had supported the construction of the marine park, which Rafael “Rinko” Tuki, the Rapa Nui representative of CONADI, proposed had been paid by Pew to organize island support for the marine park outside the channels established under CODEPIA and CONADI (*El Ciudadano*, 3 Oct 2015); and a music and dance troupe led by Ernesto “Pantu” Tepano. Though representing different political positions, the cohort of approximately a dozen Rapa Nui proudly expressed solidarity as they stood together for photos behind the *Rei Miro* flag of the Rapa Nui nation during the reception for an official side event of the conference entitled “*Siu I Moana: Reaching Across the Ocean*.” The event and reception party of the conference was held 6 June 2017 and sponsored by the Pew Charitable Trusts and the Foundation Bertarelli in conjunction with the governments of Chile and Italy, the Ocean Sanctuary Alliance, and the

UN Secretariat of the Pacific Regional Environment Programme (SPREP).

After Pantu Tepano brilliantly led a Rapa Nui musical and dance ensemble—who opened the event with songs that accompanied musicians and dancers from Aotearoa, Hawai‘i, Marquesas, and Tahiti along with a performance from a Fijian ensemble in front of large installations of tapa from Tonga and Fiji—a representative of Pew Charitable Trusts introduced the event to an audience of approximately three hundred attendees of the UN conference. Isauro Torres, the director of the environment and ocean affairs within the Ministry of Foreign Affairs of Chile and former Chilean ambassador to New Zealand, was the first official speaker of a group that included UN General Assembly President Peter Thomson from Fiji. After Minister Torres greeted the audience in the languages of Rapa Nui, Cook Islands Māori, Māori, and Spanish, he discussed some of his own connections to Rapa Nui and Aotearoa and some of the projected plans of the Chilean state regarding the protection of the ocean. In conclusion, he stated, “Concerned, Chile is, for the protection of the ocean for Rapa Nui and for all of our insular territories. Chile has become, is promoting actively, marine protected areas. We are pleased to announce that just a week ago we are moving forward to have one million square kilometers as protected marine areas and we have to include, obviously, Rapa Nui. We will start consultation very soon on Easter Island.”

Minister Torres’s proposal that the projected Chilean marine park development would “have to include, obviously, Rapa Nui” was not con-

ceived as obvious by leaders of Parlamento Rapa Nui who were engaged in the Ocean Conference at a distance. Eriy Teave submitted a statement of intervention to the conference that reiterated a Parlamento Rapa Nui letter sent to Chilean Minister of Foreign Affairs Heraldo Muñoz on 7 December 2016. The statement emphasized that Parlamento Rapa Nui rejected coordination with Pew. The letter (a copy of which Teave sent to me for my files) promoted conservation under the “framework of self-determination” that constitutes the Rapa Nui people with “legal powers” to “govern and define the guidelines for their social, cultural and economic development” and emphatically rejected coordination with Pew. Instead of the development of a Marine Protected Area (MPA), the letter proposed a marine area conserved as “an area of multiple use according to our ancestral regulation and without foreign intervention.” While the Chilean Ministry of Environment began to publicly announce new community consultations on the island for an alternative kind of conservation plan for a marine area of “multiple use” on its website (Ministerio del Medio Ambiente 2017), and in Chilean news media (La Tercera, 2 June 2017) consistent with the intervention of Parlamento Rapa Nui, apparently counterforces of the Chilean government promoted a June 2017 announcement of President Bachelet that expressed continued interest in the construction of a marine park (Periodico 26, 1 June 2017). As the review period closed, Honui organized another public march

of protest against the marine park (Biobio, 27 July 2017).

CONADI Representative Rafael Tuki, whose efforts were seminal throughout resistance to the marine park proposal, conceives the ongoing proposed state strategies for reported marine conservation as deceitful “manipulation” for the promotion of global development projects—such as a newly announced submarine optic cable project to connect Chile with China—and for meeting international agreements on climate change in which marine parks are “internationally traded as green bonus areas” to offset environmental destruction elsewhere (El Ciudadano, 8 June 2017). His critical insight accords with a growing awareness of “blue-washing” as an emerging concern in Pacific Islands scholarship (Lyons and Tengan 2015, 564). Chamorro scholar and poet Craig Santos Perez indicates that, beyond the expressed purpose of conserving marine life that interests environmentalists, marine parks are often part of new economic strategies of “blue growth” that service eco-luxury tourism and an assortment of industries and geopolitical agendas (2014a, 2014b). States are noted as accumulating capital as they sell access permits for “green” use of the marine parks, giving access not only to tourism companies and actors but also to large grant-based research projects. Moreover, the United States is noted as having used these designations to enable military use of marine parks in Northern Guam, the Cayos Cochinos Islands of Honduras, and in the Chagos Archipelago of the Indian Ocean (Perez 2014a, 2014b).

While the concepts of blue growth and blue-washing are relatively new, they are intelligible extensions of the late twentieth-century rise of an “ecological phase” of capitalism (Escobar 1996, 54) associated with World Bank “green neoliberalism” (Goldman 2001, 500). Green neoliberalism reformulates the relationships of nature and society within a problematic of “global survival” in which “the global ecosystem” is privileged rather than “the sustainability of local cultures and realities” (Escobar 1996, 51). Local flora, fauna, and peoples become transformed into “reservoirs of value” for the future sustainability of global rather than local projects (Escobar 1996, 57). As forms of storage of neoliberal “warehousing” strategies (Lloyd and Wolfe 2015, 8), marine parks and other green strategies become part of a spectrum of “conditionalities” for securing “large capital loans and investments” for global mega-projects (Goldman 2001, 517–518). Mystifying concepts like the global itself reappear from such vantages as deflated “networks or spheres” of social interaction where much of the earth’s crowd of actors encounter a “lack of space” and limited opportunity for “placement” (Latour 2009, 144). The submarine optic cable project mentioned by Representative Tuki would involve a public-private partnership between the Chilean state-based Subtel communications company and the Chinese private firm Huawei; it is reportedly designed to “increase trade, scientific and cultural exchanges between the two countries,” and initial cost estimates range up to US\$650 million

dollars (Jie 2017). Current maps of the proposed cable route pass through Rapa Nui (New China TV 2017). As the Chilean state continues to pursue a revised Trans-Pacific Partnership (TPP) free-trade agreement (Muñoz 2017), it is certainly plausible that a Rapa Nui marine park could indeed be used to blue-wash the cable and other mega-projects of interest to Chile.

Political control and manipulation of ecological variables that a people depend on for life and social change combine in an approach known as “environmentality” (Agrawal 2005), which has emerged in the twenty-first century as a powerful tool for governmental regulation of societies and subjectivities. Public policies and practices of environmentality not only are implemented to govern existing environments of a people but anticipate new territories that state and other forces often try to preemptively secure for particular interests (Massumi 2009). In terms of the indigenous politics of “refusal,” state-imagined futures and their developmental projects are often confronted with suspicion and scrutinized for strategies of “further dispossession” (Simpson 2016, 440). While the United Nations has provided evidence that Marine Protected Areas are useful global strategies for conserving the marine resources of the world (UNDP 2017), its “capacity building” programs serve not necessarily local peoples of the Pacific Islands but, more often, global elites (West 2016, 63–86). In organizing refusal of a marine park with possible links to future global forces of transpacific cable routes and other projects that would emerge in a TPP-

centered Chilean political economy, Rapa Nui demonstrate increasing consciousness of the politics of environmentality on the island. Interestingly, their organization of Ma'u Henua and the Ley de Residencia shows that the Rapa Nui people are also able to utilize environmentality to their own advantage. By regaining some, and potentially full, control of their patrimony and its associated territory, as well as securing public policy to limit migration, Rapa Nui leaders are beginning to regulate political ecological variables that are crucial for their movement toward self-determination. For political theorist Jacques Rancière, the political is provocatively less about the creation of a constitution as it is the “composition” of a new “topography of the common” (2010, 213). While the achievement of a self-determined constitution perhaps remains for a relatively distant future, Ley de Residencia and Ma'u Henua are valuable instruments of a new political economic topography that the Rapa Nui people can apply to compose themselves amid the ever more precarious global spheres of blue-washing optic-cable imaginaries and other TPP projects that Chile has generally kept “secret” from the “indigenous peoples” of the country as well as the “general public” (Aylwin, Silva, and Yáñez 2016, 214).

FORREST WADE YOUNG

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## TONGA

Since the 2010 constitutional review and subsequent elections in 2010 and 2014, the Kingdom of Tonga's forays into the world of democracy have been fraught with multiple challenges. This is to be expected from a nascent democracy journeying through a transitional phase, toward a new political culture based on popular electoral choice and away from the age-old hereditary system of rule that has been at the cornerstone of Tonga's sociopolitical power structure since 1875, when the first constitution was devised. Between June 2016 and the end of August 2017, the government of 'Akilisi Pōhiva—the first elected commoner prime minister—went through a series of crises leading to a failed parliamentary vote of no confidence in February 2017.

The continuing crises culminated in a constitutional coup of sorts by the king, who intervened at the behest of the opposition noble parliamentarians and invoked his power to dissolve Parliament on 24 August 2017. Ironically, although it was the target of the parliamentary dissolution, Pōhiva's government had to continue in a caretaker capacity until 16 November when new elections were scheduled to take place.

Both 2016 and 2017 were rocky years for the new government of Pōhiva, a longtime pro-democracy activist whose commoner-led government came to power after the 2014 general elections. It was not smooth sailing for the government's attempts for reform. Among these attempts were proposals for changes in the structure and operations of the government's public service, which has been generally considered inefficient in the past. As part of the reform, the Tonga Remuneration Authority reviewed and proposed changes to the salary structure in mid-2016. In response to this, the Tonga Public Service Association presented petitions opposing the reforms on the grounds that they had "overlooked employees' concerns" (*Matangi Tonga* 2016). Unlike previous practice, the new structure was based on performance, rather than on an automatic salary increase every year. This can be seen as part of a recent wave of neoliberal reform in civil service in the Pacific, and as also seen in countries like Fiji.

Tonga's regional and international engagement had been growing, as shown in the deployment of its military forces in Afghanistan. As an expanding, active military force, His

Majesty's Armed Forces (HMAF) carried out exercises with other defense partners such as New Zealand, the United States, China, and France. In the first week of July 2016, HMAF and its defense partners performed extensive exercises meant to boost the HMAF's response capacity to emergencies such as natural disasters. The chief of the Royal New Zealand Navy was also in Tonga around the same time for bilateral defense talks to strengthen close military ties between the two countries (NZDF 2016).

On the political front, the by-election to fill the parliamentary seat left vacant by former Minister for Education 'Etuete Lavulavu (who had been found guilty of bribery) took place on 14 July 2016. Interestingly, the seat was secured by 'Akosita Lavulavu, the wife of 'Etuete Lavulavu, who outpolled three other candidates (Tonga Ministry of Information and Communications 2016).

Forging international relations was important for Tonga's young democracy. Thus, on 28 July, Prime Minister Pōhiva visited New Zealand at the invitation of John Key, his New Zealand counterpart. Bilateral discussions between the ministers revolved around New Zealand's role in Tonga's development, trade, and seasonal workers, among other issues. Accompanying Pōhiva was a group including Minister for Public Enterprises Poasi Tei; Minister for Revenue and Customs Tevita Lavemaau; Lord Vaea Tongatapu, who is the nobles' number 1 representative for Tongatapu; Chief Secretary and Secretary to Cabinet Dr Palenitina Langa'oi; and Secretary for Foreign Affairs Va'inga Tone (TNEWS 2016).

Tonga's international links

expanded further after establishing diplomatic relations with Poland on 31 August through a joint communiqué in New York between Tonga's UN representative, Mahe'uli'uli Tupouniua, and Poland's UN representative, Boguslaw Winid. Poland has previously established diplomatic relations with Pacific island states such as Nauru, Kiribati, the Federated States of Micronesia, and Tuvalu (Radio Poland 2016). This estimable event was followed two weeks later by another scandal. On 14 September, Minister for Internal Affairs Sosefo Vakata resigned after allegations that he threw a glass of wine at the acting deputy director of the women's division of the Ministry of Internal Affairs, Tupou'ahau Fakakovikaetau, accusing her of insubordination (Latu 2016).

The latter half of 2016 was a mixed bag of moments of pride for Tonga, coupled with scandalous happenings that proved to be challenging for the government. Despite these, Pōhiva and his government survived the attempts to undermine their credibility. The first half of 2017, however, proved to be full of history-making events.

After three years in power, Pōhiva's government came under increasing pressure from Parliament due to what critics saw as its questionable decisions. Under the amended 2010 constitution, a vote of no confidence can only be carried out eighteen months after a general election, and before the last six months prior to the next general election. On 2 February 2017, the Speaker of the legislative assembly, Lord Tu'ivakanō, received the notice of a no-confidence motion signed by ten members. This included

seven noble representatives—Lord Tu'ilakepa (who tabled the motion), Lord Tu'iha'angana, Lord Fusitu'a, Lord Tu'i'afitu, Lord Tu'iha'ateiho, Lord Nuku, and Lord Vaea—and three people's representatives—Samiu Vaipulu, Vili Hingano, and Fe'ao Vakata (RNZ 2017c). During the vote on 27 February, Pōhiva's government survived with fourteen votes compared to ten votes against him. Minister for Finance 'Aisake Eke abstained. Lord Ma'afu, who was a member of Pōhiva's government, was the only member of the nobility who voted against the motion (RNZ 2017d).

The motion was in response to what its supporters referred to as "poor governance, nepotism and favoritism" (Parliament of Tonga 2017). Most of the examples provided were related to appointments to senior government positions—including the appointment of Pōhiva's son as an advisor (although he was not on government payroll)—that were deemed in breach of either existing regulations or public ethics. The prime minister's opponents also criticized his political stand supporting West Papuan independence, arguing that it was going to anger Indonesia and thus damage and undermine Tonga's international image (RNZ 2017c).

It appeared that the anti-Pōhiva group tried to dig up almost every conceivable decision and activity by the government and then construct scandals around them as a means of justifying their complaints. Beneath the surface was the deeper, long-running tension between the nobles and the pro-democracy groups of which Pōhiva has been the leader. In June 2012, Pōhiva and his group had

tabled a vote of no confidence against then Prime Minister Lord Tu‘ivakanō and his government, and this time around it was Pōhiva’s turn to be on the receiving end of the tit-for-tat war (Royal Oceania Institute 2017). Despite the electoral reform and the elections, this political dichotomy and related contestation of power will continue to be a major factor in shaping Tonga’s political terrain.

Amid the political wrangling, February 2017 was a sad month for Tonga after the beloved queen mother passed away in Auckland at the age of ninety. Her body was flown home for the traditional ceremonies and burial on 1 March (*New Zealand Herald* 2017; RNZ 2017e). In March there was a major reshuffle of the cabinet, which was approved by the king on 9 March (PIR 2017). The reshuffle followed the forced resignation of Minister of Finance ‘Aisake Eke and was also an attempt by Pōhiva to strengthen his support within Parliament and bring about coherence and discipline in his cabinet.

On 15 May 2017, the government announced that it was withdrawing its decision to host the 2019 Pacific Games. The reason provided was that, given the state of the economy, the government was not in a position to fund the games, and thus the previous government’s successful bid to host the games was a “costly mistake” (Stuff NZ 2017). The government based its decision on a World Bank report that cautioned that Tonga’s financial woes would be exacerbated if it hosted the games (Chakraborty 2017). Held every four years, the multisport event requires the host country to develop its sports infrastructure to

international standards. The decision not to hold the Pacific Games sent shock waves around the Pacific as the Pacific Games Council (PGC) then had to make emergency decisions, subsequently calling for expressions of interests from other countries at short notice. Guam, Sāmoa, and French Polynesia responded by putting forward bids.

While the World Bank report provided a convenient justification to forego hosting the games, another significant factor in the decision was the volatile relationship between Pōhiva and the chief executive officer (CEO) and chair of the Tonga Organizing Committee (TOC), former Prime Minister Lord Dr Feleti Sevele—a political adversary of Pōhiva’s since the destructive riots of November 2006. Pōhiva consistently argued that Sevele and his government were to be blamed for the riots because of their delay in making a decisive stand on the constitutional reform, and Sevele accused Pōhiva of attempting to instigate a coup. This long-running animosity may have influenced Pōhiva’s decision to remove Sevele from the position of CEO of TOC in May 2016. The PGC declared this move “null and void,” however, as the power to hire and fire Sevele rested with the TOC or the PGC itself (PIR 2016).

The desire by the government to terminate its hosting obligations was not surprising. On 11 October 2016, Pōhiva declared in Parliament that he doubted the country’s ability to host the games in 2019 (RNZ 2016). A number of reasons were suggested to support this assertion. First, there was doubt about whether the upgrade of Teufaiva Stadium and the con-

struction of new sporting facilities at Tonga High School would be ready by May 2017 as scheduled. Second, the government considered the annual grant of US\$460,000 requested by the TOC as excessive and the CEO's salary as unjustifiably high. Another reason given by the government was that they had not found any land on which to build an eighteen-hole golf course for the games. A piece of land was finally found in January 2017 at Siumafua'uta, Popua, but the irony was that, although Tonga was no longer hosting the Pacific Games, the golf course was still being built. In addition to concerns about the course's archaeological and environmental impact, attempts by Parliament to ask the government to provide the budget and other technical details about the golf course consistently failed. Another controversial project associated with the golf course was a canal that was also built in the Popua area under the supervision of the prime minister for beautification purposes (Latu 2017; Fonua 2017a).

Recognition of Tonga's role in regional networking was manifested in the opening of the first Pacific Centre for Renewable Energy and Energy Efficiency in Nuku'alofa on 26 April. The event was attended by a number of Pacific leaders. Deputy Prime Minister Siaosi Sovaleni stated, "This centre of excellence will provide valuable support to Pacific Island countries and territories towards progressing their respective priorities and commitments for achieving sustainable energy" (*Matangi Tonga* 2017a).

One of the most regionally talked-about events in Tonga for the year to date was the signing of the PACER-Plus

free trade agreement on 14 June by members of the Pacific Island Forum, excluding Fiji, Papua New Guinea, and Vanuatu (which later changed its mind), all of which have refrained from committing themselves to the agreement (*Matangi Tonga* 2017b). The agreement has been consistently pushed by Australia and New Zealand and there are worries about the fact that it does not guarantee any long-term benefits for small Pacific Island economies. At the same time, there is also anxiety about possible negative impacts on the fragile economies of the small island states.

One of the celebrated events in June 2017 was the completion of the new Tongan government office building, St George Palace at Pangai Si'i in the Central Business District. The building—which will house the prime minister's office, ministry of foreign affairs, ministry of finance, ministry of national planning, and other government departments—was funded through Chinese aid to Tonga. The handover certificate was signed on 22 June by the Deputy Prime Minister Sovaleni and China's new ambassador to Tonga, Wang Baodong (*Matangi Tonga* 2017c).

Another significant event was the visit to Tonga by New Zealand Prime Minister Bill English from June 15 to 17 to inspect NZ aid projects in Tongatapu, as well as to have meetings with the king, prime minister, and other ministers. Pōhiva praised New Zealand's support for democracy in Tonga and expressed his desire to carry out more democratic reforms in Tonga (Fonua 2017b). Pōhiva's comments were later questioned in Parliament by an opposition member

who argued that such statements were irresponsible and were to be kept locally and not publicized internationally, especially to a foreign leader.

On 25 July 2017, the Tongan Supreme Court dismissed an application for the judicial review of the firing of the general manager of the Tonga Broadcasting Commission (TBC) (RNZ, 2017b). In May, the prime minister had terminated Nanise Fifita's contract at the TBC, accusing the organization of being an "enemy of government," although her position was eligible for renewal when her contract came to an end. Chief Justice Owen Paulsen made it clear that Fifita's reappointment needed the approval of the minister for public enterprise, but this was never done.

The most dramatic event in Tonga in the period under review and perhaps since the November 2006 riots was the sudden and unexpected dissolution of Parliament by the king on 24 August 2017. The instrument of dissolution of Parliament by the king was detailed in a gazette on 25 August, although it took effect from 5pm on 24 August. It declared: "WE, TUPOU VI, BY THE GRACE OF GOD, OF TONGA, KING: HAVING CONSIDERED Advice from the Lord Speaker of the Legislative Assembly, and HAVING REGARD to Clauses 38 and 77(2) of The Act of Constitution of Tonga (Cap. 2) DO lawfully dissolve the Legislative Assembly with effect from Thursday 24 August 2017 at 1700 hours and DO Command that new Representatives of the Nobles and People be elected to enter the Legislative Assembly at Elections to be held no later than 16 November 2017.

DONE by Us at Nuku'alofa this Twenty Fourth day of August in the Year of Our Lord Two Thousand and Seventeen and in this the Sixth Year of Our Reign. Tupou VI" (Government of Tonga 2017).

Clause 38 of the amended 2010 constitution still gives the king considerable interventionist powers: "The King may convoke the Legislative Assembly at any time and may dissolve it at his pleasure and command that new representatives of the nobles and people be elected to enter the assembly" (Government of Tonga 2010). This provision on the king's power is reiterated in clause 77(2) on elections: "It shall be lawful for the King, at his pleasure, to dissolve the Legislative Assembly at any time and command that new elections be held" (Government of Tonga 2010). However, clause 38 also states that "it shall not be lawful for the Kingdom to remain without a meeting of the Assembly for a longer period than one year," thus the suggestion that the elections be held no later than 16 November.

The only constitutionally legal way of removing the government—the real target of the dissolution—was to dissolve Parliament. Ironically, the cabinet under Pōhiva was to continue ruling until the next election on 16 November. This was the only option available since there is no constitutional provision for the appointment of a new prime minister in the case of such dissolution. Pōhiva referred to the situation as a "failed coup" because, although he was the target of the dissolution, they could not completely remove him and his government (Morrah 2017).

The king's action followed a presentation to him by the Speaker of the legislative assembly, Lord Tu'ivakanō, and was based on eight grievances read out on the TBC radio service on the evening of 28 August, which were then translated and sent to me by Lopeti Senituli, former director of the pro-democracy movement and political advisor to former Prime Minister Sevele. The grievances were (1) that a bill (draft legislation) had been submitted to the office of the Speaker that seeks to amend the constitution so as to revoke His Majesty's right of assent to legislations approved by the legislative assembly before it could become law; (2) that the intent of the bill is in keeping with the cabinet's earlier plans to bypass His Majesty's prerogative to sign treaties and conventions entrenched in clause 39 of the Constitution when they tried to sign and ratify CEDAW without His Majesty's prior approval; (3) that cabinet had also become party to PACER-Plus without His Majesty's prior approval; (4) that another bill had also been submitted to the office of the Speaker that seeks to amend the constitution so as to remove His Majesty in privy council's right to appoint crucial positions such as the police commissioner and the attorney general; (5) that Hon Prime Minister Pōhiva had intervened and prevented the legislative assembly from sanctioning former cabinet minister 'Etuete Lavulavu for abuse of office on the understanding that he would punish him instead. It later became apparent that he did not punish Lavulavu as promised; (6) that several petitions have been submitted to the office of the Speaker that seek to impeach various members of the

legislative assembly and the Speaker feels spending time on these petitions would be a waste of time and resources; (7) that cabinet had deliberately misled the legislative assembly regarding the hosting of the 2019 Pacific Games and, after the legislation was passed authorizing the collection of the foreign exchange levy tax in order to fund it, continued to collect this tax despite canceling the games; and (8) that cabinet had recently approved a 5 percent salary increase for all ministers in response to a recent increase in income tax, yet the tax increase applies to the whole country especially all the civil servants and people in private enterprises (Lopeti Senituli, pers comm, 29 Aug 2017).

When the board members of the Public Service Association (PSA) visited Pōhiva on 26 August, they were given a positive message of encouragement to continue with the good work, even if there was no Parliament or cabinet. Pōhiva told them that he was "at peace" and conveyed his love for the people of Tonga. In what may appear to be a subtle rebuke of the Tongan monarch, PSA Secretary General Mele 'Amanaki declared, "In God we put our trust in Him as *He is the King of Tonga* (my emphasis) and the Universe" ('Amanaki 2017).

The intervention by the king may have deeper implications on Tonga's embryonic democracy because of fear that Parliament may remain subservient to the whims of the monarch. The question is, will these reasons used to justify the dissolution survive legal challenges if Pōhiva seeks injunction and judicial review of the king's proclamation? Some political and legal commentators on Tonga do not think



so ('Amanaki 2017). However, in a statement two days later, Pōhiva said that he respected the king's decision and was not going to mount a court challenge. Although he initially stated that he was going to stand in the next election, he later reversed this stand saying that he will still think about it (RNZ 2017a).

The period under review has been tremendously transformative for the kingdom because its newly constructed democratic institutions and norms were under immense pressure. The age-old contestation between the privileged nobles and the commoners cannot be discounted, despite the newly amended constitution and the recent democratic elections. Democracy has the potential to be deployed as leverage by self-elected, feudalistic nobles who are out to use constitutional means to reclaim their lost privileges and power. The year 2017 will go down in Tongan history as the first attempt at constitutional coup making. In Fiji, the military intervenes in civilian politics to serve a particular political agenda and, in Tonga, the king does the job just as effectively.

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