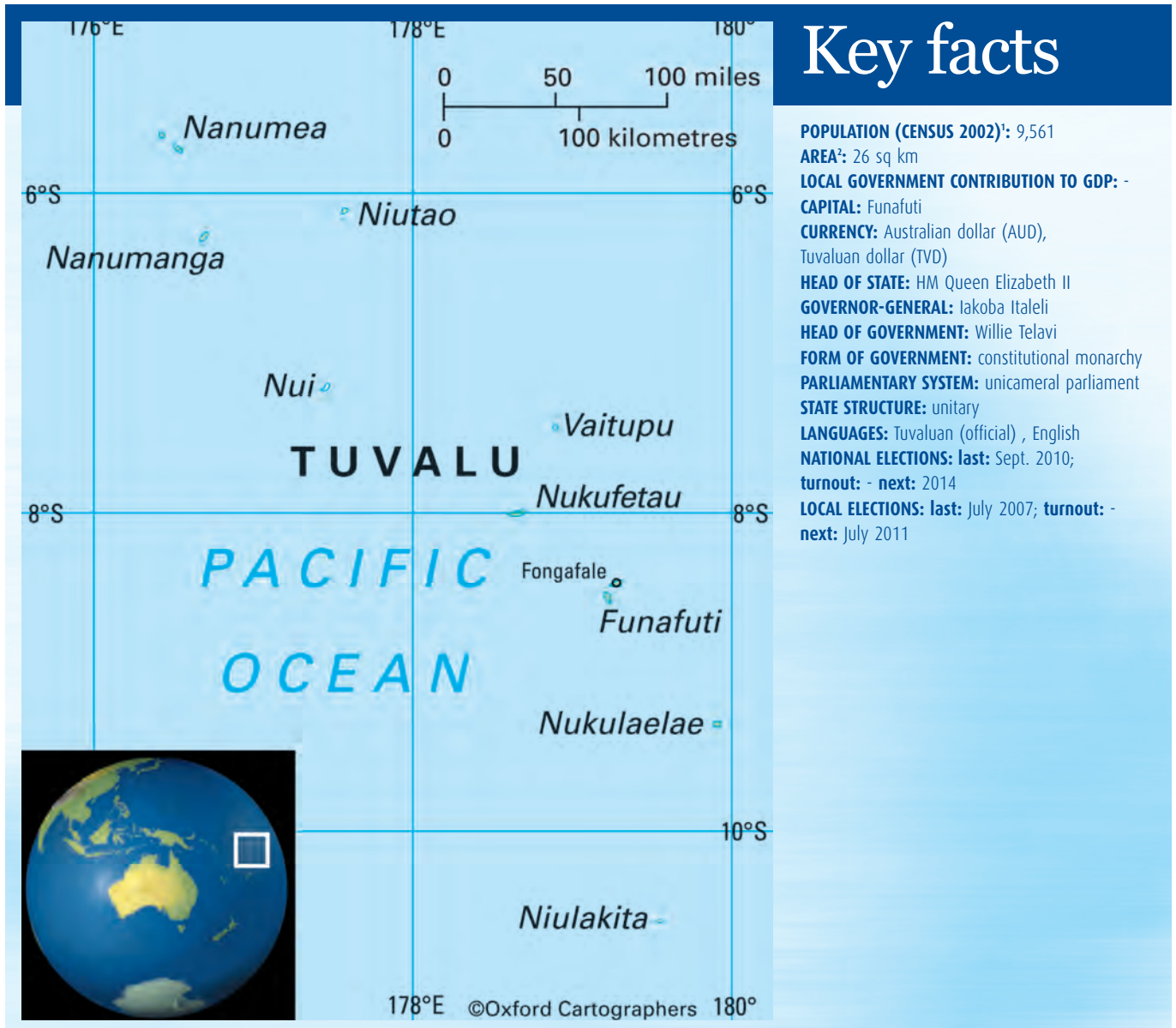




The local government system in

Tuvalu



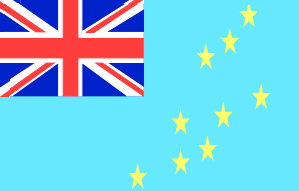
SUMMARY

Tuvalu is a constitutional monarchy with two spheres of government, central and local. The legal basis for Tuvalu local government is the Falekaupule Act 1997 and there is only one level, which is the Kaupule (island council). The Ministry of Home Affairs (MHA) is responsible for local government and is under the Department of Rural Development which oversees local government. A quarterly assembly is held by each Kaupule where the annual budget and development plans prepared by the

island council are assessed by the people. The common services that all island councils offer include land transport, lagoon travelling services, mechanical and joinery maintenance services, provision and maintenance of roads and public facilities such as meeting halls, recreation facilities (playing fields, multi-purpose courts), transport facilities, beach ramps and land title records. Services provided by national government in partnership with the island councils include health, education, agriculture and fisheries.

1. CENTRAL GOVERNMENT

Tuvalu is a constitutional monarchy and the head of state is HM Queen Elizabeth II, who is represented in Tuvalu by a governor-general. A constitutional referendum was held on 30 April 2008, with a turnout of approximately 22% of the electorate, which returned a result almost 2:1 in favour of remaining a constitutional monarchy rather than becoming a republic. Parliament is vested with law-making powers and is composed of 15 members (MPs), two from each of the eight electoral constituencies, with the exception of



Nukulaelae, which returns just one. Both the speaker, who oversees the administration and management of parliamentary affairs, and the prime minister, who heads the executive, are elected by MPs from amongst themselves. There are eight cabinet ministers, all of whom are appointed by the governor-general on the advice of the prime minister. The cabinet is collectively responsible to parliament for the performance of the executive functions of the state. There are no political parties, although the members who do not side with the executive are often called the opposition.

2. LEGAL BASIS FOR LOCAL GOVERNMENT

2.1 Constitutional provisions:

There are no constitutional provisions for local government.

2.2 Main legislative texts:

The legal basis for Tuvalu local government is the Falekaupule Act 1997, which came into force in 1999. The Act, also known as the Local Government Act, empowers the implementation of a national strategy that envisions the development of the outer islands through the devolution and decentralisation of governmental functions to local government. When Tuvalu became independent, it inherited a local government system made under the British colonial rule, the Local Government Ordinance 1966. This piece of legislation, as amended, provided the legal framework for local governance in the period between 1978 and 1999 when it was repealed.

3. STRUCTURE OF LOCAL GOVERNMENT

3.1 Local government within the state:

Local government in Tuvalu has only one level, which is the kaupule (island council), for each of the eight islands. The ninth island is under the

Table 1. Distribution of councils and population, 2002 census

Kaupule Population	Number of Villages	Population (2002 Census)	% Rural
Funafuti	9	4,492	0
Nanumea	1	664	100
Nui	1	548	100
Nukufetau	1	586	100
Nukulaelae	1	393	100
Vaitupu	1	1,591	100
Nanumanga	2	589	100
Niutao and Niulakita	3	698	100
TOTAL	19	9,561	53

administration of one of the seven outer islands island councils. Each island council's jurisdiction is limited to the island itself.

3.2 Ministerial oversight:

The ministry responsible for Tuvalu local government is the Ministry of Home Affairs (MHA) and its portfolio includes the Department of Rural Development which covers local government.

The MHA's roles are:

- Overseeing the activities of each department in its portfolio in order to achieve national goals and objectives set out in the National Strategy for Sustainable Development 'Te Kakeega II'.
- Approving any policy the Department of Rural Development wishes to implement before such policies are actually submitted to cabinet for legislation.

4. ELECTIONS

4.1 Recent local election:

The last local election was held on 18 September 2007; turnout is unknown. The next local election is to be held in July 2011.

4.2 Voting system:

There are no political parties. Voters make their choice based on the individual candidates. The voting system used is the single non-transferable vote and the first-past-the-post system.

4.3 Elected representatives:

No information has been provided on elected representatives.

4.4 Women's representation:

4% of elected representatives are female, including 2% of councillors..

5. SYSTEMS FOR COMMUNITY INVOLVEMENT

5.1 Legal requirement:

The mechanism for the involvement and participation of citizens in local governance is the falekaupule assembly, which is held quarterly for each island. At present however there are no guidelines to actually facilitate and carry out these assemblies. During the March assembly each year, the budget and development plans prepared by the island council are assessed by the community and approved by the falekaupule.

Table 2. Aggregate revenue and expenditure for local government, 2006*

Revenue \$AU		Expenditure \$AU	
Government transfer*		Admin and operational	
Conditional (2010)	585,424	Salaries total	929,900
Unconditional (2010 figure)	299,280	<i>Elected representatives</i>	125,630
Education (2009 figure)	200,000	<i>Staff</i>	804,270
		Facilities total	411,630
Local tax (total)		<i>of which maintenance</i>	78,447
Council tax (2006)	25,578	<i>Other costs</i>	35,167
Property tax	19,967	Operational costs	298,016
Charges for services (2006 figure)		Service delivery (2006 figures)	
Utility charges, various	54,615		
Licensing	83,649		
Other charges/sales			
(specify & breakdown)	37,572		
Miscellaneous/other	102,321		
Hire of vehicles & tools	47,114		
TOTAL	1,455,520	TOTAL	2,683,060

* Government grant figures taken from 2009 and 2010 Source: Tuvalu Ministry of Home Affairs⁴



At the same time, the island council reports on the progress and finances of current development projects.

5.2 Implementation:

Another avenue for community participation, including that of minority groups, is their representation on the various established standing committees for major sectors such as health, education and development. These committees are made up of representatives from various community-based organisations, non-governmental organisations and private sector organisations. The committees have been established to provide technical advice to the kaupule.

5.3 E-government:

There is no e-government strategy in place.

6. ORGANISED LOCAL GOVERNMENT

There is currently no organisation representative for local government.

7. INTERGOVERNMENTAL RELATIONS

The kaupule, as executive arm of the falekaupule, will carry out all the functions and powers conferred upon the falekaupule by the Falekaupule Act 1997. The national government, through the Minister for Home Affairs, exercises general supervision over local governments to ensure that their actions are within the scope of their prescribed powers and functions and that services to their constituency required of them by the law are adequately delivered. In the exercise of this authority, the Act makes provision for consultations, either regular or as deemed necessary, between the minister and the falekaupule. Moreover, national authorities are mandated to cooperate with local government according to their respective responsibilities, as follows:

- The Attorney-General on the review of by-laws to determine whether such are in accord with national laws and policies;
- The Auditor General on the audit of the kaupules' accounts to ensure the safety and rational allocation of local funds;
- The Ministry of Finance and Economic Planning, through local budget reviews undertaken by its Budget Office, in consultation with the Ministry of Home Affairs and Rural Development, on local taxation and allied concerns, also under the Ministry of Finance and Economic Planning, the Department of Central Planning on technical assistance and in local planning, project development and management of external programme project funding assistance;

- Other agencies in line with their specific functions and programmes on the islands.

From time to time, these agencies will also coordinate and provide technical advice to the falekaupule and kaupule on matters relating to the agency's programmes and projects within the area of the falekaupule to assist with improving the governance and development capacities of the local authorities and their staff.

8. MONITORING SYSTEMS

The existing monitoring mechanisms to scrutinise local government comprises the auditing processes, as required by the Falekaupule Act 1997, and the Public Accounts Committee, which reports to parliament. The Minister of Home Affairs exercises his supervisory authority over local government directly through the issuance of orders, guidelines, notices, regulations or directives to ensure that the provisions of the Act and other existing statutes and policies relating to their duties and functions are properly implemented, and that basic services are adequately and efficiently delivered.

9. FINANCE, STAFFING AND RESOURCES

9.1 Locally raised revenue:

Various user rates, licences and other taxes such as a head tax and land tax are imposed and collected by island councils.

9.2 Transfers:

The level of national government transfers to island councils is determined on the advice of the Minister of Home Affairs. Of the total annual grant, 72% is conditional and 28% unconditional. There are three types of annual grants: Block Grant, Tied Grant and Falekaupule Act Grant, the latter of which is ringfenced to pay for emoluments of the five key staff of island councils on each island. The national government annual grant started in 1999 and remained constant until 2010 when it was increased by approximately 12%. A further national government grant to local government is the Pre-school Support Grant from the Ministry of Education, Youth and Sports, which currently amounts to AUS\$25,000 (US\$25,392) and assists with pre-school teachers' salaries.

9.3 Local authority staff:

Each local government pays a meeting allowance for councillors and, in principle, the salaries of the local government staff. However, under the Falekaupule Act 1997, five of each island council's key staff's salaries are paid by national government through an annual grant.

10. DISTRIBUTION OF SERVICE DELIVERY RESPONSIBILITY

The Local Government Act mandates a wide range of functions to the island councils. The island councils at present however are only providing services which their level of resources allows, while other services are provided and funded by central government. The services provided by island councils vary depending on the needs of their communities. The common services that all island councils offer include land transport, lagoon travelling services, mechanical and joinery maintenance services, provision and maintenance of roads and public facilities such as halls (meeting halls), recreation facilities (playing fields, multi-purpose courts), transport facilities, beach ramps and land title records. Services provided by national government in partnership with the island councils include health, education, agriculture and fisheries. The services provided by island councils are charged at a minimum rate agreed by the community and the island council during the March falekaupule assembly every year. Rates and user fees are applied to all users, although certain individuals are exempted from paying head tax as decided by the island council.

References and useful websites

1. Tuvalu Central Statistics Division www.spc.int/prism/country/tv/stats/
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4. Tuvalu Ministry of Home Affairs: no website
5. Tuvalu Report on National Accounts Mission 2009 Tuvalu Central Statistics Division
6. Tuvalu national government portal www.tuvalu.tv
7. UNDP Human Development Report 2010 www.hdr.undp.org
8. Tuvalu legislation: www.tuvalu-legislation.tv/cms/