

impunity. The decision of the Court of Appeal caught them completely off guard and their announcement that they intended to effectively confiscate by legislation took the country back 140 years to the last legal confiscations of Māori land. Those actions resulted in civil war, as Māori were forced to defend their lands. It is hoped that the government is more aware this time that any further attempts to confiscate Māori land will result in many more Pākehā fighting on the side of Māori than did so in the 1860s.

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### SĀMOA

Events and issues that stirred the Samoan community in the period under review include the petition by Samoans to the New Zealand Parliament to repeal the Citizenship (Western Samoa) Act 1982; rumors surrounding the Sinalei Tourist Resort; the controversy over the Oceania University of Medicine; the SARS threat;

government structural reforms; and parliamentary by-elections.

In the mid-1970s, New Zealand—under Prime Minister Robert Muldoon and the National government—cracked down on immigrants who had overstayed their entry permits. One such immigrant, Falema'i Lesā, a Samoan woman, fought back through her legal counsels, Dr George Barton, QC, and Mr Rosenberg. Defeated in the New Zealand court, Barton and Rosenberg appealed the decision in the Privy Council in London. On 28 July 1982, the Privy Council upheld the New Zealand–British Nationality and New Zealand Citizenship Act. Barton and Rosenberg argued that their client was a New Zealand citizen by virtue of legislation passed in 1923 and 1928, when New Zealand still administered Western Sāmoa. The clincher for the Privy Council was the 1928 British Nationality and Status of Aliens (in New Zealand) Act. It held that the Cook Islands and Western Sāmoa were “in the same manner in all respects . . . [and] for all purposes part of New Zealand.” The term “New Zealand” was “to be construed as including the Cook Islands and Western Sāmoa” (quoted in SO, 29 Mar 2003).

The New Zealand–British Nationality and New Zealand Citizenship Act clearly states that all Samoans born in Western Sāmoa between 1924 and 1948, and their children, were deemed New Zealand citizens. Clause 16, Part 3 of that act states, “A person who is a British subject immediately before the date of commencement of this Act shall on that date become a New Zealand citizen if he was born in Western Sāmoa” (quoted in SO, 14 Nov 2002). On 21 August

1982, then Acting Prime Minister of Western Sāmoa Tofilau Eti Alesana—in the absence of Prime Minister Va'ai Kolone, who took ill—signed a protocol with New Zealand Prime Minister Sir Robert Muldoon. The New Zealand government of the day used that protocol to pass the Citizenship (Western Samoa) Act 1982 (SO, 14 Nov 2002). While this act meant that Samoans who were born between 1924 and 1948 and their children lost their citizenship rights, it also gave other benefits to Samoans. Samoans who were in New Zealand at the time gained automatic New Zealand citizenship. Samoans were also eligible to apply for citizenship once they gained permanent residence status. Moreover, the number of Samoan citizens who could apply for permanent residence in New Zealand under the yearly immigration quota was increased (SO, 3 Oct 2002).

Former New Zealand National Party MP Arthur Anae was in Sāmoa in early September 2002 to facilitate a petition seeking a repeal of the New Zealand Citizenship Act 1982 (SO, 1 Sep 2002). Anae believed that the law discriminated against Samoans and breached basic human rights. Anae also argued that nothing in the protocol signed by the governments stated that Sāmoa had given up rights to New Zealand citizenship. Rather, the purpose of the protocol was to endorse the Treaty of Friendship between the two countries that had been signed on 1 August 1962. Anae further argued that the Privy Council ruling had nothing to do with the protocol. Therefore, he said, the New Zealand Citizenship Act 1982 was a deliberate act on New Zealand's part

to restrict Samoan access to New Zealand citizenship. According to Anae, "there is this fear in the New Zealand *pakeha* [white] community that 170,000 Samoans will rush to New Zealand when they have free access to citizenship" (quoted in SO, 1 Sep 2002). Anae went on to say, "I don't see 17 million Australians going to New Zealand despite free movement between the two countries. . . . Honestly, I keep telling my former colleagues in Wellington that most Samoans in the islands do not want to live in New Zealand" (quoted in SO, 1 Sep 2002). What Samoans wanted instead, according to Anae, was the freedom of access similar to that of Tokelauans, Cook Islanders, and Niueans. "If [New Zealand] can apologize to the Chinese for discriminating against them with a Poll Tax, which they accepted at the time, then the New Zealand government must respond to the Western Sāmoa Citizenship Act or compensate for the Sāmoa people by either allowing all Samoans born before independence in 1962 access to New Zealand residency or increase the Samoan Quota to 3,000 per year" (quoted in SO, 1 Sep 2002). Anae also pointed out that the Human Rights Commission considered that the citizenship bill involved a denial of basic human rights in that it sought to deprive a particular group of New Zealanders of their citizenship on the basis of their status as Polynesians of Samoan origin.

While Anae was in Sāmoa to seek supporters for the citizenship petition, a Samoan committee for the same purpose was formed. Its secretary was Maiava Visekota Pēteru, a New

Zealand-born Samoan and graduate of the Auckland University Law School. According to Maiava, “the support from the community has been tremendous so far.” With New Zealand citizenship, Maiava said, “comes medical, education, employment and especially, travel privileges to that country.” Moreover, “we want to clearly state that the petition to repeal the law is simply to provide our people with a choice for unlimited and unconditional access to that country. It is a matter of providing a choice for our people” (quoted in *SO*, 25 Mar 2003). Furthermore, “Many Samoans do not want to live in New Zealand and all we are asking is for them to have free access to that country and the right of citizenship choice, instead of going through the tedious immigration screening and visa process” (quoted in *SO*, 1 Apr 2003). Maiava believes that because people do not have that access, relatives in New Zealand have adopted many Samoan children so that they can migrate. “Since people here do not have that access, adoption becomes the only option they have. . . . Perhaps another fear is that the Samoan petition may end up getting lumped together with Maori issues,” Maiava said (quoted in *SO*, 1 Apr 2003). Maiava urged locals to sign the petition.

On 26 March 2003, about 2,000 Samoans marched on the New Zealand Parliament, and Dr Barton, the lawyer who took the case to the Privy Council, handed over the petition containing 100,000 signatures to Prime Minister Helen Clark. Those who participated in the march included sportspeople, academics, politicians, and entertainers of Samoan descent.

Among them were Warriors Rugby League center Ali Laititi, world champion discus thrower Beatrice Faumuina, and celebrated newscaster April Ieremia (*SO*, 25 Feb 2003). On the same day, over 6,000 Samoans marched to the New Zealand High Commission office on Beach Road in Apia and presented the same petition to New Zealand High Commissioner Dr Penelope Riding.

On 8 May, when the petition was presented to a select committee of the New Zealand Parliament, a video link was set up with Christchurch, Auckland, Wellington, and the National University of Sāmoa in Apia. According to the parliamentary committee chairperson, Dianne Yates, this was the first time the New Zealand Parliament had conducted its business using video conferencing. The parliamentary hearing started with submissions by Dr Barton, Anae, and former New Zealand Human Rights Commissioner Pat Downey. All of them appeared before the committee in person. After Wellington, the committee heard submissions from Sāmoa as presented by seven members of the Apia Sāmoa Citizenship Committee. The committee presented its report to Parliament where a final decision will be made (*SO*, 9 May 2003).

Anae’s views were not supported by some of his colleagues in the New Zealand Parliament. Samoan Labour Party MP Taito Philip Field said that this citizenship petition was raising false hopes. As Taito explained, no party in New Zealand—including the National Party—supports this petition: “Any possible change of heart may well depend on how much grassroots support there is for the petition.

But at the moment, no party supports it. It is also difficult to imagine the situation returning to the situation before the signing of the Western Sāmoa Citizenship Act in 1982, when Samoan citizenship rights were given up for certain benefits for Samoans” (quoted in *SO*, 3 Oct 2002).

Taito believed that efforts to toughen up on the portability of New Zealand pensions should also be of interest to the Samoan community. At the moment there is 100 percent portability of New Zealand pensions for people who have been in New Zealand for twenty years or more. That means they are eligible to draw their full pension even from outside New Zealand. Those who have been in New Zealand for ten years will be eligible for 50 percent portability, increasing towards 100 percent as the number of years in New Zealand increases (*SO*, 3 Oct 2002).

Prime Minister Helen Clark does not see any need to review the Samoan citizenship law, even though she was among a small number of Labour Party members of Parliament in 1982 that had condemned the law (*SO*, 28 Mar 2003). The New Zealand high commissioner in Sāmoa had no comment when asked about her views on the petition to repeal the act (*SO*, 3 Sep 2002).

In the second half of 2002, rumors circulated by a local newspaper alleged that a group of thirty people staying at the Sinalei Resort, one of the best tourist places on Upolu Island, belonged to a cult. Some suggested they could be terrorists; others, a nudist group (*SO*, 28 July; 4 Sep 2002). The rumors prompted Secretary for the Prime Minister’s Office Va’asātia Poloma Komiti to check the

group’s credentials with the FBI (*SO*, 6 Nov 2002). Furthermore, Superintendent Li’o Masipa’u said that the police department was investigating reports that the customs department had detected drugs in the personal belongings of group members (*SO*, 6 Nov 2002).

The rumors were further inflated by Duane Reed, one of the group members, in an interview with the *Sāmoa Observer*. Reed, who joined the group after learning about it on the Internet, warned that the group posed a real threat to the harmonious fa’asāmoa (the Samoan way of life). Reed said Samoans have been misled into thinking that members of the group were artists. “They are not artists and they have nothing to do with painting” (*SO*, 5 Dec 2002). Rather, the small group belonged to an international religious organization known as the Maha Devi Ascension Movement. According to Reed, the group was headed by a multimillionaire German woman, known around the compound as Gabrielle, who claimed to be an immortal being from Atlantis and Lemuria with the ability to build pyramids and turn people into gods. Reed also said that Gabrielle—whose real name turned out to be Ms Wilson—planned to build a pyramid on an island in the Pacific that would bring 7,000 people together (*SO*, 5 Dec 2002). Ms Wilson denied all of the allegations against her, and the resort’s manager confirmed that members of the group were simply artists who found Sāmoa an attractive place to reside for a while. The group left Sāmoa in January 2003, six months after their arrival there (*SO*, 10 Jan 2003).

Numerous complaints have been

directed at the Apia-based Oceania University of Medicine (OUM) since it opened in 2002. It was alleged that the Sāmoa Health Department had ordered its security to stop OUM staff from entering its campus inside the Sāmoa national hospital compound. Another allegation was that OUM tuition funds were being channeled to an account in the Cayman Islands, thus ensuring minimal monetary spin-off to the local economy. Although incoming Vice Chancellor Professor Maloney dismissed these allegations, it wasn't long before students at the university started voicing their complaints (SO, 7 Aug 2002). In a letter to the Samoan government, five students said that on their arrival they were "surprised to find that the most elementary resources were not provided" (quoted in SO, 27 Oct 2002). They expressed the hope that the government would intervene to ensure that "the international reputation of Sāmoa is not tarnished by the unfulfilled promises of the Oceania University of Medicine management" (quoted in SO, 27 Oct 2002). A week later an Australian academic entered the fray. In a letter to a local newspaper, he pointed out that 70 percent of the entering students had already dropped out, and raised questions about the university's accreditation. He warned that Sāmoa's reputation in Australia and New Zealand had been "irrevocably stained" by these developments, and feared "that a recruiting effort in North America, the major source of students for 'offshore' schools, will result in more unsuspecting students experiencing the same unhappy experience of the first ones" (SO, 3 Nov 2002).

By the end of the period under

review, things at Oceania University of Medicine appeared to be looking up. Some distinguished physicians had been added to the staff; the staff member responsible for curriculum development had been replaced; and the government had reportedly spent one million tala upgrading the facility (SO, 13 Mar 2003). According to one of the new staff members, Dr Satupa'itea Viali, head of the Medicine Unit at the Tupua Tamasese Mea'ole National Hospital, "Though the university is small compared to other medical institutions, the technology used is at the cutting edge" (SO, 5 Dec 2002).

The international SARS scare was felt in Sāmoa in May 2002 with the arrival of ten Chinese nationals and a Singaporean on an Air Pacific flight. Traveling via Hong Kong, Tokyo, and Nadi, they bypassed New Zealand and Australia, which had been serving as points of quarantine for Sāmoa. In the absence of any health department official, Akerei Le'au, one of the quarantine officers at the airport, sounded the SARS alert. But by the time the matter was referred to him, the Air Pacific flight had already left, so the passengers were isolated, first in the arrivals lounge and later at Leulumoega Hospital, before resuming their journey to American Sāmoa (SO, 22 May 2003).

Concern was also raised for the health of seven Samoan students studying in China. Although the Chinese Embassy claimed that the Samoan students were safe and away from possible infected areas, by early May 2003 the cabinet had approved funds to bring them home. The students traveled back to Sāmoa via New Zealand, where they stayed for ten

days under SARS supervision (SO, 10 May 2003). Meanwhile, Sāmoa's under-23 soccer team was unable to participate at the International Peace Games in June following reports of a SARS case in South Korea. The team had been fundraising vigorously and training in anticipation of the Oceania Olympic qualifying games in 2004 (SO, 1 May 2003).

In April 2003, the names of fourteen new chief executive officers of government departments were announced. Under the government's structural reform policy, twenty-seven existing departments and corporations were reduced to fourteen. As Secretary of the Public Service Commission (PSC) Dr Matagiālofi Mōlī explained, the merging of some departments was the result of a review conducted by the PSC Institutional Strengthening Project. That project had been the main vehicle for reforming Sāmoa's public service. According to the prime minister, the reforms were designed to save money and "improve the quality and level of government services to the public" (SO, 13 Aug 2002). According to TV Sāmoa, part of the money saved would come from the elimination of jobs for about 30 percent of the existing 4,000 members of the public service (SO, 14 Sep 2002).

The reforms were received with mixed feelings. In the debate in Parliament, most members supported the bill, although others were concerned about the impact of the changes on the people affected. In an article published in one of the local papers, MP Tuiatua Tupua Efi (from the opposition Sāmoa National Development Party) asked whether the current government structural reforms were

a way for the party in government (the Human Rights Protection Party) to abolish departments that should not have been formed in the first place. In that case, Tupua said, the government owed it to everyone to explain fully what was happening (SO, 14 Aug 2002).

In October 2002, at a function to farewell employees of the Public Works Department who had been made redundant by the reforms, Prime Minister Tuila'epa Sa'ilele Malielegaoi pointed out that these developments reflected a global trend to stimulate public service efficiency. Drawing from his public service experience, the prime minister revealed that he too had to resign from various jobs several times to pursue other goals. He also told the gathering how fortunate they were to receive generous severance payments. "The cheques you are about to receive is surely more money than you've ever held in your hand," Tuila'epa said (SO, 3 Oct 2002).

Not everybody was happy with the redundancy packages provided to those terminated from their public service jobs. Falefata Pētaia Tuāniu, former Public Service Association chairman, said that the redundancy packages represented a raw deal. "They should be given more," Falefata said. "I'm talking about those who have been there for ten years but are now being given \$3,000 for their long services" (quoted in SO, 22 Sep 2002). However, some of the affected employees seemed resigned to the situation. "I'm quite happy with the financial benefits," one redundant worker said. "Perhaps this is also for the best, maybe there are other

rewarding avenues out there for us to take which would not have happened if we continued to work for Public Works Department. If these reforms are truly for the best of the country then we have to accept it. Life still goes on” (quoted in *SO*, 3 Oct 2002).

Two by-elections were held in the period under review, one at the electoral constituency of Faleata East around the outskirts of Apia and the other at Alataua West on Savai'i Island. On 6 August 2002, Lepou II was elected unopposed as Faleata East's new member of Parliament, following the appointment to the Council of Deputies earlier this year of incumbent MP Faumuinā Anapapa (*SO*, 21 Jul; 4 Aug 2002). Faumuinā Anapapa's appointment came after the late Mata'ia Visiesio Europa passed away earlier this year.

The by-election at Alataua West saw ninety-year-old Ta'atiti Alofa elected. The oldest-ever member of Parliament, he gave his maiden speech on 16 January 2003 (*SO*, 17 Jan 2003). Ta'atiti replaced Nonumalo Faigā, who had passed away earlier in the year. But Ta'atiti served as a member of Parliament only six months, passing away on 7 June (*SO*, 13 Dec 2002; 11 Jun 2003). Ta'atiti had joined the Sāmoa National Development Party, the party of his predecessor. His absence leaves that party with eleven members in its caucus. Lepou II joined the Human Rights Protection Party, thereby retaining at thirty the number of members of Parliament in that party. The number of members in the United Independence Party remains at seven. Therefore, the Human Rights Protection Party's grip on power is still very strong (List of

Members in Sāmoa's XIII Parliament  
*Legislative Assembly of Sāmoa*,  
*Official Records*, 11 Jun 2003).

ASOFOU SO'Ō

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*SO*, *The Sāmoa Observer*

### WALLIS AND FUTUNA

In April 2002 the only Wallis and Futuna newspaper, *Te Fenua Fo'ou*, disappeared following a dispute between the customary chiefs of Wallis and the editorial director. A new weekly publication took over on 20 September 2002. *Fenua Magazine*, with the same format and columns as the preceding paper, now belongs to Samino Foloka, who works at the Department of Catholic Education of Wallis and Futuna. The editorial line has been completely changed to avoid the wrath of the great “chefferie” of Wallis. Leaders on the two islands remain very sensitive to articles published about Wallis and Futuna in the international press. An article called “A Wallis, l'ennui au bout du monde” (Wallis, boredom at the ends of the earth), published in the July 2002 edition of *National Geographic*, spurred a local photographer to apologize in *Fenua Magazine* for the inaccuracies of his Australian counterpart, Tim Georgeson, whom he had hosted on Wallis.

Custom is at the heart of life on Wallis and Futuna. On 21 November 2002, a new king of Alo (Futuna) was enthroned. Fifty-five-year-old Soane Patita Maituku has for the last ten years been a sacristan, a position

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