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# The Appointment and Removal of the Head of Government of the Kiribati Republic.

A Report for Daphne Caine MHK, October 2019.

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# I. Executive Summary.

This report examines the unique arrangements for the appointment and removal of the President of the Pacific state of Kiribati, in the context of political, historical and social factors. It outlines the potential for similar mechanisms to be introduced in the Isle of Man, while remaining aware of the significance of the constitutional, geographical and cultural differences between the two jurisdictions. The report concludes that the dual effect of a vote of no confidence in Kiribati's model, which triggers not only a new Presidential election but also a fresh general election for the legislature, provides a measure of balance between competing democratic mandates. However it is not the only option, and refinements could be made. Requiring a special majority for a vote of no confidence in the President without triggering a general election may also be considered. Attention should also be paid to identifying the desirable number of presidential candidates, and to how they are to be nominated.

## II. Kiribati and its Constitutional Development.

Kiribati, officially the Republic of Kiribati, is a sovereign state in the Pacific, constituting 33 islands spread over 3 million km in the central Pacific Ocean, with more than one third of the 72,000 population living on one island.<sup>1</sup> It is categorized as part of Micronesia, which includes other island archipelagos, such as Nauru and the Federated States of Micronesia. The permanent population is just over 110,000, more than half of whom live on Tarawa Atoll. The official languages are Taetae ni Kiribati, also known as 'Gilbertese', and English.

### Historical Context

In 1892, the Gilbert Islands were proclaimed a British Protectorate by Captain Davis of HMS Royalist on behalf of Queen Victoria. It was brought under the jurisdiction of the Western Pacific High Commissioner in 1883,<sup>2</sup> and administered by a resident Commissioner. The islands were annexed by Britain in 1916 as part of the colony of Gilbert and Ellice Islands. The basic system of government for the colony was provided by the *Gilbert and Ellice Islands Order in Council 1915* (UK), which came into force on 1 January, 1916. This was replaced in 1974 by the *Gilbert and Ellice Islands Order in Council 1974* (UK). Whilst recognising traditional island leaders, the colonial institutions of law and government reflected traditional British colonial models. The system of governance became increasingly anglicised during the colonial period and this has had a profound influence on the present political system.

The movement that culminated in Independence began in the 1950s, and led to a 1967 constitution which had elements of direct election, and creation of a ministerial system in 1974,<sup>3</sup> before speedily moving to independence in 1979. In the lead up to independence, following a referendum in 1974,

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<sup>1</sup> H van Trease, "From Colony to Independence", pp. 3-22 in Howard van Trease (ed), *Atoll politics: The Republic of Kiribati*, (USP, 1993) at 3.

<sup>2</sup> Pacific Order 1983.

<sup>3</sup> Van Trease, op.cit., at 7-9.

the Ellice Islands were separated from the Gilbert Islands, mainly due to cultural differences between the inhabitants of the two island groups.<sup>4</sup> In 1975, towards the end of its period as a colony, a written constitution for the Gilbert Islands was brought into force by the *Gilbert Islands Order in Council 1975* (UK). This Constitution established a government structure for the Gilbert Islands, which remained in force until independence in 1979.

At independence, on 12 July 1979, a new constitution was brought into force by the *Kiribati Independence Order 1979* (UK). On that day, Kiribati became a sovereign and democratic republic, and the 41st member of the Commonwealth. The Constitution of Kiribati is the supreme law of Kiribati (*Constitution* s 2), subject only to the 1979 Order (*Constitution* s 4(1)).

## The Constitution of Kiribati

The Constitution established a unicameral legislature, the Maneaba ni Maungatabu, with 44 members elected for four years by universal adult suffrage, plus the Attorney-General and one nominated member from the Banaban community. The Banaban community live in Rabi, Fiji, but have a right to enter and live on Banaba, and have their own Banaba Island Council. The President (Beretitenti) is both head of state and head of government. The Beretitenti is elected nationally, from nominations made by the Maneaba ni Maungatabu from among its own members. This process is discussed in more detail below. The cabinet consists of the President, the Vice-President (Kauoman-ni-Maungatabu), the Attorney-General and up to eight other ministers. These ministers are appointed by the President from the members of the Maneaba ni Maungatabu.

Individual rights and freedoms are guaranteed under the Constitution. In the event of dissolution of the legislature on a vote of no confidence, discussed further below, the Constitution provides for an interim council of state, composed of the Chief Justice, the Speaker and the chairman of the Public Service Commission.

## The Head of State and Government

The Beretitenti is both head of state and head of government (*Constitution* s 30). The election of the Beretitenti is governed by Chapter IV of the *Constitution and the Election of the Beretitenti Act 1979*. The process specified by the Constitution requires that, as soon as practicable after the first sitting of the Maneaba ni Maungatabu following a general election, and after the election of the Speaker, the Maneaba must nominate not less than 3 nor more than 4 candidates for election as Beretitenti. Only members of the Maneaba are eligible for nomination, and no other person may be a candidate. Nominations are then followed by a general election by the national electorate. The successful candidate assumes office on the day upon which he or she is declared elected. The term of the Beretitenti is four years, and he or she may be re-elected twice.

The nomination process under the 1979 Act was comparatively straightforward. The Chief Justice was in charge of the management of elections. At the meeting held for nomination of candidates, the Speaker called for nominations. If more than 4 nominations were received, an election was held by secret ballot. There were two rounds of voting and each member cast one vote, and might vote for him or herself. At the end of the first round the 2 members with the greatest number of points were declared by the speaker to be nominated. There was then a second round of voting for the remaining

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<sup>4</sup> See further WD McIntyre, "The Partition of the Gilbert and Ellice Islands", (2012) 7(1) *Island Studies Journal* 135-146.

candidates. At the end of the second round the 2 members with the greatest number of points were declared by the speaker to be nominated. If any of the members in the ballot scored equal points, the Speaker could order a further ballot.

This process was amended by the *Election of Beretitenti (Amendment) Act 1980*, which replaced the single vote system with a form of Borda count, where members cast votes for four candidates in order of preference, with candidates gaining points from each members ballot based on how high the preference was. The four candidates with the highest points then go forward to the national electorate.

If the President comes from a single member constituency, a bye election must be held to replace him or her so that constituents have a member who can represent them effectively and, if necessary, criticise the government.

The President may be removed from office by a vote of no confidence in the Maneaba ni Maungatabu, a provision which has subsequently been used, as discussed below.

This departure from the colonial model in respect of the Head of State was a result of a process of education and consultation employed in the planning for independence, guided by the Governor, John Smith and Professor David Murray of the University of the South Pacific.

Unlike the standard decolonization model, it was decided to allow wide public discussion of the form of an Independence Constitution - primarily because of concerns by the then Governor that the territory had too little experience of self-government in the form required for a Westminster model constitution.<sup>5</sup> The strong sense of egalitarianism in Gilbertese society also made him doubt whether one person could act as Head of State and Head of Government without checks against abuse.<sup>6</sup> He was also concerned that the elected pre-Independence government might lack sufficiently broad support to draft a constitution which would command broad support.<sup>7</sup>

The governor hoped to “incorporate into the new structure of government, features of Gilbertese society and culture which better reflected local relationships between the ruler and the ruled”.<sup>8</sup> In particular the governor was conscious that:

We were planning an independence constitution for the equivalent of the population of a small English town scattered in hamlets between twenty remote islands, with very limited resources, set in an immense ocean. The culture was homogeneous and egalitarian with a premium placed on diffidence. There were no political parties. You were expected to take your turn at exercising community responsibility when chosen but never to demand privilege and reward.<sup>9</sup>

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<sup>5</sup> Van Trease, op.cit., at 11.

<sup>6</sup> Ibid, at 12.

<sup>7</sup> Ibid, at 12.

<sup>8</sup> Ibid, at 11.

<sup>9</sup> John Smith, ‘Getting away from the Westminster model: the Kiribati independence constitution’. <https://www.pacificislandsuk.org/Smith%20-%20Kiribati%20constitution.htm> (accessed 10/10/2019).

In order to develop the constitution, a constitutional convention was held to encourage discussion and devise ways of ensuring the constitution was appropriate for a small island state. The Convention produced a simple report to assist in drafting constitutional proposals. The “blend of presidential and parliamentary forms” we see in the Beretitenti originates here.<sup>10</sup> The convention recommended that the chief executive combine the functions of head of state and head of government. It recommended that the chief executive be called President, and be elected nationally from among members of the legislature immediately after a general election, due to the strong feeling that the nation as a whole should choose its leader. The recommendation that not less than three and not more than four candidates be put forward arose not from the number of political parties, as there were none, but to accommodate the practical reality that there were two main churches: Catholic (mainly in the North) and Protestant (mainly) in the South. It was designed to avoid there being one candidate from each religious group or a position where there were too many candidates.

The departure from the Westminster model was not welcomed by all civil servants, and it was rumoured that some had complained to London.<sup>11</sup> In 1978, however the House of Assembly unanimously adopted provisions allowed for national election of the Chief Minister.<sup>12</sup>

### III. Appointment and Dismissal in Practice.

Since Independence in 1979 there have been 11 periods of office, shared in succession by five different individuals. Ieremia Tabai, the last pre-Independence Chief Minister, became Beretitenti by force of law in 1979 (s.31(1)). He was elected to the office in April 1982, but lost a vote of no confidence in December 1982. He was re-elected in February 1983, and held office 1983-7, and 1987-1991. The latter term had been subject to legal challenge, as exceeding the constitutional term limit, but this was rejected on procedural grounds.<sup>13</sup> He was succeeded by Teatao Teannaki, who held office for a single term between 1991-1994, losing a vote of no confidence towards the end of his term. Teannaki was succeeded by Teburoro Tito. He served two terms as a member of the Christian Democratic Party (1994-8, 1998-2003). In March 2003, a month after being elected for his final term, Tito was removed from office by a vote of no confidence. Anote Tong served the maximum three terms (2003-7; 2007-11; and 2011-2015). In 2016 the current Beretitenti, Taneti Maamua, was elected with the support of the new Tobwaan Kiribati Party.

In relation to appointment, a key feature of the Kiribati system is nomination by vote of the legislature. The requirement for the legislature to put forward at least three candidates has been significant on occasion. In some elections, the third and fourth candidate together secured a comparatively low percentage of the vote which would not have been decisive had it all been secured by one of the other candidates (e.g. 1994; 1998; February 2003; 2007; 2016). In others, however, the third candidate secured a percentage of the vote greater than that separating the two leading candidates (e.g. 1982; 1983; 1987; 1991; July 2003; 2012).

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<sup>10</sup> Ibid, at 13.

<sup>11</sup> Ibid, at 14.

<sup>12</sup> Ibid, at 18.

<sup>13</sup> H van Trease, “The Tabai Years”, pp.48-73 in Howard van Trease (ed), *Atoll politics: The Republic of Kiribati*, (USP, 1993), at 64-67.

It would be misleading to conclude from this, however, that every contest where the third candidate secured a significant margin would have worked out differently had the constitution allowed only two candidates to be nominated. In the 1991 election, the primary focus of Van Trease's study, lobbying to secure nominations was focussed mainly on the 17 newly elected members.<sup>14</sup> As a result of careful management of the nominations, the two principal political groupings each secured a nomination for their intended candidate, and for a further "dummy" who "simply returned to their home islands ... where they remained until election day".<sup>15</sup> Van Trease suggests that the more experienced political grouping managed votes for their "dummy" better than their opponents, and that this was part of the explanation for their victory.<sup>16</sup> Another commentator, Reilly, has concluded that "strategic manipulation of the Borda count" used in the nomination process led to elimination of two of the more popular politicians, to the "surprise of many voters".<sup>17</sup>

Once the legislature has nominated candidates, the Kiribati system then puts these nominations to a national poll. Reflecting on his time in office, the first Beretitenti, Tabai, observed that:

This is far more acceptable to the I-Kiribati way of thinking than a straight Westminster parliamentary system in which the Prime Minister is simply the leader of the strongest party or coalition. This constitutional procedure helps to make for stability in the overall system of government. Because the people are involved and participate directly in the election of the President, they are more likely to be supportive of the policies of that Government.<sup>18</sup>

Turning to dismissal, there were three successful no confidence votes.

(1) In December 1982 the first Beretitenti lost a vote of no confidence. Although securing a comfortable majority in the national poll in April 1982, Tabai did not have strong support in the legislature, being able to command the support of only 17 of the 36 elected members.<sup>19</sup> In December, seven months after taking office, the Tabai government was defeated in a vote "over what appeared to be an insignificant issue", a Bill to rectify an oversight in regard to remuneration of six statutory officers.<sup>20</sup> Having lost this vote, Tabai declared it an issue of confidence, and lost the vote that followed by 15 to 20.<sup>21</sup> Van Trease, as a side-note to his study of the later elections in 1991, reports that "It is said, that many members at the time did not fully understand what the effect would be of a negative vote".<sup>22</sup> In the ensuing elections, the government secured an increased majority, and Tabai

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<sup>14</sup> H Van Trease, "The 1991 Election in Kiribati", (2992) 27(3) *Journal of Pacific History* 66 at 70.

<sup>15</sup> *ibid*, at 70.

<sup>16</sup> *ibid*, at 72.

<sup>17</sup> Benjamin Reilly, "Social choice in the South Seas: Electoral Innovation and the Borda Count in the Pacific Island Countries", (2002) 23(4) *International Political Science Review* 355 at 368.

<sup>18</sup> Ieremia Tabai, "The First Twelve years", pp.308-320 in Howard van Trease (ed), *Atoll politics: The Republic of Kiribati*, (USP, 1993) at 316.

<sup>19</sup> Van Trease, "The Tabai Years", at 56.

<sup>20</sup> *Ibid*, p.56.

<sup>21</sup> *Ibid*, p.57.

<sup>22</sup> *Ibid*, p.73.

was again elected as Beretitenti.<sup>23</sup> In a later term, however, Tabai was able to govern without a majority for four years, due to the support of various independents.<sup>24</sup>

(2) In May 1994, the government lost a vote of no confidence arising from allegations by Teburoro Tito, concerning expenses claims by members of the government.<sup>25</sup> The government lost the vote towards the end of its term.

(3) In February 2003 Tito was re-elected with 50.4% of the national vote. A month later he lost a no confidence vote and was removed from office. A major issue in the February 2003 election was the presence of a Chinese satellite-tracking facility in Kiribati. This remained a live issue even after his re-election, and in March 2003 he lost a no confidence vote.

There were also a number of unsuccessful no-confidence votes, for instance that won by Tabai in 1985 over his governments issuing of fishing licenses to Soviet trawlers.<sup>26</sup> There is also some evidence that the threat of a no-confidence vote could provide the government with a tool to influence legislators to vote in accordance with its wishes, or risk losing their seat in the ensuing general election. Writing in 1993, then opposition leader Tito discussed three attempts made to set up a Parliamentary Committee to investigate corruption - but:

each time the matter came up for debate in Parliament, the President threatened to make the motion to establish an Anti-Corruption Committee a matter of confidence in Government. This would have resulted in the dissolution of Parliament, had a majority of the members supported it, and the motion always failed.<sup>27</sup>

The vote of no confidence, then, is an active part of the Kiribati constitution rather than a theoretical possibility. Of the five Beretitenti, the first three all lost office as a result of votes of no confidence, although the first, Ieremia Tabai, went on to be immediately reappointed. Members of the legislature have been prepared to trigger new Parliamentary and Presidential elections even at the beginning of the President's term, even when that President had a majority of the total votes cast in the national poll.

## IV. Significant differences between the Manx and Kiribati context.

There are obvious constitutional differences between the Isle of Man and Kiribati. The Isle of Man is a dependent territory of the Crown, rather than a sovereign state. The Head of State and the Manx Head of Government are distinct persons, the former a hereditary monarch. The Isle of Man has an

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<sup>23</sup> Ibid, p.57.

<sup>24</sup> Ibid, at 60-71.

<sup>25</sup> See more fully D.R. James, "Kiribati politics and defamation: The case of Teato Teannaki v Teburoro Tito", (2002) *Journal of South Pacific Law* 6, 1.

<sup>26</sup> H van Trease, "The Tabai Years", pp.48-73 in Howard van Trease (ed), *Atoll politics: The Republic of Kiribati*, (USP, 1993) at 60-64.

<sup>27</sup> Teburoro Tito, "A view from the Opposition" pp.334-340 in in Howard van Trease (ed), *Atoll politics: The Republic of Kiribati*, (USP, 1993) at 335-6.

uncodified constitution, albeit one with a significant amount of statutory detail, while the independence constitution of Kiribati seeks to provide a written constitution.

More relevantly to this discussion, the role of Chief Minister, while more recent than that of Beretitenti, developed from post-1945 roots – a 1946 Executive Council evolving by 1990 into the Council of Ministers, who held office at the pleasure of a Chief Minister appointed by Tynwald. The appointment of Chief Minister was, before 2018, by Tynwald as a whole, including members of the Legislative Council. Since 2018, appointment of the Chief Minister has been limited to the House of Keys.<sup>28</sup> Significantly, as closer to the Westminster model than Kiribati, any Chief Minister remains a constituency Member of the House of Keys.

Appointment takes place within one month of a vacancy arising, and requires the approval of 13 MHKs, while removal is unusually difficult, with a special majority of 16 MHKs being required to pass a vote of no confidence. The Chief Minister, therefore, is appointed by indirect election - rather than the direct election process of Kiribati - and significantly more protected from removal by the legislature than in Kiribati. In contrast to the Kiribati system, however, should the Chief Minister lose a vote of no confidence, a general election does not automatically follow a vote of no confidence, so that the same legislators choose a new Chief Minister to fill the post for the remainder of the period of the House of Keys.

Arguably, there is a more significant party system in Kiribati than in the Isle of Man, with some Beretitenti identifying as members of political parties. The comparative weakness of political parties in Kiribati, however, may mean this is a smaller distinction than may appear. In his 1991 study, Van Trease suggested that political parties had formerly played a relatively minor role in the political process. Van Trease suggested that “while political parties do exist in name, they have not usually played a significant role in the political process. Such groups have tended to be identified with particular individuals and issues rather than long-term policies or strategies and lacked any formal organisation”.<sup>29</sup> The comparative weakness of political parties meant that individual legislators’ decision as to who to nominate as Beretitenti could not be taken for granted. This led to what Van Trease considered as “the most intensely political phase of the entire election process”.<sup>30</sup> He noted, however, that the 1991 elections revealed “signs of the growing importance of organised parties”.<sup>31</sup> Writing in 2016, however, Uakeia still characterised the party system as lacking “entrenched ideologies connecting to the wider population”, instead turning on shared interests and forming two groups “the government, which holds a majority, and the opposition”.<sup>32</sup> This is a familiar pattern in other tiny jurisdictions such as the Channel Islands, which have swayed between having many parties at one extreme and none at the other, before settling on a large majority of independents with a minority of alliances which resemble parties, although some are not labelled as such.

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<sup>28</sup> See further P.W. Edge, “Lisvane’s Legacy? Constitutional reform in the Isle of Man”, (2019) *Legal Studies First View* 11 September 2019.

<sup>29</sup> Van Trease, *op.cit.*, at 67,

<sup>30</sup> *ibid*, at 69

<sup>31</sup> *ibid*, at 72; cf T.J.F., “The making and remaking of Commonwealth constitutions”, [1993] *International and Comparative Law Quarterly* 67 at 76.

<sup>32</sup> Takuia Uakeia, “Kirabati” in Stephen Levine (ed.), *Pacific Ways; Government and Politics in the Pacific Islands*, 2016 at 122.



Turning from constitutional context to cultural, the potential pitfall of transplanting legislation from one jurisdiction to another is that it may not be completely compatible with the context into which it is introduced. Comparative law, and the possibility of effective legal transplants from one jurisdiction to another, are hotly contested fields. Attention must be paid to the fact that legal transplants encounter problems of fit. This is particularly so in the present case, as it is arguable that public laws are the least likely to succeed due to their cultural specificity.<sup>33</sup> However, drawing inspiration through partial legal transplants from other jurisdictions, with eyes open to the impact of difference, may work well in small states, and provide a cost-effective way for small states to develop their own solutions to national problems. Hence it is sensible to consider a measured and evidenced adoption of approaches from other small states which have faced similar challenges in creating and managing political systems, while accepting that what is transplanted may work differently in its adoptive jurisdiction.

Custom and tradition is strong in Kiribati, partly due to its relatively isolated position in the Pacific Ocean and the spread of the archipelago over 33 atolls. Customary laws are still strong. These laws are recognised by the state, not only in relation to land ownership, but also in relation to a range of other matters. Approximately 98.8% of the population identify as Micronesian and the most widely spoken language is Taetae ni Kiribati, also known as 'Gilbertese'. Local communities revolve around the utu, which is a group of extended family members. Customary land rights descend through membership of the utu. As in other Pacific island countries, reciprocity is an important part of culture, manifested in sharing resources.

Gilbertese culture is paternalistic and conservative. It dominates social beliefs and underpins the framework of society. The ethos is communal rather than individualistic. It is also strongly egalitarian.<sup>34</sup> External display of personal wealth is considered as ostentatious. Decision making within the community is usually by consensus. During discussions, which are held in the village meeting house, the maneaba, the views of the village elders will be given great respect. The lack of a culture of hereditary chiefs or 'big man' authority, which prevails in Polynesia and Melanesia, is significant for government: constitutional arrangements for the Head of State and Head of Government in Kiribati do not clash with chiefly authority.

Whilst this traditional culture still dominates Gilbertese society, there is no doubt that local practices have been influenced by colonial history and by the influence of the church. With the increased influence of foreign cultures, and growing familiarity with individualism and market based societies, the culture of Kiribati is undergoing change. More indigenous people are becoming entrepreneurial and starting their own businesses. The influence of elders on island affairs is gradually diminishing as younger people, educated overseas, have become more vocal.<sup>35</sup>

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<sup>33</sup> Otto Kahn-Freund, 'Uses and Misuses of Comparative Law' (1974) 37 *Modern Law Review* 1, 5-6.

<sup>34</sup> This is to the extent that public service is seen as preferable to working in private enterprise, which is regarded as self-serving, as opposed to working in the interests of the community as a whole Asian Development Bank. *Kiribati's Political Economy and Capacity Development*, Mandaluyong City, Phil.: Asian Development Bank, 2008, 101.

<sup>35</sup> Asian Development Bank. *Kiribati's Political Economy and Capacity Development*, Mandaluyong City, Phil.: Asian Development Bank, 2008 11.

## V. Conclusions.

The Kiribati model is unique amongst small democracies, combining as it does elements of the Parliamentary and Presidential models of the head of government.

A key feature of the Kiribati model is the dual effect of a vote of no confidence, when used by members of the legislature to remove a head of government with a direct democratic mandate. The vote of no confidence triggers not only a new Presidential election round, but preceding that a new general election of the legislators. Legislators choosing to remove an elected President, including one with a very recent electoral mandate, do so knowing that they themselves will be subject to an immediate election contest. Unlike more purely Parliamentary systems, the legislators are not able to replace the head of government without their own democratic mandate being retested immediately thereafter. This is an important mechanism to square the competing democratic mandates of legislators and head of government. Any move to a directly elected head of government within a Westminster style system needs to balance these mandates. The Kiribati system has the benefit of immediate involvement of the electorate in reappointing both legislators and head of government. It does, however, involve the expense of a full election round upon any vote of no confidence. It also has the side-effect of allowing a government to threaten an immediate general election should a particular vote is lost, by categorising it as a vote of confidence.

An alternative approach may be to require some form of special majority to overturn the direct democratic mandate of the head of government, but to allow the legislators to retain their seats and nominate candidates from their number for a national poll to replace the head of government. This has the advantage of saving the expense of a general election which, as the Kiribati experience shows, may happen within months of an earlier full poll. It does raise the possibility, however, of a head of government losing a vote of no confidence in the chamber, being re-elected by national poll, and immediately losing another such vote cast by an unchanged chamber. As the Kiribati experience shows, one outcome of a general election triggered by the vacancy in the head of government may be to strengthen the position of a popular reelected head of government in the chamber. This is not, however, inevitable.

A further key feature is the involvement of the legislature in nominating a set number of candidates for election as Head of Government. Given that the Kiribati model does not separate the work of government as a Presidential system, a system which provides at least some assurance that an elected President will command sufficient support to govern seems prudent. As the Kiribati experience shows, however, it is capable of being managed by parliamentarians. The way in which candidates are nominated, and the number of candidates who must be nominated, would require significant thought, sensitive to the particularities of the Kiribati story, in any system drawing on the Kiribati model. The Kiribati model of requiring no less than three and no more than four candidates has, for instance, been described by the last Governor as “a prudent endeavour both to avoid there being one candidate from each religious group and there being too many candidates”.<sup>36</sup> A requirement that at least two candidates needs to be nominated may, at least formally, ensure that a national poll takes place for head of government. The Kiribati experience suggests that two genuinely competing candidates may be a reasonable expectation for the system in practice. The Kiribati experience also shows, however, that the legislature may manage the process by their nominations: in Kiribati, we see this in the third and fourth candidates, but it is conceivable that a

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<sup>36</sup> J Smith, “Getting away from the Westminster model: the Kiribati independence constitution”, at <https://www.pacificislandsuk.org/Smith%20-%20Kiribati%20constitution.htm> (accessed 10/10/19).

very popular candidate may find themselves running against a deliberately unlikely contender who chooses not to campaign.

In terms of further work, there are two possible sources of insight into the Kiribati experience which we have not made use of in preparing this brief report. Firstly, the archives around Independence which are now available, at least in part, at the National Records Office in Kew.<sup>37</sup> Accessing these archives would require use of a research assistant at Kew to read all materials and identify any of significance. The Independence period has been discussed in the academic literature, however, and it may be that this would not add significantly to the discussion above. Secondly, the legislative debates of the Kiribati assembly, particularly around the successful and unsuccessful votes of no confidence, and the nomination of Beretitenti candidates. These debates are not available online, and are not formally published; although they are available for consultation in Kiribati. Kiribati is a Commonwealth country, so the most practical way of accessing these materials in the Isle of Man may be through the good offices of the Commonwealth Parliamentary Association.

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<sup>37</sup> Archived as FCO 107/72; FCO 107/73; FCO 107/81; FCO 107/78; FCO 107/79; FCO 141/19887.