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Report Went To Court: Tonga's Parliamentary Report on  
the Nuku'alofa Reconstruction

**Abstract**

Chief Justice Michael Dishington Scott signed a court order in the Supreme Court of Tonga on December the 4th 2012, signifying structural reform in the South Pacific Kingdom. Whether the Kingdom of Tonga was ready or not, clued-up on what a judicial review was or not, the legal process for initiating one to get a judge to review parliamentary procedure was underway.

Dishington Scott's Supreme Court order issued by the Nuku'alofa Registry "ordered that the application for leave to apply for Judicial Review is to be heard inter parties on 23 January, 2013 at 09:00 am in Court" (Supreme Court of Tonga, 2012). The application was made by Tonga's former Prime Minister, Feleti Sevele, and a former Minister for Transport in his cabinet, Paul Karalus. The other party, meaning the people defending themselves against the application, were six men. They were named on the court order as "Samuela 'Akilisi Pohiva, Lord Lasike now known as Hikule'o Havea, Lord Tu'i'afitu, Dr Sitiveni Halapua, Pohiva Tu'i'onetoa, and Posesi Bloomfield" (Supreme Court of Tonga, 2012). These men were contributors to the *Report of the Parliamentary Select Committee: The Nuku'alofa Development Council/Corporation and the Reconstruction of Nuku'alofa Central Business District*, dated 5 June 2012 (Parliamentary Select Committee, 2012). And it was this very report of 181 pages, which had brought about Sevele and Karalus' joint

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application to the Supreme Court for a judicial review. Put simply, Sevele and Karalus wanted the report quashed.

What compelled the Prime Minister of Tonga Lord Tuʻivakano to call for a parliamentary select committee headed by the opposition leader and deputy to write this report? What did it allege to prompt court action from Sevele and Karalus? If there was a judicial review of the parliamentary system governing how and why the report was carried out, then what constitutional principles might come under the court's examination? At the 2010 general election, this small island developing state was applauded by New Zealand, Australia, and the United States of America for moving to a more democratic system of parliament and government. In 2013, what did the report that went to court indicate about political climate change and how key actors in the new system measured up?

### ***The great hearted and the mean***

*It is only the great hearted who can be true friends.  
The mean and cowardly, can never know what true  
friendship means.*

**Charles Kingsley**

In September of 2012 after Tonga's parliamentary select committee had released their report on Nuku'alofa's reconstruction, Radio New Zealand called my home landline. The reason why the journalist dialled a comment is because I published a book in 2011 called *Shoot the Messenger: The report on the Nuku'alofa reconstruction project and why the Government of Tonga dumped it* (Brown Pulu, 2011).

This particular journalist tried his hand at regional news by giving a political commentary on *Shoot the Messenger*. He never got the guts of the Tongan debacle because as he admitted over email, he stopped reading my book after the first section. He should have read the second section; this was the actual report I authored on the same subject as the select

committee's study, framed by the same terms of reference that I decided on and penned, not the government.

I was being tracked by a white Australian male reporter mangling Tongan words in a *fair dinkum* Aussie drawl and oblivious to social change. In the second decade of the 21st century, I felt bothered listening to a white man getting paid to report Pacific news on public radio display no effort to pronounce Tongan words correctly. Coming across *fie' poto*, meaning a know-it-all, he appeared hungry for a controversial story that could launch him into media notoriety with established journalists such as Bruce Hill and Geraldine Coutts of Radio Australia. Plainly the reporter wanted a scoop without having to get his head around an anthropologist's book on development complexity (The Economist, 2013; Morozov, 2011, 2013).



***Melino Maka (right) with the late Baron Fielakepa, the noble of Havelu'loto, in August 2008 at the coronation of the late monarch, King George Tupou V of Tonga.***

My rendition had gotten me and my colleague Melino Maka fired from the prime minister of Tonga's office. I felt sympathy for Melino. I wrote the report and he got the sack with me, a

Tongan sentence of guilty by association for assisting the author with field research and photographs. On the 15th of June 2011, the night we got our marching orders out of the Kingdom of Tonga, Lord Ma'afu, the Minister for Lands and Environment, cautioned me to look out for Melino. He was fond of him. Ma'afu wore his heart in his eyes which were tear-filled. I had permanent tenure at AUT University; my career was beginning to move up a notch, and my doctoral education would see me right on the regional job market. But Melino was in his late-50s, a Tongan migrant working as a self-employed consultant in Auckland.

There was risk that a group of Auckland Tongans, who had it in for Melino because they assumed he was anti the Democratic Party of the Friendly Islands, would scorn and mock that he got booted. If they turned rabid with malevolent gossip, exposing the meanness of a small blinkered society, they could have made it difficult for him to get contract work and hold his head up in the New Zealand Tongan community. From that time onwards, I committed Ma'afu's heart to mine. He taught me true friendship is valuable, especially when one is the underdog getting unfairly attacked by an angry mob. Hence, I have remained colleagues with Melino Maka from the village of Tatakamotonga ever since.



***Lord Ma'afu, head of the Ha'a Havea Lahi and the noble of Vaini and Tokomololo who holds the Government of Tonga portfolio as the Minister for Lands and Environment.***

Understandably Melino supported my publishing a critique of how the Government of Tonga handled the parliamentary select committee report. Closely following the tangled events that unravelled, he sourced documents and information relevant to my writing. In 2011 when we were under scrutiny from the prime minister's office, he did what was right by his conscience and stood with me on the report I wrote. Back then, I was not going to allow the hierarchy to gag me, nor give in to fear of retribution. He felt the same. Determinedly I had made up my mind that *if* I got beaten down by political power, I would dig my feet in, stand my ground, and speak the truth even if my voice trembled.

In solidarity we wanted to see social justice prevail over the unsubstantiated accusations made against people involved in the Nuku'alofa reconstruction after the capital was destroyed by the 2006 riot. In reality we *knew* our sacking order was for *not* digging up dirt on the former Prime Minister Feleti Sevele, his government, and his economic advisor Rob Solomon, who

took out the EXIM Bank of China loan to finance the capital's rebuilding. But there was no mud at the bottom of this imaginary quagmire. Why shoot the messenger when a clean bill of health was a step forward for Tonga?

The truth was Tonga's 21st century history of successive governments had caused a social epidemic. This developing country had grown accustomed to moving one step forward to political reform and sliding two steps back into financial arrears. There was a simple reason why the consecutive reports stirred controversy. The subject under examination tapped the national debt nerve.



***Vuna wharf in Nuku'alofa, the Kingdom of Tonga, reconstructed by the EXIM Bank of China loan.***

Despite the fact that my 2011 findings were divergent to the parliamentary select committee's 2012 recommendations, the reports intersected on debt anxiety and public worry as to how the government would repay the EXIM Bank of China loan considering that Tonga's economy was broke. The glaring difference was the committee played on public fear by blaming the last government under Feleti Sevele's leadership for the

debt. They pursued this line of argument without noting the loan was taken out to rebuild a capital destroyed by civil riot. Which brings into question the committee's political agenda; what were they after in their report?

### ***The quagmire***

In 2011 the Prime Minister Lord Tu'ivakano had two advisors, 'Akau'ola who was also known as Mapa Faletau, and 'Ahongalu Fusimalohi. During the Feleti Sevele government from 2006 to 2010, they were employed by the state. Both left their posts, and it was speculated they were nudged. Many concluded the advisors and others, such as the current auditor general, the director of planning and urban management, and the former general manager of the Nuku'alofa Ports Authority, held personal grievances against Tonga's former prime minister, feeling slighted during his term. The advisors gave birth to a brainchild, figuring that heavy-handedly dismissing me and Melino Maka would be the death of the report and all it revealed.

What was uncovered is that they were party to undermining politics against the previous prime minister and his government of which the current Prime Minister Lord Tu'ivakano was a senior cabinet minister, and Lord Ma'afu, Lisiate 'Akolo, and Clive Edwards of the present cabinet were also ministers. It was not that I had dobbed him in which muddied the prime minister's public image as a trustworthy leader. But rather, never once during the three months of April to June 2011 in which I researched the report did the prime minister rein in his advisors for crossing the bureaucracy's ethical code of conduct. By doing nothing, he looked as if he condoned their behaviour.

True to the nature of a political plot, the story had a twist. The seeds of a subversive attack had been planted by third parties. The opposition leaders and certain government employees, expressly the director of planning and urban management, were telling tales to the prime minister of the day about the prime minister of the past, which turned his ear

towards them and away from the former premier and government he served in. For some reason of their own making, the prime minister's advisors bought into 'Akilisi Pohiva and Sitiveni Halapua's contention that the previous government had diddled the books, skimmed the loan, and short-changed the country. They pushed this line with the Prime Minister Lord Tu'ivakano who fell hook, line, and sinker into its treacherous course.

Worse still, they acted purely on hearsay *without* proof of wrongdoing or maintaining that natural justice, the principle against bias and the right to a fair hearing was given to the accused. Prejudice shaped the deduction that the former prime minister and his associates were guilty of fraudulent acts; the kind of narrow-mindedness crafted into existence by Tongan rumour and scandal, unchecked and rampant like an uncontrollable outbreak in a small island developing state.

The classic downfall of unbridled patriarchy and class structure was highlighted by the advisors' attitude. As men close to the centre of power, they assumed they could get around being held to account by a woman or a man on the periphery, the ordinary people well below their station in the hierarchy. It was the kind of manmade error that propelled a predominant belief that Western democracy is the superior system of power to advance social equality and fair-treatment for all people under the rule of law.

When the report and the sacking order got blown open in public by Kalafi Moala, Tonga's long-standing advocate for democracy and media freedom, the prime minister's advisors were deeply resistant to recognising the ill-effects of their behaviour, and upon self-reflection change. If anything, denial obliged them to pull hard the other way. 'Ahongalu Fusimalohi defended the actions of the prime minister's office to Radio Australia's Bruce Hill, driven by his conviction that the report was inadequate and the duo responsible for producing it, me and Melino, unprofessional and doubly deficient (Hill, 2011).





***Shoot the Messenger on sale at the Friendly Islands Bookshop for TOP\$35 pa'anga in Nuku'alofa, Kingdom of Tonga.***

I put the full report in a book published by Kalafi Moala's press, Taimi Publishers, for Tongans to have access to the information it contained, and by doing so, I became woven in the tempestuous political tapestry of Tonga's post-2010 reform. Radio New Zealand and Radio Australia interviewed me, publicly airing the book's content in snippets and sound-bites. I was told by a Tongan reporter he had asked 'Akau'ola at Fua'amotu International Airport what he thought of my book. 'Akau'ola angrily erupted: "Teena is crazy!"

And here lies my claim to understated media fame as the queen of coconuts, bananas, and tropical fruit controversy; a self-inflicted title I wear for being an outspoken woman who is too honest, too critical, and too spirited among men acquainted with women *knowing* their lowly place in the important matters of political life. From this experience, I learned that Tongan politics staked out a man's world, an exclusive setting in which women were occasionally permitted

to make guest appearances in support of the men who ruled over them.

Speaking up about the manipulation of power in a small island developing state, got me punished for challenging men of authority on the wrongful estimation of others. Reactionary and inward-looking Tongans were staggered that the Prime Minister Lord Tuʻivakano was my matrilineal uncle, my mother's second cousin, identifying me under the conservative Tongan microscope as a hybrid species that went against the tradition of going along with very important relatives even if you disagreed with their opinions.

Publishing the report was my way of fronting up as a woman of difference to the male-dominated storm encircling its inception and rejection (Bradford, 2013). Fickle political weather ignited slurs and slights, exacerbating the conditions crippling Tonga's newborn democracy and ailing economy (Fonua 2012). I should have known that egos, personalities, and politics in a small poor country might not settle down, but induce the birth of another chapter.

### ***Cultivating distrust***

In 2012, the Legislative Assembly of Tonga hinged on two crucial debates which were complexly tangled, shaping public perception on democracy's pitfalls in the second year of a new political arrangement, a system that was designed to bring about greater representative government (Radio New Zealand, 2012b). The first entered the House on June the 28th 2012 when 'Akilisi Pohiva, leader of the democratic party with the support of nine people's representatives, motioned for a vote of no confidence in the Prime Minister Lord Tuʻivakano. More than three months later on October the 8th 2012, Pohiva lost the vote by 13 to 11, and consequently threatened criminal court action against the government for "allegedly misappropriating public funds" (Coutts, 2012; Matangi Tonga, 2012; Ministry of Information and Communications, 2012; Radio New Zealand, 2012a; Television New Zealand, 2012).

The second cropped up in late August when 'Akilisi Pohiva, the chair of the parliamentary select committee established by Prime Minister Lord Tu'ivakano to produce a report on the reconstruction of Nuku'alofa, tabled the final document. Submitted to the House was a 181-page report from the six member committee. Following the civil riot and destruction of eighty per cent of the central business district on November 16th 2006, the former government led by Feleti Sevele took out an EXIM Bank of China loan for TOP\$118 million pa'anga, specifically for rebuilding Tonga's capital (Brown Pulu, 2011). Prime Minister Lord Tu'ivakano stated in parliament that he wanted the report "not to investigate, but to gather and fit together all the information in connection with the reconstruction of Nuku'alofa" (Parliamentary Select Committee, 2012, p. 7).

The motion of no confidence and the report on Nuku'alofa's reconstruction rushed into parliament one by one, knocking into each other, and stirring more questions than answers about democracy and how it should actually be practiced (Radio New Zealand, 2012b). In many ways, doubling up two contentious issues as a political strategy to derail government did the reverse. By this, Pohiva and his party were by no means *naturally* attributed as having a monopoly over democracy because they were elected people's representatives, commoners not nobles, and had used the name *democratic* as their party brand. If anything, 'Akilisi Pohiva and Sitiveni Halapua, the opposition leaders, were challenged by the public as to whether their words, thoughts, and deeds were at all democratic, fair-minded, impartial, even-handed, consultative, and aligned with the popular catchphrase, transparent and accountable to the people.



***'Akilisi Pohiva, leader of the Democratic Party of the Friendly Islands and people's representative to the Parliament of Tonga for constituency Tongatapu 1, pictured at the 2010 closing of parliament, Nuku'alofa, Kingdom of Tonga.***

The report's opening painted a backdrop of how it came to be commissioned by the prime minister in his statement to the House explaining who would be part of the select committee, as well as their collective purpose. Inadvertently, it exposed political wills at battle for power. Almost a year before the report had been completed Pohiva and Halapua wanted the Prime Minister Lord Tu'ivakano to take action based on the parliamentary report's findings.

In this case, it was not singly that it appeared early on in the piece to pressure the prime minister into accepting whatever the select committee came up with, the government would see to it. But rather, by insisting that the prime minister *should* agree to their request revealed that there existed in Pohiva and Halapua's minds, predetermined assumptions as to what kind of information they might find out about the former Sevele government's handling of the Nuku'alofa reconstruction.

*Before accepting the work, 'Akilisi Pohiva and Dr. Sitiveni Halapua sought an undertaking from the Prime Minister that the findings and recommendations of the Committee would be properly actioned by the Government. It was important to the People's representatives that the Government would be serious about considering the implementation of the report's recommendations. (Parliamentary Select Committee, 2012, pp. 8-9).*

The report was politically motivated, and served as a blunt instrument that could be manoeuvred by its creators for leverage, for bargaining to bring down the government. Of the four key recommendations, the third suggestion uncovered the underpinning agenda to criminally investigate and prosecute individuals from the former government and associates singled out as people “who benefitted from this “local spending”” (Parliamentary Select Committee, 2012, p. 170). Convinced that millions had been misused for, or misappropriated from, certain projects in the overall reconstruction of Nuku'alofa, and despite the claim of Tonga's Attorney General Neil Adsett “that nothing in the report points to any misuse of funds,” Pohiva and Halapua were determined to pursue a “criminal investigation” (Komisoni Fakamafola Le'a Tonga, 2012; Parliamentary Select Committee, 2012, p. 170).

*The report has found that deliberate adjustments were made to the initial contract cost of projects in order to accommodate T\$23,448,629 being recorded as “local spending by CCECC in relation to the Royal Palace Extension project. This raises questions concerning who benefitted from this “local spending” as well as the level of actual transfers of foreign currency (USD\$22,753,596.67) relating to the Royal Palace Extension Project, the City Assets (Molisi Tonga), the Vuna Wharf construction. It is a finding of this report that this warrants a criminal investigation and*

*prosecution by an independent prosecutor.  
(Parliamentary Select Committee Report, 2012, p. 170).*

Here, I am contextually reading the parliamentary select committee report (2012) by questioning what the authors desired by their third recommendation in light of Tonga's weak democracy and struggling to stay afloat Pacific Island economy. The report coupled with the motion for no confidence in the Prime Minister Lord Tu'ivakano had destabilised political reform in the second year of starting out; not because there was no system for managing a select committee report submitted to the legislature, but rather, the political pressure put on the prime minister by the opposition leaders outweighed good procedural sense. In the public's eye from the way the report was handled in the House, democracy – a system of government and parliament where the people have an equal say in development issues and laws affecting their lives either directly or through an elected representative – was *not* evidently seen at work in the Tongan legislative assembly.

Perceptibly in 2012, parliament shifted away from strictly law making and debating the effectiveness of state development priorities, becoming locked in disagreement over how to proceed with Pohiva and Halapua's report. Uncertainty about parliamentary process and the rule of law also seeped into how a vote of no confidence in the prime minister was dealt with. For over three months, closer to four, the no confidence motion was suspended in indecision while the public, private sector businesses, international aid donors, and the government bureaucracy were left to surmise about what could, or could not, happen to a fragile democracy and economy *if* a change of government came to pass before the Tu'ivakano administration finished the four year term.

Scanning the political environment that allowed the parliamentary select committee work to consume government and parliament business I have taken an alternative view to the lens under which New Zealand media has examined the report furore on the Nuku'alofa reconstruction. Instead of

generalising that this was the second report on the same subject which the government opposed – the first report authored by myself in 2011 with Melino Maka’s fieldwork assistance being rejected by the prime minister and his former advisors – I have a different query. Precisely what did the democratic party leaders, ‘Akilisi Pohiva and Sitiveni Halapua, set-out to do to the political system at work between the Tongan state and its citizens?

Notably the report exhibited an obvious flaw in *not* being meticulous about affording due process to certain individuals implicated in the report; that is, the obligation of the state to recognise the rights of citizens by which people accused of wrongdoing are given a reasonable opportunity to respond to allegations. How did the Parliament of Tonga get like this? Emerging from 2011 and 2012, what circumstances created favourable conditions to cultivate “fertile tensions,” a rich field in which parliamentary politics could weaken an inexperienced democratic state? (Spivak, 1990, p. 99).

Two years of perilous politicking caused *real* consequences for Tonga’s economy and social wellbeing. Tongan people were poorer, and not just monetarily, but in moral fibre, strength of mind, and optimism (Matangi Tonga, 2013). Aloma Johannson, President of the Tonga Chamber of Commerce and Industry, gave parliament and government the hard word from the business sector. In an interview with Karen Magnall, Radio New Zealand’s Pacific correspondent, Johannson showed her frustration with what she considered was a democratic state inactive about mobilising a broke economy.

Brusquely she stated, “Has anything changed? Actually, personally I don’t think so.” Johannson’s revealing insight was that the “people who’re purporting democracy,” namely ‘Akilisi Pohiva and the Sitiveni Halapua of the democratic party,” have “nothing constructive” to bring to parliament apart from “all the other trivial social problems” (Magnall, 2012).

*Public opinion in terms of the democratic process is that government is better in terms of the fact that they are more willing to listen to the public, and that they’re*

*seeking consultation with the public. Has anything changed? Actually, personally I don't think so. In fact in some ways I think it's worse. There's nothing constructive that all of these people who're purporting democracy, we've never had nothing. What happened to parliament? All we hear about [are] all the other trivial social problems without hearing anything constructive about how we're going to build this economy up. The parliamentarians spend more time talking about rugby. (Magnall, 2012).*

Politics in the House had grown a fertile bed of tension from which Feleti Sevele and Paul Karalus' application to the Supreme Court for a judicial review materialised. In this day-and-age, to petition the court to examine whether the parliamentary select committee report (2012) had violated constitutional procedure was likened to the old Parliament of Tonga almost twenty years ago (Adams, 2013). As Aloma Johansson intimated, this was not the way that the Tongan public expected a reformed parliament to be headed, which appeared to be backwards.

In 1996, Justice Nigel Hampton's verdict on Moala versus the Kingdom of Tonga presented the Supreme Court judgement on the Parliament of Tonga's trial and sentencing of 'Eakalafi Moala, Filokalafi 'Akau'ola, and 'Akilisi Pohiva to thirty days jail (Moala 2002; Supreme Court of Tonga, 1996). Judge Hampton overturned a state punishment handed to these men for gathering information on, and publishing about, the impeachment of a cabinet minister, Tevita Tupou. Ruling that the legislature had contravened civil freedoms constitutionally guaranteed all citizens, Hampton stressed the accused were not served a written notice stating the alleged crime, nor were they permitted to defend themselves by legal counsel.

Seventeen years had passed since Moala's case. What did this say about democracy's security in the Kingdom of Tonga? Colin Pigeon QC (Queens Counsel) of Auckland, New Zealand, acted as legal representation for Feleti Sevele and Paul



Karalus' joint claim that the parliamentary select committee (2012) had abandoned natural justice in the process of carrying out and submitting their report to the legislature. In the first instance, the grounds for court action were the committee forfeited the applicants' right to defend themselves against criminal accusation. Specifically, the accused had not been notified in writing of the crime they were alleged to have committed. From the outset, factors informing Justice Hampton's 1996 ruling on Tonga's precedent case of Moala versus the Kingdom of Tonga looked as if they were tailor made for applying to the Sevele and Karalus' Supreme Court case in 2013.

But how did the 2013 Legislative Assembly of Tonga backtrack nearly two decades to jaywalk headfirst into an unsafe political situation that the court had outlawed in 1996 as unconstitutional? Opposition leader, 'Akilisi Pohiva, revealed his party's relationship with the Tu'ivakano government made him "feel more comfortable" and "positive" in contrast to the Sevele government of the past (Magnall, 2012). The adage aptly describing this "comfortable" arrangement was *familiarity breeds contempt*. The leader of the opposition and the leader of government knew each other personally in the sense that they were familiar with one another's faults and weaknesses. As the saying goes, when one becomes extremely accustomed and experienced with the shortcomings of a person's thinking and behaviour, especially in political leadership, you can lose respect for them.

*We are feel more comfortable, more independent in the way we express ourselves. Not only that, but the response from the government is a little bit positive now; that was not the case before. (Magnall, 2012).*

### **Governance is culture**

One factor that shone like a light about Tonga's democracy troubles was such an obvious reflection it often became oddly overlooked: The Kingdom of Tonga was *not* a developed

country. Overseas Tongans in New Zealand, Australia, and America outnumbered the homeland population, feeding remittances to the islands as well as developed country expectations that a Western style democracy, modelled on their Pacific Rim countries of residence, would increase Tonga's wealth and the people's liberty.

Tonga's economic condition as a developing country did not alter, highlighting that the idealism of well-intentioned relatives living abroad was fractured from day-to-day reality. In this sense, because Tonga was *not* an industrialised country with an aggressive capitalist economy captured by the business sector, Western thought on governance and governmentality did not entirely rule over the Tongan state and society, despite how many parliamentarians and state bureaucrats acquired training from and qualifications at New Zealand, Australian, and American tertiary or military providers (Burchell, Gordon and Miller, 1991; Lemke 2000, 2001).

By governance and governmentality I am alluding to Michel Foucault's work (Foucault, 1977). As Thomas Lemke observed, it is Foucault's framing of "the problem of government" by "the technologies of power" and "the political rationality underpinning them" that I am interested in here (Lemke, 2000, p. 2). Put succinctly, Foucault distinguished governmentality as the "differentiation between power and domination," in the sense that the modern state is based on an interwoven system of "governing the self and governing others" (Lemke, 2000, p. 3).

For my essay's purpose, I am probing the modern Tongan state, namely parliament and government, in relation to governmentality. Tongan governmentality is taken to mean the reasoning and practices by which the "political structure and hierarchy" governs the state system in respect of its citizens, the people (Ministry of Information and Communications, 2013). If the hierarchy represents the political authority of the state, then how is power exercised to dominate human beings by turning them into subjects?

The Kingdom of Tonga retained a non-Western edge to doing parliamentary democracy. Political organisation represented the marriage of two 19th century social institutions, traditional hierarchy and Christian church. The Tongan state therefore conceived of a rationale validating its uniqueness compared to other Pacific Island countries. Modernity was crafted from the British mould of a constitutional monarchy affiliated to the Wesleyan church. The difference was that national identity represented a political system driven by cultural resilience, grown from being the last remaining South Seas Kingdom and the only Pacific Island state not to be formerly colonised by the British Empire.

Tongan state ideology in the South Pacific region accentuated that it stood apart from Fiji and Samoa's national histories, Pacific states which had been administered as colonies of Britain and New Zealand. Tonga was "free and proud of it" announced the late noble Ma'afu in 1975, the father of the current Lord Ma'afu of Vaini and Tokomololo (Morton, 2001, p. 47; Ma'afu. 1975; Marcus 1978). This line of reasoning from thirty eight years ago was significant for making sense of the 21st century political landscape.

Putting emphasis on "free and proud of it," the noble Ma'afu meant that Tonga's 1875 constitution engineered by King George Tupou I brought political emancipation and social change to the island Kingdom. In this context, constitutional civil freedoms guaranteed to citizens who were Tongan by blood and eligible to receive land under traditional tenure, was a 19th century construct practiced by today's law and society. To Ma'afu, freedom under the state was *not* the bone of contention in Tonga.

Ma'afu's reflections were evoked and echoed in April of 2013 when country "leaders from across the Commonwealth's small states attended a high-level conference on governance at Malborough House, London" (The Commonwealth, 2013). Commonwealth Secretary General, Kamlesh Sharma, mapped out what this inaugural meeting intended to achieve by "finding answers to the specific challenges these nations are facing in developing a public administration to meet the

expectations of their citizens, and the joint responsibility of the political and administrative leadership towards that end” (The Commonwealth, 2013). Tonga had an answer to teething troubles with democratising governance, a remedy firmly rooted in the noble Ma’afu’s 20th century rationality tied to a 19th century past.



***The late King George Tupou V at his 2008 coronation ceremony in Nuku'alofa, Kingdom of Tonga.***

Princess Siu'ilikutapu, a first cousin to King Tupou VI, addressed the Commonwealth gathering with a speech that exhibited a telling title: *Adapting traditional governance to contemporary political and policy challenges*. Her opening lines reinforced the logic that modern Tongan governance had not shifted from its 19th century inception.

*May I begin by noting that the time frame for most of Tonga's historical governance modernisation, wherein the traditional ideology, structure and operation of government to be modernised was actually in the nineteenth century and not in more contemporary times. (Ministry of Information and Communications, 2013).*

Siu'ilikutapu elaborated on Tongan thought shaping how “the political nation of Tonga” was conceptualised and put into practice. Essentially, the “kinship system” integrated into “the traditional political structure” produced a Tongan model of the nation-state in which “hierarchy” and patriarchy formed the scaffolding that defined and confined “the roles of the Government of Tonga” (Ministry of Information and Communications, 2013). Modern governance in the 21st century *still* functioned by the governmentality that “the political nation of Tonga” exemplified the nationalisation of a culture of kinship. In a nutshell, governance is culture. Culture is kinship. Kinship is political. And the political is male hierarchy (Marcus, 1978).

*When we turn to the traditional political structure, hierarchy, and the roles of the Government of Tonga, we find that they are none other than the same kinship structure and system. That is, the 'ulumotua, chiefs, nobles and the Hau forming the Government of Tonga, and their basic roles and authority, as well as their ideology of governance, were those of the kinship system. It is this unique combination of the kinship-political formula, structure and ideology, which has given Tonga her unique historical cohesion, stability and strengths. This is the political nation of Tonga. (Ministry of Information and Communications, 2013).*

Siu'ilikupatu's words and sentiments staked out governance territory in Tonga's political system, positioning her own kind, the traditional ruling class, at the forefront of leading government and the nation-state. The snag was inside the structure and organisation of the Tongan state where an inherent dilemma persisted across generations. A troubling predicament had become muted in parliamentary debate while surfacing in the everyday talk of Tongans living in the island homeland and the diasporic settlements of Pacific Rim states. Put simply, Tonga's struggle to consolidate political reform

pivoted on how far the country would drive towards replicating a Western liberal democracy in contrast to how much of the traditional leadership system governance and governmentality would retain (Burchell, Gordon and Miller, 1991; Lemke 2000, 2001).

Tonga's post-2010 democratisation had, perhaps inadvertently, firmed up conventional battle lines, instead of negotiating class differences by a conciliatory method in which "all men are equal" under the state seemed real and believable (Ministry of Information and Communications, 2013). Siu'ilikutapu and her kind, and 'Akilisi Pohiva and his democratic party, were talking past one other. As a leadership collective of different classes, they had not entered into dialogue that made two-way practical sense of how political reform advanced the country.

Tongan academic, Siosiu Lafitani, unpicked the systematic rift. Modifying Tonga's parliamentary arrangement was a "copy-cat work with no clear-cut amalgamation of the best from ours and overseas" (Lafitani, 2013). In context, upping the scoreboard by increasing parliamentary seats for the people's representatives to outnumber the nobles' representatives at 17 to 9 was a fundamental reform measure. Additionally, transferring some of the monarch's absolute powers to a prime minister elected by the House and an appointed cabinet presented a substantial modification. But combined, they set-off conflicting assumptions.

For Pohiva and the democratic party, this signalled the start of on-going changes in which the next step would be to fully replicate a Western model of democracy. Conversely for the establishment of traditional leaders – the monarchy, nobility, and conservative church hierarchy – the underpinning governance principles of a 19th century constitution were not to be tampered with (Ministry of Justice, 2013). Siosiu Lafitani warned that left unsettled, "the political situation is evolving to a point of disaster" (Lafitani, 2013).

*The democracy process in Tonga is like putting the cart before the horse because the new system was built on the basis of overseas ideas but not on the socio-political and cultural basis of Tongan society. It is a kind of copy-cat work with no clear-cut amalgamation of the best from ours and overseas. The political situation is evolving to a point of disaster; it is getting worse, unless it is overhauled and adjusted to bring the horse in front of the cart. (Lafitani, 2013).*

### **Limits of power**

An unpredictable social climate opened up, one that was susceptible to the mind-set and temperament of changeability, volatility, and king-size male ego. What I am pointing at to begin with is the question of how the nobility was included in the legislative assembly, and the limits that had been proposed around their election by the opposition leaders.

‘Akilisi Pohiva and Sitiveni Halapua, the leader and deputy of the Democratic Party of the Friendly Islands were hard-nosed about modifying Tonga’s electoral system to diminish the nobility’s collective voting power. Seeing the landed gentry in the House as the country’s balance of power, they wanted registered voters to elect both the seventeen people’s representatives and the nine nobles’ representatives, and by doing so, abolish the nobles’ election (Magnall, 2012). Traditionally the landed gentry of thirty three titled men with estates held their own in-house election.

Airing his views to Radio New Zealand, Pohiva averred that “the people of Tonga before the election” expected the prime minister’s role to “be taken over by the people” (Magnall, 2012). His political rhetoric was by no means an accurate representation of “the people of Tonga” (Magnall, 2012). Really, he was signalling to voters that supported his democratic party in the 2010 general election, whom clearly were *not* the country’s majority vote. Pohiva’s deep-seated disgruntlement was how the parliamentary system could be readjusted to prohibit the people’s representatives who were

not members of his political party from electing a nobles' representative from the legislature as the Prime Minister of Tonga. Was such a proscription democratic by nature? The short answer is no.

*The expectation of the people of Tonga before the election was that leadership will be taken over by the people because His Majesty already surrendered his constitutional power to cabinet. However, after the election we had five independent people's representatives out of seventeen and they crossed the floor and support the minority group of the nine nobles, and that they had the number. (Magnall, 2012).*

Pohiva and Halapua's media strategy to Radio New Zealand and Radio Australia made out that this issue was a sore point of social inequality in Tonga's suffrage. They drew in support from developed country observers. Consequently, outside sympathisers were shaped to believe that Tonga's democracy was partial, incomplete, unfinished business, which would inevitably result in putting an end to the nobles' election.

Sitiveni Halapua followed the leader in his Radio New Zealand interview, repeating the "number games" argument (Magnall, 2012). Taking the same stance as 'Akilisi Pohiva, Halapua's complaint was how to obstruct people's representatives from aligning with the landed gentry to elect a noble prime minister.

*I cannot see any possibility of developing and building our economy with that type of system. It's all about personal interest and it's all about number games. The national interest, what is good for the country as a whole, is completely squash [sic] and disappear; it's a non-issue. (Magnall, 2012).*

Milking the sympathy vein of foreign media and the governments of New Zealand and Australia, Pohiva and



Halapua urged that a Western ideal had to be inserted into Tonga's constitution; that was, the right of citizens to elect all members of parliament including the nobility. Blatantly the opposition leaders hid historical context, giving the impression that importing a one-size-fits-all democracy from New Zealand and Australia would fit Tonga faultlessly. This was not true. The constitutional changes put forward were self-serving, mismatched to Tongan political organisation, and deeply flawed.

The danger hinged on equitable representation of social and class interests inside the Tongan parliament. If the nobles' in-house election was no longer independent, there loomed a risk that the democratic party, the only political party in the legislative assembly, might politically sway the popular election of the landed gentry to vote in representatives whom the party could puppet. Was such a proposition democratic by nature? Again, the short answer is no.

Tongan media publisher, Pesi Fonua, commented to Radio New Zealand on what he perceived to be the hiccup in the House. Underlying principles, morals, and values which prompted politicians to make decisions in the legislature were hazy. And when decisions get passed by parliamentary vote on vague grounds that the general public cannot make certain sense of, it is difficult, somewhat doubtful, to see "a democratic system" at work (Magnall, 2012).

*If you look at the House now, it's just a group of individuals. When it comes to the vote, I don't know what make [sic] them decide to vote for this and vote for that, you know. So the politics hasn't really developed in the line how you think how politics in a democratic system works. (Magnall, 2012).*

Three years into political reform, a repetitious cycle had snared the newly democratised Tongan state in a structural constraint. By this, a long-standing class struggle between the people, the commoners, versus the nobility and the monarchy, kept replaying. The democratic party's pitch to

abolish the nobles' election as well as other alternatives to revising the electoral system were not rigorously debated in parliament, but erased from official state matters. If anything, repressing political discord fuelled scepticism about the genuineness of the ruling class towards citizens having greater participation in state decision-making processes, instead of easing public anxiety about democracy's problems with settling in.

### ***Free and poor***

"The nobles hold together the strands of the traditions and culture that we value in this country," said the late noble Ma'afu (Morton, 2001, p. 47). It was a declaration of national identity that few Tongans, if any, would publicly contest, especially in a head-to-head disagreement with a high-ranking noble, parliamentarian, and senior statesman as Ma'afu was in his time. What lay beneath his testimony of one's people and country was a sharp jab at dissent politics, the brand of opposition politicking which the democratic party had exacerbated, and become renowned for, in Tonga's present-day reform.

Ma'afu noted that sustainable culture entails "continuing obligations" to the traditional hierarchy, which despite being "called a burden," is the social glue that "holds Tongan culture together" (Morton, 2001, p. 47). His feelings were uncomplicated; you either want the culture to hold together as the relationship "essence" between "the King, the nobility and the people," or you do not (Morton, 2001, p. 47).

*We are still free and proud of it." The nobles, he argued, "hold together the strands of the traditions and culture that we value in this country." Despite these changes in Tonga, "the communion between the King, the nobility and the people, that is the essence of our tradition and culture, continued and thus maintained our traditions and culture." Finally, he referred to the people's continuing obligations to the nobles: "Yet the*

*task that is called a burden is the very effort that holds Tongan culture together.” (Morton, 2001, p. 47).*

In spite of Tonga’s push for reform, the declaration of culture could not be outflanked. Politicians in the Kingdom of Tonga were not about to calculatingly destroy, degrade, and decimate national culture and identity. Some politicians wanted an amended version that avoided exhausting the limited financial resources of poor Tongan families for gift-giving ceremonies. And the democratic party desired to be the government. But to extinguish Tongan culture was off the parliamentary agenda. Presented here was the small island dilemma of being ill-fitted for putting on a cut-and-paste model of other people’s democracy.

By this, “the political nation of Tonga” that Siu’ilikutapu spoke of created a system of power centring culture as the unifying principle. Culture bound Tongans together through kinship, relationship, and obligation to each other, to the country, and to the Kingdom. Amputating culture from the political arrangement was non-negotiable, which made it almost incomprehensible to even suggest exterminating the monarchy and nobility from political leadership roles, duties, responsibilities.

Outside the parliament setting, church and community leaders observed that the political obligations of people’s representatives *should* have been met by social justice advocacy for the poor, the dispossessed, the vulnerable. Instead, community development work had been neglected for two years rolling into three, while the opposition wrangled with the government for power.

The Reverend Dr Finau ‘Ahiu, President of the Free Wesleyan Church in Tonga, candidly commented that the “people are struggling. Our economy has reached an all-time low” (Magnall, 2012). His attention focused on “our school leavers” who are “just doing nothing” because there are no jobs, and little hope of finding post-secondary employment in Tonga.

*People are struggling. Our economy has reached an all-time low. Most of our school leavers, twenty per cent they can have a job and also they are given scholarships to go overseas, but the eighty per cent, they just go back to their homes and their villages, just doing nothing. (Magnall, 2012).*

Vanessa Lolohea, executive director of the Tonga National Youth Congress, the country's non-government organisation with the largest membership, added insight to Reverend 'Ahio's activism on youth unemployment. She admitted that parliament and government had not engaged in "any discussion on unemployment at all," particularly for "young people" (Magnall, 2012). The majority of Tonga's national population at 104,509 people were under 35 years of age, the median being 21 years old. Migration was the coveted pathway for getting a job and having life choices outside the margins of unemployment and poverty. Lolohea's thoughts pointed at the state, the parliamentarians expressly, who did not appear overly worried that a young nation of Tongans without jobs sparks serious consequences for sustaining an economy, a country, a people.

*There hasn't been any discussion on unemployment at all. The focus of young people [that] don't have a job is to go overseas, since if you stay here you will look around, make do with the government job or you try to make your own job and that will be in agriculture and fisheries. But since there isn't any market available or any commodity that's being export or have been for a couple of years, it's not solution for them at all, it's accept [sic] to just go away. (Magnall, 2012).*

### **Succession**

If I had to identify one critical area of Tonga's social landscape that concerns me, then it is succession of political leadership. Who are the younger generation leaders that possess the

capability and confidence to infiltrate parliament and hold their own in a House dominated by older men, some who have spent a lifetime in the public service becoming comfy and smug with their lot? Who are the younger generation leaders that represent vulnerable groups – women and children, rural villages and outer islands, poor people, people without land or assets, people without titles or tertiary education, people *not* born into privilege or material means – who are these people?

And if the younger generation leaders are nameless, faceless, and voiceless, imagined only as a state demographic labelled young people, young unemployed people, young people who want to escape Tonga for overseas, then what have the generations before done to sentence them to marginalised lives, impoverished livelihoods, limited life choices? Or more fittingly, what have the generations before *not* done, *not* attended to, *not* paid attention to?

On a final note, the democratic party in Tonga's legislative assembly destabilised political reform *not* singly by forgoing due process when submitting the parliamentary select committee report on the Nuku'alofa reconstruction accusing individuals of breaching law. Pushing a vote of no confidence in the prime minister and losing was *not* the sole political action undermining the democratisation of state and society. Oddly enough, it was the party's disinclination to be the opposition in the House, to stay focussed on social justice advocacy called for by communities, and to debate on-point economic development strategies assisting vulnerable groups such as young people, which brought down their performance. Those who stood to lose the most by a weak opposition were younger generation leaders wanting political role models to look up to.

*We are Oceania  
connected through our bloodlines  
with a high percentage of alcohol, diabetes and high blood  
pressure generation*

**Vaimoana Niumeitolu**

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### **Tongan glossary**

- Fie' poto                      Know-it-all person/s; *wanna be* expert with no knowledge of the subject.