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**The Pacific Legislature - Spearhead for Political Change**

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## The Pacific Legislature - Spearhead for Political Change

In the modern world, particularly those polities characterized as "developed," the executive branch of government dominates the political stage. Policy appears to originate in, or at least be formulated through, the executive, just as all administrative implementation occurs in the executive branch. The legislature, "up-staged" in the drama of unfolding political events, comes to occupy a position principally regarded as slowing or resisting change. That this did not always hold true needs only the illustration of the role of the Continental Congress in the revolution which severed the North American colonies from English rule. Possibly because the polities of the Pacific are also terminating colonial bonds, the influence of their legislative institutions has a recognized importance now denied it in more developed regions.<sup>1</sup> And it is believed their current saliency is directly traceable to these Pacific legislatures' centrality to the course of political events in the island areas of the Pacific.

In world perspective, Western contact with the Pacific Islands is of relatively recent moment. While Magellan's landfall in the Marianas Islands occurred in 1521, and formal possession in the name of Spain was declared forty four years later, that nation's exercise of meaningful governmental control was delayed yet another century. For the rest of the Pacific, the span of contact was far shorter, and colonial rule may be regarded as mainly compressed within the last one hundred years.

Because of the immediacy of political impact resulting from this Western contact, much of the modification which flowed there-

from may be encompassed within the rubric of institutional theory. Any consideration thereof necessarily includes the "transformation of institutions" (Lerner, 1964:3), but of both the traditional Pacific institutions as well as the more differentiated, specialized institutions introduced from the West. As an alternative to such attention to the systemized ways by which people interrelate, concern with political change in the Pacific might focus on variances in the complex of each polity's authoritative allocation of values (Easton, 1953:130 ff). However, this would be but another aspect of the same political phenomena, for systems theory includes all patterns of interaction which affect the use or threat of use of legitimate physical coercion (Almond and Powell, 1965:18).

Singled out for treatment in this paper is an introduced governmental institution peculiarly compatible with the traditional forms and processes of Oceania - the legislature.<sup>2</sup> It is also closely involved in the modern issue of political self-determination, and in some polities, their legislatures today stand as testimony to success in achievement of that goal. This expression of political self-determination may have taken the shape of independence, internal autonomy, or the gaining of co-equal political status within a larger political context. All technically mark the end of colonialism<sup>3</sup> and represent the legal culmination of a conversion process in which the legislature itself has had an input into the articulating and aggregating of demands for basic political change.

Generalizations about the Pacific must be approached with a degree of caution. This vast area of the world embraces some

twenty political entities encompassing only about four and a half million people dwelling on not much more than two hundred and twenty square miles of land.<sup>4</sup> The disparities encountered run the gamut from little Pitcairn, with less than 100 inhabitants to the several millions in Papua New Guinea. In juridical range, there are found today in the Pacific not alone colonies of metropolitan nations -- even a colony ruled in common by two such powers - but trusteeships of the United Nations, integral units of larger polities, internally self-governing entities, and independent countries. The last category again affords illustration of the disparities of the Pacific, with little Nauru's six thousand five hundred population measured against Fiji's half a million.

On contact, the intruders from the West observed political institutions as diverse as the areas' demography. These ranged from the highly stratified, aristocratic Polynesian societies of Tahiti and Hawaii to the almost unstructured "big men" cultures of Melanesia. However, nearly all shared a lack of differentiated, specialized political institutions and most of the political units extant had rather narrow geographical bounds. Expansion of "native kingships" - the combining of traditional followings into larger territorial units - waited upon the introduction of "modern" technologies and the political institutions of the West which enabled the exercise of hegemony over extended areas.

Within the time frame marked by Magellan, and more significantly for most of the Pacific, during the last century, there has been a wholesale modeling of political institutions and procedures on those of the metropolitan power administering the

respective Pacific polity. Except for the Chamorros in western Micronesia, the Spaniards, Germans, and Japanese appear to have left little imprint. Rather, it is those centralizing institutions shaped along Anglo-American and Gallic lines which have taken root. Expressed in other terms, in the British influenced areas of the Pacific<sup>5</sup> it is the parliamentary system of government which prevails. The separation of powers concordant with the presidential system has been introduced into the American administered areas, while the French regions have adopted forms and practices mid-way between the other two systems. But in all, there is found a legislature at the center of government, irrespective of whether or not it is buttressed by supportive institutions such as political parties, organized pressure groups, or other means for interest articulation and aggregation.

In the course of political change in the Pacific, and fitting with the region's colonial history, legislatures structured and functioning in modern form were relatively late in making their appearance. Initially, indigenous executive institutions were adapted and then, for the most part, supplanted,<sup>6</sup> while the absence of differentiated judicial institutions early saw the superimposing of courts and western judicial process. Once the facade of indirect government was dropped, except for the most minor of posts, this political superstructure normally was manned by expatriates or persons ethnically identified with the metropolitan nation. The administrative and judicial processes of the West were truly foreign to the people of the Island polities, particularly as employed by the highly specialized bureaucracies of the executive and in the legal logic of the judiciary. On the other hand,<sup>the</sup> collegial

nature of the introduced legislative institution was signally compatible with the council of pre-contact Oceania, facilitating the accommodation of the two cultures now in contact (see Meller, 1965: 45 ff; Force, 1960:36, 37; Riesenberq, 1968:51; Davidson, 1967; passim).

A rapid survey of the Pacific confirms the fit of the foregoing generalizations. With Fiji and the two Samoas as colonies, their "traditional" councils came to have an important input into central decision-making long before Samoans or Fijians exercised a comparable function in the colonial executive departments. And as for the judicial branch, each of these island areas still imports an expatriate chief justice. Correlatively, Indians came to occupy seats in Fiji's Legislative Council long before they held important offices within the bureaucracy. In Hawaii, with its orientals having a status somewhat paralleling that of the Indians in Fiji, the first Chinese were elected to the Territorial Legislature in 1926, Japanese in 1930, and in 1955 Filipino and Korean legislators appeared; members of each of these ethnic groups were not appointed to major posts in the executive branch until many years later. No Oriental has yet been named to the chief executive post of <sup>either</sup> the City and County of Honolulu or of all of Hawaii. All this holds true for the posts of indigenes in Papua New Guinea, and, generally, the rest of Melanesia. And as if to witness the easy articulation of the legislative institution with both traditional and introduced political systems, the Palauans named their district legislative body in the Trust Territory Olbiil era Kelulau (meeting place of whispers), the designation applied to the legislature-like council of traditional Palau (Meller, 1969:43).

Once established, the legislatures of the various Island polities have been in the forefront of institutional adaptation and accommodation. Although the first legislature of the Marshall Island District in the Trust Territory purported to be following parliamentary procedure appropriate to the legislatures of the West, attendance at an early session indicated that members were observing consensus procedures more appropriate to traditional Marshallese mores. Similarly, the course of debate in the Fono of American Samoa reveals adaptation permitting achievement of Samoan-style consensus. With respect to accommodation, it is no coincidence that in Western Samoa today only the matais can vote and serve as legislators,<sup>7</sup> while the four highest title holders, identified as tama'aiga may all be given their due respect by virtue of provision made in the constitution for the Parliament specifying who shall serve in the 3-member Council of State when the Head of State cannot function. American Samoa provides a Solomonian compromise between traditional and introduced representation in the composition of its bicameral Fono; members of the Senate are chosen fa'a Samoa while Representatives in the lower house are elected by secret ballot and universal adult suffrage.

The almost universal incorporation of the legislative institution into the central government of the Pacific polities tends to conceal the relatively wide diversity of legislative form, process, and jurisdiction. In structure, the Pacific legislature may be unicameral, bicameral, or both. As historical illustrations of the last, the original two-house legislature in the Marshalls proved in practice to be bicameral for proposing resolutions, but unicameral for debating and passing them. Likewise, the early legis-

latures of Hawaii, although bicameral in form, sometimes sat and acted unilaterally. Where bicameral legislatures are functioning, each house may be co-equal in power (American Samoa, Congress of Micronesia), or as in Fiji, the upper house may be merely a delaying body, with the important role of protecting traditional rights.<sup>8</sup> To date there has been relatively little experimentation with innovative design, rather than merely copying the legislative forms and processes of the guiding metropolitan nations. The Governing Council of the Solomons, with its various committees charged with executive responsibilities and the entire body performing normal legislative functions, appeared to be a notable exception (Russell, 1970), but the recent report of that Protectorate's constitutional committee spells its abandonment. The current interest in both Papua New Guinea and in the Trust Territory of the Pacific Islands in political systems differing from that of their respective preceptor nations may give rise to legislative innovations as these two areas move toward self-government and, ultimately, independence.

Just as the forms of the Pacific legislatures vary, so does their membership. In British-influenced areas, the gradual change in the official-unofficial composition has marked the pace of movement toward greater self-government. The participation of appointed unofficial members, seated alongside of elected unofficial members, is still to be found in the New Hebrides. Ascribed characteristics, in addition to aiding the election of some candidates aspiring to legislative office, absolutely assure that traditional chiefs will participate in the legislative deliberations of the Palau district body. Four posts are reserved for Iroij in the District Legislature of the Marshalls; the thirty-three statutory nobles of Tonga

choose seven of their number to sit in the Tongan Parliament. As noted, only matai can occupy Samoan Member seats in the Parliament of Western Samoa. Finally, the provision for ethnic representation still safeguarded in some Pacific legislatures furnishes mute testimony to the continuance of corresponding racial cleavages within the body politic: the ethnic rolls of Fiji, the European seats in the Parliament of Western Samoa, and even the retention of the four Maori seats in the New Zealand Parliament.

Variances in the range of powers which Pacific Island legislatures may legitimately exercise run the gamut from virtually no limitation, as in Nauru, to the New Hebrides where legislating powers have yet to be granted, so that its members nominally play but an advisory role. For those areas which yet remain colonies, regardless of the appellation applied, the grant of legislative authority originating in the metropolitan nation imposes the controlling boundary. Even in a polity such as the Cooks, which is internally self-governing in associated status with New Zealand, foreign affairs and defense fall outside the orbit of its legitimate legislative concerns. However, in addition to such externally raised constraints, some are of internal origin, as Western Samoa's self-denial of right to its Parliament to modify traditional land rights without a plebiscite, or the comparable limitation raised by the Marshallese District Legislature incorporated into the charter it drew governing its successor body.

Notwithstanding this difference in form, composition, and range of authority, all of these legislatures have tended to be major factors in the securing of greater powers of self-determination for their respective constituencies. Chronologically, it is

only relatively recently that their policy stands have forcefully announced a specific commitment to this end. Of longer duration, and undoubtedly more basic, have been their less-evident contributions to nation-building (see Hart, 1971). It has been the legislative institution which has fostered political integration in most of the Pacific polities. Despite the rhetoric of the Independence Movement in the Trust Territory of the Pacific Islands, there was no "Micronesia" following the establishment of a colonial centralized administration for the region until the emergence of a collective, self-identity as distinct from being a Paluan, Yapese, or Kusaian.<sup>9</sup> This development can be mainly attributable to the Congress of Micronesia. In Fiji, where ethnic integration has yet to succeed political accommodation, the mechanisms adopted for representation in its legislature have ultimately led to the naming of all citizens - including Indians and Chinese - as Fijians!

Another form of inconspicuous input has been the political socialization of both the persons elected and of those who have actively participated in their selection. The establishment of the legislature has thus speeded the political sophistication of the individual politico, cumulatively preparing them for an assumption of the authority and responsibilities of greater self-government. Sometimes this socialization has been deliberately structured, as in the form of training sessions designed to equip neophyte legislators with an understanding of parliamentary procedure and a self-assurance in the wielding of political power. And the ramifications of the latter have spanned the vast gulf between the informal instruction of the indigeneous Members of the first Papua New Guinea House of Assembly (1964) on personal toilette, so that they would be at

ease with expatriate administrators, and the pre-session training of the first Congress of Micronesia in 1965, when the Congressmen-elect were introduced to means for using granted authority to achieve ends outside the scope of their permitted action (Bettison, 1965:430-444; Meller, 1969:291-312).

Allied with the distinctive political socialization of legislators has been the importance of the legislative institution in identifying political leaders with potential for commanding a "national" following and bringing them to the fore as the pace of self-government quickens. Those who ultimately emerge are not necessarily the individuals apparently favored for the role by the metropolitan nations while the strings of colonialism continue to be manipulated from behind the scenes. Neither Leader of Government Business in either Western Samoa or in the Cook Islands became Prime Minister when these areas became self-governing,<sup>10</sup> nor did the current Chief Minister of Papua New Guinea previously serve an apprenticeship as an Under-Secretary in that area's Second House of Assembly. Nevertheless, it was the existence of the legislature in each of these polities which enabled today's leaders to gain saliency and come to occupy commanding roles. Ratu Sir Kamisese Mara in Fiji, Maurice Lenormand in New Caledonia, Hammer De Roburt in Nauru, and Pouvanea a Opa in French Polynesia consolidated their political followings not as judges or as executive officers, but through the legislative institutions of their island polities.

Finally, and most difficult to demonstrate, is the importance of the Pacific legislature as the national symbol around which a sense of national community may coalesce. The day on which the

Congress of Micronesia first convened became a national holiday in the Trust Territory; the airplane later acquired for cross-Territory travel was named "The Congress of Micronesia" and received symbolic welcomes in each of the six sub-districts it visited; the Congress approved "Micronesian" flag now flies alongside those of the United States and the United Nations (Meller, 1972:17). Much the same role is being played by Papua New Guinea's House of Assembly as that area strives to unite highland, coastal, and island peoples into a single political entity. Contributing to this symbolism has been the identification by the peoples of each polity with the legislature as "their" government, its members as "their" officials, distinguished from and to an ever-greater extent aligned against the government superimposed by the ministering nation.<sup>11</sup> Collectively, all of these indirect contributions have made the legislature the most important political institution in the Pacific for laying the preparatory groundwork to the attainment of political self-determination.

Usually it has been the action taken within the legislative forum which has attracted the attention of political commentators to the legislature's significant role. Policy stands voiced in debate, questions raised from the floor, and measures formally adopted, as bills and resolutions, which become testimony to the legislators' collective position, have placed the institution in the forefront of the movement for self-government. And not coincidentally, this movement within the Pacific was accelerated upon the realization of statehood by Hawaii, giving the citizens of that territory coequal status in the American Union (Meller, 1971:3). It is acknowledged by all that it had been the territorial legislators, and neither

the appointive territorial executives nor judges who had carried the burden of that long fight. Similarly, in the Pacific trust territories - the last two of the United Nations' progeny - members of the legislative branch are bearing these Melanesian and Micronesian islands' responsibility for structuring the new juridical status being shaped in each area. As occurred previously in Fiji and Nauru (Viviani, 1970:159 ff; Meller and Anthony, 1968: 118) on formal discussions commencing with their ministering nations for ending the colonial status, the Pacific legislators themselves have become their islands' principal negotiators. The Members of the Cook Islands Legislative Assembly, "given the options of independence, integration [with New Zealand], internal self-government, and federation with other Pacific territories, chose internal self-government" and then adopted a constitution which was later approved by the New Zealand Parliament (Stone, 1966: 170). Although presently no longer constituting a majority, the "autonomists" in French Polynesia and New Caledonia have their locus of power in the legislative bodies of these two French territories, and from here launch their attacks on the integrationist policies of metropolitan France. Even in the New Hebrides, in statements emanating from its still Advisory Council and, significantly, voiced by its indigenous members, demands are now being made for modifying the Condominium's controlling Protocol ("Whither," 1971: 6). Repeatedly, it has been the Pacific legislator, with the legislature as his backdrop and the world as his potential audience, who has championed the securing of greater self-government.

Any colonial administration requires a communication input to facilitate its policy formulation and decision-making, and a comparable channel directed outward for information dissemination and

securing of compliance with its authoritative rules. The colonial bureaucracy over time proves inadequate for the communication task; use of institutions contemporary with government - as missionary orders or planter societies - only partially meet this need. The advisory council has consequently been borne by necessity, its membership drawn from the interests and regions as best calculated for it to serve as communication channel. Representation is not essential, but derives therefrom. Legitimation may also be sought or flow from action of the advisors, but this is a function distinctive from facilitating communication. When the dynamic of representation is joined with the imperative of legitimacy, the representative council becomes the focal point for challenging the colonial order which brought it into existence. It is thus no coincidence that in various parts of the Pacific it has been the legislator who has emerged as the spearhead for political self-determination.

Footnotes

1. It may be disputed whether the Pacific Island polities fit the criteria of "underdeveloped" areas. Cf. Keenleyside, 1964:9, 10. For theory of political development, see Almond and Powell, 1966: 299 ff.
2. As to exactly which institutions are "Legislatures" is a matter for consideration elsewhere. See Loewenberg, 1971:3; Meller, 1966:308 ff.
3. It must be added immediately that formal termination of colonial bonds does <sup>not</sup> negate post-colonial ties of dependency continuing to characterize relationships with the former mother country. See conceptual distinction between "colonialism" and "independence" attempted in Brookfield, 1972:1 ff.
4. This does not include Hawaii or New Zealand.
5. Including Australian and New Zealand zones of interest.
6. Disregarding truly local government, this holds for practically all of the Pacific.
7. This excludes the European seats, presently two.
8. The House of Ariki in the Cook Islands may possibly also be so categorized.
9. This does not necessarily mean that today regional identities have been eclipsed by a "national" in Micronesia.
10. For the Cook Islands, this should read "internally self-governing."
11. As this paper is written, a federal judge in Hawaii holds under advisement a petition for injunction against hotel building in Saipan in the Marianas, with the case turning upon the issue of whether the Trust Territory government is "Micronesian" or "American." People of Saipan v Department of Interior (Hawaii Federal District Court No. 72-3720).

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