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*Governance in the Pacific:  
the dismissal of Tuvalu's Governor-General*

*Tauaasa Taafaki*

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## **South Pacific**

*Governance in the Pacific:  
the dismissal of Tuvalu's Governor-General*

*Tauaasa Taafaki*

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..	Not available
-	Zero
.	Insignificant

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## Abstract

Tuvalu's Governor-General is appointed by the British monarch on the advice of Tuvalu's Prime Minister. In 1993, Tomu Sione, a long standing Member of Parliament for the island of Niutao, was recommended to the Queen, and sworn in as Governor General a few days after the second general election in that year, which eventually led to a change in government. The new government was critical that an appointment had been made during the period of political uncertainty between elections, and dismissed the Governor-General their predecessors had just appointed. The dismissal led to deep disaffection in the former Governor-General's home island, and has led to consideration of a republican form of government, and other ways of reducing the wide discretion given to the Prime Minister in the appointment of the Head of State in Tuvalu.

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## Governance in the Pacific: leadership and political change

Just as some members of the British monarchy have increasingly attracted the attention of the world's media because of family disasters, one of the institutions of the Queen's representative,<sup>1</sup> that of the Governor-General in Tuvalu,<sup>2</sup> underwent a period of calamity between 1993 and 1994. But while this was a major crisis as far as Tuvalu was concerned, it did not attract the attention of the news media around the world like the British royal family feud. The exception was a small article which nonchalantly appeared on page four of the *Fiji Times* of Monday, 20 June 1994, entitled 'Tuvalu sacks its Governor-General'.

On Saturday 28 November 1993, the country's third Governor-General, Sir Toaripi Lauti,<sup>3</sup> ceased public office, handing down the reins to his successor, Tomu Sione, on the following Monday. Sir Lauti had not quite served his four-year term but he had reached the compulsory retirement age of 65 years.<sup>4</sup> There were allegations of political interference by the Paeniu government in the appointment of Tomu Sione, Sir Lauti's successor.

This paper analyses the problems which led to an event unprecedented in the history of Tuvaluan politics: the dismissal of the Governor-General in June 1994. It traces the historical background which culminated in the decision to remove the Governor General, and inquires into the appropriateness of such an institution in present-day Tuvalu. The paper is descriptive of my own view because there is little documentation of these events and not much has been written about the institution of the Governor-General in Tuvalu.<sup>5</sup>

In the first part of the paper I outline the history of the events leading to the dismissal. The subsequent sections discuss the aftermath of the dismissal, particularly the socio-political repercussions on the Governor-General's home island (Niutao)<sup>6</sup>

and the attitudes of the Niutao people towards the government. Finally, the paper suggests some of the future options which have emerged from the present crisis.

Politics in a tiny microstate can sometimes be intense and highly personalised. Managing systems of governance inherited from the colonial past and modelled on Western ideas of democracy has never been easy for many politicians in Tuvalu. The dismissal of the Governor-General brought to the fore some of these problems, in particular the tension between the Western formalistic mode of operation and the informal traditional way of consensus and reconciliation. The paper suggests that the crisis provides the opportunity to examine the ways these impinge on political life in Tuvalu and to re-examine the constitutional provisions relating to the appointment of the Governor-General.

### **The establishment of independent government**

After more than 80 years of British colonial domination, Tuvalu became independent in 1978. In 1976, it separated from the Gilbert and Ellice Islands Colony (GEIC) after much effort by the British government to impede Tuvaluans from going their separate way. The terms and conditions of separation stipulated by Britain were extremely severe. Briefly stated, Tuvalu was not to have any claim whatsoever to any fixed or movable assets which belonged to the GEIC (except for a 25-year-old aging inter-island vessel) (*Pacific Islands Monthly* 1974; Isala 1983). The threat of possible aid sanctions did not deter the Tuvaluans and Tuvalu nationalism rose up against the harsh conditions to vote overwhelmingly in favour of separation (see McDonald 1994). A modified system of governance based on the Westminster style of democracy (with the Queen of Britain as the head of state) was adopted. The head of state is, however, represented locally by a Governor-General. The Tuvalu House of Parliament consists of 12 elected members. Four islands—namely, Nanumea, Niutao, Vaitupu and Funafuti—return two members each; the other four—namely, Nanumaga, Nui, Nukufetau and Nukulaelae—return one each. The members elect a Prime Minister from amongst them. It should be noted that there is no official party system in Tuvalu in the Western sense, although politicians do have ‘parties’ in the sense of personal alliances. Those who are not in government form the ‘unofficial’ opposition.

There are only two occasions—the appointment of a new Governor-General representative or the removal of an incumbent from that position—in which the Sovereign of Britain may have direct involvement in Tuvalu's government. The constitution of Tuvalu provides that the Governor-General

shall be appointed, and may be removed from office at any time (with or without cause), by the Sovereign, acting in accordance with the advice of the Prime Minister

given after the Prime Minister has, in confidence, consulted the members of Parliament (1986, Section 55).

## General elections and the conspiracy

On 2 September 1993, a general election was held in Tuvalu.<sup>7</sup> Tomu Sione was then a minister in Prime Minister Bikenibeu Paeniu's government and had successfully won one of the two seats from Niutao Island. Paeniu was also returned from his constituency, Nukulaelae Island, after beating his opponent, Henry Naisali.<sup>8</sup> In fact, all of Paeniu's team members were returned with the exception of Naama Latasi.<sup>9</sup> Former Prime Minister (1981–89) and member for Vaitupu Island, Tomasi Puapua, contested Bikenibeu Paeniu for the leadership. After a few attempts and amid much speculation and curiosity, no one was able to form a majority government. The Governor-General was left with little choice but to dissolve parliament and called for a second round of general elections.

After re-election during the first 1993 general election, Sione was the longest serving politician in the history of Tuvaluan politics, going as far back as the days before Tuvalu was separated from the then Gilbert Islands. In the late 1960s he was the favourite son from Niutao Island and held the post of radio announcer in the Broadcasting and Information Department. In the early 1970s, he responded to the call of his elders to represent them in parliament, offered his name and was elected to parliament in 1974. The elders of Niutao had hoped that one of its sons in the more senior echelons of the civil service would respond to their call for a parliamentary candidate but none of them wanted to leave the comfort of their senior and more secure government jobs.

In return for Sione's voluntary and unreserved response, his island promised him full support to remain in politics for as long as he wished. From 1974, Sione enjoyed the confidence and support of his people and always received the highest number of votes. Whilst other politicians had to 'fight' in general elections, polling day was merely a formality for Sione. It should be noted that the traditional leaders in each of the island communities in Tuvalu wield considerable influence on who gets elected to parliament, even to the extent of determining the affiliation of their members in the formulation of a government (Taafaki 1995). Between 1976 and 1981, Sione was the Minister for Commerce and Natural Resources in the Toaripi Lauti government and Minister for Natural Resources and Home Affairs from 1989–93 in the Paeniu government.

Towards the end of the term ending in 1993, Paeniu's government had lost popularity among the Tuvalu people. Three explanations may account for this change

of mood. First, the senior members of government, and particularly the Prime Minister, holding true to his promise to seek new sources of foreign revenue and aid, were spending far too much time on overseas travel (*Islands Pacific Business*, December 1989:51). The *Islands Business Pacific* magazine, reporting an interview with Prime Minister Kamuta Latasi in 1994, observed that

the previous government [Paeniu's government] were not concentrating on Tuvalu. They were concentrating much more outside Tuvalu, spent too much time running around the region or going beyond instead of sitting back and seeing what Tuvalu really needs (*Islands Business Pacific*, March 1994:33).

Second, there were many signs of leadership weakness mainly due to problems of inexperience and political immaturity. Third, there was considerable lack of focus on the development needs of the country. The government was trying to accomplish everything all at once and, as a result, nothing much was done or achieved. Critics were complaining about the extremely slow pace of implementing development projects.

In a desperate bid to ensure their return to power after their failure to form a government after the first 1993 general election, Paeniu's team developed a strategy involving great personal sacrifice on the part of Tomu Sione. A trade-off was agreed whereby Sione would not be a candidate in the second general elections; in return, he was promised the highest public office, that of Governor-General, to succeed Toaripi Lauti. The coincidence of Lauti's retirement date was timely indeed.<sup>10</sup> In addition, through Sione's substantial influence with his island, he would ensure that the two members returned by Niutao Island would only associate with the Paeniu team. Although one of the two Niutao members of parliament had always been a supporter of Puapua, the influence of Sione through the *maneapa* system<sup>11</sup> insured that the member had no choice but to follow Paeniu's side.

The possibility of Sione becoming the next country's Governor-General was received well by the Niutao people. After all, they have had a history of providing distinguished candidates for this high office.<sup>12</sup> To put the plan into effect, Sione, with another Niutao former civil servant, decided to travel to Niutao to discuss matters with the people. It was because of these actions that Paeniu's government was accused of having visibly and politically interfered in the appointment of the Governor-General. Sione's personal involvement in trying to elevate himself was also frowned upon.

## Sione's appointment as Governor-General

On 17 September 1993, to fulfil the constitutional provision of consulting the members of parliament, Paeniu wrote to all members seeking their views and nominations for the position of Governor-General. He had an immediate response in a collectively signed letter from the six members of the opposition side of parliament. The six members strongly protested the decision to make a substantive appointment only a few days before parliament was to be dissolved for the second general elections. They said

We are concerned that because of the very limited time available to Hon. Members, to consider this important matter and, given the severity of the political situation facing the nation at present, any attempts to resolve the matter now will[,] no matter how hard we try, be influenced by deep emotions, political ambitions and aspirations. And as responsible leaders, we should never allow this kind of situation to happen (letter dated 20 September 1993<sup>13</sup>).

The opposition members further suggested that the Governor-General, Sir Toaripi Lauti, be given an extension of his current term in office or contract until such time as a new government was formed. Such a practice had been adopted in a similar situation in 1987, when an Act was passed to exempt the then Governor-General from compulsory retirement until he had completed his four-year term in office (*Pacific Islands Monthly*, October 1987:34). Of more serious concern was the advance warning given by the opposition members that in the event they became the new government after the second general elections, they would not recognise the appointment, and a new appointment would have to be made. Given the political uncertainty facing the country, and the proximity between Lauti's retirement date (28 November) and the holding of the second general elections, (25 November) there was logic in delaying the substantive appointment.

But, as the saying goes, none are so blind as the person who chooses not to see. Paeniu chose not to see, as he had faith in his team's conspiracy. From his 17 September letter to members of parliament, it was evident that he was determined to complete the arrangements for the Governor-General's appointment before the elections were held on 25 November 1993.<sup>14</sup> He was clearly keen to complete the constitutional requirement of consultation with the members of parliament before the members were disbanded by the dissolution of the House on 22 September 1993.

In that crucial period—22 September to 25 November—whilst the nation was awaiting fresh elections, Paeniu wrote to Buckingham Palace advising of the retirement of Toaripi Lauti and tendering advice that Tomu Sione be appointed in his stead. He said

I had consulted in confidence the members of parliament prior to the recent dissolution of the Parliament...and have the honour to present...Tomu Malaefono Sione, OBE, Minister of Home Affairs and Rural Development and Minister of Natural Resources Development to the Office of the Governor-General (letter to the Queen's Private Secretary, 30 September 1993)..

The head of state, oblivious to political realities happening in her far and distant realm, accepted the advice. Indeed, it was not contemplated that the Sovereign would act otherwise. In a grand formal ceremony, accompanied by lavish feasting and dancing held at the *Vaiaku maneapa* (where Parliament sits), the like of which had never been witnessed before in Tuvalu on such occasions, Tomu Sione was ceremoniously sworn into office on 29 November 1993 by the country's Chief Justice, Sir Gavin Donne. While it may be argued legally that Paeniu possessed all the constitutional powers and responsibilities of a Prime Minister to advise the Queen as he did, others vehemently argued that he was totally impervious to the political realities and sensibilities facing the country at the time.

Because Paeniu had been unable to form a government following the first general elections, he no longer commanded a majority in parliament, but continued to act as if he did. Of equal concern was the fact that the consultative process called for by the constitution in the appointment of a Governor-General was shown to be essentially meaningless. Paeniu appeared to be determined to make an appointment irrespective of whether he had a majority or not. It is therefore valid to question whether the Prime Minister, on his own accord, had far too much say in the matter of appointing the Governor-General. What useful purpose does the consultative procedure required by law serve if, even a Prime Minister with minority support could still proceed and make such an appointment?

### **A surprise new coalition**

The politics of small island communities in the South Pacific can at times be highly intense and agitated. Certainly in Tuvalu, and especially in the period leading up to the 1993 parliamentary elections, aspiring and serving politicians engage in fierce competition for the 12 seats available in the national parliament. The results of the second general elections, held on 25 November 1993, confirm the conviction that if there is anything certain at all about politics, it is that politics—especially, perhaps, in

small island states—can be highly uncertain. An altogether different scenario than anticipated emerged. One of Puapua's ardent supporters, Vavae Katalake, was defeated in the Nanumea Island elections. Instead, former minister Naama Latasi, hitherto written-off by the Paeniu team, won one seat. The second seat was a tie between a Paeniu supporter, Kokea Malua, and a completely new candidate, Houati Iele. A by-election was held to break the tie and Houati Iele won the second Nanumea seat.

Because of the need for a by-election, the formation of Tuvalu's new government was delayed. The results of the Nanumea by-elections dramatically affected the course of events—Tuvalu politics, the Paeniu government and Puapua's efforts to gain sufficient numbers to form his government were all contingent on the by-election.

Former backbencher, power-broker and Minister for Health and Education in the Paeniu government, Kamuta Latasi (husband of Naami Latasi), was sacked by the Paeniu group following the first general elections.<sup>15</sup> However, in the second election, both Puapua and Paeniu had lost a supporter each, but their losses were Latasi's gain—the newly elected members supported the latter for Prime Minister. Consequently, on 10 December 1993 Latasi was elected the new Prime Minister with a new coalition. Latasi is one of the two members from the Island of Funafuti; the other, a skilful political tactician and supporter of Paeniu, is Ionatana Ionatana. The composition of the new coalition (particularly how the individual members, previously in different political groupings, agreed to come together) continues to puzzle many people in Tuvalu. It comprises the former leadership contestant, Tomasi Puapua and his ardent supporters, Otinielu Tausi from Nanumaga Island, and the second Vaitupu Island member, Koloa Talake. In addition, there were the two members from Nanumea Island, Naama Latasi and Houati Iele, and the member from Nukufetau Island, Faimalaga Luka.

Three explanations may be given for the emergence of this new grouping of somewhat divergently minded politicians. The first was the fear each individual member had concerning the possibility of another, third, general election. If this was to happen, all or most MPs would lose enormous credibility in the eyes of the voters for their inability to form a government. There was therefore the likelihood that some of them would not win a seat at all. Second, some charitably minded politicians considered the costs involved of conducting yet another general election as too much for the nation to bear. Third, and perhaps more importantly from the point of view of the coalition members, was the personal financial burden. Indeed, this affected all of the members, especially those who had survived the first two elections. In Tuvalu general elections often incur substantial financial and material costs for aspiring politicians trying to win the confidence of voters. Candidates, for example, will give generous donations to communal projects, reciprocating traditional entertainment and feasting, or sharing one's wealth with close and distant relatives.

The new government, led by Prime Minister Kamuta Latasi, came into power knowing only too well that it was going to face an uneasy relationship with the head of state's local representative, Tomu Sione. Paeniu's team, of which Tomu Sione was previously a part, unbelievably found themselves in opposition. The team comprised two members from Sione's home island of Niutao, and the two former ministers, Ionatana Ionatana and Alesana Seluka, from Funafuti and Nui Islands respectively. Members of the Paeniu team made no effort to conceal their regular contacts with the Governor-General—after all in their view, Sione was still part of their team. But Sione found this relationship problematic. Although his affiliations with the Paeniu team were still strong, they were hard to neutralise. At the same time, it was essential that he develop an effective working relationship with the new government. The latter proved difficult and the former did not help either. The Paeniu team failed to recognise the fact that in his new position, Sione was no longer part of them. He was now the symbol of unity for the whole nation thus transcending party politics. The Latasi caucus, on the other hand, was particularly piqued by the close relationship between Sione as the Governor-General and members of the opposition party.

### **Pressure to sack the Governor-General**

The first task of the new Latasi government was to deal with increasing pressure to right the allegedly haphazard manner in which Paeniu had organised the appointment of Tomu Sione as Governor-General. This problem became the focus of many intense discussions in the most senior echelons of the office of the Prime Minister, the legal office, and amongst Latasi's caucus members. In addition, there was considerable interest amongst Tuvaluans concerning what was going to happen. A number of arguments were made against the actions taken by Paeniu, including the following.

- Paeniu's inability to form a government after the first general elections was a clear indication that he no longer had the support of the majority of the members of parliament, and therefore no majority decision could have possibly been reached during the consultation process for the Governor-General post.
- Tomu Sione was politically active immediately prior to being appointed and he had actively influenced his traditional leaders to ensure that the two Niutao members side with Paeniu. There was political interference in Sione's appointment in return for this.
- Since there was political uncertainty within the nation, necessitating a second general election, it was politically unjustified to proceed with the appointment of a Governor-General. The empowerment of the Prime Minister under law to make such an important appointment in circumstances where there was so

much political uncertainty raised serious questions. Interim arrangements would have been more appropriate.

## A legal solution to an intense political problem

The relevant provisions of the constitution regarding the appointment and removal of the Governor-General became the source of much contention and uncertainty among the new government's caucus. The legality of the former Prime Minister making such an important appointment was temporarily contested. The views of the Attorney General were sought and his advice was that

Paeniu MP continued in the office of the Prime Minister until the very moment you [Kamuta Latasi] were elected Prime Minister...As long as he continued in office as Prime Minister he was fully competent to perform all functions, duties and powers vested in the Prime Minister (letter dated 17 February 1994).

This was unsatisfactory due to the political predicament facing the new government. The strictly legal view seemed (in effect) to condone the actions of the former Prime Minister. On the other hand, there were grave doubts concerning the appropriateness of the legal advice received. An attempt to seek an independent legal opinion or to present the matter for the opinion of the High Court was discussed but not pursued. The expense of hiring independent legal advice was a major factor. The other factor was that if the government were to seek an independent legal view, it was almost tantamount to disregarding the advice of its own chief legal officer.

Nevertheless, the government was determined to remove the Governor-General. Latasi therefore decided that the problem should be clearly explained to the people. Their views should be sought and a way found to arbitrate the matter. Latasi visited all the Outer Islands including the small island communities on the capital island. The people's response was varied and mixed. On the more populated islands of Nanumea, Nanumaga, Nukufetau and Vaitupu, there was greater leaning towards replacing the Governor-General although some qualifications were also submitted that the government, having been elected to make decisions, should do what it felt to be proper and right. Niutao, Nui and Nukulaelae were not in favour. Funafuti, the home of the Prime Minister Latasi, was at first fiercely against removing the Governor-General. The island chief spoke at the *maneapa* that if the Governor-General was removed, the government should also be removed. Ionatana, the second Funafuti parliamentarian, was also against the move to oust Sione. He had been working very hard amongst his people not to support the government. The Funafuti view, however, gradually changed in favour of the government's stand.

## The Governor-General has to go

After much discussion, Latasi finally decided to set in motion the process of removing the Governor-General. He decided, however, to approach Sione personally and to brief him of the outcome of the tour to the communities and the views of the government. Upon the basis of this information he was hoping that Sione would voluntarily resign his post. Latasi followed up their discussions with a letter on the following day, 1 June 1994. It is clear from this letter that a decision to remove the Governor-General had already been made.

As I advised, the Government has now decided, after extensive consultations and deliberations, to invoke the provisions of section 55(1) of the Constitution of Tuvalu to remove you from the office of the Governor-General. The removal procedure stipulated by the said provision of the Constitution would be initiated in the immediate future.

However, as a gesture of respect to you and to avoid the unenviable task of removing you from office, I take this opportunity to formally ask you to gracefully step down from the office of the Governor-General by tendering your resignation to the Speaker pursuant to section 55(3)(d) of the Constitution (letter dated 1 June 1994).

Tomu Sione was given to Monday, 6 June 1994, as the deadline to resign voluntarily. In their discussion, Sione had refused the suggestion to depart voluntarily and expressed the view that he had been properly and constitutionally appointed. On 6 June, Sione was calm and had not moved. His argument was that if he had to go, the government would have to remove him in accordance with constitutional procedures.

On 7 June 1994, Latasi wrote to all members of Parliament to set in motion arrangements for the replacement of Tomu Sione. He had an immediate rebuff from the opposition members, drawing attention to his proposed actions as being culturally, socially and traditionally insensitive and disrespectful of human dignity.<sup>16</sup> The Prime Minister was forcefully reminded of the relevant general guiding principles of the Constitution in government and in social affairs, namely

agreement, courtesy and the search for consensus, in accordance with Tuvaluan procedures rather than ideas of confrontation and divisiveness; the need for mutual respect and cooperation between the different kinds of authorities concerned, including the central government, the traditional authorities and the religious authorities (1986, paragraph 5).

It is interesting to note that whilst criticism of Sione's appointment was directed toward the Paeniu government's decision, criticism of Sione's dismissal was more aimed at Latasi as being individually and personally responsible. Three possible explanations for this may be given. The first explanation, however absurd, noted the removal in 1978 of Latasi, from his position as permanent secretary to the Ministry of

Commerce and Natural Resources, by Sione, who was then the Minister. According to this view, the current problem was simply Latasi's way of getting back at Sione. Second, it was said that Latasi was falling under pressure from his caucus colleagues, most of whom had vowed and warned Paeniu that they would not honour Sione's appointment. Third, since personal relationships feature so significantly in Tuvaluan politics (Taafaki 1985:6), critics believed that this was Latasi's retaliation against Paeniu for having dumped him from their group.

On 10 June 1994, Latasi advised Buckingham Palace to remove Tomu Sione and to appoint Tulaga Manuella, another Niutao Islander by kinship relations but adopted at Nanumea Island, as replacement. The reasons for dismissing Sione were succinctly stated in the following paragraph of Latasi's letter.

Although the Governor-General may be removed from office at any time without cause, I am compelled to take this most unfortunate course of action after extensive consultations because of my Government's firm view that the substantive appointment of the present Governor-General was politically unjustified at the date of his appointment...given the political uncertainty of the country at the time. Indeed, his appointment was effective three days after the second Parliamentary general election in 1993 and only twelve days before this new Government came into force. Further, the Prime Minister who tendered the advice to Her Majesty the Queen to appoint the present Governor-General, at the material time did not have the support of the majority of the House of Parliament to continue in the Office of the Prime Minister. Such political uncertainty led the country into two Parliamentary general elections between September and November 1993 (letter dated 17 June 1994).

Approval came speedily from London on 14 June 1994 and Tomu Sione was advised by letter on 16 June 1994 of the termination of his office by 21 June 1994, less than seven months after his appointment.

## Protests and dissatisfaction

By this time, Sione's removal was public knowledge. The atmosphere in Tuvalu and especially on Funafuti can best be described as tense. There were rumours of Niutao people travelling to the capital island to attack the Prime Minister and his ministers. Niutao civil servants were naturally affected and were thrown into an awkward situation of being loyal to a government which was humiliating 'their' Governor-General. There were reports of mutiny and protests by the Niutao community both on Funafuti and on Niutao. Recalling the recent coups in neighbouring Fiji, people wondered whether a similar occasion could really be possible in small Tuvalu? In an effort to contain Niutao civil servants from a possible uprising against the government,

a circular letter was issued by the secretary to government reminding all civil servants of the need to remain calm and uninvolved in what was essentially a political problem. The impartiality of the civil service was stressed in the letter.

Events in the immediate recent past and in the immediate future have made it necessary for me to remind the public service that General Administrative Orders prohibit civil servants from involvement in political matters under any circumstances.

By becoming actively involved in political issues, the civil service is not in any way helping with the situation and indeed civil servants may well become so embroiled in these matters that their work and professionalism would become highly questionable. In which case, their continuation as civil servants may no longer be justified (circular dated 15 June 1994).

One of the most vocal opponents of the government's decision, himself from Niutao and at the time the director of public works, resigned his post in protest. This was immediately followed by the resignation of another Niutao civil servant working as an assistant medical officer at the Health Department. Consultations were held between the president of the Niutao community residing on Funafuti (also a civil servant) and the secretary to government, in an effort to cool things down.

It was then decided that the public should be formally informed of the decision which had been taken. The Prime Minister issued a press release on 16 June 1994, asking for people's understanding and stressing the need to remain calm. The emphasis was that future appointments to the country's highest public office should be transparent and must take into account political realities such as the crisis which culminated in a second general election. Latasi maintained that whilst Sione's appointment may have been made constitutionally, it was politically unjustified because of the political uncertainty in the country at the time. It seemed almost like the 1,588 judges who, sentencing a man to death for stealing a horse, pronounced that he was being punished not because of what he did, but so that others might not steal horses! The man died, it was said, performing a valuable public service. But did Sione have to 'die' to perform a public service or in the interest of it? Did he have to be dismissed, as when he was appointed, to justify some political imperatives?

Latasi's press statement prompted a request from the opposition leader Paeniu to make a public statement over Radio Tuvalu in reply. His request was addressed to the secretary to government and sought an opportunity to present the other side. He said

[a]s you are aware, the issue has been widely discussed by the nation following the nationwide tour by the Prime Minister to consult with the people. The nation has so far listened to one side of the story only and thus it is our view that the other

side of the story be made known also to the public in order to balance it out (letter dated 17 June 1994).

The secretary to government decided that things were far too advanced for a debate to be conducted over radio, and saw no advantage from the point of view of the listening public. In fact, politicians had the opportunity during the Prime Minister's round of meetings with the communities to express their views. The secretary to government said

[a]s you correctly alluded to, the matter has been discussed ad nauseam with various communities in the country. The press statement which the Prime Minister of the day delivered...was in effect the continuation of those discussions and a public announcement of the resolution which has been reached on the matter. The discussions which were held and the press statement referred to earlier, reinforced amongst other aspects, two fundamental points covering in my view two sides of the argument: (a) that the appointment was legally effected; [and] (b) that in the view of the Government of the day, the appointment was made in a political vacuum oblivious to the political realities at the time and was thus politically unjustified.

Whilst I appreciate that there are always bound to be more than one view to any issue, especially in this issue of the Governor General, it is my humble consideration that it would be counter-productive for you to hold a press conference over Radio Tuvalu because it would generate one press statement after another (letter dated 20 June 1994).

Throughout this period, the Prime Minister, his official residence and members of his immediate family were now heavily guarded on a continuous basis by police officers. As it was thought unwise to deploy serving police officers from Niutao for this occasion, additional men had to be recruited. In addition, ministers and their immediate families, including essential government installations, were closely policed. The Prime Minister himself was taking precautions for his personal safety and at times would arm himself with a bush knife in readiness for a possible ambush. At times he would carry his rifle or bush knife while travelling in the official car. There were also reports of intimidation from some of Sione's relatives, and some of Latasi's family members were preparing themselves in case things got worse. (Until 20 June 1994, Sione was living in Government House which was situated next to the Prime Minister's official residence, the close proximity making an uneasy environment for the two households.) The personal relationship between Latasi and Sione dropped to its lowest ebb when the former was alleged to have made threatening remarks in public about shooting Sione with a gun. This resulted in Sione filing a complaint with the police.

The greatest threat to the unity and general stability of the country, both socially and politically, no doubt came from a letter written by the chiefs of Niutao Island,

supported by the Niutao Council President and his councillors.<sup>17</sup> The chiefs and the councillors accused the government, but with particular emphasis on the Prime Minister personally, of having ignored the traditional Tuvaluan way of resolving differences, of settling disputes and of righting the faults of others without humiliating them and their family members. It demanded the sacking of Prime Minister Latasi. The chiefs and councillors recognised that a mistake might have been made in the appointment, but it was the government's role as a 'parent' to all islands to seek a peaceful means of correcting the wrongs which might have been incurred. Tuvaluans strongly believe that the government, in addition to its traditional functions, is also the 'parent' of all islands and people of Tuvalu. But the way the Governor-General had been removed in so short a time from the date of his appointment was a gross and purposeful neglect of the fundamental values on which the country had been based since independence.

It is fair to say that a number of Tuvaluans subscribe to this view. The chiefs and councillors gave their unequivocal affirmation that they would no longer participate in national traditional activities, let alone honour the guiding principles of the constitution.

The Prime Minister was accused of having been untruthful to the people of Niutao during his tour. The chiefs and councillors protested that the possibility of removing Sione from his post was never raised or discussed with them. In their letter, they held the Prime Minister personally responsible. This particular point of the Prime Minister not discussing the issue during his meeting with Niutao Island was further raised by the Niutao parliamentarians in a subsequent meeting of Parliament. These allegations were rejected by Latasi during the same debate.

Whilst the people of Niutao were revolting against the government, rumours abounded that the government, in retaliation, was victimising indigenous Niutaoans in the civil service, holding memberships on boards of statutory corporations, or studying (as sponsored students) overseas. The government was, in fact, concerned at the proportionally large number of Niutaoans in the police force and wanted to reduce this number considerably.<sup>18</sup>

## Opposition 'walk-out' in Parliament

The feelings of the Niutao people were brought into the open during the December 1994 budget session of Parliament. As was anticipated, one of the two Niutao parliamentarians moved a motion of no-confidence in the Prime Minister. Again, it

was clear that the motion was directly aimed at the Prime Minister himself and not at the other members of his government. The letter by the chiefs and councillors of Niutao Island referred to earlier was read out in Parliament. The initiator, and those who were in support of the motion, once more explained their opposition to the decision to dismiss the Governor General. Vave Founuku, moving the motion on behalf of his constituency, was not mincing any words when he spoke. In summing up, he indicated on behalf of the opposition members that they would boycott the rest of Parliament's business for the day if the motion were not carried. Such a boycott was unheard of in Tuvalu. Opposition members bitterly resented the actions of the government, often arguing that it was the Prime Minister who had, by his own decision, effected the dismissal.

The surroundings of the *Vaiaku maneapa* (where parliament was held) were virtually packed with people eagerly awaiting the outcome of the motion. No prior incidents in Tuvaluan politics had attracted so much attention. Police officers were alerted in case there were violent interventions from members of the public, especially from some of the more emotional Niutao people living on Funafuti Island.

In a way, there was a deep sense of grief as each opposition member stood up and left the *maneapa*. The politics of the country—in terms of resolving differences in the traditional amicable way of reaching consensus—was now eroded, to be replaced by a peculiarly Western style of group or factional protest. Parliament was half empty, and it seemed almost pointless to continue the day with the rest of the agenda. On the other hand, many Tuvaluans were displeased with the rather 'childish' manner in which opposition members were registering their disagreement. Some were saying that the *maneapa* (meaning in this sense the 'parliament') is the house of decisions where leaders make and unmake them; it was wrong to participate only when one agrees or when one is in power. The remaining parliamentary business which followed was the single most important item for this particular session—the debate on the budget for the following year. As there was not a single opposition member present, the budget was promptly passed in an extraordinarily short period of time—less than twenty minutes! As it turned out, the opposition members boycotted, not only that particular part of the day's business, but the remaining parliamentary sittings for that session.

The Speaker of Parliament tried to bring the opposition members back before the end of the session. The Prime Minister stood firmly by the decision of his government and his caucus to remove the Governor-General. Towards the end of the parliamentary session, he issued a statement reiterating the decision which had been made and accusing the opposition members of being irresponsible with respect to their parliamentary duties and to the people who had put them there. He further voiced

his concern at the way members were showing disrespect for the supreme law-making institution of the country by being absent from its sessions.

### A deep sense of 'islandism'

A deep sense of 'islandism'—the love of one for his or her own particular island above everything else—has always been a strong characteristic of Tuvaluans (Faaniu 1983). The world revolves around the island, is perceived from the viewpoint of the island, and seems to be meaningful only through the expressed needs and demands of one's own island. A very strong sense of community spirit permeates all of these. The government's action was considered by the Niutao elders and community as repugnant and insulting to them personally. The people believed that the government could have allowed Sione to complete his four-year term, or at least half of that, and then install effective measures to avoid a repetition in the future. This would have been more consistent with the true Tuvaluan spirit. Sione's community was well and truly behind him.

In retaliation the Niutao people disassociated themselves from anything that was government-decided or organised. Some major decisions which were taken: to reject the new (Sione's successor) Governor-General's tour to their island, to refuse to participate in the South Pacific Arts Festival<sup>19</sup> and to abstain from any nationally organised cultural or social activities. The proposed tour was rejected a few times. The Niutao people could see that the government was using the new Governor-General to pave the way for a peaceful relationship with them. They demanded that if there were to be such a conciliation, it should be held with government representatives, notably the Prime Minister responsible for Sione's dismissal.

In addition, Niutao blatantly refused to raise the new national flag. The new flag was introduced 1 October 1995. The design had been changed to make the flag more representative of an independent and unified Tuvalu: the Union Jack had been removed and the ninth star had been removed so that only the eight representing the eight main islands remained. Arguing that it would be hypocrisy for them to accept the national flag as a symbol of national unity and identity, Niutaoans believed that these national symbols no longer applied to them because of the way the government had disregarded Niutao's integrity and self-respect by humiliating one of its distinguished sons. Indeed, Niutao's refusal to raise the national flag hit world news when one Niutao gentleman, with a toddy knife, severed the flagrope as the island police officer was diligently hoisting the flag for the first time!

These events have enormous socio-political implications for Tuvaluan society and its government. For instance, since the new flag was only introduced in 1995 and because the flag is used during Island and Lands Courts sessions as a symbol of justice, the chiefs of Niutao decided to suspend all court sittings on the island. Whereas the Latasi government was initially grappling with a perhaps much more narrow problem—the dismissal of the Governor-General (a largely symbolic post, in any case, although as this bulletin shows, symbols can be very important)—it now has to face the island of Niutao and its deep disaffections. Whenever such a situation occurs in Tuvalu, as has happened in the past, it will continue to haunt the government and will in due time affect major policy decisions.<sup>20</sup> The test will lie in the consultative skills and willingness of the government to subdue personal pride so as to prepare to discuss matters with the aggrieved party. The people believe that because of the 'parental' role of the government, the initiative must come from the Prime Minister and his ministers.

### Reflections for the future

For an outsider, the events occurring in Tuvalu surrounding the appointment of the Governor-General, his subsequent dismissal and the resulting effects both socially and politically may appear to be the proverbial tempest a teacup. For a Tuvaluan, these events opened a new chapter in the political history of the country. To explain what occurred merely in terms of the political behaviour of the leaders may not do justice to the issues involved—the breakdown of traditional methods of conflict resolution in favour of more confrontational means, opposition members' indifference to the proceedings of an institution in which Tuvaluans have had so much faith, and Niutao's revolt against the government's decision.

The British left a legacy of a modified system of government which had taught Tuvaluans to regard the head of state's representative as a direct extension of the notion that the Queen is politically neutral and detached from any 'island', cultural, racial, or religious persuasion. It has therefore instilled in Tuvaluans a high sense of respect for whoever is occupying such a position, not so much because of the incumbent but rather for the durability of a system which had stood the test of time. In some respects, there is a resemblance with Tuvaluans' respect for their traditional leaders. But whatever the merits of maintaining this imported system, in the light of the crisis, the merits of continuing with it seem to have considerably dissipated. If the law allows politicians to appoint and remove Governors-General 'with or without

cause', is there much point in having Governors-General in the first place? From the experience gained, it seems that the relevant constitutional provisions need immediate and urgent review.

The problems encountered in Tuvalu generated useful observations regarding the relevance of a tiny, remote and resource-poor country continuing with arrangements inherited from colonial rule. Many have been searching for answers to the dilemma of continuing to have a head of state who is not a Tuvaluan. The idea of a Governor-General could well have outlived its usefulness. Perhaps the concept was never appropriate. A former Tuvaluan cabinet minister in the previous Gilbert and Ellice Islands Colony, who continued as the Nukulaelae MP after separation, admitted that it was a mistake to have chosen a monarchical system of government for Tuvalu.<sup>21</sup> The republican movements in Australia (and other countries) have helped to renew the impetus for an indigenous Tuvaluan head of state. Nationalists say that if strong Tuvaluan nationalism had managed to defy insurmountable odds and voted in favour of a separate entity—shattering Commonwealth records by becoming internally self-ruled for only six months prior to independence—then Tuvalu is sufficiently politically mature to have its own head of state.<sup>22</sup> In addition, Tuvaluan leaders find it increasingly uncomfortable to explain its political status to Asian countries who are confused about Tuvalu's continued ties with the British monarch.<sup>23</sup> Equally relevant is the fact that Tuvalu is the first country in the South Pacific region with which Britain has severed its development aid ties.<sup>24</sup>

The current Tuvalu government is committed to turning Tuvalu into a republic.<sup>25</sup> What shape and form the head of state will take has yet to be determined. There are, of course, both advantages and disadvantages in whatever option might be finally adopted—for instance, in having the functions of a head of state combined with those of the head of government, or in keeping the two positions separate. However, the crises presented by the appointment of Sione and his subsequent dismissal have presented the opportunity for Tuvaluans to search for better arrangements.

Whether the country opts to continue with the *status quo* or have an indigenous head of state (separate from head of government), there seem to be several ways in which the provisions relating to the appointment and removal of the Governor-General (or a separate indigenous head of state for that matter) may be changed or instituted. The first option is to retain the status quo. But we have seen from the experience gained that there are problems. Prime Ministerial advice to appoint or to remove a Governor-General immediately compromises the political neutrality of the incumbent in the post. The consultation required before a Prime Minister tenders his advice for an appointment, or for a removal for that matter, have been proven meaningless. A further consideration is that if the functions of a Governor-General are mainly

ceremonial, as they are in the case of Tuvalu, is there then a need for the appointment (and possible removal) to be so 'political'?

Second, the Governor-General could be appointed by popular election. But this could be costly, both for the nation and for aspiring candidates, if separate elections are required. In addition, there is a danger of Governors-General being led to believe that they have a popular mandate, and that they are able to do anything, even undertake actions which may contradict the policies of the government of the day. This would be a recipe for disaster. Political parties would certainly become involved by fielding their own candidates, and the tendency of having unsuccessful or retired politicians is ever present. As stated by former Australian Prime Minister Paul Keating (1995:11) from the accounts of two of his country's former Governors-General, there will be enormous difficulties finding people of high calibre who would want to contest such popular elections, or who have the financial resources to be able to do so. The 'removal arrangements' under this option may prove expensive and difficult to implement.

Third, by some system of weighted voting, Parliament could appoint and remove a Governor-General. The voting system should be such that the government in power should not feel that the Governor-General was its appointee. This seems to have considerable merit: it ensures some security of tenure, absent in the existing arrangements; it detaches the selection and removal of the Governor-General from the government of the day, and consequently ensures some independence and political neutrality in the office; and finally, it avoids the expense of separate elections envisaged in option two as well as reducing the risk for the appointee to act unilaterally on the strength of a popular mandate. For similar reasoning, the Australian Republic Advisory Committee suggested that Australia's head of state be nominated by the Prime Minister and the cabinet and then elected in a joint sitting of the Senate and House of Representatives.

A fourth option would be to amend the Tuvalu Constitution so that there are special provisions for the removal of a Governor-General. There are, for instance, special current constitutional provisions for the removal of 'prescribed officials from office', including the appointment of an independent tribunal to investigate the removing from office of such officers.<sup>26</sup> A similar arrangement for the Governor-General gives some security of tenure and at least forestalls, to a great extent, any expeditious actions to remove a Governor-General. More political stability should be the end result.

Fifth, a system of judicial review to referee cases of disputes relating to the appointment or removal of a Governor-General may be introduced. This may be a lengthy and costly process, but nonetheless, one which is worthy of further investigation.

Finally, to ensure political stability, the term of the Governor-General could be altered so that appointments and removals do not take place close to a parliamentary general election. This may be achieved in a number of ways, including the possibility of prohibiting the appointment of Governors-General during a certain period (to be specified) near an election. This would have the effect of at least avoiding a Prime Minister using either the appointment or removal of a Governor-General as part of the election contest.

It has been said that politics can be very unpredictable. What may be close to certainty, though, is that in the final analysis, the views of Tuvaluans can only be gauged after close and well informed consultations with them.<sup>27</sup> The challenge and the task of policymakers, politicians, officials or constitutional reformers is to always keep in mind that people's views matter.

## Endnotes

- <sup>1</sup> *Constitution of Tuvalu*, 1986, section 54(2) states that the Governor-General is the representative of the Sovereign.
- <sup>2</sup> 'Tuvalu' (or more correctly Te Atū Tuvalu) has always been the traditional name of what used to be the Ellice Islands. It means a cluster of eight islands standing together. On separation from the Gilbert Islands in 1976, the Ellice Islands reverted to its traditional name of Tuvalu.
- <sup>3</sup> Sir Toaripi Lauti was the Chief Minister after separation in 1976 and became the first Prime Minister on independence in 1978.
- <sup>4</sup> *Constitution of Tuvalu*, 1984, section 55(3), states that the Governor-General vacates his office—'(a) on death; or (b) if he is removed from office under subsection (1); or when he attains the age of 65 years; or (d) subject to subsection (4), if he resigns by notice in writing to the Speaker; or (e) if he ceases to be otherwise qualified to be elected as a Member of Parliament; or (f) at the end of the four years after the date of his appointment'.
- <sup>5</sup> Tauaasi Taafaki is the Secretary to the Government of Tuvalu and was involved in many of the events and discussions referred to in this paper.
- <sup>6</sup> The main islands of Tuvalu, in geographical order from the north are Nanumea, Nanumaga, Niutao, Vui, Vaitupu, Nukufetau, Funafuti and Nukulaelae. The ninth island of Niulakita is only populated by people from Niutao and since its ownership is under question, it has never been considered as one of the main islands in the group. The ownership of Niulakita is also discussed in Roberts 1958.
- <sup>7</sup> Elections are held every four years.
- <sup>8</sup> Henry Naisali was formerly the Minister of Finance and Deputy Prime Minister from 1981–84 and then was Secretary-General of the South Pacific Forum Secretariat from 1985–91.

- <sup>9</sup> Naama Latasi is Kamuta Latasi's spouse and a member of parliament from Nanumea Island. To avoid confusion, I have used her first name wherever possible. Although not successful in the first general elections, Naama Latasi theoretically continued as a minister until such time as a new government was formed. In practice, anticipating confidently that Naama would not be successful in the elections, the Paeniu team had already ignored her. She managed, however, to come back in the second general elections.
- <sup>10</sup> *Constitution of Tuvalu*, 1986, section 54(2) states that the Governor-General is the representative of the Sovereign.
- <sup>11</sup> The *maneapa* is an open meeting place where the chiefs and elders deliberate on island affairs, as well as the centre of much of each island's activities—for example, entertainment, feasting, weddings or funerals. When used for formal sessions of the chiefs and elders, or when the whole island is meeting, certain rules of behaviour are required to be observed. The *maneapa* system is the rule of the traditional chiefs and elders.
- <sup>12</sup> The country's first Governor-General, Sir Penitala F. Teo, is a true son of Miutao, as was his successor, Sir Tupua Leupena, who is closely related to Niutao.
- <sup>13</sup> Letter dated 20 September 1993 addressed to Prime Minister Paeniu and collectively signed by Mps Tomasi Puapua (Vaitupu Island), Otinielu Tausi (Nanumaga Island), Vavae Katalake (Nanumea Island), Koloa Talake (Vaitupu Island), Vave Founuku (Niutao Island) and Faimalaga Luka (Nukufetau Island).
- <sup>14</sup> Paeniu's letter dated 17 September 1993 states, inter alia, '[b]ecause of the imminent dissolution of the Parliament...and the fact that the next Parliament would not be formed before the retirement date of the current Governor-General, it is imperative on me to initiate now the appointment process...'.
- <sup>15</sup> Since Naama Latasi did not come back after the first general elections, her husband Kamuta Latasi became dispensable. As a result he was dismissed from the group in a letter co-signed by all the members of the group, but much to the group's surprise, Naama came back in the second general election.
- <sup>16</sup> Letters by Bikenibeu Paeniu of 8/6/94, Alesana Seluka of 9/6/94 and Ionatana Ionatana of 9/6/94.
- <sup>17</sup> This letter, which was dated 20 June 1994, was interestingly not addressed to the Prime Minister but for some reasons was addressed to the Attorney-General, with a copy to the Secretary to Government, Speaker of Parliament and the two Niutao MPs.
- <sup>18</sup> Of the 25 police officers stationed on Funafuti Island, 9 of them are from Niutao Island—Government of Tuvalu, *Civil List*, 1994, pp. 13–4.
- <sup>19</sup> The eight main islands of Tuvalu take turns representing the country in the South Pacific Festival of Arts.
- <sup>20</sup> From 1982 to 1989, relations between the Funafuti Island community and the Puapua government remained sour, and neither party, especially the government in its arrogance as viewed by the people, made an effort to mend its relations with one of its 'children', the Funafuti community.

- <sup>21</sup> Discussion between the author and Isakala Paeniu. The latter was the Member (later Minister) for Natural Resources in the Gilbert and Ellice Islands Colony. Following separation, he was the MP for Nukulaelae Island. Because of his position, he was an especially active participant in the discussions which led to the first independent constitution for Tuvalu.
- <sup>22</sup> Tuvalu became internally self-governing in April 1978 and achieved independence on 1 October 1978 (see Macdonald 1982).
- <sup>23</sup> From the author's personal experience. Also the author was present on a number of occasions in high level discussions between both Prime Ministers Paeniu and Latasi and senior public and private sector officials from a number of Asian countries when this matter was often mentioned or raised.
- <sup>24</sup> In 1994, the Latasi government was given three choices by the British government (following a protracted stand-off between the latter and the previous Paeniu government): first, to accept 0.5 million pounds as Britain's final aid payment to Tuvalu, which it could deposit into the Tuvalu Trust Fund; second, to continue with a severely and quickly dwindling development aid assistance, the yearly allocation of which is never disclosed, and with every likelihood of it ceasing completely in three years time; third, given that both these two choices have a very limited shelf life, the Tuvalu government can miss altogether if it does not make its mind soon. Given the unimaginable difficulties faced with meeting British aid conditionalities, and the reminder of previous harsh conditions which they had set for Tuvalu during 'separation' from the Gilbert Islands, Tuvalu decided for the first option, but still retained diplomatic relations with the UK.
- <sup>25</sup> Quoted in the Government of Tuvalu, 1996, *Statement of Government Policy* (traditionally called 'Speech from the Governor-General'), para. 11—'My government supports a move to a republic as a step towards greater national identity and the culmination of independence'.
- <sup>26</sup> See *Constitution of Tuvalu*, 1986, sections 161(1) and 162. Section 161(1) lists the 'prescribed officials' as the secretary to government, attorney-general, auditor-general, commissioner of police and members of the public service commission, whose removal are covered under special arrangements, and only after the matter was first referred to a tribunal.
- <sup>27</sup> As the author was completing this article, he was informed in a telephone conversation with Prime Minister Latasi (11 July 1996) that he had actually just returned from a trip to Niutao. In the true Tuvaluan way of conflict resolution, sitting down with the chiefs, elders and people, they consulted on the problems which had been faced over the dismissal of the Governor-General. As a result, the impasse between the Niutao community and the government is now amicably resolved. The Niutao community, in a very solemn and moving ceremony, raised the new national flag on their island on 4 July 1996 whilst Latasi was still there. They have also agreed to participate in the South Pacific Festival of Arts to represent Tuvalu, and to participate fully in national development and activities. Following these consultations, Latasi gained enormous respect and political mileage from the Niutao people for having come 'down to them' to talk. My analysis that the Niutao people were greatly disturbed, not at the government as a whole, but at Latasi

personally, was confirmed during our discussion. Oddly enough, the persistence of Niutao's dissatisfaction was also fuelled by some members of Latasi's own caucus! A further point which Latasi confirmed was the strong belief held by the Niutao people, and the rest of the other islands for that matter, that the government had a 'parental' role to them. At the time of Sione's dismissal, a more 'caring' decision could have been adopted.

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