

Newspaper ban exposes growing conflict in Tongan ruling circles

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The government of the Pacific kingdom of Tonga introduced a bill into parliament on Tuesday radically changing the constitution to restrict press freedom and prevent ordinances passed by the king, or other specified laws, from being subject to judicial review in court.

The law came just a week after the Tongan Supreme Court overturned, for the second time in two months, a government ban on the New Zealand-published *Taimi 'o Tonga* (Times of Tonga) newspaper.

The court's decision immediately intensified the conflict raging within Tongan ruling circles.

Customs officials were directed to prevent the newspaper from entering the country in defiance of the ruling. The pro-monarchy *Tonga Star* newspaper launched a campaign to have the Chief Justice, Briton Gordon Ward, impeached.

In retaliation, *Taimi 'o Tonga* owner-publisher, expatriate Tongan journalist Kalifi Moala, called on the New Zealand government to boycott forthcoming celebrations for King Taufa'ahau Tupou's 85th birthday, and to call off a planned visit by the NZ governor-general to the country.

The new law specifically prohibits freedom of speech or expression that "infringes the rights of others" or the country's "cultural traditions", or that violates "public law and order and national security". It allows parliament to restrict free speech for a range of reasons, including "public interest", national security, public order and "morality", and for the protection of the royal family.

A New Zealand lawyer, Rodney Harrison, who regularly takes cases in the Tongan courts, said that the constitutional changes would effectively "put an end to the rule of law", while Moala denounced the move as a "declaration of dictatorship" by the government.

The Tongan government first declared the *Taimi 'o Tonga* a prohibited import in March, on the grounds that it was a foreign newspaper engaged in "sedition". Moala's appeal to the Supreme Court for the ban to be overturned was successful.

However, the Privy Council—made up of cabinet ministers and chaired by the king—immediately imposed a new ban making it illegal to import, sell or distribute the newspaper. The Supreme Court then upheld Moala's second appeal. Its judgement of May 26 declared the ban to be "an ill-disguised attempt ... to restrict the freedom of the press."

The degree of coercion being used to shut the newspaper down is symptomatic of the depth of political tensions within Tonga's ruling elite. Travellers arriving in Tonga have been met with loudspeaker announcements warning anyone in possession of the newspaper to dispose of it or risk a fine. In a country where few people have access to the Internet, downloading electronic copies of the paper has been

forbidden. Five people who discussed the case on local television were issued with writs for contempt of court.

The *Taimi 'o Tonga* is a bi-weekly newspaper, printed in Auckland, with a circulation of 20,000. Half of its circulation is in Tonga, the remainder being sold among the 40,000-strong Tongan community in New Zealand.

Since being established in 1995, the newspaper has been a persistent critic of the Tongan royal family, exposing alleged corruption and scandals within the establishment. It has close connections—within Tonga and among the expatriate community—to an opposition group, the Human Rights and Democracy Movement (HRDM), which calls for democratic elections and a constitutional monarch along British lines.

Last year, Moala published a book in which he detailed injustices carried out by the Tongan authorities against political dissidents and his own newspaper. He claimed Tonga's rulers were "stung" by a 1996 decision by the Chief Justice overturning 30-day prison sentences imposed on Moala, his deputy editor and the HRDM parliamentary leader after an article was published critical of the king. The government has recently been forced to pay compensation to the three men for illegally detaining them in violation of the constitution.

Moala told the *NZ Listener* last month that his newspaper was "not radical". He described it as "a very normal newspaper, just like any other community paper that covers politics as well. It's just that, with the social environment in Tonga and the political set up ... if you go up against that, you're in trouble."

The paper's agenda is allied to that of the HRDM, a movement based primarily on island and expatriate business and professional layers who want the liberalisation of the political and commercial establishment to open financial and political doors that will further their own class interests.

Moala, whose company also publishes the weekly *Samoan International*, the *Cook Islands Star* and the *Indian Tribune*, has considerable support within New Zealand where investors regard the tottering Tongan monarchy as the major obstacle to economic restructuring and foreign investment projects.

Exports from New Zealand to Tonga total more than \$NZ50 million annually, much of it in foodstuffs. Pacific tourism is becoming increasingly important and a Tonga-New Zealand Business Association has been set up to assist in promoting bilateral trade, tourism and economic linkages.

Many Tongan leaders are New Zealand-educated, while the Tongan community in the New Zealand capital Auckland remits some \$NZ2 million per month to families back home. New Zealand aid totals \$NZ5.6 million a year.

Criticism of the royal family has focused on the activities of the king's children—Prince Tupouto'a and Princess Salote Pilolevu Tuita. The prince, who is also the prime minister, controls a personal fortune derived from his ownership of Tonga's Internet domain name, as well as the kingdom's electricity network. The princess has taken Tonga's sovereign geostationary satellite slots into a Hong Kong registered company and leases them out to Chinese companies.

While the country's main commercial resources remain tied up in the hands of the royal family, recent reports from bodies such as the IMF suggest that the economy is on the verge of total collapse. Growth has slumped to just 1 percent over the last two years, and problems in financing the fiscal deficit and reversing the decline in foreign reserves are described as "acute". The trade deficit continues to grow. The country receives around \$US40 million a year in aid while expatriates remit around 200 million pa'anga (\$US91 million). With a population of just 100,000, the gross domestic product per capita is \$US2,200 dollars.

Tonga's main export earner is squash pumpkin, with tourism the only other significant source of hard currency.

Life for most ordinary Tongans is measured by poverty and severe lack of opportunity. Unemployment runs into double figures and much of the population survives on small-scale subsistence farming. About half the jobs are provided by the government. Only a quarter of the 2,000 young people who leave school each year are able to find jobs without moving to New Zealand or elsewhere. Like many Pacific Island states, Tonga now faces a depopulation crisis, with more Tongans living abroad than at home.

According to international financial bodies, this situation demands the reform of what is one of the world's last remaining constitutional monarchies. The Tongan royal family, established in the 19th century under the tutelage of British Methodist missionaries, wields almost absolute power. Methodism remains the official state religion. King Taufa'ahau Tupou IV, who became ruler in 1965, appoints both the prime minister and deputy prime minister for life, as well as the entire cabinet, the Privy Council and the Supreme Court. The constitution guarantees that the unelected elite controls the 30-seat parliament. Twelve seats are reserved for the appointed cabinet ministers, nine are selected by the country's 33 "nobles", who acquire their life titles by descent, and only nine are elected by popular vote.

In the 2002 parliamentary elections, seven of the nine "commoner" seats were won by the HRDM, which has been refused permission to register as an incorporated society, and thus cannot become a political party. Despite this, the acknowledged leader, former public servant 'Akilisi Pohiva, gained the most votes of any candidate. The movement immediately declared that it intended to press for "serious political reform".

The perspective of the HRDM has been to attack the monarchy over corruption on the one hand, while lobbying the major powers in the region to pressure the government to implement democratic reforms.

In a recent letter to the Commonwealth secretary general, former New Zealand foreign minister Don McKinnon, the HRDM put forward proposals for a referendum on a democratic form of government. Two Commonwealth Secretariat representatives subsequently visited Tonga to discuss issues of "good governance" with the prime minister, cabinet and members of parliament.

The HRDM has in return received direct assistance from the New Zealand government, with Wellington paying for one of its members to receive a seven-week "human rights" training course in Switzerland. HRDM leader Pohiva denied this amounted to

interference in Tonga's internal political affairs, but expressed satisfaction that the "international democratic community" was "beginning to provide support for work in Tonga," saying he expected Australia and Great Britain to participate.

As a result of such moves, the Tongan government has accused New Zealand of conspiring to undermine its constitution. Many Tongans regard New Zealand policies as driven by colonial arrogance, with frequent complaints of aid and trade being used for political ends. The NZ Labour government was accused of attempting to influence last year's elections after Foreign Minister Phil Goff said he was taking measures to ensure aid money was not "subverted by corruption". The associate minister Matt Robson simultaneously accused the royal family of "endemic corruption"—comments applauded by the HRDM.

The HRDM, however, has no solution to the desperate social and economic problems besetting the fragile island state. Its reform program, far from seeking the overthrow of the monarchy, is limited to calls for the creation of an upper house for the "nobles", while making all 21 seats in the lower house directly elected and open to all citizens. Economically, it will implement the reactionary demands of the IMF and World Bank.

Moala and the HRDM are concerned that the current political set-up could soon see ordinary Tongans "rise up". According to New Zealand-based Pacific affairs commentator David Robie, they fear that if the "balance of power" is not corrected, "extreme elements" will "pull harder in opposite directions". At the last elections, fully eighty percent of the people on the main island of Tongatapu reportedly did not vote, expressing the extent of popular alienation from the official political framework.

So far the New Zealand government has resisted demands from Moala and his supporters to cut aid to Tonga, as well as calls from the NZ Green Party for Tonga's expulsion from the Commonwealth. Foreign Minister Phil Goff is however preparing to lodge a protest with the Tongan authorities that the new law runs counter to the Commonwealth's Harare Declaration on Human Rights.



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