

Uncharted waters: the standoff between Tonga's King and government



King Tupou VI of the Kingdom of Tonga
Photo Credit: *NZ Governor General's Office*

by Lopeti Senituli
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Early last week, the Secretary of Tonga's Privy Council [wrote to the Chief Secretary](#) (Secretary to Cabinet and to the Prime Minister), saying "I have the honour to inform you that His Majesty in Council's Decision PC17/2024, approved by circulation of 2 Feb 2024, was ... pleased by and with the advice of the Privy Council to withdraw His confidence and consent to the appointment of Hon. Hu'akavameliku [the hereditary title of Prime Minister Siaosi Sovaleni] as Minister for His Majesty's Armed Forces and ... to the appointment of Hon. Fekitamoeloa Katoa 'Utoikamanu as Minister for Foreign Affairs and Minister for Tourism."

The [Privy Council](#) is composed of people whom the King "sees fit to call his Council". They are appointed under the Constitution to "provide him with advice" on all and sundry. The Council does not have any executive powers. Its current membership includes one Law Lord (Lord Dalgety of Scotland, a former Chief Justice who took up Tongan citizenship on retirement from the Bench), the President of the Free Wesleyan Church of Tonga (Rev. Dr Tevita K. Havea) and a former Deputy Prime Minister and Chief Surgeon at the main referral hospital (Dr Viliami Tangi, who was appointed to the non-hereditary title of "Lord Tangi 'o e Vaonukanuka" by the previous king in 2011). It is significant that the PC17/2024 decision was "approved by circulation", meaning there wasn't a face-to-face meeting of members.

The Acting Prime Minister, Hon. Samiu K. Vaipulu (the Prime Minister being overseas for medical reasons) issued a media release on 6 February 2024 stating that the decision of the King in Council was contrary to clause 51(3)(a) of the Constitution which specifies that a minister shall retain his or her position as minister until his or her appointment is revoked by the King on the recommendation of the Prime Minister. The statement went on to say that a letter will be sent to the Palace Office reminding the King of that clause and added, "the Prime Minister, who is currently overseas, has reiterated his confidence in the Minister of Foreign Affairs

and Tourism, Hon. Fekitaloa Katoa ‘Utoikamanu’. However, not a word was said about the removal of the King’s confidence and trust in the Prime Minister as Minister for His Majesty’s Armed Forces.

So, the ball is in the King’s court. What will happen next is anybody’s guess. The country has never had to cross this bridge before.

The last time a minister’s appointment was revoked by the King was in the middle of 2018, but in that case it was done on the recommendation of the late Prime Minister, Samuela ‘Akilisi Pohiva. Hon. Akosita Lavulavu, Minister for Internal Affairs, had been jointly charged with her husband ‘Etuete Lavulavu in March 2018 with three counts each of knowingly dealing with forged documents and three counts of obtaining credit by false pretences, relating to **several irregularities** in an audit of their ‘Unuaki ‘o Tonga Royal Institute which, like other non-government secondary and tertiary educational institutions, had received annual government subsidies. Pohiva had asked the minister to resign from Cabinet and await the outcome of the trial. She refused, so he recommended to the King that her appointment be revoked. The King complied, although it took some months.

This latest Royal decision does not constitute a revocation of the appointments of the two ministers. It is an expression by the King of his loss of confidence in them. It was for the Prime Minister to decide whether or not he concurred. In the event, the Prime Minister did not concur with the King’s opinion in relation to the Minister for Foreign Affairs and Minister for Tourism, who was appointed to that role from outside Parliament at the beginning of the current government’s four-year term in January 2022 and is the only female Cabinet member. She had previously been a civil servant and diplomat, serving as the country’s Ambassador to the United Nations in New York and as a Deputy Director-General of the Secretariat of the Pacific Community.

The lack of any official response to the withdrawal of confidence and consent to the appointment of Prime Minister Sovaleni as Minister for His Majesty’s Armed Forces is concerning. In addition to being Prime Minister and Minister for His Majesty’s Armed Forces, Sovaleni is also Minister for Education and Training, Minister for Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications, and Minister for Police. The loss of royal confidence in his person as minister for the defence portfolio has definite implications for his other portfolios. He is a single human being whose strengths and frailties are equally relevant across his several portfolios.

One possible interpretation of the Prime Minister’s silence on his own position is that he concurs with the King and will relinquish the armed forces portfolio. However,

this could be a politically terminal move for him. On the other hand, if he were to oppose the King's will, Parliament could be dissolved and new elections called.

The last time the King dismissed an incumbent Prime Minister was in August 2017, when he dissolved Parliament and called for new elections as he is constitutionally empowered to do, with no requirement that he publicly disclose the reasons. On that occasion, the King did not give the then incumbent Prime Minister (Pohiva) an opportunity to say whether he concurred with the King's assessment of the situation.

The last time the King threw his weight around in this way was in the middle of 2019 when he effectively caused the **removal of the Secretary for Foreign Affairs**, Mahe 'Uli'uli Tupouniua Jr, for not doing his bidding in relation to his appointment of the country's current Ambassador to the United Arab Emirates, Hon. 'Akau'ola. The then Prime Minister, Pohiva, was not in favour of the appointment. Tupouniua sided with him against the King and paid the price – later becoming the current Prime Minister's international affairs adviser!

Given that no reasons for the King's recent decision have been disclosed, it is plausible that the current Minister for Foreign Affairs and Prime Minister have clashed with him on some matter of state close to his heart, presumably in the King's traditional domains of interest, foreign policy and defence, earning this royal rebuke.

The country is in uncharted waters, and the forecast is for some serious turbulence. But we can say with confidence that the rule of law will prevail.

This is the first blog in a **two-part series**.

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Link:

<https://devpolicy.org/uncharted-waters-the-standoff-between-tongas-king-and-government-20240213/>