

April 9th, 2009

**LEAD FACILITATOR REPORT ON TONGA INDUCTION WORKSHOP
FOR MEMBERS OF PARLIAMENT**

***“PARLIAMENTARY CAPACITY ENHANCEMENT AND TALANOA
PROGRAM FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY “***

16TH-18TH JULY 2008

Following a series of in-country consultations between UNDP and the Government and Parliament of Tonga I was asked, in my capacity as Director of East-West Center’s Pacific Islands Development Program, to conduct a workshop that aimed to provide an opportunity for members of Tonga Parliament to discuss, and share, experiences and ideas concerning their important legislative, representative and oversight roles in accordance with the Constitution.

Tonga’s on-going movement toward the formation of a more democratic form of government presented me with a complex situation within which to conduct the UNDP Induction/Orientation workshop for members of Parliament. Extra requests made by Tonga MP’s prior to the workshop included a need to clarify and discuss the interrelationships and separation of Powers between the Executives (Privy Council and Cabinet), Parliament and the Judiciary; and to touch on the issue of political reform. To date, proper negotiation of political and constitutional reform has struggled with “...the limited role of the Legislative Assembly within the political system”. Members must also deal with constraints such as “the limited development of available human resources”; “the limited availability of and access to information about the political system”; and “a limited general understanding of the role of the Legislative Assembly” (Quinton Clements’ mission report: **United Nations Development Programme Legislative Needs Assessment, Kingdom of Tonga; *Constitutional Stability Amid Pressures For Change***).

I felt that it was important that the workshop pursue the aims set out in its terms of reference in a way that would allow participants to acknowledge, and share their views on, the volatile reality of Tonga's current political situation. With this in mind, I suggested that the workshop become a *talanoa*, that is, an open dialogue without pre-determined agenda. Subsequently, the Speaker of the Legislative Assembly of Tonga, Hon. Tu'ilakepa sought the assistance of Dr. Langi Kavaliku (former Prime Minister, and former Cabinet member), Laki Niu (Law Practitioner), and Dr. 'Ana Taufe'ulungaki (Ministry of Education) to co-facilitate a workshop entitled **“Parliamentary Capacity Enhancement and Talanoa Program for Members of the Legislative Assembly”**.

On July 16th 2008, for the first time in the history of the working parliamentary system in Tonga, elected and appointed government members sat down and discussed their roles. The discussion was loosely structured around a number of presentations given by myself, with topical reflections from co-facilitators. Members were given the opportunity to respond, in free and open dialogue, with their views.

Presentation: ***“Structure of Tongan Society, Constitution, Separation of Powers & Roles of Parliament”***

Reflection from Co-Facilitators on: ***“Governance, Accountability, and Roles of Parliament”***; ***“Public leadership, Roles and Responsibilities of Members of Parliament”***; ***“Constitutional Function of Parliament, Scrutiny & Parliamentary Privileges”***

Presentation: ***“Distinct, Competing, Balancing roles and responsibilities of Members in and outside of Parliament, and Media”*** (based on issues discussed); ***“Parliamentary Secretariat and its Distinct and Competing Functions”***

Out of the discussion, differences between the elected and appointed government members were revealed. There were fundamental differences between views on problems of governance. Mr. 'Akilisi Pohiva, Tongatapu's People's Representative and popular leader of the pro-democracy movement, pointed to current political problems in Tonga as problems with the power of the King. Others disagreed, and felt that the Kingdom should remain respectful of its unique system of government. There

were also fundamental differences regarding resolutions and solutions to the issues brought forth by these different perspectives (*see attached Minutes of Proceedings*).

Most importantly, the three-day *talanoa* shaped the terms of reference for the Constitutional and Electoral Commission, later convened on 7th January 2009, with joint financial support from New Zealand, Australian and the Tongan Governments. To my mind, the amendment to Section 2 of Schedule 2 of the Act, namely, the deletion of the requirement that the Commission specifically inquire into the matter of appointments to the Legislative Assembly from outside, has played a crucial role in maintaining a stable situation in the Kingdom, and in keeping alive any hope of a proper process of political negotiation between the elected and appointed government members, the people, the nobles and the King. To me, the workshop's contribution to the Commission's amended terms of reference was its substantive achievement.