

DEMOCRATIC REFORM IN TONGA: TOWARDS AN ALTERNATIVE ELECTORAL SYSTEM

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This paper recommends an alternative electoral system for Tonga based on the assumption that Tonga will at some stage move towards increased democratic accountability. The paper remains agnostic on the desirability of democracy in Tonga, however, leaving that determination to be made by the people of Tonga themselves. The paper draws on literature from two areas: the general study of electoral systems, and the study of Tongan society and culture. It applies current theories of electoral systems to the Tongan case in order to provide specific reform recommendations. The recommended system has two parliamentary chambers, a lower legislative house elected via STV with multimember districts and an unelected deliberative upper House.

This paper is intended to help focus 'the democracy debate' in Tonga, so that it can include a detailed discussion and comparison of clear and specific alternatives, rather than being limited to broad comparisons of abstract concepts.

Misant sur une probable ouverture démocratique des Tonga, l'auteur suggère quelques modalités pratiques tendant à la mise en place d'un nouveau système électoral. Cet article ne prend cependant pas position dans le débat de l'opportunité des changements démocratiques à intervenir, cette question devant, selon lui, rester de la seule décision du peuple des Tonga. L'analyse retenue se fonde principalement sur l'étude du système électoral actuel et sur celle des structures de la société tongienne et cherche à y transposer les principaux systèmes électoraux en vigueur dans les pays démocratiques. Les faveurs de l'auteur vont au système bicaméral avec une "chambre base" composée de membres élus représentant les différents districts et d'une "chambre haute" dont les membres seraient nommés.

The Tongan monarchy, the last in the Pacific, is under pressure. Since 1983 the Pro-Democracy Movement (PDM) in Tonga, founded by 'Akilisi Pohiva, has conducted a campaign of opposition to the general structure of Tongan government. In light of recent

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revelations of ‘immoral and unethical behaviour’ (James 1994: 243), it has demanded that King Taufa’ahau Tupou IV redesign the Tongan constitution so that Tonga becomes a constitutional monarchy with greater accountability of executive action to the wider public. This would be very different to the political system under which Tonga currently operates, which invests all of the political and legal power in Tonga with the King and his appointees essentially unfettered by Tonga’s Parliament (Tiffany 1993: 16). The King has resisted these calls and to date no significant constitutional change has been made, despite the support for change that has come from the church and the international community (Tiffany 1993: 18).

The aim of this paper is to explore possible democratic electoral systems for Tonga with a view to recommending one ‘best’ from a wide range of alternatives. If the King accedes to the demands of the PDM, the electoral system of Tonga will need to be redesigned. At present the electoral system allows the King to appoint 12 members of the 30-seat legislature on an indefinite term, and allows Tonga’s 33 nobles to elect another nine members, leaving only nine representatives elected by the other 94,000 Tongans – a situation that doesn’t approximate ‘democracy’ in any meaningful sense.

It is important to note that this paper is predicated on the accession of a ruling monarch to the PDM’s central demand. The merits or otherwise of democracy for Tonga is not an issue which is substantively addressed here. That is a decision which should be taken by Tongans themselves. It is fair, however, to say that democratic reform in Tonga in the foreseeable future is at least a realistic possibility because:

- Crown Prince Tupouto’a, the next in line to the Tongan throne, has publicly stated that his most important priority as monarch will be to ensure that Tonga is seen as ‘a good citizen of the global village’ (Bain 1993: 99). Given that international opinion has consistently favoured democratisation, democracy may be a price which Tupouto’a is willing to pay in pursuit of his primary objective;
- There has been a general move in the Pacific in recent decades away from the type of feudalism currently practised in Tonga and towards systems generally termed ‘democratic’.

This realistic possibility is all that is required to make the conjectures in this paper worthwhile.

The paper is structured into three sections. Section I deals with electoral systems in general, setting a theoretical background and framework for later discussions of the electoral system in the particular context of Tonga. It sets out the functions and major types of electoral systems, exploring the broad strengths and weaknesses of each category of system. It also points to some limitations in the application of current academic work on electoral systems to the Tongan case. Section II highlights the political cleavages that exist within Tonga and the nature of Tongan culture insofar as these impact on the choice of electoral system. Section III seeks to apply the theoretical lessons of the first section to the particular context of Tonga. It outlines in detail the proposed democratic alternative to the current Tongan electoral system, explaining along the way why some of the other alternatives were rejected.

I ELECTORAL SYSTEMS

The electoral system is one of the most important elements of any political system. An electoral system sets out the rules by which seats in a legislature are filled. Any changes in these rules can have dramatic consequences on the operation of politics in a nation-state. Electoral rules are also among the easiest elements of a political system to alter, and as such are more open to goal-oriented manipulation than most other elements of the system (Taagapera and Shugart 1989: 4). Any major reform of a political system will usually involve modification to the electoral system. This section introduces the study of electoral systems. After outlining in further detail the general function of an electoral system, a comparison is made of the strengths and weaknesses of different types of system.

A *The Function and Operation of Electoral Systems*

Many studies of electoral systems concentrate on those systems in use in developed democratic polities (Lijphart 1994: 1). This emphasis allows the study of electoral systems in action free (as far as possible) from political manipulation or severe gerrymandering. In those systems that operate on universal adult suffrage, the electoral system is defined as the set of rules used to fill the legislature based on the votes of the public (Bogdanor and Butler 1983: 1; Lijphart 1994: 1). This can be contrasted immediately with the function of the electoral system in Tonga where only 30% of the legislature is decided by way of universal suffrage, with the rest either being appointed directly by the King or selected from among the 33 nobles.

A broader definition of the role of the electoral system is that it sets the rules and procedures by which people may gain entrance to a legislature, executive or the judiciary. This definition is wider than the one previously favoured by some theorists, and encompasses the vast array of electoral systems that are not democratic in the 'purest' sense of the word. Using this broader conception the 1910 Royal Commission into the British electoral system found that there were over 300 possible electoral systems for Britain to choose from (Royal Commission into Electoral Systems 1910: para. 45), each of which had slightly different rules for transferring votes into seats and therefore producing potentially different results from the same set of votes. This is an intriguing aspect of electoral systems; even the slightest change in electoral rules can have significant consequences on the outcome and in due course on the policy direction taken by the resulting legislature.¹

1 Two brief examples will illustrate this point. The German (previously West German) electoral system was altered in 1990 following German reunification. Prior to reunification, 5% of the total vote was needed over the entirety of the nation (at that stage West Germany) in order for a party to gain representation in the *Bundestag*. After reunification, however, this rule was changed so that parties could gain representation if they crossed the 5% threshold in *either* former West German territory *or* the old East Germany. The result of this change was that the Communist PDS Party received 17 seats in the *Bundestag*, and the East German Greens 8 seats, whereas under the old rule they would have both received none (Hancock 1993: 250-51). A second example relates to the seemingly unimportant question of electorate boundaries. New Zealand's Electoral Act of 1956 required the independent Representation Commission to take "communities of interest" into account when drawing up electoral boundaries. Some theorists have persuasively argued that if this stipulation had been removed, the New Zealand Labour Party would have won both the 1978 and 1981 elections – which in fact they lost – because of the different district boundaries that would have been drawn (Nagel 1998: 239-240).

The specific choice of an electoral system is therefore of vital importance to any nation. With knowledge of how electoral rules work, systems can be designed to promote particular policy goals. Indeed, every electoral system has the effect of promoting a distinct set of objectives. The major objective in the current Tongan electoral system, for example, is to ensure that ultimate political authority rests with the King and the nobles. Electoral systems can also be used to promote more specific goals. They have often been used to either empower or oppress particular ethnic groups. The electoral systems of Malaysia and Fiji, for example, have been used at various points to ensure that power remains in the hands of the ethnically indigenous group despite a growing demographic presence of other ethnic groups. This is achieved in Malaysia by systemically over-representing the rural constituencies, which are predominantly inhabited by ethnic Malay, at the expense of the mainly Chinese urban electorates (Hanafiah 1987: 279). In Fiji the goal was obtained by reserving a majority of seats in parliament for ethnic Fijians (Ravuvu 1991: 92-93).

Through the preceding examples, it can be seen that the choice of electoral rules – even down to the most minute details – will be of considerable importance to the structures and outcomes of a nation's politics.

B *Types of Electoral System*

Although there are a multitude of distinct and individual electoral systems, it is possible to classify them into a number of main groupings, and to make broad statements about the relative advantages and disadvantages of each. This section sets out some of the main classifications of electoral systems, and reviews the relative strengths and weaknesses of each type of system that has been identified in previous work on the subject.

One of the most basic choices that designers of electoral systems need to make is whether to have one house of parliament or two. Those nations with two chambers sometimes have one house (generally termed the 'lower house') which can initiate legislation, and another house that can only delay, block, or recommend amendments. Other bicameral structures, particularly in continental Europe, grant substantively similar powers to both houses (Money and Tsebelis 1992: 36-37). The argument in favour of the second chamber is simply that it provides a deliberative check on the power of legislative action (Heywood 1997: 301), supplementing the simple 'accept or decline' that many Heads of State nominally have but seldom use in a partisan manner. Second chambers can take many forms and can be elected in many different ways. In Britain, for example, membership was until recently determined on the basis of hereditary peerage, while in many other nations the second chamber is directly elected. In the context of Tonga, it may be possible to compensate the nobles for their loss of nine parliamentary seats by giving the Council of Nobles the status of a second chamber of parliament. The question of the particular powers that this chamber might be given is taken up in Section III.

Perhaps the most important elements of an electoral system are the electoral formula and the district magnitude (Lijphart 1994: 10), which are intrinsically linked to each other. The electoral formula determines how people cast their votes and how those votes are transferred into seats in the legislature, while the district magnitude represents the number of seats available in each electoral district or electorate. In this paper, the analysis is organised

according to the type of electoral formula chosen, of which there are two main types: majoritarian and proportional. Some electoral systems attempt to combine elements of both categories, such as the German system of 'personalised proportional representation', but the vast majority of systems can be characterised as basically proportional or majoritarian.

The basic aim of majoritarian electoral formulas is to find the most popular candidate in a given area – sometimes with the stipulation that the winner's popularity must be over 50% – and grant that person a seat in the legislature. The vast majority of national-level majoritarian elections are fought in single-member constituencies. The reason for this is that multi-member electorates – electorates with a district magnitude of greater than one – in combination with the presence of active political parties, are not well suited to this kind of electoral formula. Such a system would tend to produce highly disproportional election outcomes, where the number of seats which parties receive in the legislature bears very little resemblance to their proportion of the popular vote (Taagapera and Shugart 1989: 23). Multi-member electorates can, however, combine well with 'plurality' voting (see below) in the absence of political parties, and are used in this form for committee elections in many voluntary organisations. At present, elections for commoner members of the Tongan parliament operate in multi-member electorates, with the outcome decided by simple plurality. This system has been free from the disproportionality problem mentioned above only because of the absence of disciplined political parties from the Tongan political scene (Tiffany 1993: 19).

The simplest form of majoritarian system is the single-member plurality system, as practiced (among other places) in Britain for House of Commons elections. In these elections, the nation is split into a number of districts, and the most popular candidate in each seat (regardless of the actual number of votes they received) is elected. It is termed a 'plurality' (as opposed to 'majority') system because the winning candidate need not receive over half the votes to win the election. Indeed, Lijphart's (1994: 28-9) research has shown that candidates tend to need only about 35% of the popular vote in their district in order to win a plurality election.

Those majoritarian systems that do require a majority of votes in order to be elected are organised in one of two ways. The first is to hold a second run-off election if no candidate receives over 50% of the popular vote on the first ballot. In some elections, such as presidential elections in France, Portugal, and Austria, only the two leading candidates from the first ballot are permitted (by convention or law) to enter the second election, thereby guaranteeing that one of them receives a majority of the votes (Lijphart 1994: 19). In some other systems, however, more than two candidates are allowed to enter the second run-off election, which has the potential to create problems if no candidate receives a majority in the second ballot. Parliamentary elections in France and in Kiribati circumvent this problem by requiring that candidates need only receive a plurality, not a majority, in the second ballot to win the election (MacDonald 1996: 12; Taagapera and Shugart 1989: 22). The second option, used in Australia, is to ask voters to rank some or all of the candidates in order of preference; this is known as Preferential Voting (PV). If a candidate does not receive an absolute majority of 'first preference' votes, the second preferences of the weakest candidate are redistributed

among the remaining candidates. This process continues until an absolute majority is gained by a candidate, who is then declared elected (Lijphart 1994: 19).

The perceived benefit of majoritarian systems is that they tend to produce strong and effective governments. Majoritarian electoral formulas tend, over time, to lead to the growth of two-party political systems, where there are two main political parties along with a number of minor parties that are not regularly represented in the legislature (Duverger 1954). With this type of system the probability of one party receiving a majority of the seats in the legislature is very high, allowing that party to then govern the country (at least in parliamentary systems) with relative ease. The most common critique of majoritarian systems, as noted earlier, is that the election results often do not accurately reflect the relative popularity of the political parties; they are, in other words, disproportional.

The second type of electoral formula includes all those based on the idea of proportional representation (PR). The aim of all PR formulas is basically the same: to ensure that a party's strength in the legislature is roughly proportional to its share of the popular vote. All PR formulas operate in multi-member electorates, because PR in a single-member electorate has exactly the same effect as the simple plurality system while being far more complicated to administer. Because all of the five major PR formulas share this same goal and can operate in the same environment, this paper will not discuss them in depth. It will suffice to say that some of the formulas produce more proportional results than others, and the systemic bias which is present, although in some cases minimal, in each of the formulas favours the larger political parties over the smaller ones (Grofman and Lijphart 1968: 171). All the PR formulas require political parties to produce 'party lists'. These are ranked lists of the party's candidates for a particular district. If the party then wins three seats in the district, the first three people on the party's list are declared elected. In some countries, the order of the list can be changed by voters – 'open lists' – while in some they cannot. These are complex issues beyond the scope of this discussion.

There is also an electoral formula that approximates PR without using party lists known as the Single Transferable Vote (STV). STV uses a similar ballot structure to the preferential voting system outlined earlier. The main substantive difference is that STV is used in multi-member electorates, while PV is used in single-member districts. This allows STV to give more proportional results than PV. Yet another electoral system is known as Single Non-Transferable Vote (SNTV). SNTV, only used in Japan, is similar in most respects to STV (Lijphart 1994: 40-42), except that an elector only votes for one candidate in each electorate, with the winners decided by plurality rather than the redistribution of preferences. Discussion in this paper will centre on STV rather than SNTV because of the additional benefit it has of allowing voters to express preferences, thereby ensuring that their vote is almost never 'wasted'. SNTV does not have this feature and brings with it no additional benefits over STV.²

2 The reader may leave this discussion of SNTV wondering why it was ever adopted in Japan given its serious shortcomings. SNTV was an attempt by the ruling parties of Japan following World War II to ensure that no new parties arose in the system, and this system has certain advantages that allow for this outcome. For a more detailed discussion, see Cox and Thies (2000).

Two factors that are worth noting regarding PR systems are the district magnitude and legal threshold. The district magnitude is the number of seats elected from each electoral district. For example, a district magnitude of three means that three legislators are chosen from the district. In PR systems the basic rule is that as the district magnitude increases, and consequently as the number of districts falls, the proportionality of the system increases. For example, if Tonga were to choose a PR system, it would be more proportional if the Tongan people voted in one district than it would be if Tonga were split into three districts, one for Tongatapu and 'Eua, one for Vava'u and the Niua, and one for Ha'apai.

When more seats are being allocated, a better fit can be achieved, on average, between a party's percentage of votes and a percentage of seats that corresponds to an integer number of seats (Taagapera and Shugart 1989: 19).

Indeed, it has been argued that the district magnitude is more important than the electoral formula in determining the proportionality of a PR system (Hogan 1945: 13).

Some PR systems impose a minimum level of support which a political party needs to gain before it can obtain any seats in the legislature. This requirement, known as the 'electoral threshold', is intended to ensure that those parties which are represented in the legislature have a significant degree of public support, and to discourage major parties from splitting into a large number of smaller parties (Taagapera and Shugart 1989: 119). Electoral thresholds, by their very nature, always have a negative impact on the proportionality of a given electoral system, but are justified because of the other benefits mentioned.

Overall, PR systems are promoted by many because of the high value placed on a proportional parliament. Some view this as 'more democratic' than the majoritarian alternatives. Critics of PR point out that a PR system is much more likely than a majoritarian system to result in coalition governments, which have proven to be less stable than single party governments and often end up enacting 'combination' legislative programmes on which the voting public has had no chance to express a formal opinion (Lijphart and Grofman 1984: 67-68).

There is often another choice facing electoral reformers: whether to have the 'cabinet' (the heads of the executive branch of government) chosen by the legislature or selected by the Head of State. Usually this is a choice faced by those operating in a presidential environment. Because for the foreseeable future the Head of State in Tonga will be the King, however, it would be highly unusual and would undermine the purpose of reform to let the Head of State simply choose the cabinet. Such an outcome would severely curtail the authority of parliament at the hands of an entirely non-accountable authority, which in a democratic and parliamentary system would be a very strange outcome. Hence it is clear that the cabinet should be chosen or at least nominated by the legislature in Tonga, because systems without an elected President are 'characterised by a fusion of the legislative and executive branches of government, with the cabinet, ideally, as the 'connecting link'' (Kaiser 1997: 425).

Some other choices that often face electoral engineers all over the world are not major issues in the context of the Tongan political system. As a result, these are not considered here. Arguments about the desirability of unitary or federal systems, written or unwritten

constitutions, and presidential or parliamentary government are not very fruitful in the Tongan context. Tonga is too small to seriously consider a federal system, already has a written constitution which it would be nigh-impossible to 'un-codify', and has a political culture too attached to the King as its Head of State to seriously consider presidentialism (Morton 1996: 22-23). Therefore no more is written on these subjects in this paper.

This section has outlined two important choices that face electoral reformers in Tonga. First, they must choose whether or not to have a second chamber of parliament, for the purpose of 'checking' the legislative power of the lower or main house of parliament. Second, they must choose whether to have a majoritarian or PR-based electoral formula. Arising out of the second decision is the choice as to what kind of electorates to have in Tonga. Other, more technical choices also stem from the type of electoral formula adopted. The answers to these questions do not come easily and require some commentary about Tongan society before they can be addressed.

C *A Note on Applicability*

While the above discussion of electoral systems provides a comparison of different ways of electing a nation's decision-makers, it does have some limitations. One which needs to be kept in mind when exploring the possibilities for electoral reform in Tonga is that most academic analysis of electoral systems has taken place in nations with a deeply ingrained democratic political culture. For example, Arend Lijphart's *Electoral Systems and Party Systems* explicitly concentrates its study on 'the electoral systems used in the world's most successful democracies' (Lijphart 1994: 1). As a result, some of the assumptions made either by academics or by designers of electoral systems about the polities under scrutiny may not be examined too deeply.

For example, any system of party-list PR simply assumes that there is a strong tradition of political parties within the country. Clearly, this is not true in many Pacific states, including Tonga, where the PDM has had to fight for permission to form Tonga's first political party. This is not to say that list PR is necessarily inappropriate for Tongan electoral reformers. What it does mean is that if list PR were to be introduced, a vast campaign of political party mobilisation and public education would need to be undertaken before the Tongan population could meaningfully take part in a PR election.

Electoral theorists who recommend a bicameral parliamentary system – in order to provide effective checks on legislative action – also make the assumption that the population is large enough and has sufficient interest to support such a system. Again, such a view may be somewhat questionable in Pacific micro-states where the populations and financial base are so small as to make the effective funding of one legislative body a challenge, let alone two.

This does not suggest that all the academic scholarship not specifically applicable to the Tongan situation should simply be discarded. It does mean that care should be taken when trying to apply this literature to Tonga, asking whether a particular theory or system is really applicable to Tongan circumstances.

II TONGA

This section looks at contemporary Tongan political culture and derives a set of criteria which any proposed electoral system should aim to fulfil. Such a list gives a culturally specific yardstick against which alternative electoral systems can be measured.

A *Authority and Tradition in Tonga*

Tonga is the last functional monarchy in the Pacific. The authority of the monarchy, however, is not as supreme today as it once was. Since the first split of the responsibilities of the Tu'i Tonga by Kau'ulufonua (Lawson 1994: 5-6), the once sacred power of the monarch has become more limited and diffuse. As early as the late 18th century Tongans were fighting battles against their King (Cummins 1977: 63-89). In the late 19th century, King George Tupou signed Tonga's first constitution, an act not typically associated with 'sacred leaders'. Nonetheless, the Constitution represented an attempt by the King to secure the power base of himself and his successors (Hills 1993: 119-120), an attempt that has thus far been conspicuously successful.

The new constitution codified what had been the predominant practice in Tonga since the beginning of the Tu'i Tonga dynasty: 'The country was to be ruled by the chiefs for the King' (Ghai 1988: 306). While there was provision in the new constitution for the election of 20 representatives of the people to the Tongan Parliament, the balance of power still rested with the nobility, and the King still had a veto over all proposed laws. The establishment of a parliament had been seen as a way of placating calls from other nations, particularly from Europe, for further democratisation of the system (Ghai 1988: 307). However, this constitution did represent an acceptance by a reigning Tongan monarch that the time of absolute rule had passed, and that some degree of power sharing was now in order (James 1997: 249).

This new constitutional system, which had the additional effect of reinforcing Tonga's economic isolation from the outside world, survived unchallenged until 1965 when Queen Salote Tupou III died (Hoponoa 1992: 97). At that point, Taufa'ahau Tupou IV assumed the throne and embarked on a programme of economic modernisation, allowing Tonga increasing trade with other nations. A consequence of this increased contact with other nations was the increased exposure of Tongans to outside ideas, including those of 'democratic representation' and the 'limitation of royal prerogative power', concepts that had been fashionable among major trading nations for quite some time. The PDM could not have been formed without imported ideals of democracy and accountability, and thus its growth can be seen as an unintended consequence of King Tupou's programme of modernisation and greater interaction with outsiders (Campbell 1992: 188-190).

These imported ideas conflicted strongly with the traditional Tongan conception of a rigid social hierarchy where Chiefs ruled and commoners were ruled over (James 1997: 520). This ideological conflict has yet to be resolved and represents a major challenge for Tongan electoral reformers. While granting the final power of decision to the people's representatives is necessary in order to satisfy the definition of 'democracy', any new system must also reflect something of the Tongan tradition of respect for hereditary chiefly authority.

In addition to those aspects of Tongan society which have their roots in Tongan traditions, there are two major elements of the contemporary Tongan socio-political structure which have an influence on its choice of electoral system: Tonga's demographic character and the current Tongan political system.

B *Demography*

The most striking feature of Tonga's population of approximately 100,000 is its remarkable ethnic homogeneity. Approximately 97% of the residents of Tonga identify themselves as ethnically 'Tongan' (90,364 residents) or 'Part Tongan' (2,685) (Pongi 1991: Table G.3). This ethnic makeup is, in comparative terms, highly homogenous. There is no evidence of any of the 'non-Tongan' ethnic groups demanding special political rights, nor of the indigenous Tongans seeking to receive any special privileges. For these reasons, there is no need to consider the plight of ethnic minorities, or the protection of indigenous rights, in any consideration of potential electoral systems for Tonga. It is important to note this 'anti-criteria' because of the effect it has on our ability to draw from certain other sources. For example, it limits the relevance to Tonga of constitutional reforms in Fiji, where the political culture is mainly defined by divisions between ethnic Fijians and ethnic Indians.

Also of note is the population distribution among the main island groups. The main island of Tongatapu, which includes the capital of Nuku'alofa, includes approximately two-thirds of Tonga's population. The northern island group of Vava'u is the next most populous with a population in 1986 of approximately 17% of the total, while the Ha'apai group has only about 9%. Between them, 'Eua and the Niua islands account for less than 7% (Pongi 1991: Table G.1). This population structure, weighted heavily towards Tongatapu, has significant consequences for the drawing of electoral boundaries in Tonga. There may be a case, especially given the history of maritime battles between the various island groups in the 19th century (Hills 1993: 118), for deliberate overrepresentation of the residents of Vava'u and Ha'apai in the legislature. This needs to be considered in the light of the electoral system chosen. It is not of enough importance to warrant consideration at the system selection stage.³

C *Contemporary Political Culture*

Three elements of Tonga's current political structure are of particular interest: the lack of formal party politics, the current voting system for commoner Members of Parliament, and the specific demands of the PDM.

In November 1992 the Prime Minister of Tonga, Baron Vaea, put forward the idea of forming Tonga's first political party at a meeting with church officials (Morton 1993: 13). Prior to this, all candidates in the elections to commoner positions in the legislature had contested the election as individuals with no formal party affiliations (Tiffany 1993: 19). The church leaders refused to form a political party, however, and commoner politicians continued to contest elections as individuals. This situation has real implications for the

3 There is no evidence of Vava'u and Ha'apai showing significant dissent against being governed from Nuku'alofa, at least since 1875.

range of choices available to reformers in Tonga. As mentioned earlier, list PR requires the presence of a strong party system, and so great care must be taken to allow such a party system to develop before any attempt to introduce list-based PR can take place. While a democratic system will probably lead to the establishment of political parties, given the strong incentives for individual political actors to band together for common purposes, such developments are gradual and will take some time. The lack of a tradition of political parties, coupled with recent moves to establish parties within Tonga, creates a special challenge for system designers: to create an electoral system which is able to operate effectively both with *and* without political parties.

Currently, commoner members of Tonga's legislature are elected mainly in multi-member constituencies (although there are also some single-member districts) via a simple plurality system. In this system, voters simply vote for individual candidates, up to the same number as there are vacancies. For example, in the three-member seat of Tongatapu, each voter has three votes. The other seats include Vava'u and Ha'apai, with two seats each, and Eua and the Niuas, with one seat each. This system, which has been in place since 1915, shows that the historical familiarity of Tongan electors is with *categorical* ('tick the box' style) rather than *ordinal* ('rank the candidates' style) ballot papers, and that Tongan electors are comfortable and familiar with both single-member and multi-member electorates. With the high likelihood of a political party structure developing eventually in Tonga, this electoral mechanism will need to change if the system is to avoid the extreme disproportionality that Taagapera and Shugart (1989: 23) warn about.

The PDM's fundamental demand is for accountability; according to Pohiva, 'democracy is the only system that could bring about accountability' (James 1997: 243). This broad request for increased 'accountability' can be linked to a number of more specific objectives. These include demands for greater public control over who enters the legislature and greater public control over who exercises executive power. What the PDM does not demand, however, is the end of the monarchy:

He [Pohiva] added, however, that 'the monarchy which surrenders power is bound to continue'... This last remark is in accord with a widespread desire among pro-democracy supporters to see the monarchy retained, but with substantially reduced political power. In this respect, pro-democracy advocates have affirmed their belief in a genuine constitutional monarchy rather than a 'constitution under a monarchy'... They believe that a system which elevates the monarch 'out of the legislature', and gives him or her 'the dignity and ceremony of a head of state such as Britain's Queen Elizabeth', would provide the most effective remedy... (Lawson 1994: 24)

It is important that the two concerns about the exercise of legislative and executive power be implemented into any new electoral and constitutional system for Tonga. If they are not, then the system will have fallen at its first hurdle. But it is just as important that the new system not totally strip traditional rulers of their authority.

D Criteria for evaluating potential electoral systems

The above discussion identified some issues which a new electoral system would need to address at some point and has also provided four culturally specific criteria for actually judging alternative systems in the Tongan context:

1. While granting the final power of decision to the representatives of the Tongan people, the new system should also reflect something of the Tongan tradition of respect for hereditary chiefly authority.
2. The new electoral system should be able to operate effectively both with and without political parties.
3. The new system should take account of the current procedure for electing commoners to the Tongan Parliament, and should minimise change where possible.
4. There must be greater public control over who enters the legislature and greater public control over who exercises executive power than at present.

To this list should be added five more general criteria, based partially on those used in New Zealand's review of electoral system alternatives in the mid-1980s:

5. The new system should not give undue bias or favour towards any one political grouping or party.
6. The new system should grant the duly elected government the power to actually govern Tonga in an effective manner.
7. The new system must treat each vote equally, and accord each vote equal weight in determining the outcome of the election.
8. The new system should ensure that Parliament can adequately fulfil its constitutional functions, not only to enact laws, but also to question executive action, approve the expenditure of public funds, and act as a forum for alternative points of view to be discussed.
9. Any new system should be seen to be a legitimate system both by Tongan nobles and commoners. Its procedures must be fair, reasonable and impartial, and citizens must be prepared to accept its outcomes, even when they would have preferred another alternative.

To borrow language from the New Zealand review, the best system for Tonga 'will not be the one which meets any of the criteria completely but will be the one which provides the most satisfactory overall balance between them' (Wallace et al 1986: 11-12).

III A NEW ELECTORAL SYSTEM FOR TONGA

The aim of this section is to take the general theories surrounding electoral systems outlined in section one and to apply them to Tonga in light of the discussion in section two. Perhaps an appropriate starting point is to outline the system proposed by the PDM itself. The PDM has called on the King to allow commoners to elect all 30 members of a new Parliament, from whom the King can choose his Premier and Ministers (James 1997: 245). The proposal does not go into greater detail than this and can therefore only be regarded as a starting point. The proposal does deal explicitly with three elements of the electoral system: assembly (Parliament) size; the fusion of legislative and executive power; and the method of choosing the legislature. The PDM's proposed assembly size of 30, while a little different from the 'ideal' size of 45 as defined by Taagapera and Shugart (1989: 178),⁴ appears very

⁴ The 1986 census showed that there are approximately 45,000 Tongans of voting age (over 21 years). When this figure is doubled and then the cube root taken, the answer (the ideal assembly size) is just under 45.

reasonable given that it is an assembly size to which Tongans are accustomed. The fusion of legislative and executive power is, as discussed above, highly sensible in a system of parliamentary government. The third element, giving the monarch the choice over the composition of the executive, is expressed in highly ambiguous terms, and will need some clarification later in this section.

There are a number of important elements, however, that the PDM's proposal does not address. The most important of these are the electoral formula, and consequently the electoral districting of Tonga, and the question of a second chamber. These questions are considered here, along with the method for choosing the executive.

A Electoral Formula and Districting

What has become clear in previous sections is that with the probable growth of a political party system in Tonga, the current voting mechanism of simple plurality voting in multi-member constituencies should be altered. This is because of the excessively disproportional results of this mechanism in a system of active political parties, as illustrated in Appendix A. The literature presents us with two major options for reform. The first is to shift to single-member constituencies, and either keep simple plurality voting or implement a majority-based system, such as the second ballot or preferential voting. The second option is to keep (and enlarge) the present multi-member constituencies, and implement either list-based PR or the STV system.

Shifting to single-member constituencies is a very difficult exercise in a nation as small as Tonga. Using the example of the PDM's preferred assembly size of 30, each constituency would have only 3,500 residents. Even if a generous allowance were to be made for deviation from this figure – for example, 15% either side – each of the 30 constituencies would still fall within the population range of 3,000 to 4,000. In a population the size and structure of Tonga, such a system would require the fairly arbitrary combination of certain islands into electorates, particularly in the Ha'apai and Vava'u groups. This arbitrariness could have a negative impact on the public's view of the legitimacy of the new system. It is because of the increased difficulty of creating constituencies of smaller size that small nations have tended to opt for multi-member rather than single-member constituencies (Blais and Massicotte 1997: 114).

Multi-member constituencies, particularly when the size of those constituencies is varied, also appear to fit the natural divisions in Tonga much better than single-member constituencies. Tonga is physically split into island groups, and it is these island groups with which Tongan people identify and are identified at the sub-national level (Pongi 1986: viii). It seems appropriate, especially given that it is existing practice, to split Tonga into electoral constituencies in the same way as Tongans identify themselves. Given its size, however, Tongatapu would need to be split into multiple electorates. Such a system best meets criteria three (minimal change from the current system) and nine (overall legitimacy) from Section II above. One way of allocating seats to the various districts is illustrated in Table 1.

Table 1: Possible Electorate Divisions

District	Population (1986)	No. of Seats	Voters per seat
Greater Nuku'alofa	29,018	8	3,627
Tongatapu West ⁵	15,446 +-	5	3,090
Tongatapu East	19,330 +-	6	3,221
Vava'u	15,175	5	3,035
Ha'apai	8,919	3	2,973
'Eua	4,393	2	2,196
Niuas	2,368	1	2,368
Total	94,649	30	

This allocation continues the historical tradition of slightly over-representing the residents of the islands other than Tongatapu and keeps the majority of the existing electoral boundaries intact – both of which are desirable properties.

The choice of electoral mechanism – the existing plurality system, an altered majoritarian structure, list-based PR, or STV – is considered next, remembering the important stipulation that any new mechanism should be resilient enough to operate successfully both with and without strong political parties. As discussed earlier, majoritarian formulas operating in multi-member electorates and with strong political parties suffer from highly disproportional outcomes, far more disproportional than any of the other systems analysed in the academic literature.⁶ As such, these formulas are probably inappropriate for use in a political culture which is on the brink of developing a political party system. Specifically, it would fail criteria two (able to operate both with and without political parties), seven (giving votes equal influence), and eight (delivering an effective parliament) from the previous section. On the other hand, any form of list-based PR, including the 'mixed system' pioneered in Germany and later adopted in New Zealand, is entirely dependant on the *presence* of strong and stable political parties (Newland 1982: 53). Without stable parties the system of party lists simply cannot function, a fact which renders list PR unsuitable for Tonga until such time as Tonga has a system of stable and disciplined political parties.

The system of STV is unique because of its ability to operate both in systems with and without strong political parties. It is able to work without them because it is essentially a candidate-based (as opposed to a list-based) system, where voters express their preferences about individual candidates (Ferrell 1997: 110), and it is also able to perform in a strong

5 The 'Tongatapu West' district as given here would encompass all of the existing Nukunuku and Kolovai administrative districts, and approximately half of the Vaini district. 'Tongatapu East' includes the remainder of the Vaini district, along with the Tatakamotonga and Lapaha districts.

6 Compare, for example, Appendix A with Lijphart (1994: 96).

party system, because the counting procedure assures that results from STV are comparable with other systems of PR (Lijphart 1994: 24). Because STV is the only mechanism able to operate both with and without parties, it appears to be the best suited for Tonga's short-term to medium-term needs. Criteria two from Section II deals explicitly with this issue, and all systems other than STV fail this most important test.

It is important to note at this stage some of the consequences of a change to STV, and also to highlight areas where some people have expressed concerns about the general theory of STV. The most visible effect of STV will be on ballot papers in Tongan elections. At present, Tongan citizens simply cross out all the candidates for whom they do not wish to vote. Under STV, Tongan citizens will be asked to place any number of candidates they wish into rank order, by expressing their preferences in numerical terms. This change is not a major one, because Tongan voters are already familiar with the concept of voting for multiple candidates in one election, and in their current process of decision-making they probably engage in some kind of ranking process already. A more complicated change is to the way that votes are counted. The new system is quite complicated, and involves taking surplus votes away from winning candidates, redistributing their next preferences proportionally, then eliminating weaker candidates and redistributing their next preferences until the correct number of candidates are left with the appropriate 'Droop quota' of votes.⁷ This is vastly different from the current Tongan procedure of simply adding the votes for each candidate! While this change is both significant and difficult to understand, its nature does not present an important difficulty in implementing the change. This is because the new system only needs to be fully understood by a small number of returning officers. Voters need only be aware that their vote is almost never wasted, regardless of who they vote for, and that the results of the process are a fair reflection of the electorate's overall support for each candidate. Most people do not know all the inner workings of their car's engine, but all are happy to drive the car anyway. So it is with electoral systems.

There are two major criticisms made of STV in the literature. The first one is a criticism of PR systems in general, while the second is directed at STV in particular. The general criticism, which was mentioned earlier, is that proportional representation tends to limit effective government. Regardless of the merits of the general argument, it is difficult to transfer this, the major criticism of PR, into the Tongan context. The nature of the Tongan system at present is such that a single party majority would not be returned regardless of the electoral system. The current Tongan political system, where people are elected as individuals rather than as representatives of a party, would elect a parliament, but not a government. While this criticism may become more relevant if and when a strong party system develops in Tonga, STV is still unlikely to lead to an unstable political system. The coalition building techniques that Tongan politicians would employ in order to establish and maintain stable political parties – as well as the limited coalition building on specific issues that already occurs – will give Tongan politicians the tools required to successfully operate coalition governments.

7 STV requires the choice of a quota, which in practice is always the 'Droop quota': the quotient arrived at by dividing the total vote by the number of seats plus one is rounded up or, if the quotient is an integer, 1 is added.

The second criticism of STV is that the intra-party competition which it promotes can lead to excessive factionalism, as candidates from the same party compete against each other for votes. This argument is often supported by evidence from Ireland, where it is certainly true that the political system, under STV, is characterised by a large degree of factionalism and aggressive intra-party competition. However, arguments which take this example as evidence against the STV system ignore strong contextual factors – among them religious sectarianism and ‘endemic localism’ (Farrell et al 1996: 25) – that determine the nature of Irish politics far more than the STV voting system. STV is also practiced, with a much lower degree of such intra-party factionalism, in elections to the Australian Senate, which significantly counters the claims of a systemic flaw.

Some other critics may note that no other Pacific Island nation has any form of PR, let alone STV, and will query the efficacy of a change to STV on that basis. Indeed, STV is a comparatively rare system worldwide, due mainly to a preference of political party leaders for list PR, which gives them total control over the order in which their party’s candidates are elected. This normative argument, however, ignores the enduring influence of British colonial activity in the Pacific. Simple plurality voting was introduced to the Pacific by the British colonial authorities, reflecting a belief in Britain that it was simply the best system available. Indeed, 40 out of the 51 former British colonies (78%) retain simple plurality voting; however, those former colonies that have undergone major constitutional change post-decolonisation, such as South Africa, Australia, and Ireland, have generally chosen to move away from plurality voting (Blais and Massicotte 1997: 118-124). This makes a stark contrast with the popularity of plurality voting worldwide, where only 59 out of 166 electoral systems surveyed (36%) use plurality voting. Plurality is popular in the Pacific not because Pacific leaders came to a consensus that it was the best system for them, but because the system was imposed on them by the British. Therefore, arguments against STV based on the historical popularity of plurality in the Pacific are not persuasive.

Overall, the political context in Tonga is very limiting in terms of applicable electoral mechanisms. The natural divisions and political history of Tonga, and the need to create electorates that reflect meaningful and accepted communities of interest, mean that multi-member electorates are the most appropriate. Within the range of systems that can function in multi-member electorates, only STV has the ability to operate effectively both with and without political parties. It therefore is the most appropriate voting system for Tonga if the country chooses to embark upon a more democratic path.

B *A Second Chamber?*

One of the specific factors that a new Tongan electoral system should accommodate is the respect for Tongan traditional leadership (criteria one). However, in order to be a democratic system, the system should also ensure that political power rests with the representatives of the entire population (criteria four). One way of performing this balancing act is by constituting the present Council of Nobles, with all of its 33 members, as a second *deliberative* chamber of the Tongan Parliament. Deliberative chambers have varying sets of powers, but the powers of this chamber should include the ability to consider bills after they have been passed through the lower (legislative) house. The nobles, under this proposal, would be able to either pass the bill through to the King for Royal Assent (which should be

a formality) or to return it to the lower house with suggested amendments. This second option gives the nobles the potential power to delay the passage of certain legislation indefinitely, by continually sending it back to the lower house with suggested amendments. Notably, they would not be able either to initiate legislation of their own or to throw any legislation out of the system.

In this respect, the Council of Nobles would wield similar powers to the Belgian upper house. It is important that the Council be granted the extra power of indefinite delay, giving it the greatest amount of power of any hereditary upper house in the world (Money and Tsebelis 1992: 36-40). To do otherwise would not constitute adequate respect for the traditional structure and could be criticised as tokenism, because the lower house would be able to act entirely unfettered by the traditional elite of Tongan society.

The system as proposed would do two things. Firstly, it would provide a check on the legislative power of the Tongan parliament, acting to 'minimise arbitrariness and injustice in governmental action', which many commentators view as a desirable end to pursue (Riker 1992: 101). Secondly, it would also give the traditional elite of Tonga a deliberative but not determinative role in the process of government, which acts both as a signal of respect for traditional leadership and also as acceptance of the change to popular rule. It is worth noting that there are many other mechanisms that achieve the first element, such as judicial review of legislative action, separate elections for the executive branch of government, or the requirement for legislative super-majorities, but only this system of bicameralism also gives traditional leaders an appropriate role in the process. Because the second chamber would have only limited power under this proposal, it probably would not need to meet very often during the year. Therefore the nobles would be free to devote the vast majority of their time to other business and could conduct their parliamentary affairs without drawing large salaries from the Tongan taxpayer.

It is important to note that the composition of a second chamber specifically for the nobles would not prevent the nobles, or any member of the Royal family other than the ruling monarch, from being elected to the lower house. If successfully elected to the lower house, however, a noble should be deemed to have relinquished their seat in the second chamber for as long as they remain in parliament.

C The Composition of the Executive

The PDM proposal has suggested that the King have the ability to appoint both the Prime Minister and the remaining Ministers (James 1997: 245). Interestingly it does not mention the desired size of cabinet, which appears to signal an acquiescence to the current practice of having a cabinet of ten to twelve Ministers. There are two ways of interpreting the PDM's statement. The first is to assume that the King be granted the substantive power to choose each of his Ministers without the need to act on the advice of his Prime Minister, whom he can also choose freely. The second is to assume that the PDM wish to take on the conventions of other parliamentary governments, giving the Head of State the mainly ceremonial power to appoint a Prime Minister (whose survival in office requires retaining the confidence of the lower house), and then to act, again ceremonially, on the advice of the Prime Minister in appointing the executive.

In order to ensure that final control of the direction of government lies with an elected representative, it would be very desirable for the monarch to have only ceremonial powers in the appointment of a Prime Minister. If a person has the confidence of the elected lower house, then there should be no reason why that person should not lead a government. This situation also ensures that the Tongan people have the ability to change the government via an election which changes the partisan configuration of parliament.

The question as to which people should serve in the Executive under the Prime Minister is less clear. Should a limited number of non-MPs be allowed into the Executive, as they are in some other jurisdictions? Should members of the Council of Nobles be allowed into the Executive? Maybe the Prime Minister could even be required to have two nobles in the Ministry. Does the Prime Minister simply name (through the monarch) a cabinet, or should the monarch be given a short list from which to choose? This is not an exhaustive list of options, and each of these proposals has its own merits. Whatever system is chosen, however, would need to be structured so that Executive action is accountable to Tongan voters via the lower house. Parliament must be able to dismiss the government regardless of how it is appointed. If this element is lacking, then any other reform will have been largely a waste of precious time and resources.

IV CONCLUSION

In recent years there have been sustained calls for reform to Tonga's electoral and constitutional arrangements. Proponents of reform have been strong critics of politics under the current system, but have yet to unveil a fully-specified alternative system. This paper has considered the question of what such a system might look like and has recommended a particular set of reforms affecting the composition and election of parliament and the political role played by the nobles and the monarch. It has also raised questions for discussion about the composition of the political executive under a reformed political system. In doing so, the paper has drawn on the academic literature on electoral systems to the extent that the uniqueness of Tongan political culture will allow.

At the conclusion of this paper, it is important to emphasise what this paper does not attempt to do. It does not take sides on the broader democracy debate in Tonga – the merits of democracy are for Tongans to decide upon, and the author has no particular insights on this question that Tongans have not heard before. This paper also does not offer a prescription for implementation. The introduction of a new electoral system would need to be done through a rigorous process of public consultation, including the holding of a public referendum on the issue. Finally, the proposals set forth here are not by any means the only possible set of reforms that can be made. There are other possible systems that have been discussed that would both represent 'reform' and result in a 'democratic' system.

With the above qualifications, the paper examines the particular nature of Tongan politics in 2002. It argues that a realistic alternative set of electoral arrangements for Tonga would be a bicameral system in which a Council of Nobles would comprise a deliberative upper house and a legislative lower house would be elected in multi-member electorates through the process of STV. If a decision to change Tonga's system is taken, then in turn the approach outlined here appears to be the most appropriate system for a future Tongan polity.

APPENDIX A

PROPORTIONALITY: STV AND MULTI-MEMBER PLURALITY COMPARED

Using a fictitious example, we can compare the disproportionality of the STV system to the current Tongan system for electing commoners. To do this, we make the assumption that the candidates are split along party lines. Candidates P, Q, and R are in Party A; candidates S and T are in Party B; and candidates U and V are standing as independents. It is also assumed that voters tend to vote along party lines. In making this assumption, we can see that Party A received 41% support overall; Party B received 29%; and candidates U and V received 17% and 13% support respectively. Under STV these votes would be transferred into one seat each for Parties A and B, and a seat for independent candidate U.

Under the present Tongan system – multi-member plurality – voters would use their three votes (if they use all of them) to support their three favourite candidates. This would produce the following result:

Candidate	Votes
P	41
Q	41
R	41
S	29
T	29
U	17
V	13

Under this system, candidates P, Q, and R would be elected, giving Party A three seats.

The relative disproportionality of each of these two systems can be measured and compared (see Lijphart 1994: 59-61). The vote-seat differences are summarised below:

Party or Candidate	Vote %	Seat % Under STV	Seat % under Multi-member Plurality	Difference Under STV	Difference under Tongan system
A	41	33	100	8	59
B	29	33	0	4	29
U	17	33	0	16	17
V	13	0	0	13	13

Once the calculations are performed, the STV result has a disproportionality index of 15.91, while the Tongan system has a disproportionality index of 48.88. This result shows the current Tongan system to be unacceptably disproportional once a party system starts to develop; indeed, it is one of the most disproportional systems possible in the circumstances. By contrast, STV produces a far more acceptable result, one that is as proportional as any other PR system would be in this example.

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