

# State Society and Governance in Melanesia

DISCUSSION PAPER

Discussion  
Paper 2008/2

## THE LONELINESS OF THE PRO-GOVERNMENT BACKBENCHER AND THE PRECARIOUSNESS OF SIMPLE MAJORITY RULE IN TUVALU

### INTRODUCTION

The Pacific Island microstate of Tuvalu has acquired a reputation for having a 'high degree of political stability' (Somoza 2001, p. 832), and has a top Freedom House ranking for civil rights and political liberties (Freedom House 2007). Yet, despite regular elections and the absence of severe social crises, there has been - since 1993 - an increasing frequency of 'no confidence' challenges in parliament and resulting defeats of governments. Following an early post-independence phase of relative executive stability, Prime Ministers proved much less able to sustain majorities in parliament. Seven different governments took office between 1998 and 2006, and none lasted more than two years. One analysis of the 2004 parliament found that all but two of the then incumbent MPs had defected from one group to another at some point during their tenures (Taafaki 2004, p. 17). 'Political stability' was a principle concern encountered during the deliberations of the 2000 Constitutional Review Committee (CRC).<sup>2</sup> Its absence, linked to the manoeuvres of aspiring politicians and defecting government backbenchers,

has sparked strengthening popular hostility and growing cynicism about parliamentary processes. At the 2006 election, all the incumbent ministers lost their seats, with the exception of the Prime Minister and the Speaker, and the turnover of MPs was higher than at any previous election in Tuvalu's history. In response to long-run government instability, the new government introduced a constitutional amendment in 2007 increasing the size of cabinet by two, aiming to bring to an end an era where government majorities depended on sustaining a single pro-government backbencher.

In some situations, frequency of change in government may not be damaging. Indeed, regular turnover of governments is often deemed a sign of robust democracy (Huntington 1991, p. 266-67). Where there is little difference in policy between government and opposition, or where incoming governments simply continue where their predecessors left off, ostensible instability may disguise substantive continuity. In Tuvalu, however, this is not the case. Regular government changes have imposed high costs, for example due to the associated delay and modification of national budgets. Once a

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**Table 1: Tuvalu Population by Home Island and by Island of Residence, 2002**

	Population by Island of Residence	Population by Home Island
Nanumea	664	1,560
Nanumaga	589	1,063
Niutao	663	1,453
Nui	548	835
Vaitupu	1,591	1,694
Nukufetau	586	1,149
Funafuti	4,492	1,004
Nukulaelae	393	461
Niulakita	35	2
<b>Total</b>	<b>9,561</b>	<b>9,221</b>

Source: Tuvalu Population Census, 2002, available <http://www.spc.int/prism/country/tv/stats/>

confidence motion is carried in parliament, public service gridlock commences and endures until a new government is formed. In addition, to sustain Prime Ministerial majorities, incumbents have politicized key appointments, both at Governor General, Speaker and ministerial level. Parliamentary sittings have been curtailed to avoid no confidence challenges. As a result, according to the Report of the National Workshop on Accountability for Leaders of Tuvalu, 1999, parliament had 'failed miserably', and was unable to 'effectively legislate' or hold 'officials and public institutions to account for the use of public resources in a timely manner'.<sup>3</sup>

Conventional responses to weak parliamentary oversight in Tuvalu have tended to focus on promoting reforms intended to 'strengthen institutions' so that these resemble more closely the Westminster ideal, despite the notable absence of political parties. Opposition oversight of the executive is to be enhanced by expanded usage of parliamentary committees, and by challenging 'the misconception that Parliament is the arm of the government-of-the-day' (Clements 2000).<sup>4</sup> The familiar framework of a Leadership Code, Ombudsman and non-partisan Office of the Speaker of Parliament has been proposed to reinforce checks and balances, in ways that have been replicated across the Pacific Islands - promoted by the United Nations Development Programme, the Pacific Islands Forum and the Commonwealth. Despite recognition that parliaments have not worked

in accordance with classical liberal theories, there has been little in the way of scrutiny of alternative forms of representation and accountability, even where – as in Tuvalu – these are already functioning locally.

In this paper, we analyse the twists and turns of Tuvalu central government politics, particularly since the two elections of 1993, and consider an alternative framework which entails the abandonment of the unhappy institutionalisation of the opposition as a government-in-waiting, the introduction of an eight member executive representing all the islands, and the adoption of a stronger oversight role for the island-based *Falekaupule*.<sup>5</sup> In the first part of the paper, we outline the institutional and political framework established in Tuvalu at independence, and the way this has developed in the period thereafter. In the second part, we review the succession of governments, why each fell and how each sought to engineer for itself a longer term in office. In the final part, we review the 1997 *Falekaupule Act* and the operation of local level assemblies, and set out our alternative framework, asking whether this might better fit the local customary framework as well as improving the quality of central government performance.

## **POLITICAL BACKGROUND**

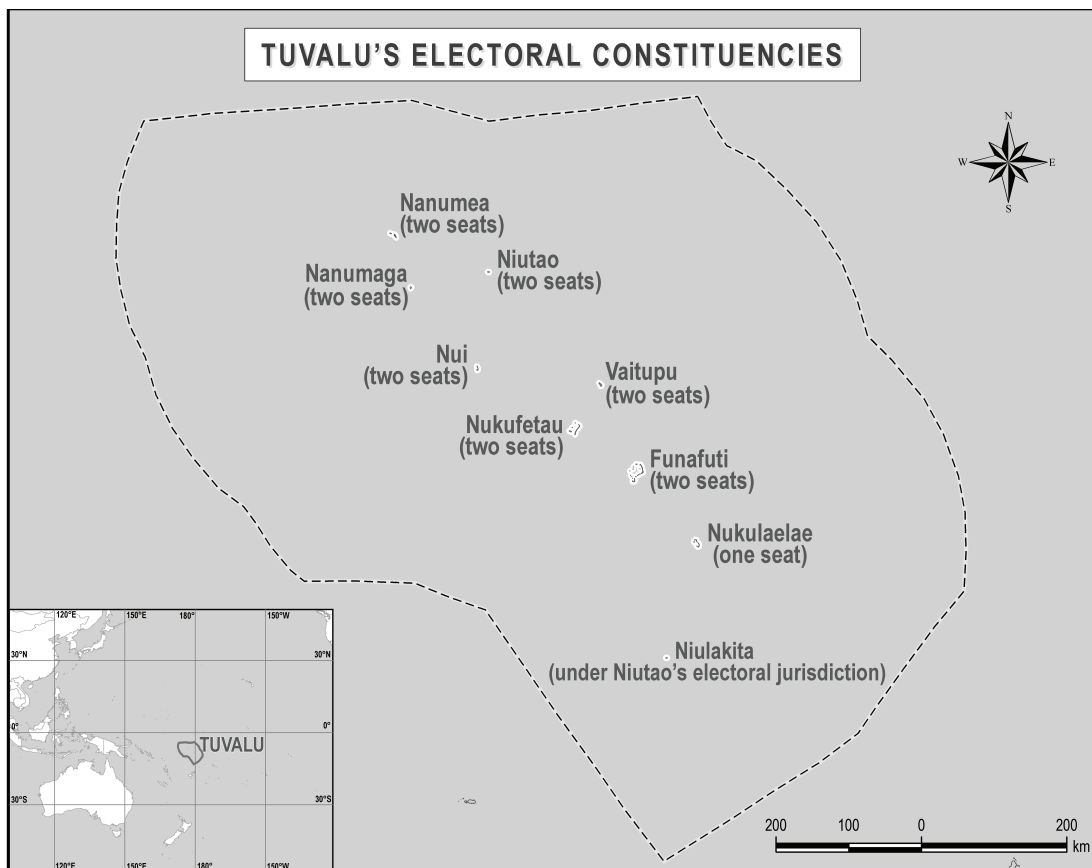
Tuvalu means literally 'cluster of eight' or 'eight standing together', a terminology that perhaps

says as much about preferred institutional arrangements as about geography. The eight islands are located close to the equator in the central Pacific. It currently has a population of around 10,000, spread across a land area of 26 square kilometres. The country has a sea area of 900,000 square kilometres, and is potentially threatened by global warming and rising sea levels. Colonised by the British as part of the Gilbert and Ellice Islands Protectorate, Tuvalu peacefully broke away from Kiribati in 1975 to become independent on 1 October 1978, after a 92% vote in favour of separation (Macdonald 1982, p. 256). Tuvalu nevertheless remained part of the Commonwealth, and the Head of State is the British monarch, represented within the country by a Governor General appointed on the advice of the Prime Minister after consultations with members of parliament.<sup>6</sup>

Like many of the former British colonies, Tuvalu inherited a Westminster-style system, although with certain important modifications (not least, having a constitution in place of the classically convention-based Westminster framework and a unicameral

framework). The constitution was revised, first still strongly inspired by British officials in 1982, and then again - with greater Tuvaluan input - in 1986, but with 'few substantive changes' to electoral and political institutions aside from the introduction of procedures for the recall of non-performing members of parliament (Levine 1992, p. 493-94, 506). The original post-independence parliament had twelve members, but this was raised to fifteen in May 2000, making the retention of government majorities more difficult than previously.<sup>7</sup> Tuvalu currently has seven two-member constituencies and one single-member constituency, all of which return members by plurality voting (see map).<sup>8</sup> General elections are held every four years, with the result that there have been eight parliaments since independence.

The Prime Minister heads the government and is elected at a closed meeting of MPs by a secret ballot, after either a general election, the death of an incumbent, or the fall of a previous government due to a confidence motion.<sup>9</sup> Confidence motions normally require two days notice, but with the consent



Map designed by Michael Govorov

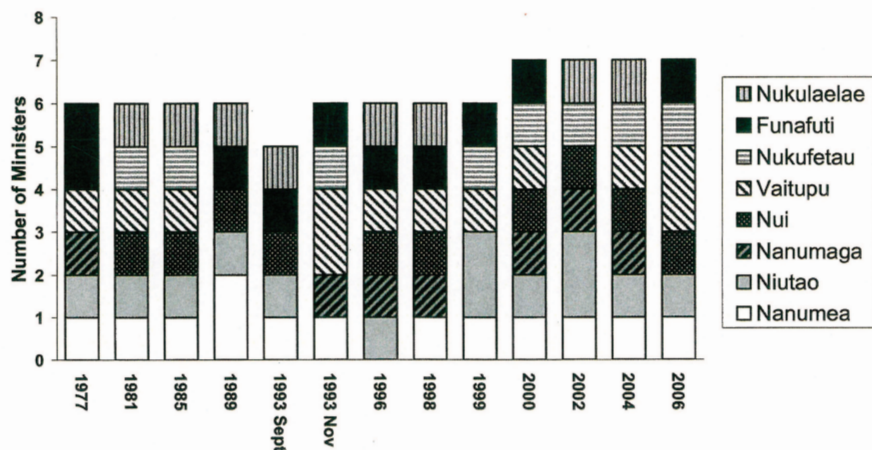
of the Speaker can be moved without notice, by way of a suspension of the 'Rules of Procedure'.<sup>10</sup> When a no confidence vote is passed, parliament is prorogued immediately until the Governor General (GG) calls the meeting to elect a new Prime Minister.<sup>11</sup> The Constitution permits the GG to exercise his 'deliberate judgment' in regard to the timing of such election meetings<sup>12</sup>, sometimes controversially enabling politically aligned Governor Generals to allow incumbent governments to limp on in a caretaker role or providing them time to re-establish majorities in parliament. Besides the Prime Minister, there were, until 2007, five other ministers in cabinet who were also appointed from within parliament.<sup>13</sup> The Speaker is elected from amongst the members of the House.<sup>14</sup> He serves as the Head of Parliament, draws the equivalent of a ministerial salary and entitlements, and is normally also a Prime Ministerial ally.

Although close to a third of Tuvalu's population live on Funafuti, where the capital is located, citizens are obliged to register and vote on their islands-of-origin, unless they also own land or have resided for five-years on another island. Even with land ownership or residence qualifications, migrant voters are required to show evidence that they 'actively participate'<sup>15</sup> in island activities, such as meetings, project works and church meetings, and that they also contribute monthly Falekaupule dues.

Both members from each of the seven dual-member constituencies tend to align themselves on the same side during Prime Ministerial elections. In most cases, a member vying for the Prime Minister's position is likely to be supported by his colleague from the same island. For example, the Prime Ministers Toaripi Lauti (1977-1980), Tomasi Puapua (1981-1988), Ionatana Ionatana (1999-2000), Koloa Talake (2001-2002), Maatia Toafa (2004-2006) and Apisai Ielemia (2006-today) all had aligned island running mates. Having dual tickets ensured that acquisition of the prestigious political power associated with the Prime Ministership consolidated island influence. However, there have been exceptions. Prime Ministers Kamuta Latasi (1993-1996), Faimalaga Luka (2001) and Saufatu Sopoanga (2002-2004) faced island colleagues who sat on the opposite side of the House.<sup>16</sup>

More generally, there is absence of any durable basis for the emergence of regional factions in Tuvalu politics. Occasional relationships emerge between two or more islands, such as that which prevails between the traditionally close Funafuti and Vaitupu, but such arrangements tend to prove a counter-productive basis for securing a majority in Parliament, simply because these alienate members from other islands. The significance of the south in Tuvalu politics may, at times, have triggered some resentment amongst northern members.<sup>17</sup>

**Figure 1: Cabinet Ministers by Island Group, 1977-2006**



Notes: for the purposes of this chart, we have included the Speakers amongst cabinet ministers (since they secure the same salary), but excluded Special Ministerial Advisors (since they do not). Figures are one short for 1993 September because Naama Latasi lost her seat, and no replacement minister was appointed to what was a caretaker government.

TABLE 2: Tuvalu Governments, 1977-2006

Election Year	Parliaments	Prime Ministers	Period in office	Precursor of Change
1977	First	Lauti (Funafuti)	1977-1980	National elections
1981	Second	Puapua (Vaitupu)	1981-1984	National elections
1985	Third	Puapua (Vaitupu)	1985-1988	National elections
1989	Fourth	Paeniu (Nukulaelae)	1989-1992	National elections
1993	Fifth	Latasi (Funafuti)	1993-1996	National elections
-	Fifth	Paeniu (Nukulaelae)	1997	No confidence vote
1998	Sixth	Paeniu (Nukulaelae)	1998	National elections
-	Sixth	Ionatana (Funafuti)	1999-2000	No confidence vote
-	Sixth	Luka (Nukufetau)	2001	Death of Ionatana
-	Sixth	Talake (Vaitupu)	2001-2002	No confidence vote
2002	Seventh	Sopoanga (Nukufetau)	2002-2004	National elections
-	Seventh	Toafa (Nanumea)	2005	No confidence vote
2006	Eighth	Ielemia (Vaitupu)	2006-	National elections

Source: *Hansard (Tuvalu)*

The only Prime Minister to have come from the north since independence was Maatia Toafa. The other nine were all from the south. Nevertheless, despite some efforts, northern members have been unsuccessful in forging a homogeneous bloc. Efforts at constructing regionalist alliances have tended to be undermined by personal bids for ministerial portfolios or differences between close neighbours. Politics in Tuvalu remains deeply island-centric, and neither broader location nor ideology has provided sufficient support for the emergence of political parties.<sup>18</sup>

As a result, no island has predominated either at the Prime Ministerial level or in cabinet more broadly, and no island has been kept persistently out of government. Figure 1 shows the composition of governments from 1977 to 2006, with the shift from six to seven office holders in 2000 reflecting the increased size of parliament. Nanumea and Niutao have been the most usually represented in cabinet, and Nukufetau, Nukulaelae and Nanumaga have been the most usually excluded. But there is no island, or island grouping, that has been consistently marginalized. Niutao and Vaitupu and, back in 1977, Funafuti, have had two MPs simultaneously in cabinet - but again each has also witnessed periods when they held no portfolios. Funafuti, the capital, has had three Prime Ministers, as has Vaitupu; but Nukulaelae, despite being somewhat under-represented in cabinet,<sup>19</sup> had Tuvalu's second longest serving Prime Minister, Bikenibeu Paeniu (for the home islands of Prime Ministers, see Table 2).

Tuvalu's parliament has often been finely balanced between pro-government and opposition MPs, leaving Prime Ministers reliant on wafer-thin majorities. Constitutional restrictions limiting the number of cabinet ministers, aside from the Prime Minister, to one third of the house have determined the requirement for a majority. From 2000 until 2007, in addition to relying on the votes of the Prime Minister himself, the Speaker, and the five Cabinet Ministers, it proved indispensable to somehow retain the support of at least one pro-government backbencher.<sup>20</sup> Majorities were frequently so slim that the single pro-government backbencher potentially wielded considerable political leverage. Owing to lack of access to the rewards associated with being in cabinet, government backbenchers regularly defected and backed the opposition in no confidence votes, bringing about changes in government. There were four successful 'no confidence' votes from 1993 to 2007 (Table 2), and another fifteen unsuccessful efforts to vote governments out of office (Table 3). In the absence of political parties and without clear ideological issues holding members on one or the other side of the house, there is little restraint on such side switching.

To retain office, Prime Ministers resorted to tactics which occasionally put them at odds with the courts. For example, parliamentary sessions were frequently cancelled or curtailed to avoid the threat of 'no confidence' challenges.<sup>21</sup> On average, parliaments sat

for only 25 days per year during 2002-2006. Aside from the perennial need to lure opposition members to cross the floor with offers of ministerial portfolios, appointments to the positions of Governor General and Speaker were used to break up potential opposition majorities. The appointment of 'Special Ministerial Advisors' was also used to complement cabinet portfolio holders, although this was subsequently declared unlawful by the High Court. Some stabilisation techniques used in other Pacific Island countries were not applicable in Tuvalu. For example, in Melanesia, pro-government MPs are regularly offered positions on the boards of state-owned enterprises to encourage loyalty to government. In Tuvalu, this is impossible owing to constitutional provisions preventing dual office holding.<sup>22</sup>

This characteristic style of exercise of political power in Tuvalu stands in striking contrast to the experiences in the eight island councils. The *Falekaupule* resemble Parliament in having an executive arm - the *Kaupule* - but, unlike the parliament, the *Falekaupule* bring together all those aged 18 years or over.<sup>23</sup> *Falekaupule* are local assemblies which exist in all eight of the islands and are normally convened at three-monthly intervals. They tend to be dominated by elders and chiefs and sometimes by church pastors, although women have come to play an increasingly prominent role in the *Kaupule* committees (Kofe & Taomia 2006).<sup>24</sup> Owing to the 1997 *Falekaupule Act*, these local assemblies have full jurisdiction over island affairs, and have thus acquired many of the powers of the national government. Decisions are normally made through consensus, although putting matters to the vote has become increasingly frequently used as a method for resolving differences. *Kaupule* members are elected for four year terms, and the entire *Falekaupule* also gather to select a Chief Executive - the *Pule o Kaupule* - who in turn selects a deputy (*Tokolua Pule o Kaupule*). The *Pule o Kaupule* may be removed from office by two thirds of *Falekaupule* members, which has occurred, for example on Vaitupu in 2005. The six-member *Kaupule* also usually operates on a consensual basis, despite the Act providing for majority voting.<sup>25</sup> Most importantly for the purposes of this discussion, the *Falekaupule* have no history of repeated efforts to dislodge the executive, or opposition scheming, such as which animates the national parliament.

One reason is the closer operation under customary norms, which indeed inspired the initial framing of the 1997 *Falekaupule Act*. The British colonial government, in the late 1960s, established island councils (or *Fonopule*), which worked reasonably effectively (Campbell 1977). The downside was that these were primarily linked upwards to the colonial administration, to whom they were dependent for local grants and to whom they delivered development plans. In the post-colonial years, the absence of grass roots control over these councils became increasingly vexatious, and the 1997 Act inverted the relationship, making the councils (now *Kaupule*) more responsive to the *Falekaupule*, rather than central government. This was widely greeted as a success and regarded as having resulted in more effective development coordination. The 1997 reforms were further built upon by the 1999 establishment of the *Falekaupule Trust Fund*, which further extended island independence from central government.<sup>26</sup>

A second reason is that the *Falekaupule Act* does not establish or elevate some alternative government-in-waiting alongside the *Kaupule*, but rather sets the voting age population to perform the role of scrutinizing *Kaupule* budgets, development plans and conduct over the preceding three months.

In common with many Pacific states, Tuvalu is marked by an idealization of consensual harmony and stability as stipulated in the Constitution, but with an actuality of elite tension and individualism. Principle 3 of the Constitution emphasises the importance of culture and tradition in Tuvaluan society, and extols the virtues of communal solidarity and island-level co-operation:

'...the people of Tuvalu recognize and affirm, with gratitude to God, that the stability of Tuvaluan society and the happiness and welfare of the people of Tuvalu, both present and future, depend very largely on the maintenance of Tuvaluan values, culture and tradition, including the vitality and the sense of identity of island communities and attitudes of co-operation, self-help and unity within and amongst those communities.'

**TABLE 3: Motions of 'no confidence', 1977-2006**

Period	Prime Minister	Motions	Results	Outcome
1977-1980	Lauti	0	-	-
1981-1984	Puapua	0	-	-
1985-1988	Puapua	2	Gov. 7, Opp. 5 Gov. 7, Opp. 5	Defeated Defeated
1989-1992	Paeniu	3	Gov. 7, Opp. 5 Gov. 7, Opp. 5 Gov. 7, Opp. 5	Defeated Defeated Defeated
1993-1996	Latasi	2	Gov. 7, Opp. 5 Gov. 5, Opp. 7	Defeated Carried
1996-1997	Paeniu	2	Gov. 7, Opp. 5 Gov. 7, Opp. 5	Defeated Defeated
1998-1999	Paeniu	2	Gov. 10, Opp. 2 Gov. 4, Opp. 8	Defeated Carried
1999-2000	Ionatana	2	Gov. 8, Opp. 4 Gov. 11, Opp. 4	Defeated Defeated
2000-2001	Luka	1	Gov. 7, Opp. 8	Carried
2001-2002	Talake	1	Gov. 8, Opp. 7	Defeated
2002-2004	Sopoanga	1	Gov. 6, Opp. 9	Carried
2004-2005	Toafa	2	Gov. 8, Opp. 7 Gov. 10, Opp. 5	Defeated Defeated
2006-present	Ilelemaia	1	Gov. 8, Opp. 7	Defeated
<b>Total</b>		<b>19</b>		<b>15 defeats &amp; 4 carried</b>

Notes: Gov. = government, Opp. = opposition

Source: Hansard (Tuvalu)

Principle 5 of the Constitution favourably contrasts the search for consensus with confrontational methods of handling government affairs:

'In government and in social affairs generally the guiding principles of Tuvalu are - agreement, courtesy and the search for consensus, in accordance with traditional Tuvaluan procedures, rather than alien ideas of confrontation and divisiveness...'<sup>27</sup>

In practice, as we now turn to consider, 'confrontation and divisiveness', and lack of 'cooperation', have been defining features of Tuvalu's political order, at least at the central government level.<sup>28</sup>

## THE SUCCESSION OF GOVERNMENTS, 1977-2006

Prior to 1993, Tuvalu's governments were reasonably stable. The initial four post-independence governments all completed

their terms in office. There were threats of social crises, for example owing to landowners on Funafuti objecting to those from other islands migrating to live and work on their island (Howard 1976). At the political level, scandals already threatened governments. For example, Prime Minister Toaripi Lauti failed to secure the re-election of his 1977-80 government after being persuaded by shady American real estate agents into buying desert land branded as 'Green Valley Acres' for over the going rate (Finin 2001, p. 6-7 and Cocombe 2001, p. 502, 647). No confidence challenges did occur, but all were defeated, in each case with the government retaining its majority by 7 votes to 5 (see Table 3). The pre-1993 period also saw the first ever usage of floor-crossing tactics. After the 1989 election, Bikenibeu Paeniu broke away from the Puapua government, crossed the floor and became Prime Minister at the head of the opposition group.

The September 1993 general election proved a watershed in Tuvalu's political history. Three members lost their seats, including –

on the government side – Naama Latasi, the country's first and only ever woman MP. The victor in her Nanumea constituency, Vavae Katalake, joined the opposition, depriving the Paeniu government of its majority. The result was a 6 versus 6 deadlock. At three meetings called by the Governor General to elect a Prime Minister, members proved unable to form a government. To handle the impasse, the Governor General dissolved parliament, in accordance with the constitution.<sup>29</sup> In a petulant response, the Paeniu government – now serving in a caretaker role – appointed Tomu Sione as Governor General to replace the incumbent, who was approaching the retirement age of 65 (Taafaki 1996, p. 6). Sione's appointment generated strong resistance from the Opposition side, who unsuccessfully demanded the deferment of the appointment until after the second election and the formation of a new government. This was a sign of the politicisation of key public appointments, and the usage of these to consolidate government majorities was to become increasingly apparent over the years ahead.

In the wake of the November 1993 polls a realignment occurred. Kamuta Latasi had previously been a backbencher in Paeniu's government. He was a successful entrepreneur, who operated the local BP station and was exclusive importer of petrol into the country. He was jettisoned from the ruling faction for criticizing his colleagues. Latasi had been dissatisfied with his colleagues in government.<sup>30</sup> He claimed, firstly, that Ministers had spent too much time overseas. Secondly, he highlighted the inexperience and immaturity of the Paeniu government and associated leadership weaknesses. Thirdly, he claimed, there had been a lack of focus on development needs for Tuvalu. Conversely, Latasi was blamed by his former colleagues for masterminding the deadlock that led to the second election in November 1993. He was widely seen as having undermined the government's majority by successfully lobbying for a second election that enabled the re-election of his wife, Naama Latasi, and hence the defeat of the former Speaker Kokea Malua.

Despite severing ties with the Paeniu group, Kamuta Latasi did not join the opposition. Instead, he remained more or less independent and drew three other members into a new

camp, including his re-elected wife, Naama Latasi. Parliament was thus split into three groups, each with four members. On the eve of the election of the new Prime Minister, the Latasi and Puapua factions formed a coalition, and Kamuta Latasi became Prime Minister, with his wife, Naama Latasi, on the government backbench. Unlike the pattern in later 'confidence' votes, marital ties ensured the loyalty of the solitary government backbencher.<sup>31</sup>

The Fifth Parliament (1993-1997) proved a period of mounting political instability. The new government was dogged by controversy. The post of Governor General, for example, became increasingly politicized, with the Paeniu government-supported candidate, Tomu Sione, being removed on 21 June 1994. Sione had been part of the group that had sacked Latasi, and vengeance seemed the obvious motive for his removal. Conversely, the consolidation of opposition to Latasi was influenced by the reaction on Sione's home island of Niutao. Two key issues served to undermine confidence in the Latasi government.

First, whether or not Tuvalu should become a republic, severing ties with the British monarch, became a topical issue. A Bill to introduce a new national flag in 1995, removing the small Union Jack from one corner, was hastily passed through parliament without being sent to the Island Councils for comments, as required by the Constitution. Hostility to the intended new symbol of statehood was particularly marked on Niutao Island, the home island of sacked Governor General Sione. There, the flag was cut off at the mast while it was being raised on a flagpole by a police officer during independence celebrations (Taafaki 1996, p. 16). Tensions ran high and the police had to withdraw from the island. The reaction by the Niutao people was a clear indication of resentment about the sacking of one of their distinguished leaders. When the Latasi government eventually fell, after a no confidence vote in 1997, the new flag was scrapped owing to other islands endorsing Niutao's preference for a reversion to the former flag.

Land rentals proved a second controversial issue, which undermined support for the Latasi government. Land in Tuvalu is owned



by descent groups and families, but with growth in the size of kin groups, problems of distributing and sharing lease revenues had become increasingly acute, particularly on Funafuti. Following separation from Kiribati in 1975, the government had acquired land on Funafuti to set up its headquarters, including offices and civil servant houses. In 1995, five-yearly land rentals were increased by more than tenfold, from A\$120 per acre to A\$1,300 per acre. This was a decision that mainly affected the capital, as government-leased lands on outer islands are few. Prime Minister Latasi's constituency was Funafuti, where he was himself a significant landowner. That he had an eye to both political and commercial advantages was suggested by the fact that the decision was made despite opposition from the then Minister of Natural Resources, Otinielu T. Tausi, who was subsequently sacked after he protested. Tausi later defected along with Speaker Puapua, toppling the

Latasi government and bringing Paeniu back to power. According to one commentator, an 'obsessive personalism' was increasingly characterising Tuvalu politics.<sup>32</sup>

In the wake of the 1998 general election, Paeniu returned as Prime Minister, drawing on the support of nine other members. Only two members were left in the opposition. Former Prime Minister Latasi lost his seat, as did three of his opposition allies. Paeniu's government was further consolidated by the introduction of Special Ministerial Advisors (SMAs), ensuring the support of the extra government backbenchers. At \$13,000 per annum, the SMAs secured a 57% salary increase over and above ordinary backbenchers and opposition MPs, and other perks of office comparable to Ministers. This was a considerable burden on taxpayers (see Table 4). Five years later, this method of strengthening cabinet majorities was halted.

**TABLE 4:**  
**Salaries of Top Government Officials & Comparison with Civil Service salaries**

Offices	Salary						Other Entitlements
	1981	1985	1990	1992	1998-2001	2002-2006	
<b>Governor General</b>	10,560	11,064	12,374	14,625	17,300	23,768	House, gas, electricity, phone, car & fuel; 3 housemaids
<b>Prime Minister</b>	10,680	12,204	13,873	17,244	19,700	26,660	House, gas, electricity, phone, car & fuel; 3 housemaids
<b>Speaker</b>	7,920	10,980	11,912	14,772	16,718	22,395	House, gas, electricity, & car
<b>Minister</b>	7,920	10,980	11,912	14,772	16,718	22,395	House, gas, electricity, & car
<b>SMA</b>	N/a	N/a	N/a	N/a	13,000	(N/a)	House, gas, electricity, & motorbike
<b>MP</b>	2,640	2,912	3,836	6,000	8,300	15,393	Motorbike <sup>1</sup>
<b>Sec to Gov't</b>	7,620	8,184	9,216	13,000	18,098	21,743	Nil
<b>AG</b>	7,380	7,932	8,916		17,507	21,743	Nil
<b>Auditor General</b>	6,504	7,008	8,112	9,960	16,561	20,070	Nil
<b>Permanent Secretary</b>	6,900	7,416	8,388	12,000	16,915	20,070	Nil
<b>Clerk to Parliament</b>	3,528	3,876	4,476	7,000	12,141	13,719	Nil

Source: Privileges Committee Reports 1998 & 2006; National Budgets 2001 & 2006. <sup>1</sup>Plus additional allowances, including \$60 for telephone rental and charges, free postage and fax, subsistence allowance of \$25 per day when on official business, free internal and overseas travel on official business.

In 2003, Special Ministerial Advisors were declared illegal in the Tuvalu High Court.<sup>33</sup>

Despite this consolidation of the pro-government faction, the second Paeniu government soon found itself under threat. Government had approved changes to ministers' transport entitlements from motorcycles to cars, relying on donor support from the government of the Republic of Korea. Arrangements had also been made for shipment of six Toyota RAV4 cars.<sup>34</sup> In April 1999, Leader of the Opposition Koloa Talake moved a no-confidence motion, alleging growing dissatisfaction with Paeniu's leadership and raising other highly personalized charges. One of Paeniu's Ministers, Ionatana Ionatana, and the four SMAs defected to join the two members in the opposition. The government was defeated by 8 votes to 4, and Ionatana became Prime Minister on 27 April 1999. The introduction of SMAs had clearly failed to halt the threat of breakaway by junior members of government, who still saw benefits attached to realignments that would give them top ministerial portfolios.

In December 1999, an amendment to the *Electoral Act* increased the total membership of Parliament to fifteen, thus shifting the number required for a parliamentary majority to eight.<sup>35</sup> The three new members all joined the Ionatana government, a consolidation on the government side that was handled by a reshuffle of ministerial portfolio holders. The June 2000 government was carefully organised to ensure broader Tuvalu-wide representation in Cabinet, with one minister coming from each of seven of the eight islands. Again, the government proved short-lived, although this time due to Ionatana's death after a cardiac arrest. One of the government ministers, Faimalaga Luka, became replacement Prime Minister in February 2001. But his government was ousted in a confidence vote on 3 December 2001, held while the Prime Minister was away overseas receiving medical attention. The rebels were all SMAs, one of whom, Saufatu Sopoanga, claimed that the Luka government had failed to implement motions passed in parliament.<sup>36</sup> The fall of the Luka government came only six months ahead of scheduled general elections, and another of the SMA rebels, Koloa Talake, took charge briefly, before losing his seat at the 2002 polls.

After the 2002 elections, it was Sopoanga who was elected as Prime Minister, but this government proved just as precarious as its predecessors – both owing to High Court rulings and threats of no confidence challenges. A 5 May 2003 by-election in Niutao, occasioned by the death of the Speaker Saloa Tauia, resulted in victory for Tavau Teii, who joined the opposition instead of joining the government. This tilted the majority in favour of the opposition. In the subsequent vote for a new speaker, the opposition candidate Faimalaga Luka won by eight to seven against the government candidate, Otinielu T. Tausi. Were parliament to have been convened, the Sopoanga government would have been toppled. As a result, the Prime Minister delayed convening parliament, as had the Latasi-led minority government back in 1996.<sup>37</sup> In the intervening period, Sopoanga sought to lure an opposition member to cross the floor and to use control over prestigious positions in Tuvalu to restore the government's majority. The successful tactic was to appoint the speaker, Faimalaga Luka, who was on the opposition side, as Governor General, thus reducing the opposition to seven members.<sup>38</sup> It was nevertheless a dangerous approach, potentially reliant on the consequent Nukufetau by-election resulting in victory for a candidate prepared to support the government. Instead, in the intervening period, the government lured opposition member, Leti Pelesala, to cross the floor to take up the spare portfolio vacated by Tausi upon his election to replace Luka as Speaker. As a result, the Nukufetau by-election dwindled in political significance.<sup>39</sup> The Sopoanga government typified the way in which dexterous handling of the distribution of ministerial and other top office-holding positions had become the lynchpin of central government politics in Tuvalu.

A year later, Sopoanga's government fell, after Speaker Tausi and new backbencher Elisala Pita sided with the six opposition members to oust Sopoanga. One reason was a visit by Sopoanga to Beijing, after his having indicated disapproval about Taiwan's representative having too greatly associated himself with the opposition members (Taafaki 2007, p. 278-79). This was controversial, according to one of Sopoanga's ministers, because Taiwan had just commissioned an A\$3 million 3-storey building housing the

government's headquarters in Funafuti, and because Tuvalu had long-standing links with Taipei, rather than Beijing.<sup>40</sup> Despite defeat, Sopoanga fought on. He resigned his seat, precipitating a by-election, and thus by constitutional means delayed the election of a new Prime Minister<sup>41</sup>, again buying time. At the resulting by-election, Sopoanga was re-elected. Yet instead of returning Sopoanga as Prime Minister, the government caucus chose to back his ministerial colleague, Maatia Toafa, for the position. That realignment was sufficient to bring Tausi back from the opposition, favourably altering the balance back to the government side.<sup>42</sup> The result was that precisely the same ministerial line-up remained in office, barring the switch in portfolios between Maatia Toafa and Sopoanga.

**Table 5: Number of New Members, General Elections 1981-2006**

<i>Year</i>	<i>Number</i>	<i>Percent</i>
1981	5	41
1985	3	25
1989	5	41
1993 (Sept)	3	25
1993 (Nov)	3	25
1998	5	41
2002	5	33
2006	8	53

*Notes: Total membership of parliament increased from 12 to 15 in 1999*

At the August 2006 general election, there was an extraordinary turnover of sitting MPs. All five Cabinet Ministers lost their seats, as did the three pro-government backbenchers, in a high turnout election.<sup>43</sup> On the government side, only the Prime Minister and the Speaker retained their seats. On the other side of the House, the five opposition members were re-elected. The resulting government came under the leadership of Apisai Ielemia, reliant on the normal majority of eight to seven, as usual hanging upon the retention of the loyalty of a single pro-government backbencher. To consolidate that loyalty, the lone government backbencher, Tomu Sione, served as an acting minister whenever one of his colleagues was absent overseas or ill, and as a result received a government house, a ministerial salary for the days on which he acted, and other entitlements similar to those received by a minister.

A year after the election, parliament acted to eliminate the precariousness of cabinet's control over parliament owing to its constituting just short of a numerical majority. In August 2007, a constitutional amendment raised the number of ministers from five to seven, despite opposition from the islands.<sup>44</sup> In addition to the votes of the Speaker and Prime Minister, this made it likely that cabinet would be able to command nine votes in the 15-member parliament, sufficient, if ministers remain solid, to defeat any confidence challenge. In the following section, we consider whether this, or an alternative reformist framework, best benefits Tuvalu's people.

## DISCUSSION

Why did political instability in Tuvalu occur predominantly during 1993-2006 rather than 1977-1993? Was the earlier stability due to political or cultural characteristics of older members and absence of these traits amongst the new, post-1993, political generation? There were no major changes to the legal framework or to parliamentary standing orders across these two periods, aside from the increase of parliamentary membership from twelve to fifteen by 1999, which brought about the perpetual need to retain a single pro-government backbencher. Yet the latter change occurred well after the onset of governmental instability in 1993-94. It would thus seem unfair to blame institutional changes for the transition from stability to instability.

There are several potential explanations for the post-1993 shift in Tuvalu's political environment.

First, independence was widely seen as a valuable achievement for the people of Tuvalu, given Britain's reluctance to concede partition from Kiribati.<sup>45</sup> Despite the absence of resources delivered to the newly partitioned part of the former Gilbert and Ellice Islands colony and the, in any case, resource-poor character of the atoll economy, people from Tuvalu became strongly united and a nationwide fund raising program was carried out to establish a new Reserve Fund.<sup>46</sup> The creation of the Tuvalu Trust Fund in 1987 also enhanced this sense of unity and nationhood.

When independence came, the Tuvalu people retained a close sense of unity and cooperation in order to strengthen their nascent state. Latent tensions thus remained subdued and subordinate to a broader emphasis on nation building. Early Prime Ministers, such as Lauti and Puapua, were mild-mannered politicians with strong roots in their communities, unlike many of their successors. As the colonial influence withered, however, the earlier post-colonial unity dissipated, bringing to the fore a less externally influenced style of politics. The newer generation emerging in the political arena, less attached to the politics of post-colonial transition, began to master their bequeathed institutions in a manner quite different to their predecessors. This interpretation accords with the broader Pacific experience, as in western Melanesia and Nauru, where a post-colonial phase of government stability was also followed by an era of mounting instability.

A second plausible hypothesis focuses on increased educational levels amongst later generations of politicians, as compared to the previous generation. With increased education, MPs acquired greater knowledge about how to manipulate the Westminster system to their advantage. According to this view, the first floor-crossing incident in 1989 and the political crisis of 1993 may have served as the catalyst for continuing instability, in the sense of revealing easily exploitable aspects of the political system. Thereafter, governments learned new tactics for consolidating political power, while opposition MPs recognized, pragmatically, that severe institutional weaknesses yielded a continuing potential for attracting allies in perennial efforts to dislodge incumbent governments. If so, the 1993 crisis opened the floodgates to political disorder, and exposed the poor fit between imported colonial institutions and characteristic Pacific styles of leadership struggle. This second hypothesis is not necessarily inconsistent with the first, and both are consistent with the broader western Pacific experience.

A third credible reason is based on increasing competition for lucrative portfolios in government such as those of Prime Minister, Cabinet Minister and Speaker. The stakes in competition for government have been greatly raised since independence by continual increases in the size of the government

budget. Though small compared to packages received by their counterparts in the larger Pacific states such as Fiji and Papua New Guinea, ministerial portfolios are nevertheless the most highly paid positions in Tuvalu.<sup>47</sup> As a result, they are greatly cherished, and perhaps have drawn ambitious public figures to contest election and to align themselves in such a way as to increase opportunities to join the government, rather than the opposition. Yet the data do not support such a conclusion. As Table 4 indicates, the salaries of backbench MPs have increased over 1981-2006 more rapidly than those of ministers. Permanent Secretaries' salaries have increased at a similar rate to those of ministers.<sup>48</sup> Thus, growing political rivalry cannot be attributed to the direct rewards associated with holding a cabinet portfolio.

There have been three major ostensible reasons for the destabilisation of Tuvalu's governments – (i) straying from caucus principles and policies, (ii) accusations of inefficiency and ineffectiveness, and (iii) accusations of corruption.

(i) Straying from caucus principles and policies proved an important factor contributing to the downfall of governments of Latasi (1996), Paeniu (1999), and Sopoanga (2004). When Prime Ministers strayed from caucus principles or policies, or embarked on unilateral policy shifts, they regularly triggered dissent from colleagues and instability of allegiances.

The parliamentary system in Tuvalu has developed in such a way that governments assuming power, to the extent that they remain temporarily stable, rule as a collective authority, via the caucus. The caucus thus becomes the core power base for each Prime Minister, and the key vehicle for the retention of the loyalty of ministers, the Speaker and the solitary pro-government backbencher. Once prime ministers become distracted from reliance on caucus, they tend to erode support, resulting in various forms of political crises. This fundamentally collective character of central government politics in Tuvalu accords with the basic principles set out in the constitution and with the practice at the Falekaupule level.

(ii) Challenges predicated upon accusations regarding inefficient and ineffective government were used against many post-

independence governments, and proved politically potent in dislodging several prime ministers.

(iii) Governments have also regularly been threatened and defeated by accusations of 'corruption'. The accuracy or otherwise of these allegations is not discussed in this paper.<sup>49</sup> Whether or not corruption is a matter best handled within parliament or by the law courts, or other specifically designed apolitical institutions, is a regular source of contention, particularly on the part of those members who lose portfolios as a result of such accusations. Raised under conditions of parliamentary privilege, 'corruption' allegations need not necessarily be proven before a government falls. Some institutions are undoubtedly required to tackle incidences of official corruption, and generate disincentives to such actions within the political arena, but these matters may best be handled outside parliament.

More fundamentally, Tuvalu's governments have usually been toppled due to power struggles, and the emergence of alternative coalitions bringing together opposition members with dissident government ministers, or – more usually – with the solitary pro-government backbencher. The August 2007 response, designating additional portfolios to cater for the aspirations of backbenchers and thus consolidate governments, may serve to diminish political instability. But past experience, as shown in the SMA debacle, shows that personal aspirations for political power are not necessarily stilled by such devices. At root, Tuvalu's difficulty centres on the opposition not playing its constitutionally enshrined role as a check or balance agency scrutinizing government legislation or executive actions, but instead merely serving as a fluid government-in-waiting that continually seeks opportunities, individually or collectively, to enter government.

The often preferred response, at least in regard to accountability, is to strengthen parliamentary oversight agencies by building up the offices of the Speaker and Clerk, beefing up parliamentary committees (particularly Public Accounts), reinforcing Leadership Codes or ensuring the implementation of actions recommended in the annual reports of the Auditor General and, generally, to appeal to the executive to function in a more

responsive fashion. Yet, under the present set-up, restrictions on civil servants giving any information to opposition members ensure that their criticisms of government are rarely robust. Even highly critical Auditor General reports usually get the nod through parliament, and the Public Accounts Committee seldom sits. When the Public Accounts committee does sit, no action is likely to be taken subsequently, even where procedures suggest that legal action should be taken by the Attorney General.<sup>50</sup> Pivotal to the strategy of beefing up the checks and balances of parliament is that the Office of the Speaker become reasonably neutral and independent, and this seems unlikely as long as the Speaker is elected together with the Prime Minister by a simple majority in parliament. Without that independence, the oversight functions of parliament are inevitably likely to remain weak.

Given these long-run difficulties in national level politics, and the strengths identified in the local-level organisation of the Falekaupule, we might reasonably seek out arrangements at the national level which both resemble those at the Falekaupule level and articulate national-local linkages more strongly. One option is an eight-member executive, comprising one member from each island, so that caucus and parliament would become one and the same.<sup>51</sup> This would have the advantage of reducing central government costs, while simultaneously removing the institutionalisation of the opposition as a government-in-waiting. Instead of a formalised opposition within parliament, the oversight role of the island-based Falekaupule in reviewing and initiating legislation would be strengthened. Falekaupule would acquire veto powers over legislation and tougher recall powers would enable them to dislodge non-performing ministers.<sup>52</sup>

Such an empowerment of the Falekaupule would entail a continuation of the devolution-oriented reforms, as initiated by the 1997 Act and the 1999 decision to establish a Falekaupule Trust Fund. During negotiations over the passage of these laws, there was an understanding that Kaupule members would eventually receive salaries as they came to play an ever greater role in controlling island affairs. Central government would still be required to play a coordinating and foreign policy role, but the burden of responsibility

would be radically shifted to the local level.

There are dangers with such an approach. First, simply making the executive smaller would not necessarily eliminate caucus competition for the Prime Minister's portfolio or 'no confidence votes', unless the Prime Minister/President were simultaneously to become directly elected. Second, devolution of powers may eliminate central government rivalry in favour of a consensus-driven local politics that stifles opportunities for dissent (Besnier 1996). At the Falekaupule level, church influences or authoritarian pressures may diminish responsiveness or accountability, or capture policy-making.<sup>53</sup> The proposals here offer no panacea to deal with such issues. All they seek to do is balance more suitably local and national governance and eradicate institutional pressures that have encouraged merely intrigue-based changes of government.

## AUTHORS NOTE

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## ENDNOTES

1. We are indebted to Niko Besnier, Mose Saitala, Ron Duncan, Bikenibeu Paeniu, Michael Goldsmith and Stephen Levine for their comments on an earlier draft of this paper.
2. Parliament of Tuvalu (2000), Report of the Constitutional Review Committee, Parliament of Tuvalu. The CRC was established by Parliament and comprised of 10 members out of the 12 Members of Parliament
3. 'National Workshop on Accountability for Leaders in Tuvalu', cited in Quinton Clements, UNDP, 'Tuvalu Legislative Needs Assessment', mission report, December 2000, p3.
4. See also Morgan, M (2005), *Cultures of Dominance: Institutional and Cultural Influences on Parliamentary Politics in Melanesia*, State, Society & Governance in Melanesia Discussion Paper, 2005/2, p17, fn 54.
5. The Falekaupule refers to the traditional/customary meeting-house, which consists of the Chiefs, the elders and all the island/village members, which serves as the core unit of Tuvalu's local government.
6. According to Section 55(1) of the Constitution of Tuvalu (1990). The Governor General's term in office is four years, although this can be extended as long as the incumbent is under 65 years of age.
7. Amendment to Electoral Provisions (Parliament) Act, December 1999. The new members took their seats in parliament in May 2000. The change made retention of government majorities more difficult because of the constitutional provision that limits cabinet to one third of the size of parliament. With 12 MPs, cabinet was composed of four ministers, who with the addition of the votes of the Prime Minister and the Speaker, comprised 50 percent of parliamentary votes. With an expanded cabinet of fifteen, the number of ministers rose to five, but together with the votes of the Prime Minister and the Speaker, this left the government below the majority threshold.
8. i.e., the block vote in the two-member districts, or first-past-the-post in the one single member district. Constituencies with more than 500 voters are entitled to two members, a threshold all except one have reached.
9. Section 63(2)(f) of the Constitution of Tuvalu.
10. Parliament of Tuvalu, 'Rules of Procedure', 1994, Rules 36 and 54. Such methods were used to secure the passage of three of the four successful post-independence 'no confidence' votes.
11. Importantly, such prime ministerial elections do not necessarily, or even usually, occur during a sitting of parliament, but rather during specially convened meetings summoned by the Governor General under Section 63(1) and Section 2(1)(b) of Schedule 2 of the Constitution (1990).
12. Schedule 2 of the Constitution.
13. Section 62(3) of the Constitution provides that Cabinet should be not more than one-third of the total membership of parliament. (There were four Ministers then when total membership was twelve).
14. Section 104(1) Constitution.
15. Section 5(3) of the Electoral Provisions Act 1993.
16. Prime Minister Bikenibeu Paeniu (1989-1992; 1996-1997; 1998-1999) was an exception since he represented the single-member constituency of Nukulaelae.
17. For a contrast between cultural differences in the north and south, see Luem, B., 'A New King for Nanumaga: Changing Demands for Leadership and Authority in a Polynesian Atoll Society', in *Leadership and Change in the Western Pacific*; Essays Presented

- to Sir Raymond Firth on the Occasion of his Ninetieth birthday, (eds) Feinberg, R., & Watson-Gegeo, K.A., London & Atlantic Highlands, New Jersey, 1996, p130-1.
18. For example, no member of parliament elected from one constituency has ever been subsequently elected for another constituency, indicating the strength of islandism. Former school or workplace connections have, occasionally, underpinned coalition arrangements or, in other circumstances, hostility against ministers has sparked public servants to seek political careers.
  19. Another senior Nukulaelau politician, Henry Faati Naisali, exerted considerable influence in the first decade after independence, effectively running the government under Puapua (we are indebted to Niko Besnier for this point).
  20. Eight members were needed to secure the simplest majority, leaving seven on the opposition side. When parliament's membership was twelve, the simplest majority was seven to five.
  21. 'GG holds key to Tuvalu's Constitutional Dilemma', *Islands Business*, September 2003, p 46.
  22. Section 95(1)(f) of the Constitution prohibits MPs from contesting elections if they 'hold or act in any office or position in a State Service'.
  23. Voting rights vary between islands, and are determined by customary decision-making (Aganu). In many cases, all those over 18 years of age have entitlement to vote for the Kaupule members, but not all necessarily participate in decisions taken by the Falekaupule. On Vaitupu, one has to be 40 years of age or older to be eligible to vote. In other Falekaupule only the 'family head' may be entitled to vote.
  24. See also the table, drawn up by Susie Kofe & Fakavae Taomia, appearing in Jon Fraenkel 'The Impact of Electoral Systems on Women's Political Representation in Pacific Parliaments' in the same volume, p95.
  25. Falekaupule Act, 1997, section 23. Kaupule members receive sitting allowances, but no salaries. Kaupule staff, including secretary and treasurer, do receive salaries. For those migrants in Funafuti, separate Falekaupule also exist that cater for the different island populations and sustain linkages back to the home island Falekaupule. The views of urban migrants living in the capital are often greatly valued by their kinsfolk on their home islands, owing to knowledge and skills acquired in education and employment.
  26. The Falekaupule Trust Fund was set up by the government, with assistance from the Asian Development Bank and contributions from the eight islands, and is aimed at funding development projects on the islands and allowing greater autonomy for island economic policy.
  27. Principle 5 of the Constitution of Tuvalu, 1990.
  28. That this contrast is not unique to central government is suggested by Besnier, N (1996), 'Authority and Egalitarianism: Discourses of Leadership on Nukulaelae Atoll', in R Feinberg, K Watson-Gegeo (eds.), *Leadership and Change in the Western Pacific*, the Althone Press, London and Atlantic Highlands, New Jersey.
  29. Section 118(3)(b) of the Constitution of Tuvalu (1990) stipulates, 'If no person has been elected to that office (Prime Minister) within such period as the Head of State, acting in his own deliberate judgment, thinks reasonable, the Head of State, acting in his own deliberate judgment, may dissolve Parliament'.
  30. *Islands Business Pacific*, March 1994:33.
  31. Although when parliament had a membership of twelve, the government could theoretically survive no confidence challenges by securing a 6 Vs 6 tie, this required the Speaker to vote with government. Since, on other matters, the Speaker was not entitled to cast a vote, for ordinary business the government needed a single pro-government backbencher.
  32. See Taafaki, T (1998), 'Tuvalu', *The Contemporary Pacific*, 10, (1), 1998, p243, p241-2.
  33. *Latasi v R, ex parte Attorney General* [2003] TVHC 24; HC Civil Case No 03 of 2002 (30 September 2003).
  34. In the event, these were received by ministers of the incoming Ionatana government, rather than those in the Paeniu government.
  35. See footnote 7 above.
  36. *Islands Business*, September 2002.
  37. Section 116 of the Constitution provides that Parliament can only be convened when the Prime Minister provides such an advice to the Governor General.
  38. 'PM Sopoanga pulls off a stunner: Opposition loses seat as Luka becomes GG', *Islands Business*, October 2003.
  39. On being elected in the Nukufetau by-election, Elisala Pita also joined the government as a backbencher, bringing their number to nine.
  40. *Islands Business* October 2004:32-33. vol. 30, no.10
  41. In accordance with Section 63(1) of the Constitution.
  42. The opposition was later further diminished by the resignation of Namoto Kelisiano and the untimely death of Amasone Kilei in the same year. Their replacements Halo Tuavai and Toma Tanukale joined the government benches hence decreasing opposition numbers to five.
  43. Dr. Seluka retired from politics and did not contest.

44. The constitutional amendment was passed despite only two of the eight islands (Niutao and Funafuti) having endorsed the proposals. The other six did not.
45. There was considerable British reluctance to allow Tuvalu's separation from Kiribati, owing to the remoteness of both island groups. Some Tuvalu politicians also felt some disquiet about unequal distribution of the former Gilbert & Ellice Islands resources, with Tuvalu only securing only one second hand ship and no funds from the colony's reserve funds, and with the uninhabited Line and Phoenix Islands becoming part of Kiribati, rather than Tuvalu.
46. The Fund was called 'Fakavae Tupe o Tuvalu' or 'Tupe-a-Toeaina', which was administered by parliamentarians at the time, and author was a former Treasurer/Secretariat. The Fund was invested in Australia but has now been returned to the individual islands, which had contributed in the beginning.
47. Since 1978, ministers salaries (leaving out of consideration the worth of other entitlements such as government housing) have averaged three times higher than the salaries of ordinary government members.
48. This is despite the fact that the Prescriptions of Salaries Act and Rule 48 of the Rules of Procedure provide for members themselves to determine their own salaries and entitlements rather than having a separate and independent body to do this.
49. One of the authors is a Tuvalu civil servant. General Administrative Orders (GAO) 5.3.5 prevents public servants from publicly discussing corruption allegations leveled against ministers. In any case, many of the allegations raised in parliament were raised under conditions of 'parliamentary privilege' (as provided for in Section 114 of the Constitution). Were these to be raised, outside the parliamentary context, the authors could potentially be subject to litigation. It is worth noting that the Freedom House surveys record that 'Tuvalu is one of the few places in the Pacific Islands where corruption is not a serious problem' (<http://www.freedomhouse.org/template.cfm?page=22&country=7293&year=2007>). 'Corruption in Tuvalu seems to be minor in comparison to that found in the Melanesian states and the larger Polynesian states, such as Tonga and Samoa' (Goldsmith, 'Theories of Governance and Pacific Microstates', p109).
50. There is no Director of Public Prosecutions in Tuvalu, but the Attorney General sits in parliament as an ex-officio member. The Attorney General is responsible for cases in the High Court, whereas those in the lower courts are handled by the police.
51. The executive would thus function as parliament, as well as government, and

this would logically entail the abolition of Westminster conventions about 'cabinet confidentiality'.

52. The Tuvalu Constitution includes a provision for the review of all bills, after the first reading, by the 'local governments' (now 'island councils'), except those that have received a 'certificate of urgency' (Constitution of Tuvalu, section 111 (2), 'Rules of Procedure', S. 31 (A)). Of the Pacific Island countries, writes Crocombe, 'Tuvalu may have the most extensive articulation between the local communities and the central government (Crocombe, *The South Pacific*, p554); 'Tuvalu is best seen as a collection of eight or more local states, with central government acting as a coordinating device', (Goldsmith, *Theories of Governance*, p108).
53. For details of some of the pressures at the local level, see Taafaki & Oh (1995), 'Governance in the Pacific; Politics and Policy Success in Tuvalu', NCDS, ANU, Canberra, p,11; Paeniu, B (1995), *Traditional Governance & Sustainable Development in the Pacific*, Economics Division Working Paper 95/6, Canberra, Australian National University, Research School of Asian and Pacific Studies, p16.

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ISSN: 1328-7854



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**State, Society and Governance in Melanesia (SSGM) is a Program of the Research School of Pacific and Asian Studies, ANU College of Asia and the Pacific, The Australian National University. SSGM's key objectives are to encourage scholarship on governance and state-society relations; generate dialogue throughout Melanesia and the Pacific Islands on these issues; and assist in bridging policy and research. The Program's research and outreach focuses on:**

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The contribution of AusAID to this series is acknowledged with appreciation.

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