

FAIGĀ MĀLŌ A TOKELAU I TE HENITULI 21

na tuhia e Lealaiauloto Aigalele'ale'a F. Tauafiafi
na fakaliliu e Seuli Aleta



◀ *Fernão de Magalhães*

I te tauhaga 2021, na fakamanatu ai e tagatā nuku o Guam te 500 tauhaga talu te ahiahi ake o te tino folau Potukale ko Fernão de Magalhães (Ferdinand Magellan), ko te tino Eulopa muamua ia na ahiahi ki ei i te aho 6 o Mati 1521. Na fakaigoa e ia te tatou koga o te lalolagi ko te “Pahefika” he kupu e hau mai te gagana Latina ko te *pacificus* (ko tonu uiga filemu). Kae kua tuha ai ma te afe tauhaga talu te nofoia e o tatou tupuna te atu Polinehia kae fatoa taunuku mai.

Kua fai ai ia Tokelau ma o tatou tofi mo he tai 1,000 tauhaga. Kafai e nofoia e tagata he koga fōu, e muamua lava oi fakatau malilie pe vehea ona nonofo fakatahi. Ko te hihitemi e malilie fakatahi ki ei e takua ko te “pulepulega”. Kae mo ki tatou, ko te vaega taua o te pulepulega na malilie ki ei o tatou tupuna, ko te tāupulega te pule, ona e ologatahi ma a tatou nofonofoga.

PULEPULEGA A NIU HILA

Na kamata pulea e Niu Hila ia Tokelau i te taimi na tuku ai ki ei e Peletania i te aho 11 o Fepuali 1926. I te aho muamua o Ianuali 1949, na kavea ai ia Tokelau ma mālō i lalo o te fakamalumaluga a Niu Hila kui mai i te Tulafono mo Tokelau 1948.

Ke pa mai lava ki na tauhaga o te 1960, nae kehekehe te pulega a Niu Hila ki na

fenua takitahi. Nae malohi te pulepulega fakalotoifale. Nae faigata ma he mautū na femalagākiga ma na fehokotakiga i te va o na fenua. Kae pa ake ki te tauhaga 1962, na fakatagi ai te Mālō Kaufakatahi (United Nations) ki Tokelau ma Niu Hila ke toe kikila ki te tulaga o te hihitemi pulepule a Tokelau.

Ke malamalama ki tatou ki na lukitau e feagai nei ma ki tatou, e tatau ke malamalama ki tatou pe na vehea ona pa ki tatou ki te mea kua iei nei.



LAKAHAGA MO HE FAIGA MĀLŌ TU TAUTAHĪ

Na fakamaonia e te Mālō Kaufakatahi i te tauhaga 1962, te huiga ki te tulaga o te faigā mālō a Tokelau, ke kavea ma vaega o Niu Hila e he pulepulea lava e ia. Na tuku atu ki Niu Hila te tiute ke galue mo he faigamālō tu tautahi i Tokelau.

Na fatufatu ma iku ai ki te fakavae o te Fono Fakamua i te tauhaga 1982. E pa ake ki te tauhaga 1986, kua iei lava te hihitemi fai fakamahinoga a Tokelau. Nae iei ma ietahi galuega atiake taua mai te 1963:

- Ko na malohiaga (tau pulepulega ma te fatu tulafono) o te Ulu Fakatonu o Tokelau (he tino tautua ki te mālō o Niu Hila) na fakaheke ki te Fono Fakamua.
- Na kamata fau te Mālō o Tokelau (Mālō Fakamua o Tokelau) ma kavea ai na hui o te Fono a Faipule ma minihita o te mālō ke gafa ma te kikilaga o na mataeke a te mālō.
- Ko Salesio Lui, te faipule o Nukunonu ko te Ulu muamua ia o Tokelau.
- Na fakamatuku e Niu Hila te tiute o te pulepulega o te kaufaigaluega tautua ki te Fono Fakamua.

◀ Salesio Lui



Ko na huiga ienei na kamata fakaulu mai ai te aitia mo he “pulepulega tu tautahi”. E hokotaga ma te kupu, “mālō”, ko te tatou kupu ia mo he faiga mālō, pulepulega, atunuku, pe he mālō tu tautahi. Ko na matakupu a na mataeke a te mālō ma ietahi matakupu faka-te-atunuku a te mālō, e fakamatea ai e kehe ma na matakupu faka-te-nuku.



ANALYSIS

Title	4b. Application of common law of England	
Preamble	5. Acts Interpretation Act in force in Tokelau	
1. Short Title and commencement	6. Ordinances of Gilbert and Ellice Islands Colony to cease to apply in Tokelau	
PART I		
AMENDMENTS TO PRINCIPAL ACT		
2. Interpretation	PART II	
3. New sections inserted	AMENDMENTS TO TOKELAU AMENDMENT ACT 1986	
3A. General Fono may make rules	7. High Court of New Zealand to be a court of law for Tokelau	
3b. Rules subject to other enactments and international obligations	8. Appointment of Commissioners	
3c. Procedure for making rules	9. Jurisdiction of Commissioners	
3d. Availability of rules	10. Correcting drafting error	
3e. Proof of rules	PART III	
3f. Disallowance of rules	CONSEQUENTIAL AMENDMENTS	
3g. Restoration of Acts or regulations	11. Consequential repeals and revocation	
4. New sections substituted	12. Community services levy to continue until rules made by General Fono	
4A. Existing laws to continue in force		

1996, No. 31

An Act to amend the Tokelau Act 1948

[10 June 1996]

TULOU!**TALU AI ONA—**

1. Ko te Tulafono Fakapalemene o Tokelau 1948 e fakatatia mai ai ko Tokelau he vaega e o Niuhila, ma fakamanino atili ai, fakatahi ma ietahi mea, ko te Kovana Hili e mafai i te Fakatonuga a te Pulega Faitulafono, ke fai e ia ni tulafono fakatonuonu mo te filemu, pulea, ma te malo lelei o Tokelau:

Na pahia i te 1996, ke tuku te mālōhiaga ki te Fono Fakamua ke pahia ai na tulafono fakamua. Ko he tahi o toe lakahaga tenei nae manakomia ke kamata fau ai he hihitemi mo he mālō tu tautahi. Kae ko te lua o tauhaga na hohoko, na kamata ai te Poloketi ko te Fale Fōu o Tokelau, ma fakaulutala veia “Toe foki ki na Nuku”. Ko he tetekega tenei ki te fakaaogā o te taki tau pulepulega faka-te-mālō a te faka-Westminster (faigā mālō faka-Peletania), e fokotahi ai te faiga mālō e faia na tonu. E heki fofou ia Tokelau ke fakaheai te pulepulega faka-te-aganuku a na tāupulega. E ui lava na fakagata te poloketi tenei i te 2003, na fakamanatugia ki tagata uma e gafa te tāupulega ma te pulepulega o Tokelau.

Ko te va o te tuafafine ma te tuagane e fatu foki ki ei he tahi vaega o te hihitemi tau pulepule faka-te-aganuku. Ko te tuagane te ia kikilagia na fenua ma te vaka o te kāiga ma kaumaia te utuga a te kāiga. Ko te tuafafine ko te fatupaepae. E fakahoa ma tufa e ia te utuga ma te vakā malaga e kave ki ei e tona tuagane. Ko te va tenei koi fai lava ma taki i na nofonofoga a na nuku. Ko te kupu “fatupaepae” ko tona uiga ko te “fatu fakavae”. Ko na fafine matutua i na nuku takitahi ko na fatupaepae ia. Ko te tiute o te fatupaepae e iei ai te kikilaga o na galuega atiake i na nuku, e hiaki ke mautinoa e mama ma tumama te nuku, ma tautua ki na tāupulega.

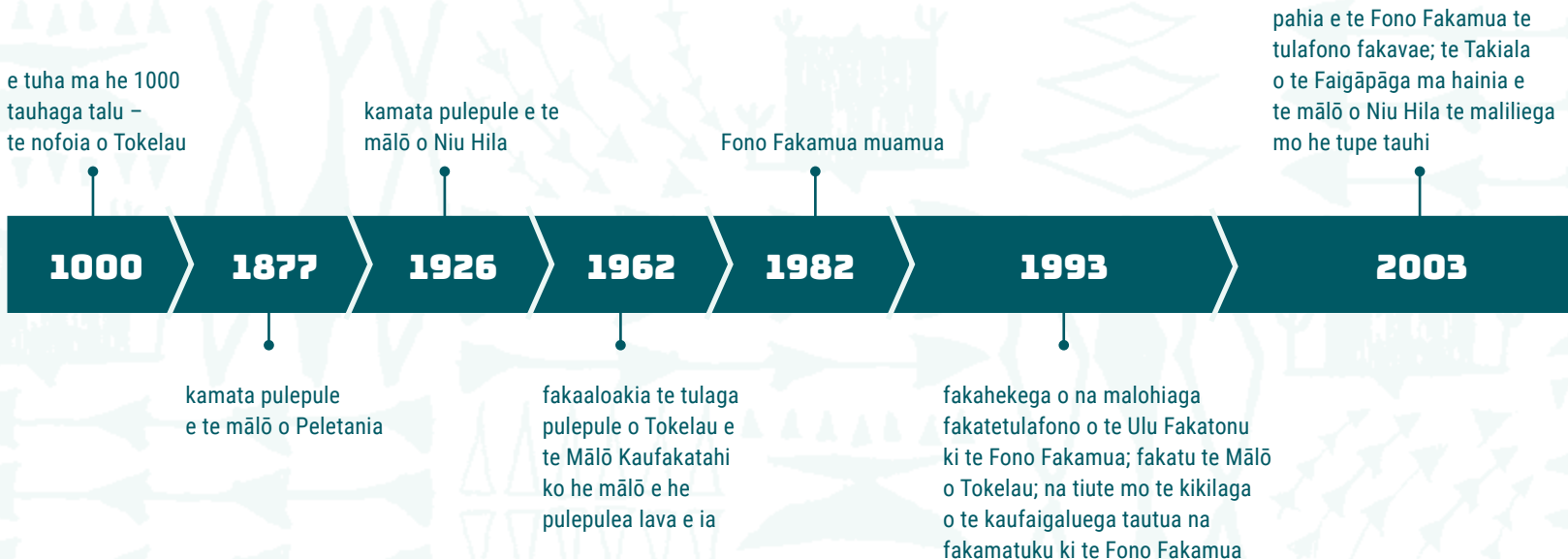
Na fakatino e Tokelau ni etahi faiga mo he faiga mālō tu tautahi e kehe mai ma te Poloketi o te Fale Fōu o Tokelau i te 2003:

- Na pahia e te Fono Fakamua te tūlāfono Fakavae a Tokelau.
- Na hainia e te Fono Fakamua te Takiala o te Faigāpāga i te va o Tokelau ma Niu Hila.
- Na hainia e Niu Hila he maliliega mo he tupe tauhi na mafai ai ke gafa ia Tokelau ma te kikilaga o tana paketi tupe taki tauhaga.

Na toe iei na huiga na fai i te tauhaga na hohoko. Na fakaheai e te Ulu Fakatonu na malohiaga fakatetulafono na tuku ki te Fono

Fakamua ma toe fakaheke ki na tāupulega, ka na toe fakaheke e ki latou o latou malohiaga ki te Fono Fakamua, mo na matakupu e tatau ke fai fakamua. Ko te lala tauhi tonu a te Fono Fakamua, ko te Ofiha o Faipule, na toe fakaopoopo ki ei ke tokaono, ma na hui te igoa ki te Mālō Fakaauau o Tokelau.

Ko te toe fakahekega o na mālōhiaga fakatetulafono i te 2004 na iloa ai ko Niu Hila kua maina ki na vaega tāua tau te pulepulega i Tokelau ko te mālōhiaga o te pule e i na tāupulega e tuha ai ma a tatou nofonofoga.



FAIGĀ FILIFILIGA (PALOTA) MO HE FAIGĀ MĀLŌ TU TAUTAHĪ

E pa atu ki te kamataga o te Henetuli 21, ko Tokelau kua hauni ki he faigā palota pe fakatu hana hihitemi mo he mālō tu tautahi e ve ko te taki faka-Westminster. E iei tana tulafono fakavae, tana palemene e fai tulafono, te fuka, te viki, he maliliega faka-va-o mālō mo he filifiliga haoloto ke hokotaga ai ma te mālō o Niu Hila.

Ko te taki o faigā mālō faka-Westminster, ko he hihitemi pulepule o faigā mālō na fatu muamua i Peletania. E iei tona lala tauhi tonu e i lotu ai na hui o te palemene, na itu e fakafeagai ma te mālō, ko he ulu o te mālō e amanakia fakamua, vena ma he palemia.

faigā filifiliga (palota)
muamua mo he faiga
mālō tu tautahi

2004

2006

2007

na mālōhiaga fakatetulafono o te Ulu Fakatonu o Tokelau na toe fakaheke ki na tāupulega, ma, toe fakaheke na matakupu fakamua ki te Fono Fakamua; ko te Fono a Faipule kua hui ki te Mālō Fakaauau o Tokelau

faigā filifiliga (palota)
tona lua mo he faigā
mālō tu tautahi

Ko he puha palota kua taunuku ki Fakafo i te 2007 ▶

Ko te aho 6 o Fepuali 2006, na fai ai te faigā palota pe fakaauau te fakatu o he mālō tu tautahi pe heai. E heki auhia e te faigā palota te lua o vaetolu o te tokalahi o tagata palota nae manakomia. E heki auhia foki e te lua o faigā palota ia Oketopa i te 2007.

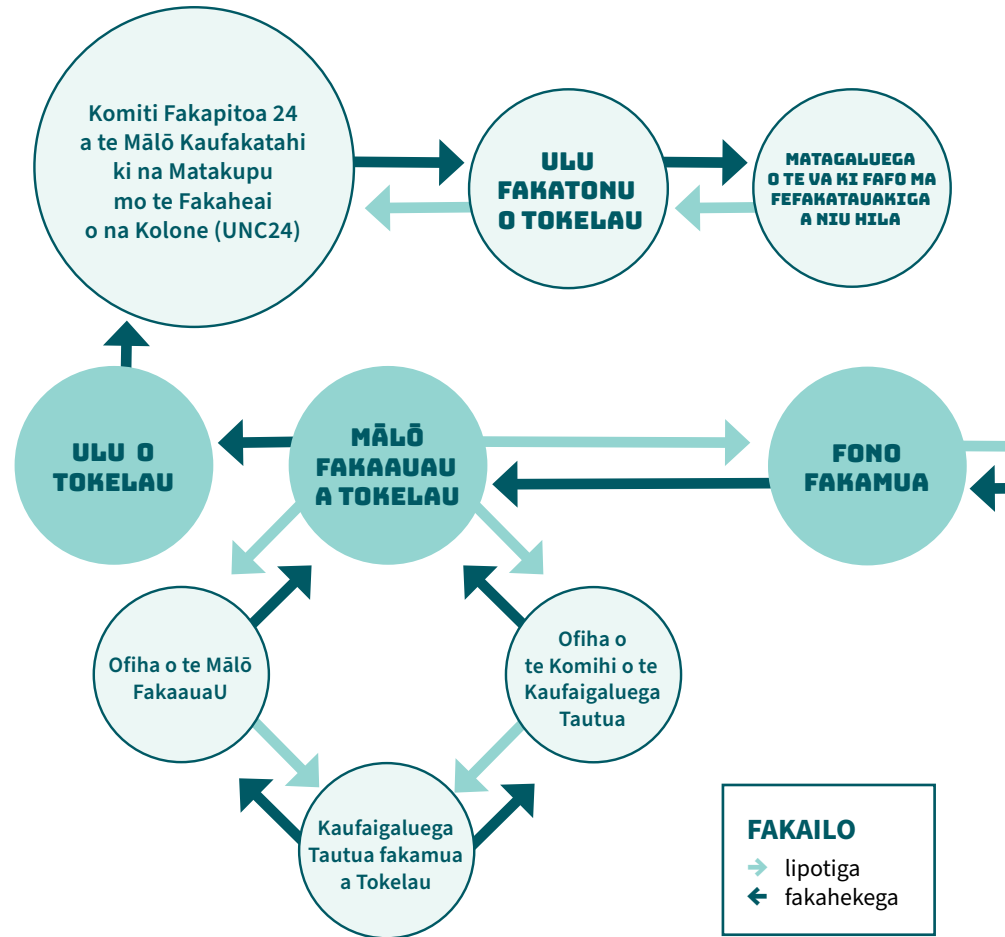


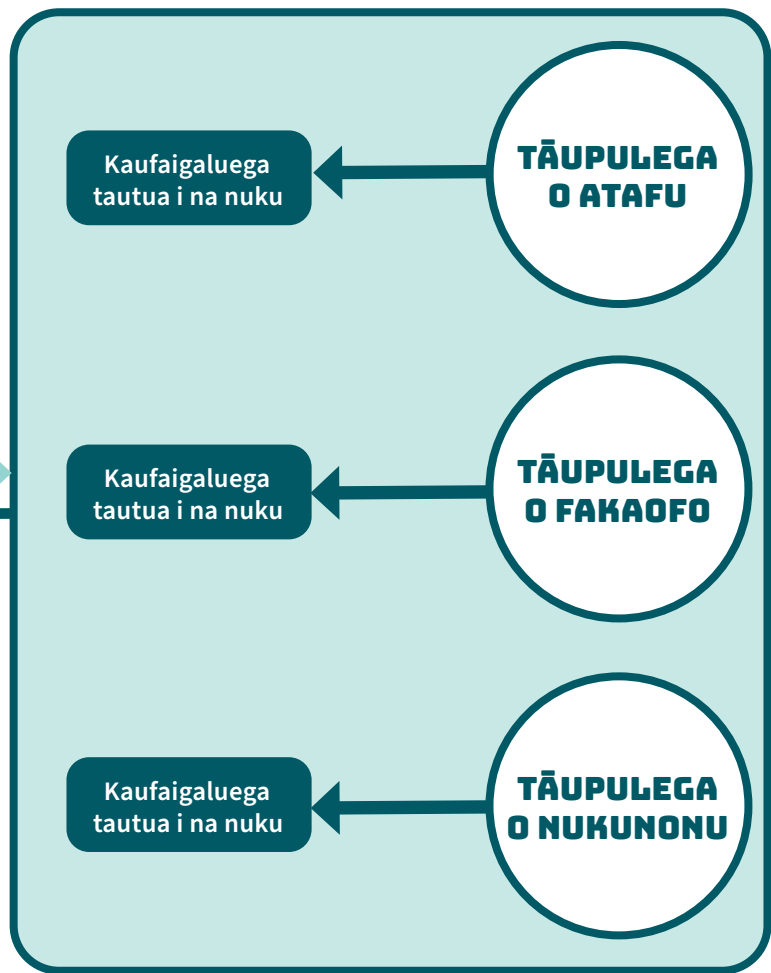
HAKILIKILIGA O HE TAKI MO HE FAIGĀ MĀLŌ E TALAFEAGAI: KO NA LUKITAU

Ko he a la he tahi lakahaga ka pa ki ei? Talu mai na faigā palota, koi tumau lava ia Tokelau ko he mālō e he pulea e ia lava. Kae, i na fakatinoga, e lahi pule lava e ki tatou i a tatou matakupu fai. E fai e ki tatou kui atu i na tāupulega.

Ko Tokelau ma Niu Hila e fofou uma ke fakamakeke te hihitemi tau pulepulega. E iei te fakakupuga mai Atafu e ve mai tupuamaitai (ko na mea mai fafo) ma te tupuamaiuta (ko na mea i luga o fenua) e mafai ke fetā. Kae kafai e pakū ake ki na matakupu tau pulepulega, e mafai na pulepulega mai fafo (tupuamaitai) ma a tatou pulepulega lava faka-te-aganuku (tupuamaiuta) ke iei ai ni mafauauga ma ni taki lelei.

Ko te lukitau ko te fakamakekega o a tatou hihitemi i he auala e taukave pea ai e na nuku a tatou matakupu fai. Ko ki tatou e hakilikili he auala e pulepule ai e na nuku he Tokelau e fokotahi.





TAUTALIGA KI NA LUKITAU

E tatau ke fakaopoopo ki na iloa faka-te-aganuku i luga o na nuku ni iloa fōu, ke mafai ai ke tautali atu ki na lukitau o he faiga mālō tu tautahi.

I te levolo o te mālō, ko te lukitau ko te fatu o he ata mo he pulega e faka-kapineta i te nofonofoga faka-Tokelau. Ko te Fono Fakamua, ko te Mālō Fakaauau, ma te kaufaigaluega tautua e tatau ke tautali pea ki na tāupulega.

Ko ki tatou ko heki pa atu lava ki ei. Ko i lahi na galuega e tatau ke fai. Kae lua ia tonu a te Fono Fakamua na fai i te 2019, na matau ai e iei na huiga ka pa ki ei.

Muamua, na malilie ke fakatu te malae vakalele fakamua i luga o Nukunonu. Ko tona lua, na kamata ai na tapenapenaga mo te fakamanatuga o te katoaga o te 100 tauhaga o te faigāpāga a Tokelau ma Niu Hila i te 2026. E agai ki luga te lagolago ke toe ahia te matakupu ki he mālō tu tautahi kafai ka katoa te 100 tauhaga.