

Kiribati

Takuia Uakeia

Kiribati is a small island nation composed of 33 islands in the Central Western Pacific lying astride the equator. It has three island groups: the Gilbert Islands (16 islands), Line Islands (9 islands), and Phoenix Islands (8 islands). The country extends 800 kilometres from north to south and 3,200 kilometres from east to west. The islands, situated on top of extinct undersea volcanic mountains, are made up of limestone, sand and rubble, with a soil very poor in plant nutrients. The highest point above sea level is around three metres, apart from Banaba, formerly known as Ocean Island, which is a raised coral atoll. Although Kiribati has a land area of only 810 square kilometres, the great distances separating the islands comprising the nation have generated a vast Exclusive Economic Zone (EEZ) of more than 4.8 million square kilometres, one of the world's largest.

Background

Before contact with Europeans the people (I-Kiribati) lived in extended family groups on isolated islands, with a subsistence, communal lifestyle and limited contact with the outside world. The values embraced in these poorly resourced islands included sharing, helping one another and moderation of needs within the community. The people lived in clans where the old men were (and still are) regarded as leaders of the family and custodians of the traditional culture. Individual members of the family

Takuia Uakeia, formerly a member of the Kiribati Public Service (including three years as a Clerk of Parliament), is a Lecturer in Education at the University of the South Pacific, Kiribati Campus.

held different assigned roles to be carried out for the proper functioning and continuity of the culture.

In 1604, islands of the Gilbert Group were first sighted by the Spanish explorer Pedro Fernandes de Queirós; however, British Captain Thomas Gilbert was the first European to document these islands in 1788 and the islands were named after him. Three decades later, the islands were visited by beachcombers, whalers, traders, blackbirders, missionaries and, finally, British administrators.

The contact with Europeans was a period of wonder but caused feelings of both hatred and acceptance. On the positive side, outsiders were accepted for introducing beneficial ideas; missionaries invented the alphabet of the Kiribati language and traders introduced modern tools. On the negative side were firearms, new diseases, and practices such as smoking and prostitution. The introduction of a new government system by British administrators was seen by the elderly as in conflict with local culture and tradition. The appointment of a younger generation to posts such as island magistrates and constables was contrary to traditional practices. Consequently, it took quite a long time for people to fully participate. The 'contact' events showed I-Kiribati how a stronger foreign power can interfere with political, social and economic life. This lesson can still be seen with the domination of larger and more powerful countries over small island states.

The traditional political system

The *maneaba*, a multi-purpose meeting hall, is the centre of the traditional political system in the village. It is here that the old men, by virtue of their status, come and occupy their sitting positions and make decisions about the affairs of the community. These discussions and decisions are intended to promote the well-being of the people and the strengthening of order and peace in the community. The decisions from the *maneaba*, based on lengthy discussions, are taken by consensus among the *Unimwane* (old men) and are then passed on to the community for implementation. While families have the right to decide matters in their homes, the *maneaba* system exists for the purpose of making just decisions for the benefit of everyone in the community.

There are no political parties in the *maneaba* system; every old

man has to contribute to framing decisions for the people's benefit. The system reflects a consciousness of limited resources and illustrates a monoculture in islands where the people speak only one language, the Kiribati language (*Te Taetae-ni-Kiribati*). By tradition, young men and women are never involved in the decision-making but are regarded as central in the implementation of decisions coming out from the *maneaba*. The importance of the *maneaba* can never be underestimated in the current Western political system because it represents the entire life of the community. The *maneaba* system can effectively facilitate order and stability in the society, as well as the dissemination and implementation of government policies by the community.

The new political system

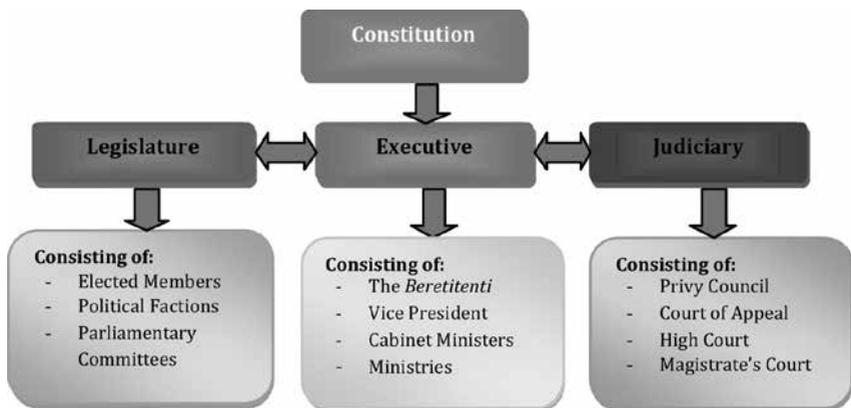
The acceptance by the I-Kiribati of a Western, democratic political system for the government of the nation was evidenced in the adoption of the country's constitution at independence on 12 July 1979. The constitution marked a turning point: from traditional, isolated, island-oriented government by a Council of *Unimwane* through the *maneaba* system, to citizenship in a nation under a central government. The new system differed enormously from the traditional system as it was based on formal, structured institutions, procedures, rules and laws, requiring capable citizens with specified Western knowledge and skills, and huge resources for its effective operation. Some of the concepts relating to the new political system remain too complex to be understood by those with limited education, requiring greater community engagement and inclusion in the country's senior secondary school curriculum.

The new political system was based on the 'separation of powers' between the three arms of government: the legislature, the executive and the judiciary. The division of powers is stipulated in the constitution and clearly emphasises the notion that a government under a democratic system cannot exist without true independence of the legislature, the executive and the judiciary. Checks and balances are provided when power is divided: the legislature makes the laws; the executive enforces them; and the judiciary interprets them.

Despite this model, there are times where people feel that the executive extends its jurisdiction for political purposes and reaches the boundaries

of the legislature and judiciary. This reflects the executive's dominance over both the legislature and the judiciary, in part through the election of the Speaker and the appointment of the head of the judiciary (the chief justice) by the *Beretitenti* (president). More broadly, the executive can be influential by taking steps that suit the Cabinet's political agenda. Most elected governments in Kiribati are stable, surviving three consecutive four-year terms (in accordance with mandatory term limits), governing the nation with a parliamentary majority.

Figure 1: The Three Constitutional Organs of the Government of Kiribati



Source: Takuia Uakeia, *Governance issues Affecting Development in Kiribati*, PhD thesis, 2012

The election process

The election structures and processes employed follow the usual forms found in Western democratic countries. These include the establishment of an electoral bureaucracy to run elections, including procedures for nomination of candidates and the conduct of voting with proper supervision and safeguards. Multi-member constituencies are defined based on the latest five-yearly census. There is one elected member for islands with fewer than 1,500 people, two members for islands with between 1,500 and 5,000 people, and three members for constituencies with more than 5,000 people. There are 46 members of the legislature: 44 elected for a four-year term; one appointed member from the Banaban community on Rabi Island (in Fiji); and the attorney-general.

Kiribati has a two-round voting system. A candidate who receives more than 50 per cent of the valid votes is declared elected. When no candidate receives a majority, a second round is conducted, restricted to the leading candidates. Citizens are eligible to vote if they are at least 18 years old and registered. Despite legislation designed to prevent vote-buying by candidates, cultural values and family ties still have a strong influence on voting behaviour. In most outer islands, during campaigns it is normal for candidates to visit each household and *bubuti* (plead) with members of close-knit families to vote for them. Some candidates could be said to commence their campaigns years before an election, making ‘donations’ and providing other forms of assistance to an island or village in the hope and expectation of attracting votes. Local issues, rather than national policies, are a powerful influence on remote islands where voters have had limited educational opportunities. Following the announcement of election results, the 44 successful candidates will commence consolidation of political groupings based on shared interests.

Political parties

Political parties exist in the Parliament but do not have entrenched ideologies connecting to the wider population. The culture has long nurtured consensual decision-making in the *maneaba* system rather than the adversarial approach so evident in Western countries. In addition, the strong traditional lifestyles in villages on scattered isolated islands pose difficulties for efforts to mobilise nationwide political party movements. Emulating democratic governments in developed nations, elected members in Kiribati have adopted ways to form groupings based on ‘shared interests’ rather than deep-rooted political ideologies (such as socialism, liberalism or capitalism). The priority of political parties is, first, to strengthen the number of party members in Parliament in order to win a majority and form a government, securing the party’s candidature for the election of the *Beretitenti*. There are normally two groups: the government, which holds a majority, and the opposition. Other parties can also emerge as new factions. Thus far there is no legislation regarding formation of political parties. Informal political parties include Boutokan Te Koaua (‘Pillars of Truth’), Karikirakean Te I-Kiribati Party (‘Improving I-Kiribati Welfare Party’) and Maurin Kiribati Party (‘Protect Kiribati Party’), with other MPs remaining as independents.

Election of the Beretitenti

Prior to the election of the *Beretitenti*, the Speaker of the Parliament has first to be elected. The chief justice presides over the election of the Speaker, carried out at the first session after the newly elected members have been sworn in. A candidate for the Speaker is not an elected member and needs the support of the majority political party in order to be elected. Once the Speaker has been elected, nominations for the *Beretitenti* are called for from existing parties. As required by law, there will be at least three, and no more than four, candidates for a national election of the *Beretitenti*. A two-round voting system is used to select candidates for the election of the *Beretitenti*, which is conducted nationally.

Kiribati's *Kauoman-ni-Beretitenti* (vice-president) is appointed to the position by the country's *Beretitenti*, who also selects members of the Cabinet. The country's first *Beretitenti*, Ieremia Tabai (1979–82; 1983–91) selected Teatao Teannaki as *Kauoman-ni-Beretitenti*. He succeeded Tabai, holding office from 1991 to 1994. Teburoro Tito held the presidency from 1994 to 2003, losing power on a no-confidence vote in March 2003 only one month after being re-elected. Anote Tong, the current *Beretitenti* of Kiribati, was elected to his first term in July 2003, defeating his older brother, Harry Tong, in a three-person contest. Anote Tong (Boutokaan Te Koaua party) was re-elected in October 2007 (with 64 per cent of the vote) and again in January 2012 (with 42 per cent support).

Executive

The executive consists of the *Beretitenti*, who is the head of state and the head of government, and the *Kauoman-ni-Beretitenti*. Part III of the constitution requires the establishment of a Cabinet, which consists of the *Beretitenti*, the *Kauoman-ni-Beretitenti*, ministers and the attorney-general.

Kiribati's political system is a hybrid, combining aspects of a presidential system and the Westminster model, with no adoption of traditional elements from the *maneaba* system. The functions of the executive are carried out through the ministries, corporations and companies under their respective portfolios. Government policies and national commitments to international agreements are reflected in the goals of a four-year Kiribati Development Plan, a document formulated by ministries and other main stakeholders of the community.¹

The national government operates at both the central and local levels. The central government has a large public sector operating under the constitution and various items of legislation, while the local government exists on all inhabited islands in five districts: Northern Gilbert, Central Gilbert, Southern Gilbert, Banaba, and the Line and Phoenix Group. The Ministry of Internal Affairs is responsible for the administration of local government, and local government affairs are conducted under the Local Government Act 2000. Councils are appointed from villages headed by a mayor elected from among members. Councils are assisted by appointed officials, including the Chief Executive Officer, a Treasurer, a project officer and other personnel appointed from the Ministry of Internal Affairs.

Legislature

The *Maneaba-ni-Maugatabu* (Parliament) is a unicameral legislative institution based on the Westminster system. The *Maneaba-ni-Maugatabu* has three roles: (1) to represent the views of the people; (2) to make laws and to pass the government's budget; and (3) to maintain oversight of the executive's performance and scrutinise the activities of government to ensure that the country's resources are efficiently used for the welfare of the people.

A party system in the *Maneaba-ni-Maugatabu* can hinder the effective implementation of the Parliament's roles. The party system in the new political system seems to work on the premise of competition of party platform policies and political perpetuation in office. This is contradictory to what actually happens in the traditional political system, which seeks consensus from every old man. In the new political system, whichever party governs can utilise available resources not only for the purpose of meeting the needs of the people but also as a way of strengthening its political position, highlighting its achievements for the voters.

Sometimes, genuine cases of the people that are raised by other parties in the *Maneaba-ni-Maugatabu* will not be acted upon by the ruling party when considering that the matter – a question, motion or bill – will have political repercussions for the government. However, the islands' economic resources are scarce and warrant a consensus among the government and other parties to decide on how they can be best deployed and utilised for

the benefit of the people, rather than basing those decisions upon political agendas.

The *Maneaba-ni-Maungatabu* usually meets two to three times a year, for two weeks; every member has to travel from the outer islands to the country's capital in South Tarawa (a number of small islands connected by causeways) several days before the House is convened.

The 30 December 2015 parliamentary election showed some change in the public's view of who is best qualified to represent them. Of the 44 2011–15 MPs, only 23 were re-elected. Of re-elected MPs, 13 were members of Boutokaan Te Koaua (BTK), eight of Karikirakean Te I-Kiribati (KTI) and one of Maurin Kiribati (MK), with one being an independent. Of the new members, these can be expected to align themselves with one of the existing parties; however, some may prefer to form a new party or to be an independent MP.

As previously – the 2011–15 Parliament included 40 men and only four women – most of the MPs in the Parliament elected in December 2015 were men, with only three women elected. Overall, the MPs are a mix of returning MPs, senior public servants, former MPs defeated in previous elections and a few business people. As a result of constitutionally prescribed term limits, Anote Tong (elected to three consecutive presidential terms) was not eligible for re-election as president and he opted not to stand for a parliamentary seat. Three former presidents were parliamentary candidates: Ieremia Tabai and Teburoro Tito were re-elected; Teatao Teannaki was not, although on 4 February 2016 he was elected Speaker. Prior to the first post-election sitting of Parliament and the making of nominations for president (with the popular vote election being held in March 2016), two parties (KTI and MK) seeking to strengthen their position formed a new party, Tobwaan Kiribati ('Nurturing Kiribati'). On 10 March it was announced that the new coalition's candidate, Taneti Maamau, had been elected president, ending the BTK's control over the presidency.

Issues faced in the formation of the Maneaba-ni-Maungatabu

The major issues faced in the formation of the *Maneaba-ni-Maungatabu* are mostly related to the strong cultural practices, including the manipulation of the party system in nominating candidates for the *Beretitenti*. The isolation of the islands and enduring paternalistic customs also influence

voting practices when people view elections as a means to further family or island communal welfare. Consequently, people are often tempted to elect those who are closely related to them or who have contributed largesse to the village or island, rather than choose a candidate based on their educational merit, work experience or leadership credibility. Some members of the *Maneaba-ni-Maungatabu* lack leadership skills in educating their constituencies to make initiatives and solve manageable issues of the community, such as repairing a classroom or clinic, rather than depending solely on the government to solve the problems.

Judiciary

The court system was inherited from Britain. Partially an outcome of provisions of the constitution and the Magistrate Ordinance, it is composed of the Privy Council, the Court of Appeal, the High Court and the Magistrates' Courts. The Privy Council in Britain deals with appeals from High Court decisions and possible infringement of the constitution. The Court of Appeal is a superior court of record with jurisdiction and powers to hear and decide civil and criminal appeals from the High Court. The High Court has unlimited original jurisdiction and powers both in civil and criminal cases. Appeals and petitions can be made to the High Court when people are not satisfied with the decisions made by a lower court, such as a Magistrate's Court. The High Court is also empowered to settle disputes relating to the election of members of Parliament.

The Magistrates' Court is a lower court, established according to the Magistrate Ordinance 1997. It deals with civil and criminal cases, enforcing order and stability throughout the scattered islands of the country. It includes three lay persons appointed by the *Beretitenti* on the advice of the chief justice. The recruitment of magistrates is carried out among respected *Unimwane* candidates from the villages of the island; these candidates are expected to be knowledgeable in Kiribati culture and land tenure. Their local knowledge of customary laws enables them to deal with such matters as divorce, adoption, care of children, paternity, inheritance, land and criminal offences. Cases which are unresolved at the Magistrates' Court can be taken up by the High Court.

A Land Court has been incorporated and become part of a Magistrates' Court. The sitting for land issues requires the assistance of *Kaitira* – local

land advisors – from different villages of the island, who are supposed to be knowledgeable about land matters. Land issues are too complex and problematic for the Magistrate’s Court to deal with, particularly when people disagree with the court’s decision. When this happens people can appeal to the High Court for interpretation of Land Codes by officers working in the Lands Office. The advice from officers of the Lands Department of the Ministry of Environment, Land and Agriculture often relies on slow and unsatisfactory responses, which can result in disputes and frustrations. Each Magistrates’ Court is supported by a court clerk of the Judiciary Department, who is recruited and stationed on each island. The jurisdiction of the Magistrates’ Court is limited to cases which carry penalties of less than five years’ imprisonment or a monetary fine not exceeding A\$3000.

Issues faced by the judicial system

The judicial system introduced in Kiribati is complex; many people on the outer islands have limited knowledge about it. It has not been introduced in the senior secondary school curriculum or promoted to the public. The lack of available information is one of the factors which make people unaware of the functions of complex court systems, such as the High Court and Court of Appeal.

Other major barriers contributing to problems with the judiciary system include:

- shortages of qualified local lawyers and judges;
- the inefficient work of the Magistrates’ Courts, creating a backlog of legal work and a large volume of appeals and petitions to the High Court;
- dependency on recruiting judges from overseas; and
- a variation in the mandate of the court, where it deals not only with interpretation of the law but also acts as an arbitrator.

Major issues and ways forward

The growing population of Kiribati is a major issue that has put pressure on the government and the community.² The population of the country in 2015 is at least 103,000; about 44 per cent are under 24 years of age. The impact of overpopulation and the inability of the government

to expand its limited economic resources to create jobs are issues of concern, particularly with respect to the needs and expectations of the youth population. The effect of globalisation and monetisation on the life of I-Kiribati has also led the majority to become overdependent on cash as a means of survival, rather than obtaining their needs and wants from the land and sea.³

The population control policy, the promotion of entrepreneurial skills and the strengthening of traditional knowledge and skills to survive in harsh island conditions need to be revived and implemented. Subsistence farming, mostly in the outer islands, should be maintained and improved to encourage commercial production of local crops such as breadfruit, banana, *babai* (taro), coconut, pandanus and vegetables, avoiding dependence on expensive, processed imported foods. The provision of career services and mentoring for young people to help them onto useful career paths as professionals, traders, entrepreneurs or subsistence farmers could also help to reduce youth drop-out rates and unemployment.

Policy change is needed to strengthen the economy and the performance of the public sector (through merit-based recruitment and promotion, and contract appointments of public servants). Promoting commercial development of major resources, such as fish and land products, can increase economic activity. The average annual export income is A\$10 million, while imports often exceed A\$80 million. The impact of the trade deficit on the economy demonstrates the weakness of the economy and the need for the government to stimulate commercial activities utilising the country's marine resources.

Other major issues are the increase of urbanisation, and the effect of climate change and sea level rise. The disparities in life opportunities between rural and urban dwellers have made people from the outer islands come to South Tarawa, straining limited resources and creating economic, social and health problems. The government needs to balance the developments on Tarawa and the outer islands, based on the unique advantages of each island group, to reduce the pressure of urbanisation and assist in economic development.⁴

The effects of sea level rise can be seen through coastal erosion, water salinity, difficulty in living a subsistence lifestyle and the relocation of coastal dwellers inland to avoid negative impacts from high tides and sea water. Some capable and educated I-Kiribati have already emigrated, mostly

to New Zealand and Australia, in search of a better life and to escape from sea-level-rise catastrophe. In 2014 President Tong described the country's disappearance as 'inevitable', declaring that it was already 'too late' to save his country from the existential threat posed by climate change.

Government plans to upgrade educational institutions to prepare people with transferable professional and trade skills can assist the young generation to professionally develop themselves and migrate with dignity. However, the plan's effectiveness is dependent on the collaboration of the government and the international community in recognising graduates from local institutes and in absorbing a migrant population. In general, I-Kiribati are viewed as humble, industrious and resilient, able to contribute to the development of whichever country is ready to assimilate them into its community.

Conclusion

Kiribati has gone through a major transition from traditional village and island political networks to a Western democratic political system based on the provisions of its constitution. Inevitably, mismatches have occurred between traditional and modern ways, arising from the natural environment and from the country's social, economic and political circumstances.

Kiribati can no longer isolate itself, but must embrace change and be part of the international community. Educating and involving the people in the new democratic political system is essential for sustaining the official Kiribati motto: *Te Mauri* (Good Health), *Te Raoi* (Peace) and *Te Tabomoa* (Prosperity).

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Notes

- 1 See Government of Kiribati, *Kiribati Development Plan 2012–2015*, 2012, <https://dfat.gov.au/about-us/publications/Documents/kiribati-development-plan-2012-2015.pdf>; and *Kiribati Development Plan 2012–2015 Mid-Term Review*, <http://www.mfed.gov.ki/publications/kiribati-development-plan-2012-2015-mid-term-review>. See also *Kiribati Millennium Development Goals: Kiribati June 2015*, <http://www.mfed.gov.ki/publications/millennium-development-goals-kiribati-june-2015>. The Government

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- 2 See Government of Kiribati, *Kiribati 2010 Census, Volume 2: Analytical Report*, Kiribati National Statistics and the SPC Statistics for Development Program, Noumea, New Caledonia, 2012.
- 3 See Asian Development Bank, *Kiribati-Monetisation in an Atoll Society: Managing Economic and Social Change*, Manila, Asian Development Bank, 2002.
- 4 For a full discussion of these issues, see Takuia Uakeia, 'Governance Issues Affecting Development in Kiribati', PhD thesis, Armidale, New South Wales, University of New England, 2012. See also Maneaba-ni-Maungatabu, *Parliamentary Select Committee on Population Management and Development Report*, Ambo, Tarawa, Kiribati, 2015.