

## Tonga

### Background

- 3.1 The Tongan archipelago is located in the South Pacific. It has a land area of 748 square kilometres, which comprises 176 islands, of which 36 are inhabited. Its administrative divisions are spread across three island groups – Tongatapu, Ha’apai and Vav’u. The capital, Nuku’alofa, is located on the island of Tongatapu. The country has a predominately Polynesian Christian population and a small European community. Census figures for 2011 estimated Tonga’s population to be 103 036.<sup>1</sup>
- 3.2 Tonga has a small open economy which is vulnerable to external developments. The International Monetary Fund estimated that in 2011 Tonga’s Gross Domestic Product would reach US\$378 million. This represents a modest economic growth of 1.4 per cent from the previous financial year.<sup>2</sup>
- 3.3 Tonga imports a high proportion of its goods. During 2010-2011 Tonga imported AUD\$8 518 000 worth of goods from Australia, while Australia imported AUD\$416 000 worth of goods from Tonga (primarily vegetables,

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1 Department of Foreign Affairs and Trade, *Tonga: Fact sheet*, <<http://www.dfat.gov.au/geo/tonga/index.html>>, viewed 26 March 2012.

2 Department of Foreign Affairs and Trade, *Tonga: Fact sheet*, <<http://www.dfat.gov.au/geo/tonga/index.html>>, viewed 26 March 2012.

fruit and nuts). The country has a narrow export base in agriculture and 70 per cent of the population derive part of their livelihood from farming.<sup>3</sup>

- 3.4 The Tongan economy is primarily supported by foreign monies. According to the Department of Foreign Affairs and Trade (DFAT), the Tongan economy relies heavily on foreign aid and remittances from Tongans working overseas. The foreign development assistance is comprised of loans, grants and direct aid. Remittances come primarily from Tongans working in the United States, New Zealand and Australia. Another source of economic growth for Tonga is construction and infrastructure projects funded by donor grants and soft loans.
- 3.5 The Australian Agency for International Development (AusAID) identifies Tonga's key development challenges as increasing levels of debt, declining quality of education, rising levels of non-communicable disease such as diabetes and heart disease, and limited employment opportunities.<sup>4</sup> In addition to ongoing issues and the global financial crisis, Tonga has also had to respond to the challenges of the 2009 tsunami and the sinking of the *MV Princess Ashika*.
- 3.6 Tonga is a constitutional monarchy. In 2006 His Majesty King George Tupou V was crowned. Regrettably, since the delegation's visit, His Majesty passed away in March 2012. An official period of mourning was declared from 19 March to 19 June 2012. King George Tupou V has been succeeded by his brother, King Tupou VI. While King George Tupou V's reign was relatively short, his significant legacy was to cede key governing powers from the monarchy and allow for the country's first democratic election in November 2010. A first past the post voting system was introduced for the election.
- 3.7 In 2009-2010 many governing powers were devolved from the Monarchy to the Cabinet. The effect was that the Tongan Government then had responsibility for the day to day running of the country.
- 3.8 Tonga's unicameral legislature is called the Fale Alea. The governing structure comprises the Executive (Cabinet), Legislature and Judiciary. The Legislative Assembly has 17 People's Representatives and nine Noble Representatives. The People's Representatives are elected by Tongans aged 21 or over, and the Noble Representatives are elected by the 33 Tongans that hold noble titles. The term is for three years, but the
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3 Department of Foreign Affairs and Trade, *Tonga: Fact sheet*, <<http://www.dfat.gov.au/geo/tonga/index.html>>, viewed 26 March 2012.

4 AusAID website, <<http://www.ausaid.gov.au/countries/pacific/tonga/Pages/tonga-challenges.aspx>>, viewed 19 April 2012.

Legislative Assembly can be dissolved before the end of the term. The Government is also able to bring in outside people to serve in Cabinet.

- 3.9 The Tongan Parliament generally sits from June to December, four days a week.

## Australia and Tonga

- 3.10 There is an Australia-Tonga Partnership for Development, in which both countries agree to work together to meet common challenges and to raise the standard of living and quality of life for the people of Tonga. The four priority areas for development in Tonga are: improving the efficiency and effectiveness of the Tongan public sector; improving health outcomes; improving the skill level of the Tongan workforce; and improving the country's infrastructure. The partnership document also indicated that a focus would be on continuing Tonga's progress on many of the Millennium Development Goals.<sup>5</sup>
- 3.11 Australia and Tonga also cooperate on defence issues in the region. Tonga has sent a number of workers to Australia under the Pacific Seasonal Worker Pilot Scheme.
- 3.12 Australia is Tonga's largest bilateral donor. In 2011-2012, it is estimated that Tonga will receive AUD\$32.1 million in Overseas Development Assistance, which will include AUD\$19 million from the AusAID country program.<sup>6</sup>
- 3.13 Tonga has received a number of high level visitors from Australia in recent years, including the Governor-General, Her Excellency Ms Quentin Bryce AC CVO, and the President of the Senate, Senator John Hogg. There are also many people to people connections, with a number of Tongans working in Australia and many Australian's claiming Tongan ancestry.<sup>7</sup>
- 3.14 While Australia and Tonga are linked in a number of ways, as members of the Australian parliamentary Joint Standing Committee on Electoral

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5 The Australia-Tonga Partnership for Development, August 2009, is available on the AusAID website at: <<http://www.ausaid.gov.au/countries/pacific/partnership/Pages/tonga.aspx>>

6 AusAID website, <<http://www.ausaid.gov.au/countries/pacific/tonga/Pages/tonga-challenges.aspx>>, viewed 19 April 2012.

7 DFAT website, <[http://www.dfat.gov.au/geo/tonga/tonga\\_brief.html](http://www.dfat.gov.au/geo/tonga/tonga_brief.html)>, viewed 16 April 2012.

Matters, the delegation's main focus was on gaining an appreciation of Tonga's experience as a new democracy in the Asia Pacific region.

- 3.15 In the Australia-Tonga Partnership for Development, both countries acknowledged 'the important political reform process being undertaken by the Government of Tonga and Australian Government support for the process'.<sup>8</sup> Australia has provided technical and funding support to Tonga in relation to constitutional and electoral reform, and law and justice initiatives.

Figure 3.1 Delegation with the Speaker and members of the Tongan Legislative Assembly



## Constitutional and electoral reform

- 3.16 In 2010 significant changes were made to the *Constitution of Tonga 1875*. The process of constitutional and electoral reform in Tonga includes the following key changes:

- the transfer of Executive power from the King to the Government of the day;
- a parliament with the majority of its members elected by universal suffrage;

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<sup>8</sup> *Partnership for Development between the Government of Australia and the Government of Tonga*, August 2009, p. 1.

- a prime minister elected by a majority of the elected members of parliament;
  - a cabinet nominated by the prime minister and comprised largely of elected members of parliament; and
  - a strong and independent judiciary free of political influence.<sup>9</sup>
- 3.17 Significantly, the number of directly elected People's Representatives in the Legislative Assembly was increased from nine to 17. The total number of Legislative Assembly members was also reduced to 26 from the previous 32. The majority of the Tongan Parliament are now directly elected.
- 3.18 The number of parliamentary standing committees has increased, with Ministers serving on these committees. Previously there were only two committees (finance and law) now there are five standing committees.
- 3.19 A number of factors contributed to Tonga's move to democracy. Pro-democracy supporters have been campaigning for reform for over 30 years. Following pro-democracy demonstrations and the public sector strike in 2005, the Tongan Government commissioned the National Committee on Political Reform (NCPR) to engage with Tongans at home and abroad on the political changes needed in Tonga. AusAID provided AUD\$250 000 to assist the NCPR to consult with the Tongan diaspora.
- 3.20 In November 2006 riots occurred in the Tongan capital Nuku'alofa, as a reaction to what was perceived by some as the slow pace of democratic change. The riots resulted in a number of deaths and destroyed much of the central business district in Nuku'alofa, leading to the Government declaring a state of emergency. Australia and New Zealand, at the request of the Tongan Government, undertook a joint deployment of 150 defence and political personnel, to respond to the civil unrest and contribute to the restoration of law and order, and business recovery and reconstruction.<sup>10</sup>
- 3.21 Reform then progressed steadily over the next few years. In 2007 a committee comprising the Cabinet, Nobles and People's Representatives put forward a report to the Legislative assembly. The *Constitutional and Electoral Commission Act 2008* established the Constitutional and Electoral Reform Commission (CEC). The CEC was tasked with reporting to the Privy Council and the Legislative Assembly on constitutional and electoral reform. It commenced work in January 2009 and presented its final report

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9 Lord Tu'ivakano, Prime Minister of Tonga, *Prime Minister's Statement at the General Debate of the 66<sup>th</sup> Session of the United Nations General Assembly*, 24 September 2011.

10 Department of Foreign Affairs and Trade, *Annual Report 2006-2007*, October 2007, p. 87.

in November 2009. The CEC members were appointed on the recommendation of Cabinet, the Nobles, the People's Representatives and the Judicial Services Commission.

- 3.22 The CEC made 82 recommendations, around two-thirds of which were accepted by the Legislative Assembly. Accepted recommendations relevant to elections included that:
- An independent Electoral Commission be established (recommendation 65);
  - The Electoral Commission regulate and control all matters of election and candidate expenditure within or outside the election period and require the presentation of accounts within two weeks of the declaration of the result of the election from all candidates whether successful or not (recommendation 68);
  - Immediate steps be taken on an up-to-date and accurate register of electors (recommendation 71); and
  - Tongans living overseas shall continue to be entitled to register and can vote if they are present in Tonga on polling day (recommendation 79).<sup>11</sup>
- 3.23 The *Electoral Amendment Act 2010* and the Electoral Regulations 2010 subsequently gave effect to the changes supported by the Tongan Parliament.
- 3.24 King George Tupou V played a significant role in the democratic reforms in Tonga. When taking the throne in 2006, he expressed his support for political reform in Tonga. In 2008, it was noted in a Tongan Government media release that:

King George had felt for a long time that Tonga's political system was not evolving quickly enough and that it should keep pace with the diversifying of the economy. He gave his support to an electoral and parliamentary reform process based on extensive public consultations and a search for consensus among legislators.<sup>12</sup>

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11 Constitutional and Electoral Commission, *Final Report*, 5 November 2009, Kingdom of Tonga, pp. 118-119.

12 Government of Tonga, *His Majesty King George Tupou V: A Monarch for a Time of Change*, 28 July 2008, < <http://www.pmo.gov.to/election/political-reform/244-his-majesty-king-george-tupou-v-a-monarch-for-a-time-of-change>>

- 3.25 One of the former King's significant legacies will be as an 'architect of the evolving democracy in Tonga'.<sup>13</sup> The delegation is optimistic that his successor, King Tupou VI, will demonstrate a similar belief in, and commitment to, democracy in Tonga.

## Tonga's Electoral Commission

- 3.26 An independent Electoral Commission was established in May 2010 under the *Electoral Commission Act 2010*. It is the first electoral commission to be established in Tonga. It is responsible for overseeing all electoral related matters in the country and ensuring that electoral activities are implemented in a free and fair environment. Prior to 2010 electoral matters had been managed by the Prime Minister's Office.
- 3.27 The Electoral Commission Board is comprised of a Chairman appointed by the King for a five-year term, the Supervisor of Elections, and the Auditor-General. The Chairman, Mr Barrie Sweetman, was appointed by King George Tupou V in July 2010.
- 3.28 Section 10 of the Electoral Commission Act provides that the Tongan Electoral Commission will:
- (a) undertake the long term planning for the proper conduct of elections and the establishment and maintenance of proper records and rolls;
  - (b) consider the need for regulations and other rules for the proper and efficient conduct of elections and related activities;
  - (c) as authorised by law, make and amend regulations and keep them under review;
  - (d) make recommendations for changes to the law concerning elections;
  - (e) under the powers granted to it in the Electoral Act, determine appeals, challenges and any other disputes;
  - (f) recommend prosecution for election offences;
  - (g) devise, undertake and review programmes of education for voters, candidates and others involved in elections;

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13 ABC News, *Tonga's colourful king dead at 63*, 20 March 2012, <<http://www.abc.net.au/news/2012-03-19/king-of-tonga-dead/3897426>>, viewed 26 March 2012.

- (h) compile and make reports on elections and related matters, and recommend changes to the law and procedures to improve the electoral system;
- (i) publish for general information such data and reports on elections as the Commission thinks fit;
- (j) within 3 months after any general election, report to the Cabinet on any changes that it recommends should be implemented before the next general election;
- (k) for the purpose of promoting fairness and equal opportunities for all candidates and to prevent abuses, to regulate the use of radio, television, newspaper, internet and other political notices, reports, appeals and advertising during the election period;
- (l) regulate and monitor electoral expenditure by candidates in accordance with section 24 of the Electoral Act; and
- (m) perform any of the functions that are specified for it in the Electoral Act or any other Act.

3.29 During its visit, the delegation met with the Chairman, Mr Barrie Sweetman, and Mr Pita Vuki, who serves as the Supervisor of Elections and Electoral Commissioner. Mr Vuki oversees the day to day operations of the office, with a core staff comprising an Assistant Supervisor of Electors, a Senior Returning Officer, a computer operator, a driver and a security officer. Many of these staff members formerly worked for the elections section of the Prime Minister's Office.

3.30 As the Auditor-General, Mr Pohiva Tu'i'onetoa, ran as a candidate in the 2010 General Election, it was agreed that it was not appropriate for him to participate in electoral commission business.

3.31 The Electoral Commission describes its long term objectives as:

- to maintain a free and fair electoral process;
- to maintain an updated and accurate electoral roll;
- to have an informed community;
- to encourage and promote public participation in national elections; and
- to provide relevant assistance and support on electoral matters.



## Electoral boundaries

- 3.32 In 2009 an Electoral Boundaries Commission was appointed to develop options for Tonga's electoral boundaries. It provided the Legislative Assembly with three options for consideration, with the second as the preferred option.
- 3.33 The Prime Minister indicated that Cabinet intended to present another option incorporating the best features of the three options presented by the Electoral Boundaries Commission. However, the Legislative Assembly voted in favour of the second option.
- 3.34 New electoral boundaries applied for the 2010 General Election. There are 17 electoral districts in Tonga: Tongatapu 1 to 10; Eua 11; Ha'apai, 12 and 13; Vavu'u 14 to 16, and Ongo Niua 17.
- 3.35 During the visit, delegates met with the Chief Government Statistician, Mr 'Ata'ata Finau. The 2010 election boundaries were based on 2006 census data. A census was scheduled for November 2011, and the Electoral Boundaries Commission has recommended a census be undertaken every five years.
- 3.36 The distribution of the Tongan population across a number of islands, poses geographical challenges when determining electoral boundaries. The majority of the population reside in the main island of Tongatapu. The Chief Statistician noted that only four of the constituencies have an even distribution of electors.
- 3.37 The 2010 election boundaries represented a measured transition into the new arrangements. It is proposed that the Electoral Boundaries Commission will review the boundaries prior to the 2014 election. This will include community consultation on any proposed changes.

## 2010 General Election

- 3.38 His Majesty King George Tupou V issued the Writs of Election on 30 September 2010. The General Election on 25 November 2010 was the culmination of commitments to political reform in Tonga. The election was covered by local and international media.
- 3.39 During 2010 the Australian Electoral Commission (AEC) assisted Tonga in the lead up to, and the conduct of, the Legislative Assembly elections on 25 November 2010. This assistance was provided at the request of the Tongan Government, which illustrates the experience and reputation that

Australia is building in the region for its governance and electoral assistance.

- 3.40 The election was historic because it was the first time the people of Tonga were able to elect more representatives to the Legislative Assembly than are appointed by the King. Previously there were only nine elected members in a 32 member Parliament.
- 3.41 As many of the significant electoral changes came into effect in May 2010, the Electoral Commission only had a few months for election preparations.
- 3.42 A by-election was held in September 2011 for the Tongatapu 9 constituency, following the death Mr Kaveinga Fa'anunu. Mr Falisi Tupou MP was the successful candidate.

### **Voter registration**

- 3.43 Voter registration is mandatory in Tonga, but voting is voluntary. There were 42 409 registered electors for the 2010 General Election, with over 90 per cent voter turnout.
- 3.44 A new system of voter registration was designed for the election. The Electoral Commission undertook voter education programs using television, radio and print media to ensure that the Tongan people understood the arrangements.
- 3.45 In May 2010 teams of people visited each constituency to undertake voter registration. The process involved an elector completing a registration form and being photographed to produce the national identification card.
- 3.46 The National Identity Card was introduced in Tonga in 2010. Electoral Regulations require registered voters to produce these identity cards – or another form of identification satisfactory to the Returning Officer – at polling stations. This photographic identity card displays the cardholder's personal identity number, name, date of birth, gender, nationality, signature, residential address and, if applicable, drivers licence number. It is intended that in addition to being used for election purposes, the cards will be issued to Tongan residents 14 years and older to be used as an identification alternative to passports and drivers licences.
- 3.47 Prior to, and following the election, Tongan residents registered for this card at the Tongan Electoral Commission. The Electoral Commission will continue to work closely with the office responsible for the National Identity Cards to help ensure data sharing and the maintenance of the electoral roll.

- 3.48 In their review of the election, Australian and New Zealand observers commented that 'the voter identifications cards provided integrity and simplicity to the process'.<sup>14</sup>
- 3.49 The provisional rolls were distributed for further review in July 2010 and were open to objections until 10 August. There were objections made in relation to 11 registered voters on residency grounds. These objections were disallowed following investigations by the Electoral Commission. Voter registration continued until the end of August and the final roll was published on 9 September 2010.

### Candidates and campaigning

- 3.50 There were 144 candidates, including 11 women, who contested the 17 seats for People's Representatives in the Legislative Assembly of Tonga.
- 3.51 The nomination of candidates took place on 21 and 22 November 2010. The Electoral Commission prepared and distributed a Candidates Information Handbook and undertook information sessions for potential candidates, which outlined the changes to the nomination process.
- 3.52 New campaigning restrictions for this election included requiring appropriate authorisation of printed electoral advertisements and no campaigning in the 24 hours prior to the start of the poll. There was also a candidate election spending limit of TOP\$10 000 (approximately AUD\$6 000).

### Polling

- 3.53 The polling on Saturday, 25 November 2010 comprised two parts: the election of the Nobles Representatives (nine positions) and the election of the People's Representatives (17 constituencies). A sample ballot paper is attached at Appendix C.
- 3.54 More than 500 people were recruited to serve as polling staff. Many of the staff were civil servants and were assisted by military personnel to check identity cards at the polling stations.
- 3.55 The results were announced that evening. One of the candidates called for a recount for the constituency of Tongatapu 6. It took place on 29 November, resulting in minor changes to the figures, but no change to the final result.

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14 Office of the Electoral Commission (Tonga), *Report of the Electoral Commission on the conduct of the General Election 2010*, February 2011, Annex III – Joint Statement, p. 1.

## Review of 2010 General Election

3.56 The Tongan Electoral Commission produced a report on the conduct of the 2010 General Election, which is required under section 14 of Tonga's Electoral Commission Act.

3.57 The Commission concluded that 'the first election under the new electoral system was fairly conducted in accordance with the Laws of Tonga, although there are some areas of concern that need to be improved'.<sup>15</sup> The Chairman remarked:

Two facts highlighted in the Report clearly indicate that this was an election of momentous importance to the people of Tonga – a turn out on Election Day of 91% of registered voters and an invalid vote count of only 0.17% of all votes cast, figures which few countries have achieved.<sup>16</sup>

3.58 The Electoral Commission's report also went on to make a number of recommendations:

- There should be clearer governance arrangements defining the relationships between the Electoral Commission and Government including appointment of the Commission's staff.
- That the Electoral Commission continues to work out a Strategic Plan to cover the next four years including the next major electoral event which will allow the Commission to identify the goals and targets it wishes to achieve.
- That a Commission website be created to provide more electoral information to the people of Tonga both locally and abroad.
- That appropriate provisions under the Electoral Act be reviewed to avoid further donations of any kind within the three months period before the election.
- That a provision be added to the Electoral Act to allow for the suspension of polling and resumption at another time or day in the event of bad weather conditions or civil unrest which makes the poll or the continuance of polling dangerous or impossible for electors and that power to suspend polling shall rest with the Commission.

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15 Office of the Electoral Commission (Tonga), *Report of the Electoral Commission on the conduct of the General Election 2010*, February 2011, p. 21.

16 Office of the Electoral Commission (Tonga), *Report of the Electoral Commission on the conduct of the General Election 2010*, February 2011, p. 1.

- That an additional form be inserted in a Schedule to the Act showing the format of the Writs and the information required for the advice of the outcome in the form of a Return on the Writs.<sup>17</sup>
- 3.59 The Tongan Government invited representatives from Australia and New Zealand to observe the 2010 General Election. The fourteen observers – nine Australians and five New Zealanders – included current and former members of Parliament, senior DFAT officials, a senior electoral commission official, and other senior government officials. They observed polling on the islands of Tongatapu, Ha’apai, Vava’u and Eua, visiting 70 polling stations in 16 of the 17 constituencies.
- 3.60 The election observers concluded that ‘the polling process was extremely well conducted and completely transparent’, with a peaceful environment prevailing on polling day. They were impressed by the ‘meticulous preparations for and conduct of these elections’. Their observations on the process included that:
- People could vote in an open and neutral political environment where contending views could be safely expressed in the election campaign;
  - The counting process went smoothly and was conducted in an efficient, accurate and transparent manner;
  - The Electoral Commission had successfully engaged civil society, churches and the media as part of their education programs, which led to a high level of voter awareness on the day;
  - Feedback suggested that the new electoral roll was a significant improvement; and
  - Procedures were in place for any complaints about the election process to be lodged and dealt with in an even-handed and transparent way.<sup>18</sup>
- 3.61 Much of its education work was done via television, radio and newspapers. The Electoral Commission anticipates creating its own website to provide relevant information for Tongans and interested persons.
- 3.62 The Electoral Commission told the delegation that it may need to seek technological assistance in developing IT systems for administrative and election purposes.
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17 Office of the Electoral Commission (Tonga), *Report of the Electoral Commission on the conduct of the General Election 2010*, February 2011, pp. 20-21.

18 Office of the Electoral Commission (Tonga), *Report of the Electoral Commission on the conduct of the General Election 2010*, February 2011, Annex III – Joint Statement, pp. 1-2.

## Parties and forming government

- 3.63 There is no strong political party identification in Tonga. The Electoral Commission advised the delegation that there was not yet provision in Tongan law for registered political parties. However, political party affiliations were evident at the 2010 General Election. Parties included the Democratic Party of the Friendly Islands, People's Democratic Party, Sustainable Nation-Building Party, and the Tongan Democratic Labor Party.
- 3.64 In the absence of a formal party structure, the Democratic Party of the Friendly Islands had a Memorandum of Understanding amongst its members, which they used as a shared campaign platform. Many of these candidates were successful, which they attribute to having that shared party connection. In discussions during the visit, delegates heard that some Tongans thought that the country was not ready for a party system. While others felt political parties would be good for Tonga and were a natural aspect of all democratic governments.
- 3.65 While 12 of the 17 People's Representatives elected in 2010 were part of the Democratic Party of the Friendly Islands, the other five People's Representatives joined with the nine Nobles to form government. The Prime Minister, Lord Tu'ivakano, is a noble.
- 3.66 The Tongan Constitution provides that no-confidence votes cannot occur within the first 18 months of the new government.

## General observations

- 3.67 Since the delegation's visit, the Australian Parliament has provided assistance to the Tongan Parliament in developing the Tongan community outreach program. As part of the Pacific Parliamentary Partnerships program, a member of the International and Community Relations Office team travelled to Tonga to assist the Parliament to develop stronger links with the Tongan people.
- 3.68 The delegation greatly appreciated the time and effort of the many individuals and organisations in Tonga who met with the delegation during its visit. Of particular value were people's personal experiences of the progress towards democracy in Tonga, and their aspirations for Tonga's future.

3.69 From its discussions, the delegation appreciates that Tonga is a young democracy and still has many challenges ahead. Stakeholders are seeking further changes in a number of areas, including:

- a transition to a fully elected Legislative Assembly, without special provisions made for Nobles;
- resolving land tenure issues;
- improved budgeting;
- public service reform with greater consultation with relevant groups;
- increasing media freedoms and non-partisan reporting;
- increasing female participation in decision-making and representation in Parliament; and
- increasing export capacity and reducing dependence on remittances.

3.70 It is important to continue to foster the people to people, parliament to parliament, and more structured aid and technical assistance links between Tonga and Australia. The constitutional and electoral reforms and first democratic election in November 2010 have been important steps for Tonga. During this process Australia and Tonga's relationship has strengthened. It important that Australia remains a key partner with Tonga in its democratic transition.

The Hon Alan Griffin MP  
Delegation Leader  
23 May 2012