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Fall May, 2013

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Strengthening parliaments in nascent democracies: the need to prioritize legislative reforms[1]

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Introduction

Despite multi-million dollar spending by donor countries such as Australia and New Zealand on parliamentary training (see Dinnen, 2004; Hayward-Jones, 2008; Henderson, 2003; Hughes, 2003; Hughes & Gosarevski, 2004; Mellor & Jabes, 2004; Parliament of the Kingdom of Tonga, 2011; Payne, 2007), the effectiveness of parliaments, which is hereby defined by the ability of parliaments to be responsive to voters' needs, has not had significant improvements in the Pacific region[2] (Hudson & Wren, 2007; Power, 2008). Some of the reasons suggested to be responsible for the weak state of Pacific parliaments include, a clash between traditional and modern systems of governance (Boege, Brown, Clements & Nolan, 2008; O'Brien, 2011; Richardson, 2009), smallness of population and ethnic heterogeneity (Hughes & Gosarevski, 2004; Powell, 2007) as well as the weakness of political parties in the region (Alasia, 1997; Chand & Duncan, 2004). However, successes in countries faced with similar challenges elsewhere in the world, such as Mauritius and Botswana (Hughes & Gosarevski, 2004), suggest that such challenges are surmountable in the presence of better ways to strengthen these parliaments (Saldanha, 2004). This paper argues that, in order to improve the

[1] This paper is part of PhD thesis submitted at Monash University which deployed multi-case study design comprising five countries which apart from Tonga, included the Marshall Islands, Papua New Guinea, Timor-Leste and Vanuatu.
This research project has been funded by the Australian Research Council, AusAID and the Inter-Parliamentary Union.

[2] The Pacific region referred to only covers the developing nations (Islands) of the region

effectiveness of parliaments in nascent democracies, targeted and meaningful legislative reforms should be employed prior to employing other approaches to strengthening parliaments. Tonga is used to demonstrate this reality Analysis of parliamentary training programs is made and subsequent reforms suggested which, if applied in timely way, could significantly improve the effectiveness of Tonga's parliament. Importantly, some of the recommendations drawn have a wider relevance to improving the effectiveness of parliaments in other emerging democracies. The paper, first, introduces what is defined as parliamentary effectiveness. It then presents the possible link between training and parliamentary performance. The discussion on the methodology of choice is then put forward before the main findings of the study are presented. Tonga's history of legislative reform is outlined and further meaningful reform suggested. The final section presents the conclusions drawn from the study.

Parliaments and performance

Parliaments perform three main functions namely legislation, representation and oversight (Norton, 1997). As complex as they are, these functions usually overlap. For instance, a parliament can represent the electorate by passing or blocking a particular law (legislate) in the manner that is beneficial to the electorate. It may also represent voters by scrutinising the government's actions (provide oversight), thereby ensuring that the government is responsible for its actions. The way parliaments perform their functions depends on the political system they operate in. For example, in conventional parliamentary systems such as that in Australia, parliaments usually pass the laws that are mostly formulated by the executive. In contrast, laws are mostly developed by parliaments in a typical presidential system such as that in the United States. Parliaments in parliamentary systems are also associated with a fourth and unique function that involves the formation (or otherwise) of executive governments. In the end, regardless of the political systems in which parliaments operate, they can generally be described as representative bodies. However, they can only be effective representative bodies if they are responsive to the needs of the electorate. This is because their legitimacy, which is necessary for their symbolic and sometimes physical survival, is not only based on the fact that they are voted in by the electorate but also on their ability to be responsive to voters' needs in between elections. In turn, parliamentary responsiveness can create responsible governments. It is in this context that parliamentary effectiveness is hereby defined by the extent parliaments are responsive to the needs of the electorate. Note however that the effective performance of parliaments can partly be explained by the ability of MPs to ably perform their roles. This is crucial as parliamentarians (MPs) are at the centre of the functioning of parliaments (Kunnath, 2011). It is against this background that training programs have been offered to various parliaments around the world, including that in the Kingdom of Tonga. The possible link between training and improved parliamentary performance is further elaborated below.

Training and Parliamentary Performance

Studies by Meleisea (2005) and Morgan (2005) have found that the most common challenge facing Pacific MPs is their inability to soundly perform their roles. It is not surprising then that training has long been considered as one of the most potent tool that, if used correctly, can strengthen Pacific parliaments (see Beetham, 2006; Hudson & Wren, 2007; Power, 2008). The importance of training emnates from the fact that it can improve Knowledge, Skills and Abilities (KSAs) of MPs in the manner that may improve their legislative, representative and oversight capacities (Morgan & Hegarty, 2003; Hudson & Wren, 2007). Kunnath (2011) concurs with this argument by pointing out that enabling MPs to perform their roles effectively and efficiently is important since ultimately the effectiveness of parliaments depends on the quality MPs. Similarly, theories from both adult education (as depicted by Delahaye, 2000; Knowles, 1973; Merriam, 2001; Peterson & Provo, 2000) and Human Resources Development (HRD) fields (as shown by Ahmad & Schroeder, 2003; Tharenou, Saks & Moore, 2007; Wright, Gardner, Moynihan & Allen, 2005; Yamnill & McLean, 2001), suggest that improved KSAs among MPs could in turn help parliaments to be more effective.

Research Method

In order to examine sentiments of Tongan MPs towards the effectiveness of training and reforms on improving parliamentary effectiveness, this study used case study design (Yin, 2009). Subsequently, semi-structured-interviews were administered to 11 MPs who were purposefully selected to provide the main source of data of this study. Since the monarchical constitution of Tonga does not provide for political party system (Banks, Muller, Overstreet & Isacoff, 2010), the selection of MPs to be interviewed was based on whether or not a particular MP belongs to the nobility. Consequently one noble MP was interviewed together with 10 commoner MPs. The use of interviews has the advantage of enhancing reproducibility (Brugha, Bebbington & Jenkins, 1999). Reproducibility entails the reliability and validity of interview responses following standard coverage and structure of questions found in semi-structured interviews (Brugha, et al., 1999; Dearnley, 2005). The quality of the data was further enhanced by triangulating the interview data with the Constitutional and Electoral Commission (CEC) report, Tonga's constitution and relevant literature (Yin, 2009). The data collected were interrogated following Creswell's (2009) approach in which emergent themes such as MPs' perceived effectiveness of training in impacting their performance and that of their case parliaments are examined. Subsequently, the performance was measured by the extent to which perceptions of MPs provided reliable and valid measures of MPs' performance and that of case parliaments, including reasons that contributed to such performance based on Freeman's (1983) method. Furthermore, this paper conceptualises and measures training using an absolute measure following Wright, Gardner and Allen (2005). Accordingly, the amount of training (e.g., seminars, workshops etc.) received by MPs is defined as the average number of training days available to MPs from the beginning of this current parliamentary term till June, 2012.

Findings

The average length of terms served by the interviewed MPs is four (12 years). However, this figure is largely inflated, because almost half of them (five out of 11) were serving their first-ever term. The average therefore could have been inflated given the fact that the rest of the interviewees (who are largely reformists) had served three or more parliamentary terms. This can be explained by the democratic movement that started in late 1980s which consequently produced reformists who have since become the mainstay in the Tongan parliament (Campbell, 2005; Powles, 2009). The majority of MPs (10 out of 11) stated that they have never been mentored. This can be explained by the absence of political party system in Tonga, the platform that has been used elsewhere in the Pacific for mentoring purposes. It should however be noted that while the absence of party system affects negatively the commoner MPs organisation-wise, the nobility is highly organised. The data shows that the provision of training programs in Tonga's parliament was mainly offered and/or coordinated by the United Nations Development Program (UNDP). Indeed while training programs were mostly sponsored by UNDP, they were delivered by UNDP officials, selected local and external trainers and in very few occasions by the office of the Clerk. Generally, these programs were limited to orientation (immediately after election), induction and brief seminars which were largely geared towards ensuring that MPs understand their basic roles and standing orders. The main mode of training was public lectures which were subject to much criticism by Tongan MPs as explained later. Using the absolute measure of training (see Wright, et al., 2005), the average amount of training received by the MPs is six days in a year. Also, the number of training days available to MPs ranged from five to 21. Note that only one MP had more than five training days. This was because, unlike other MPs, this particular MP made use of personal connections to gain access to training programs organised and provided outside Tonga. As for the remaining MPs, five days was the average. Note that in comparison to other developing Pacific nations, the average training received by Tongan MPs is quite high as it exceeds that in neighbouring countries such as the Marshall Islands, Papua New Guinea and Vanuatu. Results from this study show that generally the majority of MPs (seven out of 11) perceive training programs provided to them as too ineffective to enhance their performance and, in turn, that of their parliament. While respondents were quickly to point to the fact that training programs provided to them where poorly designed and delivered, they, eventually upon further questioning, acknowledged that in the end the effectiveness of training did not significantly matter much. This is because the effectiveness of Tonga's parliament is perceived by most MPs (10 out of 11) to be largely hampered by factors others that the ability of MPs to effectively and efficiently perform their duties. Findings on the perceived effectiveness of training in Tonga's parliament provide informative empirical evidence on the fact that the ability of MPs alone cannot ensure effectiveness of parliaments in nascent democracies. This is explained in two ways. First, more than half the interviewed MPs (six out of 11) were at least in their second term meaning more than half the serving MPs had at least one term

experience at the time of interview. This issue is important, since experience is considered by adult educationists (e.g.,, Burns, 2002; Dewey, 1933) to be one of the main contributors to the smooth transfer of KSAs during training sessions and thus improved performances because past experiences are regarded as a necessary condition for adult learning. It is thus paradoxical that despite possessing reasonable parliamentary experiences Tonga's MPs faulted the potency of training programs in improving their effectiveness and that of their parliament. Secondly, the findings are informative because the majority of MPs (10 out of 11) were found to possess at least a university degree qualification. These findings are ironic as they were expected to be consistent with higher levels of KSA transfer and better performances since higher educational background, is according to HRD theorists (e.g., Brunnelo & Nedio, 2001; Hirsch & Wagner, 1993), associated with enhancing the ability of adult learners to absorb training materials and hence become more effective. The next logical question that one can ask is why, despite favourable conditions for it — that is parliamentary experience and education qualifications — has training failed to achieve its objective in Tonga's parliament? The next sections examine issues that may explain this conundrum.

Tonga's path to legislative reforms

Numerous legislative reforms have been undertaken in Tonga from as early as in mid-19th Century (Marcus, 1978; Ward, et al., 2009). However, these reforms have failed to improve the effectiveness of Tonga's parliament since they mostly served to consolidate legislative power of monarch at the expense of Tongan people (Campbell, 1994; Hills, 1991; Marcus, 1978; Powles, 2009). For instance, the 1838 Tonga's law code established the King of Tonga as 'the law and the centre of everything in Tonga' (Campbell, 1994). This was to be followed by the 1839Vava' u Code that provided the King with absolute temporal powers as Chief Judge with the authority to do 'whatever he wishes' in consultation with the nobles (Ward, et al., 2009, p. 3). The 1875 constitution concentrated power on the monarch while simultaneously reducing the power of the chiefs (Marcus, 1978) as it formally created the nobility whose status was to be endorsed by the monarch. It also centralised the ownership of land to the government and specifically to the King who technically owned all the land in the country (Marcus, 1978) a move that has largely contributed to the big wealth-gap between the monarchy and commoners that is still vivid to date. Indeed, Sodhi (2006) reveals that the monarchy still controls much of the economic life in Tonga and owns up to two-third of Tonga's land which is considered to be the source of real power in the country given limited resource endowment. The beginning of a serious reform movement in Tonga began in 1989 when despite the *en masse* commoner MPs' walk out from the parliament, the noble MPs went on to pass 11 legislation (Campbell, 1994). This sent a clear message to the Tongan people that commoner MPs and by extension all commoners in Tonga were disrespected by the monarch and the nobility (Campbell, 1994). This forced Tongan people to gradually start to warm to commoner MPs (Campbell, 1994). The result was resounding wins for reformists in the 1990 parliamentary elections (Campbell, 1994). Attempts to influence public policies in Tonga initially

involved different strategies such as the use of the pulpit, media, petitions to the King as well as public rallies and seminars (Campbell, 2005). However, since these attempts did little to influence the change of attitudes in the part of the government, there was a growing feeling in Tonga that only constitutional reforms could bring about significant changes in the country (Campbell, 2005). This is because there was a general perception amongst Tongan people that the constitution of Tonga gave the monarch powers to act in a manner that was unresponsive to Tongan people's concerns as he was beyond reproach (Campbell, 2005). Indeed Tongan people had realised that the increase in number of commoner MPs in the parliament did not guarantee real change in Tonga as the issue of accountability was not yet entrenched in the Tongan constitution (Campbell, 1994). It is against this background that the issue of enforcing accountability that is ensuring that the government is for the people and accountable to the people became the centre of debate in Tongan politics from 1987 onwards (Campbell, 1994). Reformist debates were further fuelled by the then increasingly declining in the economy of Tonga which increased living costs of Tongan people (Campbell, 1994). This eventuality coupled with various allegations of rampant corruption by nobles and the increase in the number of educated Tongans from mid-1980s, served to fuel the reform movement in Tonga (Campbell, 1994). However, while these events improved the possibility of commoner MPs to dissent, collective responsibility by noble MPs meant that the status quo always remained intact (Campbell, 1994). Indeed both the nobles and the ministers (ex-officio MPs) felt accountable to the King while at the same time the King was not accountable to anyone. Moreover, successive failed attempts to impeach corrupt ministers coupled with the ease with which some of the reformists MPs were lured in some mysterious way into siding with the nobles on critical parliamentary votes exposed the flaws in democratic institutions (Campbell, 1994). The slow pace of embracing reforms in Tonga by the monarch only served to enflame frustrations amongst Tongan people (Campbell, 2005; Powles, 2009). But it was the scandals surrounding the powerful son and daughter of King Tupou IV in early parts of the last decade which significantly tarnished the imagine of monarch (Powles, 2009). This was coupled by the resignation of the youngest son of the King from his prime ministerial position in 2005 following another set of scandals (Powles, 2009). The mounting pressure following these eventualities paid off as for the first time in the history of Tonga a commoner MP was installed as the new Prime Minister (PM) in 2006 (Ward, Vaea, Halapua, Taufe'ulungaki & Fonua, 2009).

Not to be confused with the will to embrace reforms, Powles (2009) described the installation of the first commoner PM as a political move by the monarch to neutralise the growing tensions against its existence. Indeed, proving that the reforms were far from complete at the time, the first commoner PM Dr Sevele was quoted suggesting that despite the wave of reforms in Tonga at the time it was important that 'the three pillars of Tongan society-the royal family, the nobility and the people were left intact' (Ward, et al., 2009, p. 7). This was a surprising move by the PM as it is these so called pillars that have perpetuated the hegemony of the monarch and the nobility over ordinary Tongans. Suggesting for the need to

preserve this seemingly exploitative system, confirmed Dr Sevele's status as 'the King's PM'. The obvious siding of the commoner PM did little to convince Tongan people to take his appointment as a sure sign that the monarch was bowing to reformist demands. That said, the mounting pressure for reform agenda in Tonga eventually paid off as the government gave in and formed the National Committee for Political Reform (NCPR) in 2005 (Ward, et al., 2009). The NCPR which was headed by a noble was entrusted with the responsibility to gather recommendations relating to constitutional reforms from all Tongans and 'not just the views of certain group of people' (Ward, et al., 2009, p. 7). Meanwhile, the government amended clause 7 (which relates to freedom of press) of the constitution with the view to expand its power so as to control freedom of press (Powles, 2009). Frustrated by this decision, the reformists took their battle against the conformists to the Tongan Court of Justice (Pohiva, 2002). Subsequently, in one of the major blows to the monarch in the history of Tonga, the Chief Justice ruled out that the amended clause was unconstitutional as it contradicted the fundamental constitutional rights of freedom of speech provided in the constitution (Powles, 2009). This was the genesis of the constant use of courts by reformists each time they thought the parliament was not responsive to the electorate. Having collected information from Tongan people the NCPR recommended for formulation of a road map to finding a middle ground on reforms to be undertaken. Nevertheless, the government was sluggish to act on NCPR's recommendations as it instead presented its own 'road map to political reforms' in Tonga and moved to form the so called Tripartite Parliamentary Committee (TPC) to draw up a 'consensus' rather than blindly accepting the NCPR recommendations (Ward, et al., 2009). This move by Tonga's government was obviously construed as a delaying tactic and/or an indirect way to disapprove NCPR's recommendations (Ward, et al., 2009). The indecision in implementing the NCPR's report and the then ever increasing royal scandals proved to be the final straw as far as Tongans were concerned. Indeed it resulted in fierce protests in Tonga which uncharacteristically turned violent on the 16th November 2006 (Powles, 2009; Ward, et al., 2009). So severe was the violence that the substantial part of the downtown Nuku'alofa, the capital city of Tonga was reduced into ashes (Powles, 2009).

Under pressure, the TPC finally submitted its report in two parts in 2007. However, the expectations of most Tongan people that the findings would be implemented ready for the 2008 parliamentary election proved to be premature as the TPC pointed to the 2006 major events which sadly included the death of King Tupou IV (Ward, et al., 2009) as the main reason for the need to delay the implementation of its reports. It recommended for either 2009 or 2010 as a suitable implementation time (Ward, et al., 2009). Importantly though, the TPC recommended for the establishment of the Constitutional and Electoral Commission (CEC) Act which was assented by the monarchy on the 23rd of July 2008 (Ward, et al., 2009, p. 10). The CEC had an obligation to draw up priority reform areas (Ward, et al., 2009) that needed to be implemented in time for the 2010 parliamentary elections in Tonga. Working on tight schedule, the CEC managed to propose what would later

become the 2010 constitutional reforms. However, this paper contends that even the 2010 constitutional reforms are not deep enough to positively and significantly affect the effectiveness of the Tonga's parliament. The next section shows why.

Why meaningful legislative reforms are necessary in Tonga

This paper suggests that the main reason behind the failure of training programs in making the Tonga's MPs and parliament more effective can be traced to the structural powers the Tongan monarch and, by extension the nobility have over the parliament. These powers are prohibitive since they prevent MPs/the parliament from being responsive to voters' needs. In other words, legislative arrangements in Tonga limit the ability of MPs to positively and significantly have an effect on parliamentary outcomes, regardless of the KSAs they possess. The structural powers are divided into five main themes. These are: (i) the make-up of the parliament; (ii) the influence of the monarch in selecting noble MPs (iii) the veto power possessed by the monarch; (iv) eligibility for the Speakership and (v) the wealth and political power possessed by the monarch and by extension the nobility. These are further examined below.

The first structural power that prevents the parliament from functioning more effectively is the make-up of the parliament that practically guarantees the presence of nine noble MPs in parliament. This provides the monarch and the nobility with an advantage politically, particularly when it comes to forming the government and dominating the parliamentary policy agenda. This is because, in a parliament consisting of only 26 parliamentarians, nine MPs make up more than a third of the total. Consequently, it takes only five MPs to cross the floor to join the noble MPs (as it so happened in the 2010 elections) for them to form government and thereafter control the legislative agenda. It thus does not matter how knowledgeable Tonga's MPs are, as long as the constitution continues to guarantee nine seats to nobles, it is difficult for the parliament to arrive at outcomes that do not protect the interests of royalty. The second structural power pertains to the way the noble MPs are selected. Preserved intact from the 1875 constitution is a provision that guarantees the inclusion of nine noble MPs who are selected, largely based on who the King approves to be an MP (Maloney & Struble, 2007. The point of contention here is that, as long as the King is central in determining who among the nobles gets to be selected as MPs they almost always are bound to be loyal to the monarch rather than being responsive to the needs of the electorate (Hills, 1991; Marcus, 1978; Sodhi, 2006). This means that, regardless of the KSAs the noble MPs possess, their decision-making routines are tied to fostering the interests of the monarch for their survival as MPs.

Furthermore, since the King traditionally reserves the power to reverse the appointments of noble MPs, (Maloney & Struble, 2007), it is difficult for them to contradict the policy stand of the monarch regardless of their possessed policy knowhow and inclinations. An example of the power of the King over the noble

MPs was evidenced by the decision of King George Tupou V[3] to add four more nobles to the 33 existing body of nobles a few weeks prior to the 2010 parliamentary elections, thereby lessening their chances of being selected as a MP without consulting any sitting noble, (Motulalo, 2011). Predictably, this move angered the then sitting nobles (Motulalo, 2010). Nevertheless, when asked to comment about the King's decision, the then Speaker, Lord Tu'ilakepa replied, 'If that is the King's wish, what else is there for us [nobles] to decide?' (Motulalo, 2010). The then Solicitor-General had a similar reaction to the abrupt decision, pointing out that 'when the King appointed them [the new nobles], they became nobles' (Motulalo, 2010). It should not come as a surprise, then, when noble MPs are bound to ensure that 'the country is still ruled by chiefs for the King' (Salmond, 2003), implying that their KSAs play an insignificant role, if any, as far as being responsive to the needs of Tongans is concerned. Indeed according to a noble MP, his main role as an MP is 'to protect the interests of the nobles and the King by ensuring their rights are not violated in any way'. The third structural power that prevents the parliament from functioning more effectively is the veto power that the monarch possesses. Note that even in traditional parliamentary systems, such as that in Australia, the monarch or her representative (the Governor-General) has a constitutional power to veto legislation at her informed discretion (Banks, et al., 2010). However, neither the monarch nor the Governor-Generals of these countries have been known to have exercised this constitutional power (The Commonwealth Parliamentary Association, 2009). The monarch in Tonga has, however, used his veto power regularly over the years. Indeed, as recently as in December 2011, King George Tupou V withheld his royal assent on an arms and ammunition Act which was overwhelmingly passed by the parliament. The King's reason was that the Act was 'inimical to welfare, wellbeing and safety of his subjects' (Parliament of Tonga, 2011). Sincerity in vetoing the Act aside, the regular use of the veto power by the Tongan monarch implies that, regardless of the KSAs possessed by MPs, the outcome of the parliament will always be responsive to his will rather that the needs of Tongans.

Another structural power that affects the effectiveness of the Tongan parliament is the eligibility criterion for choosing the Speaker. This is a problem because the constitution stipulates that the position of Speaker can only be held by a noble MP (Fonua, 2009). The need for control of this position arises because the Speaker chairs debates and controls the inclusion of the parliamentary agenda in parliament. Limiting this position to noble MPs alone means that the monarch and by extension the nobility exercise absolute control over the parliamentary agenda and ultimately outcomes. It is not surprising, then, that a commoner MP argued that a 'stronger speaker who is not biased to the nobility' is needed if Tonga's parliament is to improve its performance. This demand is based on the fact that, regardless of their KSAs, commoner MPs cannot be effective if they are not given the opportunity to influence the parliamentary debate. The inability of commoner MPs to influence and/or formulate legislation is evidenced in their view that the parliament does not

[3]King George Tupou V suddenly passed away on the 19th of March, 2012

provide them with a platform to raise issues pertinent to their constituents. For instance one MP claimed that he could not afford to sit in parliament and 'baby-sit the government year in year out'. Yet another pointed out that he used to speak 'louder and [more] freely while outside the parliament than inside it'. Consequently, there have been a number of instances where commoner MPs have resorted to going to court rather than debating salient issues in parliament. For instance, according to a number of commoner MPs interviewed there is credible evidence that the soft loan provided by China to rebuild areas which were destroyed during the 2006 riots have been diverted to other areas, including T$32 million that was spent to extend the King's palace without the government seeking assent from the parliament as should be the case (e.g., MP 53, Tonga). As a result, 10 commoner MPs signed a resolution in 2011 proposing to take legal action against the government for misuse of public funds. While this issue remains *sub judice* and therefore one must be cautious in not pre-empting the final verdict, the fact that, in a parliament of 26 MPs, ten MPs cannot influence what is debated speaks volumes in terms of the difficulties commoner MPs continue to face when trying to have important matters relating to the use of public funds debated in the parliament.

The final structural power that hinders the effectiveness of parliamentary performance in Tonga is wealth and political power possessed by the monarch and by extension the nobility. Indeed, throughout Tonga's history, the wealth of the monarch and the nobility has given them a 'license' to dominate political scenery in Tonga (James, 1994; Marcus, 1978; Sodhi, 2006). Powles (2012) gives an evidence to this reality by citing a recent example when the honourable Akilisi Pohiva gathered nine signatures from commoner MPs and gave notice of intent to move a motion of no confidence against the noble-led government on the 18th June 2012 prior to house recess. By the time the house reconvened on the 17th of July 2012, the motion had already died as one of the commoner MPs who previously supported the motion crossed the floor in mysterious circumstances only to be appointed a minister in the noble-led government a few weeks after.

It follows that the parliament may never be responsive to Tongans' needs if the wealth and political power of the monarch and by extension the nobilities, situation is left to continue as it is. Indeed according to one MP 'most of the commoner MPs cannot get jobs and wealth outside the parliament, the government (the monarchy) gives them both'. Another MP added the fact that 'the nobility has power, land, money and title that is why it is difficult to compete with them'. Note also that, even if the commoners were to promise ministerial positions, not all of them could have secured them. This is because the 2010 constitutional reforms restricted the maximum number of ministers to ten members in addition to the PM (Fonua, 2009). As a result, there is always bound to be some few disgruntled commoner MPs who will be ready to cross the floor and join the noble MPs' camp in search for ministerial positions as it so happened following the 2010 general elections in Tonga. Indeed according to one MP, under the current system, 'the government always gets what it wants because normally four to five people's MPs would cross to support the monarchy backed government'. The problem is, when they cross the

floor, they (the commoner MPs) fully support the King's course. For instance, when the MP from Tongatapu 10 constituency reported in October, 2011 on what he called 'the top priority need from his constituency' that his voters demand that all MPs including the noble MPs should be popularly elected, it was the commoner MP, the honourable minister. Ma'afuTukuiaulahi, who confronted the report and labelled it 'unfounded and controversial' (Parliament of the Kingdom of Tonga, 2011). In summary, given structural deficiencies within the constitution of Tonga, training cannot improve the effectiveness of the parliament. This is because the way noble MPs and the Speaker are selected, the regular exercise of the Crown's veto power and the impact of wealth and political power of the nobility in determining democratic outcomes makes it difficult for all MPs to function in a manner that responds to the interests of Tongans. It is, therefore, imperative that reforms to address this situation be undertaken if genuine improvements are to be achieved. It is in this context that the next section suggests reforms which could aid parliamentary effectiveness in Tonga.

Suggested reforms

This paper recommends a number of constitutional reforms which, if undertaken, may enhance parliamentary democracy in Tonga. First, it recommends that a second (upper) chamber of parliament which resembles that in the neighbouring Marshall Islands (Banks, et al., 2010) be introduced in Tonga. This chamber would comprise noble MPs whose sole task would be to advise the lower house only on matters pertaining to the traditions and customs of Tonga (Fraenkel, 2002). Thus, as in the Marshall Islands, any other noble who wishes to be part of the lower house should be popularly elected in the same way as are commoner MPs. Such a move would help to ensure that all MPs in the lower house are accountable and therefore responsive to the people of Tonga, as all MPs in the lower house would be accountable to voters. Note, however, that on the matter of establishing the second chamber, the CEC (2009) claimed to have found 'no evidence that would justify a second chamber in terms of the need or cost' (paragraph 222). However, there are not many reasons that can justify an action more than that which ultimately makes a parliament more effective. In other words, if forming a second chamber can allow the lower chamber to be more responsive to the needs of Tongans the cost of establishing the former is worthwhile. In fact, if the 2006 political violence in Tonga taught us anything, it is the fact that the consequences of ignoring people's needs are usually costlier. It follows from this that any initiative that can potentially make the parliament more responsive should be embraced at all costs. On the other hand, the second chamber is important as it will serve to preserve the presence of the nobility in parliament without making it unresponsive. In order to understand this point one has to look at the 2010 election where no single noble was successful when it came to popular voting. Assuming the presence of a single chamber that is entirely popularly voted in, today there would not be a single noble in parliament something which would be rather unfortunate. The formation of a second chamber is therefore essential to preserving Tonga's tradition. Alternatively, if the option for establishing the second chamber is not attractive to the Tongan people, the

constitution should be amended to ensure that all MPs, including prospective noble MPs, are popularly elected. As explained previously, this potentially removes the influence of the monarch on the parliament and hence improving parliament's responsiveness to Tongan people. This version is indirectly supported by the CEC (Constitutional and Electoral Commission, 2009) which reported that, 'the ultimate control of an ineffective poor or dishonest government lies in the hand of the electorate through the ballot box' (paragraph 192). Furthermore, the need for a chamber where all MPs are popularly elected was originally alluded to by the CEC before mysteriously being taken out of the final report. Indeed according to Powles (2012, p. 28), CEC initially strongly argued for either no noble to be in parliament or for the election of nobles' seats by the whole electorate. To this the CEC originally reported, 'Measured against current perceptions of democracy in much of today's world, there can be no justification for the presence of the nobles in the assembly' (CEC, paragraph 319). For some reasons though CEC retracted from this informed position and recommended for no change to the current system. In addition, the constitutional provision that restricts the position of Speaker to noble MPs (Constitution of Tonga, Clause 61) should be amended to allow all MP to be eligible. This would potentially ensure that the office of the Speaker is as neutral as possible. Such an amendment would signal a new direction in the Tongan parliament and society at large, because it would help to remove a discriminatory and potentially elitist constitutional provision that excludes part of the population from the right to seek the position. As well, as is the case in parliamentary constitutional models such as that in the neighbouring New Zealand where the Crown is represented by the Governor-Generals, the Tongan King's power should mostly be ceremonial (Banks, et al., 2010). This should necessarily include restricting the Crown from actively affecting legislative outcomes via veto power currently vested in him (Powles, 2012). Commenting on the issue Powles (2012) argues that Tonga does not qualify to be labelled 'parliamentary monarchy' in the mould of countries such as New Zealand as he has discretionary powers to, if he wishes, take precedent over those of the law-making assembly particularly in terms of his veto powers and the power to dissolve the parliament at any time. Making the King's legislative powers ceremonial is therefore imperative if the effectiveness of Tonga's parliament has to improve. Finally, the laws that restrict commoner MPs to debate with the view to amend any law regarding the wealth possessed and/or acquired by the monarch and the nobility and their wealth (Constitution of Tonga, Clause 104) should be revisited. Furthermore, genuine efforts to ensure transparency, particularly regarding the use of wealth to lure politicians, during and after election must be made so as to level the political field among noble and commoner candidates. In the long-run though, there has to be deliberate efforts geared towards redressing uneven wealth distribution in Tonga. This is because, as long as the commoners do not hold real wealth, it will be next to impossible for the current situation to be improved as wealth has consistently been found to have a significant correlation with political outcomes (Callahan & McCargo, 1996; Gherghina & Chiru, 2010; Jacobs, 2012; Lioz & Bowie, 2012; Milyo & Groseclose, 1999; Riley, 2012).

Conclusion

This paper has examined the salient reason behind the failure of strategies of strengthening Pacific parliaments despite the employment of huge amount of resources in the region. Using the case study of Tonga, it is argued that - despite a significant investment in training and more than a century of reform - the lingering control the monarch has over the operations of the parliament has continued to limit its effectiveness. Five principal reforms, if adopted, could improve the parliament's effectiveness in Tonga. Note however that the author neither suggests that training should be abandoned as a tool for enhancing the effectiveness of parliaments nor does he pretend to be qualified to criticise the constitutional and cultural arrangements of Tonga, a sovereign country with the world's second oldest constitution (Banks, Muller, Overstreet & Isacoff, 2010). On the contrary, the case of Tonga is used to support the simultaneous use of parliamentary strengthening approaches, in this case training and legislative reforms in the quest for enhancing parliamentary effectiveness in nascent democracies. Specifically, it is argued, in order to have successful legislative strengthening programs in emerging democracies, legislative reforms have to be given the first priority. This argument is consistent with that advanced by practitioners such as Hudson and Wren (2007) and Pelizzo (2010) that combining more than one approach of strengthening parliament can potentially yield better legislative results. ▲

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