No ‘Quick Fix’ Solution: The Viability of a ‘Pacific Union’

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IN MAY 2003, Australian economist Helen Hughes caused shockwaves with the publication of a paper entitled Aid Has Failed the Pacific. In it, Hughes argued that the Pacific Islands were in a dire state with corrupt and stagnant economies. Foreign aid according to Hughes was harming the Pacific Islands by stymieing their economic growth and an overly bureaucratic and top-heavy political system compounded problems. She called for a debate on aid-reform in Australia, and mooted the possible federation of Pacific Islands as a solution to the problems of poor development. For many, these calls seemed all the more surprising coming from Hughes, whose work on the phosphate industry proved the main catalyst in securing independence for Nauru. However, Hughes is not alone in advocating for the Pacific Islands to join together in a federation. There has been a push among academics for many years for recognition of a ‘Pasifika people’ and prominent politicians have argued for such a development since the early 1980s. However these propositions have been met with distinct indifference by almost all Pacific Island leaders. This essay will examine whether the establishment of a federation of the Pacific is a realistic possibility in the foreseeable future, and if such a development would be fruitful. To begin with, the economic implications for the majority of sovereign Pacific Island states will be examined. The article will then proceed to argue that the current political situations within the Pacific Islands do not facilitate a union of the kind Hughes is proposing. Finally, the notion that the Pacific Islands share a collective cultural unity will be problematised and I contend that even if such an idea bears legitimacy, this does not automatically pave the way for political union.

Hughes argues that the Pacific Islands have ‘ignored the benefits of joining together to share costs of government and international representation and of free trade in goods and services, capital and labour.’ She believes that individual sovereignty has been detrimental to Pacific Island nations, and has led them to waste resources on the maintenance of international relations and international level bureaucracies. Hughes bases her argument solely on economics: were the Pacific Islands to form a federation of sorts, they would only require one set of international diplomats. This is in line with her call for the Pacific Islands to pursue policies that are ‘appropriate to their size and level of development’. Hughes has not been the sole voice in calling for a federated Pacific. An Australian Senate committee issued a report in August 2003 advocating a ‘Pacific economic and political community’, and Australian Prime Minister John Howard circulated a briefing paper to other national leaders at the 2003 Pacific Forum advocating a similar position.
The second limb of Hughes’ economic argument is that the giving of aid to Pacific Islands by states such as Australia and New Zealand has worked to stymie development. Foreign aid and money from sources such as mineral deposits have acted to distort economic development in the Pacific Islands. Economists classify such income as economic ‘rents’: sources of income that are not earned by a country. Because the money comes without any necessary accompanying productivity increases (no locals are employed in creating these funds) and countries can spend the funds as they like, they produce no economic development in and of themselves and, according to Hughes, act as a disincentive to the pursuit of development. Coupled with this is the fact that Pacific Island nations spend their aid money on consumption rather than development. Because donor countries allow donee states to classify aid as ‘revenue’ in their budgets, the aid is fungible (able to be spent on recurring programmes rather than development programmes).⁷ Hughes’ solution is a restructuring of aid to Pacific states that would see their freedom to spend the aid money curtailed.⁸

The problems of aid identified by Hughes are linked to the sovereign status of the Pacific Island states. Were the states not sovereign, there would be no need for them to carry the expenses associated with maintaining international diplomatic relations. Also, the sovereign status of the Pacific Islands has meant that their economy has stagnated through a reliance on economic rents. On first reading, Hughes’ argument that the attainment of statehood by Pacific Island nations has been self-detrimental seems persuasive. However, a closer examination will show that the overall benefits of sovereign status outweigh its disadvantages.

By being accepted into the comity of nations, the Pacific Islands have gained access to a world that is denied to them if their status is less than sovereign. Economically, the benefits that independence has brought come under two broad headings. First, there is the ability to gain economic benefits from participating in the international community. In any assembly of nations each is equal, so microstates such as Palau and Tuvalu have the same voting power as superpowers such as the United States of America. This can become important in international organisations that are able to make decisions that can counter the interests of wealthy countries. Pacific Island nations are able to trade off their votes in order to receive cash from richer nations. A salient example is the International Whaling Commission (IWC). Palau, since becoming independent, has joined the IWC, and demonstrated a previously unknown support for whaling. Palau’s endorsement of whaling may be traced to its share of the $77million dollars paid annually by Japan to countries that support whaling.⁹ In a similar vein, many recently independent Pacific Island states, after independence, officially recognised Taipei rather than Beijing as the government of China, on the back of low-interest loans.¹⁰ However, in the late 1990s and early 2000s, nations began to change allegiances to support Beijing. In a time when Australia, New Zealand and the United States were threatening to tighten their aid, the People’s Republic of China offered assistance with the fewest strings attached, outmanoeuvring Taiwan in the quest for diplomatic recognition.¹¹ Pacific Island nations have strategically leveraged on their ability to grant diplomatic recognition in order to win benefits from the wealthier nations of Taiwan and China.¹²
Whilst it may seem overly cynical to promote this type of economic trade-off as a beneficial outcome of achieving independence, such cases represent the economic opportunities that predicate on the sovereignty of the Pacific Island states. Regardless of the ethics involved, were Pacific Island states not sovereign, or should they not maintain full diplomatic corps, they would not be able to lever the same economic benefits from their international status. Pacific Islands which do not have full control over their external relations, such as the Cook Islands, are denied this possible source of funding. Therefore Hughes’ argument that the Pacific Islands should abandon their international pretensions and instead concentrate on policies appropriate to their population would result in the removal of an avenue of income. This provides one economic ground to support the argument that a federation of the Pacific would be detrimental to Pacific states.

For those who see the actions of states such as Palau as little more than unprincipled prostitution of nation status, there is another economic ground that justifies individual sovereignty for Pacific Island nations. Increased technological development has opened opportunities for states to pursue what Anthony van Fossen has termed ‘stateless capitalism’. This refers to the way a state may use its sovereignty to attract private investment in enterprises that require the oversight and approval of a state. Van Fossen uses the term to indicate that the state exercises little, if any, control over the venture and merely receives money by virtue of the fact that it has provided the point of registration for the activity. Early forays into stateless capitalism by Pacific Island nations included allowing their international maritime registries to be used as flags of convenience, setting themselves up as tax havens or banking centres and selling passports. However, all these activities carried with them the risk of drawing the opprobrium of other nations and the possibility of the participating state becoming ostracised.

An excellent example of this was Nauru’s venture into offshore banking. Nauru allowed anyone to set up a bank in its country for a $25,000 fee, and at one stage had around 400 banks registered to the same post-office box. Nauru did not require its banks to keep records, and so the system was used for extensive money laundering. Nauru was condemned by the G7, who listed it as a country that was ‘unco-operative in its fight against money laundering.’ Most Western banks refused to deal with Nauruan transactions. However, modern technology has enabled stateless capitalism to advance into areas that do not have the same level of controversy as offshore banking.

Two excellent examples of stateless capitalism are Tonga’s venture into outer space satellites and Tuvalu’s development of its Internet domain name. Both ventures would be unattainable were it not for the sovereign status of the two nations. Tonga’s undertaking materialised in what is generally known as the Tongasat programme. Tongasat is the colloquial name for Friendly Islands Satellite Communications Limited, the company that acts as the exclusive agent for Tongan satellite affairs. Through it, Tonga has control of almost 9% of the geostationary orbit, an area of space located 35,768 km above the equator. A satellite in this position will travel at the same speed as the earth’s rotation and hence will appear to be stationary over one location on the earth, enabling it to provide a continuous communications service to Earth. The number of satellites that can be placed on the geostationary orbit is finite due to the exact position required for a satellite to maintain
geosynchronous orbit and the need to maintain a certain distance between satellites in order to ensure clear transmissions.

Because of the high value of and demand for positions on the geostationary orbit, the international community set up the International Frequency Registration Board (IFRB) to allocate positions on the geostationary orbit. Only sovereign states may apply to the IFRB for recognition of their claims to the geostationary orbit. Allocation of the geostationary orbit must be taken in line with international space law, especially the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies (known as the Outer Space Treaty). The Outer Space Treaty reflects the high hopes that humankind’s exploration into space held, and as such provides that outer space ‘shall be free for exploration and use by all States without discrimination of any kind’. This served to be the basis upon which Tonga’s application for the orbital spots was successful, despite the objections of INTELSAT (an intergovernmental organisation that is the major controller of orbital slots). The fact that Tonga was a small state without any space programme was irrelevant to the question of deciding whether or not they were entitled to a share of the geostationary orbit. To disallow Tonga’s claim on this basis would have been contrary to international law, because it would have been a form of discrimination against a sovereign state. Furthermore, to deny Tonga access to the geostationary orbit would have, in effect, declared that Tonga’s sovereignty, and by implication the sovereignty of all small developing states, was less legitimate than that of larger developed countries. Therefore Tonga was able to gain access to the lucrative geostationary orbit on the basis that it was a nation, and a developing nation to boot. Tonga’s action in securing part of the geostationary orbit has been mimicked by a number of states including Singapore, Gibraltar and the Marshall Islands.

Tonga now receives a not insubstantial income from private companies essentially renting one of Tonga’s orbital slots for their telecommunications satellites. However, there is a darker side to the Tongasat story. Currently, Tongasat is almost completely owned by Princess Pilolevu, the King of Tonga’s daughter. Money from the venture does not go directly to the Tongan treasury but into the Tonga Trust Fund, which holds its money in deposits at the Bank of America in San Francisco, outside Tongan legal jurisdiction and direct control. Contributions from the Princess and the fund have been distinctly lacking, leading to Crown Prince Tupouto’a beginning legal proceedings against his sister to force divestment of the money. Despite the earnings from the Tongasat estimated at being over $25million in 1997, the Tonga Trust fund contributes on average less than 0.1% of Tonga’s annual $55million budget.

Tuvalu’s most successful venture into stateless capitalism is, like Tonga’s, based on the twin planks of the island’s sovereign status and the development of technology. Each sovereign country is assigned a country code domain that it has exclusive rights to administer. Tuvalu was assigned ‘.tv’ as its country code top-level domain by the Internet Corporation for Assigned Names and Numbers (ICANN). With global recognition of these two letters and the unavailability of traditional ‘.com’ designations, Tuvalu was approached by several companies interested in managing the leasing of ‘.tv’ domain names. Tuvalu entered into a $50million, 10 year deal with the .tv Corporation whereby Tuvalu receives around $4million per
year in exchange for allowing the company to rent the ‘.tv’ domain. Tuvalu has used the money to build roads, provide its outer islands with electricity and create scholarships for Tuvaluans. Other Pacific Island nations that have followed Tuvalu’s lead include the Federated States of Micronesia (‘.fm’), Niue (‘.nu’) and Tonga (‘.to’, a venture being run by the Crown Prince).

These two examples of stateless capitalism illustrate how nations can use their independence to develop economic projects that do not impugn their reputation to anywhere near the degree vote trading or traditional stateless capitalism projects do. Objections to these practices, such as that launched by INTELSAT against Tonga, have been based on commercial, not political, reasons. Also, unlike offshore banking ventures, these more advanced technological endeavours enable states to maintain a stronger role in regulating activities without undermining the entire feasibility of the venture (an attempt to register an obscenity with a ‘.to’ domain name will generate an automatic admonishment from the Kingdom of Tonga). Without independence, these ventures would not be open to Pacific Island nations. Therefore there is economic advantage in the assumption of sovereign nation status, an advantage that would be minimised if the Pacific Island states were to assume a form of Pacific federation.

Nonetheless, the opportunity to gain economic concessions through nation status does not necessarily undermine Hughes’ argument. The income gained from vote trading or stateless capitalism is another form of ‘economic rent’: income that does not bring with it any necessary development for the state. If one were to accept Hughes’ contention that economic rents have a negative impact on economic development, the examples I have just outlined could be seen to further impede ‘actual growth’ of the nations’ respective economies. However, whilst economic rents may not be the optimum method for achieving economic prosperity, they nonetheless represent a significant improvement over the prospect of being denied any avenues for economic development.

The opposing situations of Nauru and Banaba illustrate that economic rents are not necessarily detrimental to a country. Though they are hundreds of kilometres apart, the two islands of Nauru and Banaba are each other’s closest neighbour. Both had rich phosphate deposits that saw the islands exploited by colonial powers to such a point that the majority of both islands are now unusable and uninhabitable. However, due largely to an accident of history that occurred when a line was drawn in a conference room in London, Nauru became a sovereign nation in 1968 and Banabans were relocated to Rabi, in Fiji, in 1945. The difference in their international status has resulted in significant differences in the prosperity of the two peoples.

In the early stages of colonialism, Banaba appeared to be enjoying more benefits than Nauru. The share of royalties Banabans received from the phosphate operations were higher than those received by their Nauruan counterparts. However, with the transfer of Nauru to the United Nations trusteeship system, this began to change. The international community was able to look at the administration of the territory, and Nauruan leaders like Hammer DeRoburt were able to have their grievances addressed before the international community. With the publishing of data by Helen Hughes that showed exactly how exploitative the tripartite administration was being, Nauru was quickly granted independence. Banaba, on the other hand, did not have such good fortune. It never came under either the
League of Nations mandate system or the United Nations Trusteeship Council and therefore had no effective method to bring its grievances before the international community. As a result, exploitation of Banaba’s phosphate deposits continued without the Banabans exercising any control over the process that was destroying their homeland. The destruction of Banaba was so great that the inhabitants were relocated to Rabi as their island no longer had enough vegetation to support a subsistence lifestyle.27

The acquisition of sovereign status by Nauru had two important consequences. First, Nauruans were able to get full control of the phosphate operations. Nauruan phosphate was amongst the richest in the world, thus it was in high demand and could fetch a high price. Furthermore, Nauru was able to take advantage of its independence by selling the phosphate to whichever country would buy it: New Zealand and Australia were joined by Japan and South Korea as major consumers of the phosphate.28 Second, by joining the comity of nations Nauru gained access to the halls of international justice. In 1989 Nauru filed proceedings against Australia in the International Court of Justice, alleging that Australia had failed to make provisions for the rehabilitation of Nauru and as a result had acted in breach of international law and the UN trusteeship system.29 When the Court dismissed Australia’s claims that the Court had no jurisdiction to hear the matter, Australia entered into a settlement under which Nauru received $107 million.30

In contrast, Banabans never gained control over the phosphate industry and failed to receive compensation for the destruction of their homeland. The administration of the phosphate works on their island was totally controlled by colonial administrators through the British Phosphate Commission. Because Banaba did not have nation status, Banabans were unable to bring their case before the International Court of Justice. They were forced to bring their case under the English legal system, before domestic English courts. In comparison to international law, the English legal system is much more conservative in the level of recognition it gives to the rights of indigenous peoples against colonial powers. As a result, all bar one of the grounds on which the Banabans based their claim were rejected by the English Court of Chancery.31 Furthermore, while the Judge conceded on the one ground that the Crown owed a duty to replant some of the mined out island, he declined to order the enforcement of that obligation. Banaba’s day in court (or rather 221 days) resulted in a very hollow victory.32

Many would argue that at the present time there is very little difference between the two peoples. Banabans live on Rabi, existing primarily off the dwindling interest from a £6.5million ex gratia settlement from the British Government.33 The money Nauru received from phosphate and the settlement has run out, and so Nauruans also face an uncertain future. However, Nauru is reasonably well developed with an airport and paved road. On Rabi, in contrast, there are only about three telephones for the entire population.34 And while Nauru can take advantage of the opportunities stateless capitalism can provide, Banabans are subject to ongoing discrimination from ethnic Fijians.35 Therefore, it would seem fallacious to argue that economic rents have been detrimental to Pacific Island nations, as the alternative of being devoid of any such economic input is much worse.

An additional economic argument in favour of the Pacific Island nations joining together is that by forming a common position in the international
community, they could work together to secure more favourable trade conditions, especially from larger powers such as the United States of America and the European Union. A Pacific Federation could act as a concerted pressure group on the international front. Furthermore, it could act to promote trade within the Pacific Islands by removing tariffs between island nations. However, this argument does not reflect the realities of the situation in the Pacific Islands as it overlooks the fact that Pacific Island nations already enjoy favourable economic relations with superpowers. Because of their status as developing countries, many agricultural Pacific Islands enjoy preferential access to first world markets for their main exports. For example, under the EU’s ‘sugar regime’ the EU buys sugar from Fiji at the EU’s guaranteed price, which is significantly higher than that of the world market’s price. This is not to suggest that the Pacific Islands should seek to remain in poverty in order to exploit preferential trade treatment. Rather, the argument here is that it would seem ill advised to cut off the present trade benefits that the Pacific Islands enjoy in order to pursue a federation which may not necessarily yield more benefits.

Another reason Hughes offers as to why economic aid to the Pacific Islands should be restricted is that the recipients spend it badly. Instead of injecting aid money into development projects, it is spent on ‘consumption’ and is treated as a part of the government’s annual budget. As contributors to the aid money, Australian taxpayers, Hughes argues, have a ‘right’ to oversee how their money is being spent, a course of action they are currently denied. She notes that Pacific Island governments have vetoed propositions like hers as ‘bizarre’.

This essay concurs with the stance taken by the Pacific Island governments in rejecting the right of outsiders to determine how nations receiving aid should spend their money. The dictation by an outside power of how a government should run its own finances is a violation of the principle of state sovereignty, the underlying principle of the international legal and political framework. In the context of the Pacific Islands, where memories of colonialism still resonate, assertions such as Hughes’ appear particularly grating and smack of colonial rule being perpetuated. On the flipside, while these governments clearly have a justification in asserting their exclusive right to determine control of their country’s finances, their absolute fiscal control, in the name of national sovereignty, has also, in some cases, translated to unaccountability. Were the Pacific Islands to join together as a federation, respective governments may be compelled to be more transparent in their expenditures and this may in turn alleviate the corruption that is evident in some governments in the Pacific.

In Tonga, the royal family has a near monopoly on business investments and critics of the royal family are pursued and silenced. The Taima o’ Tonga newspaper has been prominent in criticising the activities of the royal family and their advisers. As a result, its importation into Tonga has been declared an offence, despite repeated judicial rulings declaring such an action to be against Tonga’s constitutional protection of the right to freedom of speech. Nauru’s government spent millions of dollars on activities such as flying the entire cabinet to London to see the West End play the country was sponsoring (which flopped within weeks). However the fact that these problems exist does not mean that a Pacific federation will make them disappear. On the contrary, the existence of these issues point to the impossibility of a Pacific federation occurring in the near future.
An effective federation of nations requires the giving up of rights by individual states in order to advance the interests of the collective. Thus, in the EU, high minimum prices on agricultural products are guaranteed, even though they are of little benefit to countries like Sweden. In the Pacific, the almost absolute control enjoyed by ruling elites is inextricably bound to discourses of cultural tradition. Therefore attempts to change or review such aspects are often viewed, or at least are portrayed, as attacks against ‘traditional culture.’ Tonga provides an excellent example of this. Despite criticism of its policies and practices, the Tongan monarchy ‘shelters under the mantle of the “faka Tonga”’. Criticism of the monarchy is often portrayed as criticism of the faka Tonga, construed as an attack by Western powers against traditional Tongan culture. The fierce protection of what is deemed to be traditional culture is not unique to Tonga: Samoa, for example, has a clause in its constitution that ‘protects’ cultural tradition, effectively entrenching cultural power structures.

Implicit in the idea of a Pacific federation is the notion that the governments of the union would have to be accountable to other member states. Given the economic and political clout that Australia and New Zealand hold relative to the Pacific Islands, it is likely that these two states would be the main ones that sought to hold accountable other Pacific Island nations. This would be consistent with foreign policy positions adopted by the Australia and New Zealand. At the 2003 Pacific Forum, Australian Prime Minister John Howard made it clear that he saw Australia as the leading nation in the Pacific. New Zealand has repeatedly criticised ‘undemocratic’ actions by the governments of Fiji and Tonga. However, the strong aftertaste of colonial rule means that Pacific Island states are strongly opposed to having their affairs influenced by these powers. An examination of the colonial record of New Zealand and Australia shows that there are good grounds for concern. It was whilst under New Zealand colonial administration that an influenza epidemic hit Samoa, with estimates that as much as 22% of the population died. Additionally, New Zealand opened fire on protestors in the Mau movement, killing one of the leaders of this peaceful group. Australia’s record is no better. In governing Nauru, Australia deliberately withheld information from the Nauruans in efforts to prolong their exploitation of the phosphate deposits. Australian colonial government of New Guinea saw the introduction of particularly harsh, racially-based legislation.

Any Pacific Federation model that has Australia and New Zealand at its head is unlikely to be acceptable to the other Pacific Island states. Given the power held by ruling elites in many Pacific Island states, it is unlikely that they would accept the reductions in power that a federation would bring. This is not to say that change in the governance of the Pacific Islands is impossible, however it would probably have to come from within the islands themselves. The idea that a federation could improve government accountability is misguided as political systems based upon cultural tradition would resist the imposition by external powers of a system that curtailed their authority. Therefore the governance issues of the Pacific Island nations would be best solved by a process of reform that originates from within each state rather than imposed solutions from outside powers.

A third reason given as to why the Pacific Islands should form a federation is because of the ‘common cultural factors’ that tie the Pacific together. Ethnographers point to the movement of peoples over the Pacific Ocean, showing that most
settlement of the Pacific occurred in a chain-like pattern that implies the sharing of common cultural values. The division of the Pacific into nation states, on the other hand, is a relatively recent development. These boundaries do not reflect much in the way of traditional divisions but reflect the lines that colonising powers drew for political or administrative reasons. The island of Banaba is now under the sovereignty of Kiribati solely because Banaba was formerly part of the Gilbert and Ellis Islands administrative colony. Similarly, American Samoa is a separate international territory from the state of Samoa due to an agreement worked out between Britain, Germany and the United States, without with any regard to the wishes of the Samoans themselves. Proponents of this position like to use the term ‘Pasifika’ people to describe the inhabitants of the Pacific, thereby emphasising a common bond of these people, usually centred on the Pacific Ocean.

However, it could equally be argued that the projection of the Pasifika label onto the peoples of the Pacific is also a recent development that has even less meaning than the national boundaries that today define the Pacific Islands. When colonising powers grouped islands together they did so with scant regard for the traditional differences islanders saw existing between themselves. The result was that groups who were previously unknown to each other, or had been enemies engaged in battle for years, were expected to peacefully co-exist. While colonial rule was in place, the threat of gun-boats usually sufficed to control possible instability. However, when the colonial authority withdrew, such divisions again surfaced as potential problems. Some states, such as Samoa, were able to maintain stability by creating a political system that was based around traditional divisions. However, in other states such as the Solomon Islands, a process of ‘Balkanisation’ occurred that led the country into civil war. The labels applied by colonisers proved to be irrelevant to most of the people to which they were applied.

The main problem with the Pasifika label is that it homogenises diverse peoples to an even greater extent than the colonial powers did by overemphasising the degree of cultural similarity among the peoples of the Pacific. It is readily foreseeable that a federation based on such an expansive label could Balkanise even more readily than was the case in the Solomons, especially given the governance issues endemic in many Pacific Islands, as discussed above.

The argument here is not that that cultural homogeneity is necessary for effective federation. The idea that English, French and Polish people all share a common culture would be plainly false. Yet the EU is a viable entity. This is because the European Union is based upon a common desire for its member countries to improve their economic and political power on the world front, and the EU offers them an opportunity to do exactly that. As has been shown, a federation by Pacific Island nations would not have that effect. In a federated union, Pacific nations would lose economic advantages they currently enjoy by virtue of their sovereign status. Nor would it bring about a solution to the governance problems in the Pacific without a solution being forced upon the individual states. However, it is unlikely that present power structures would accept such a forced change. And an attempt to link the nations together under the label of ‘Pasifika’ ignores the problems that such homogenisation has engendered in the Pacific’s past. A Pacific Union or Pacific Federation would not, therefore, at the present time act, as a panacea like the European Union or United States but would probably function as little more than
another chance for heads of state to meet each other. However, if the economic position and governance position of the Pacific Islands improves to a point that they are able to advance a common position through unity, then a union may be a viable option.
NOTES

3 Hughes, p.10.
4 *ibid.*, p.3.
7 Hughes, p.18.
8 *ibid.*, p.26. She believes the ‘best’ solution would be to cut aid altogether, but recognises that would be politically unacceptable.
14 *ibid.*, p.23.
26 *ibid.*, p.11.
31 ‘Tito and Others v Waddell and Others (No. 2)’, [1977] 3 *All England Reports* (3 All ER) 129.
32 ‘Tito and Others v Waddell and Others (No. 2)’, [1977] 3 All ER 129.
33 Hindmarsh, p.27.
34 *ibid.*, p.28.
35 *ibid.*, p.28.
37 Hughes, p.20.
38 *ibid.*, p.11.
39 NZH, 5-6 April 2003.
42 NZH, 20 June 2003, p..
43 Constitution of the Independent State of Western Samoa, Preamble.
48 Weeramantry, p.262.
49 For example, the White Women’s Protection Ordinance, in force until 1958, made it unlawful for a Papua New Guinean to have sex with a white woman.
51 ibid.
53 I should note that my position is not intended to support the idea that an ‘Africanisation’ of the Pacific is likely to occur. That theory has been comprehensively examined by Jon Fraenkel in his article ‘The Coming Anarchy in Oceania? A Critique of the ‘Africanisation of the South Pacific’ Thesis’, *Commonwealth & Comparative Politics*, 2, 1 (2004), 1, and I respectfully agree with his conclusions. However, while the political situation in many South Pacific states may not be enough to lead to civil wars, it is enough to make a Pacific Union an unrealistic proposition at this point in time.