

# LESSONS LEARNED ON THINKING AND WORKING POLITICALLY FOR THE RATIFICATION OF CEDAW IN TONGA

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# 1 EXECUTIVE SUMMARY

This case study documents and analyses the history, current activities and lessons learned by Tonga's Women in Leadership coalition. The analysis is undertaken in the context of lessons learned regarding what makes coalitions successful in developmental contexts, and prevailing discourses on Thinking and Working Politically (TWP).

We aim to capture how the Women in Leadership coalition in Tonga is thinking and working politically to change perceptions around the ratification of CEDAW and norms around women's roles in Tonga more broadly. We detail how the coalition has emerged and evolved in membership over the past ten years, and how the coalition's members have had to re-strategise, regroup and remain united in the face of significant challenges. We show how the coalition has exercised leadership and taken informed risks to influence and shift the mindsets of successive Tongan governments and the broader population on CEDAW. Finally, we make several recommendations concerning the coalition's continued development in the short, medium and long term.

## 2. APPROACH, METHOD AND LIMITATIONS

This analysis is undertaken in the context of lessons learned regarding what makes coalitions successful in developmental contexts, and prevailing discourses on Thinking and Working Politically (TWP).

A growing body of research shows that coalitions are often a crucial force in securing developmental reform.<sup>1</sup> Particularly in the area of women's rights, coalitions are important because they utilize collective power and resources to amplify the strength of women who are otherwise politically marginalised.<sup>2</sup> However, the ability of both coalitions and supporting donor organisations to adapt to local political contexts and 'think politically' is critical to the achievement of their goals.<sup>3</sup>

The core principles of the TWP approach include strong political analysis, detailed appreciation of local context, and flexibility and adaptability in program design and implementation.<sup>4</sup> The approach builds on increasing international evidence that "progressive change usually involves local political processes of contestation [...], and that development programs can significantly improve their impact by understanding and responding to these dynamics."<sup>5</sup> We therefore begin by laying out key features of the local context that have been so crucial to processes and outcomes regarding the ratification of CEDAW in Tonga. These include traditional Tongan values, the importance of religion, and the impact of transitional democracy. We then map the key stakeholders engaged in relevant debates, their levels of influence, and the relationships between them.

Findings from prior case studies show that existing informal networks tend to facilitate the emergence of coalitions at critical junctures, but often require strategic management.<sup>6</sup> We investigate the historical evolution of the Women in Leadership coalition's member organisations in detail, showing how these networks have indeed presented the coalition with both challenges and opportunities. Applying the TWP framework, we interrogate power dynamics, interests and incentives,<sup>7</sup> providing a candid analysis of "where power resides and on whose behalf it is being used."<sup>8</sup> This includes examination of contemporary and historical relationships between coalition members, current and former governments, religious organisations and the media.

In order to evaluate the work of the Women in Leadership coalition in this context, we assess: structural factors, including the political and social background; institutional factors, such as informal norms guiding relationships between the coalition and other stakeholders, and; the organisational factors affecting the activities of the government. We also examine the visible and hidden gendered power relations that influence interactions between stakeholders.<sup>9</sup> We then consider how these factors together impact upon the coalition's public campaigning and private negotiations with key power brokers, which existing evidence has shown to be decisive regarding coalitions' success or failure.<sup>10</sup>

Considering the importance of endogenous political processes<sup>11</sup> and flexible and adaptive donor support, our recommendations aim to ensure that proposals are accepted as legitimate by all relevant stakeholders.<sup>12</sup> Thus, we focus on necessary steps not just to build the coalition's future capacity, but also to foster consensus between church, state and civil society on the ratification of CEDAW in Tonga.

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<sup>1</sup>Chris Wheeler and Adrian Leftwich, *Coalitions in the Politics of Development: Findings, insights and guidance from the DLP Coalitions workshop*, Sydney, 15-16 February 2012, p.3 Developmental Leadership Program Research and Policy Workshop Report, April 2012.

<sup>2</sup>Tam O'Neil and Pilar Domingo, *Women and power: Overcoming barriers to leadership and influence*, p.11, Overseas Development Institute Report, February 2016.

<sup>3</sup>Mariz Tadros, *Research Paper 12: Working Politically Behind Red Lines: Structure and agency in a comparative study of women's coalitions in Egypt and Jordan*, p.iii, Developmental Leadership Program, 2011.

<sup>4</sup>"What is TWP?", <https://twpcommunity.org/what-is-twp/>.

<sup>5</sup>The Case for thinking and working politically, the implications of doing development differently, TWP Community of Practice, Developmental Leadership Program.

<sup>6</sup>Adrian Leftwich, *Thinking and Working Politically - What does it mean? Why is it important? And how do you do it?*, p.6, Developmental Leadership Program Discussion Paper, March 2011.

<sup>7</sup>"What is TWP?", <https://twpcommunity.org/what-is-twp/>.

<sup>8</sup>"What is TWP?", <https://twpcommunity.org/what-is-twp/>.

<sup>9</sup>For further discussion of this approach, particularly with regards to theorizing power, see: David Hudson and Adrian Leftwich, *Research Paper 25: From Political Economy to Political Analysis*, p.82-88, Developmental Leadership Program, 2014 and Diana Koester, *Gender and Power*, DLP Concept Brief 4, Developmental Leadership Program, May 2015.

<sup>10</sup>Adrian Leftwich, *Thinking and Working Politically - What does it mean? Why is it important? And how do you do it?* Developmental Leadership Program Discussion Paper, p.7, March 2011.

<sup>11</sup>Chris Wheeler and Adrian Leftwich, *Coalitions in the Politics of Development: Findings, insights and guidance from the DLP Coalitions workshop*, Sydney, 15-16 February 2012, p.6, Developmental Leadership Program Research and Policy Workshop Report, April 2012.

<sup>12</sup>"What is TWP?", <https://twpcommunity.org/what-is-twp/>.

The primary data source for this case study is 26 semi-structured interviews conducted in May and June 2016, of which 25 were conducted face to face at participants' places of work in Tonga, and one via Skype. Interview participants represent all major stakeholders, including members of the Women's Leadership coalition, the Church Leaders' Forum, the Government, the civil service, Pacific Leadership Program (PLP), and other donor organisations, as well as local media representatives. Secondary data sources include local media coverage, documentation from PLP, Women in Leadership Coalition, civil service, and donor agencies, as well as existing PLP reviews and current literature on political economy of donors, coalitions, women's and developmental leadership, and relevant background and contextual literature on CEDAW. A list of non-confidential interviewees is appended.

Three factors in particular place limitations on the study. Firstly, although an excellent range of stakeholders were reached for interview, there were of course some instances where participants were unavailable. The study may have benefited from greater access to some religious leaders and media outlets that promoted opposition to ratification. For example, we have more data regarding the perspectives and activities of the Catholic Church than other denominations, and were only able to interview representatives from the newspaper *Matangi Tonga*. Secondly, the continued sensitivity of debates regarding CEDAW means that many interviewees opted to speak anonymously and confidentially, and even in this context were frequently hesitant to speak candidly regarding this issue. Thirdly, the lack of written documentation, unavailability of some documentation in English (for example, parliamentary debate transcripts) and reliance on participants' memory also presented us with challenges in piecing together the complex history of these debates.

However, the willingness of a very wide range of stakeholders to participate in this research, and in several cases go to great efforts to provide historical documentation, as well as the extensive support provided by the Civil Society Forum of Tonga have all contributed to the breadth of coverage that has been achieved.

### 3. BACKGROUND

In 2015, when the Cabinet of 'Akilisi Pohiva considered the possibility of ratifying CEDAW, it was the third successive Tongan government to do so. Although debates regarding CEDAW over 2015 can be characterised as fast moving, they have taken place in the context of discussions that have continued for over a decade. In order to understand the 2015 debate, it is necessary to detail the different perspectives of stakeholders regarding the timeline of events. The swiftness of Pohiva's Cabinet's initial decision to ratify is consistently characterised by opponents as 'hasty behaviour', rushing to act despite a lack of appropriate consultation. Conversely, those in favour of ratification view this course of events as simply the natural continuation of the efforts of previous governments and ongoing work within the civil service. These different perspectives are a crucial factor contributing to conflicts between stakeholders regarding what might be considered an appropriate timeline for change. The following sections provide a brief outline of previous governments' consideration of CEDAW, followed by an overview of the critical moments during the 2015 campaign.

#### Previous governments' consideration of CEDAW

Former Prime Minister Feleti Sevele (now Lord Sevele, current member of the Privy Council), came to power in 2006 following a wave of pro-democracy protests. Several factors led to CEDAW being debated in the Legislative Assembly of Tonga (Fale Alea) during Sevele's term (2006-2010). These included the publication of a UN Volunteer CEDAW Information Research Report (2005)<sup>13</sup> which surveyed 1,600 Tongan women and was conducted in partnership with the Catholic Women's League; parliament's receipt of a petition introduced by several People's Representatives in September 2008;<sup>14</sup> and the publication the National Study on Domestic Violence Against Women in Tonga (Ma`a Fafine mo e Famili 2009).<sup>15</sup> However, following debates in the House, the core provisions of the Convention remained contentious. Specifically, Article 2 which requires states to "agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women", including enacting relevant legislation, and Article 16, which requires states to take "appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations."<sup>16</sup> There were also concerns regarding land rights. Parliament voted 21-1 against ratification in 2009, including current Prime Minister 'Akilisi Pohiva. Speaking to the UN General Assembly on 26th September 2009, Sevele stated, "Tonga would rather be judged on its actions of empowerment of women in Tongan society over the past century than by a ratification of convenience."<sup>17</sup>

The ratification of CEDAW was raised again during the subsequent term of Lord Tu'ivakano (2010-2014), Tonga's first democratically elected Prime Minister and current Speaker of the House. The Minister for Education, Women's Affairs and Culture, Dr. 'Ana Taufe'ulungaki, brought the issue to Cabinet in 2010. However, due to continued concerns regarding possible conflicts between CEDAW and Tonga's constitution and laws, Cabinet passed the issue to Crown Law, led by the Attorney General. The Ministry of Internal Affairs (MIA), led by Minister Hon. Lord Vaea and CEO Lopeti Senituli, was subsequently tasked with Tonga's CEDAW public consultations during the period 2012 - 2014. On International Women's Day 2013, Taufe'ulungaki stated that Tonga was still in the process of ratifying CEDAW, but had strong reservations on Article 2. Senituli stated that Women's Affairs was working on submitting to Cabinet the reasons why Tonga should ratify.<sup>18</sup> The subsequent report was in the process of being finalised prior to the election of the Pohiva government.

#### The events of 2015

The government of 'Akilisi Pohiva took steps towards the ratification of CEDAW just six weeks after his election as Prime Minister on 30th December 2014. On 12th February 2015, a Stakeholders' Meeting was held, at which Crown Law announced its recommended reservations if the convention were to be ratified. These included reservations on aspects of the convention that were interpreted as references to same sex marriage and extended access to abortion. The perspectives of women's civil society organisations, church leaders and others were also heard at the event, and several members of the Women in Leadership coalition were present. CEO of Internal Affairs, Lopeti Senituli, stated, "Tonga can ratify CEDAW. This allows us to continue discussions internally about amending our laws [...] We are recommending that Tonga sign it."<sup>19</sup>

<sup>13</sup>UN Volunteer CEDAW Information Research Report, 2005.

<sup>14</sup>"Prime Minister Sevele Don't Respect Women Leaders", Tongan Women National Congress, 2009.

<sup>15</sup>National Study on Domestic Violence against Women in Tonga, Ma'a Fafine mo e Famili, June 2012.

<sup>16</sup>Articles 2 and 16, United Nations Convention on the Elimination of All Forms of Discrimination against Women - <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

<sup>17</sup>Mary Lyn Fonua, "Tonga ready to sign CEDAW and move forward", Matangi Tonga, 23rd February 2015.

<sup>18</sup>No byline, "Break the silence and end violence against Women in Tonga" Matangi Tonga, 8th March, 2013.

<sup>19</sup>Mary Lyn Fonua, "Tonga ready to sign CEDAW and move forward", Matangi Tonga, 23rd February 2015.



A meeting of the Parliamentary Standing Committee on Social Affairs followed on 24th February, Chaired by the Minister of Internal Affairs Hon. Fe'ao Vakata. Attendees heard a presentation in favour of ratification from members of women's civil society organisations who later formalised as the Women in Leadership coalition. Director of the Women and Children Crisis Centre, 'Ofa Guttenbeil-Likiliki, stated, "We are making two recommendations to the parliamentary committee: 1) to ratify CEDAW without reservations; or 2) to ratify CEDAW with declarations."<sup>20</sup> Cabinet then discussed the issue on 4th and 6th March. Just days later, to the surprise of many, the Minister for Internal Affairs, accompanied by 'Ofa Guttenbeil-Likiliki, announced Tonga's decision to ratify CEDAW with the reservations recommended by Crown Law. This took place during the Minister's plenary address 59th Session of the UN Commission on the Status of Women in New York on 9th March, the eve of the twentieth anniversary of Beijing Platform for Action.<sup>21</sup>

In parliament the next week, on 16 March, the Prime Minister was subject to questioning regarding Cabinet's actions. Vava'u People's Representative for Constituency Number 15 and former Deputy Prime Minister, Samiu Vaipulu, as well as The Speaker of the House and former Prime Minister, Lord Tu'ivakano, requested that the Prime Minister present written evidence to the House that the UN had endorsed Tonga's ratification of CEDAW and its reservations. Noble's Representative Lord Fusitu'a stated that Tonga's reservations might not be allowed under Part 2 of Article 28 of the Convention, which states that, "A reservation incompatible with the object and purpose of the present Convention shall not be permitted"<sup>22</sup> and suggested that therefore when the Tongan Cabinet ratified the Convention on 9 March it had also agreed to ignore its own reservations. The Prime Minister responded with what some perceived as an about turn, suggesting that if this were the case Tonga could withdraw its ratification of the Convention, stating: "we will write a letter."<sup>23</sup>

By 31 March, the Prime Minister was facing increasing pressure from former Minister of Justice, Clive Edwards, and 2014 general election candidates, 'Isileli Pulu and 'Eliesa Fifita, who alleged that the process by which Cabinet gave approval for Tonga to ratify CEDAW was rushed and lacked appropriate consultation. The Prime Minister's office responded by issuing a press release regarding CEDAW, stating, "the Hon. Prime Minister said it is a work in progress under his government, and is still open for further dialogue and consultation concerning this important issue."<sup>24</sup> Whether or not appropriate consultation had indeed been conducted remains contested because, although civil society organisations had been engaging in advocacy and awareness raising regarding CEDAW for many years, they had been less active directly preceding the events of early 2015.

Public opposition to both Tonga's ratification of CEDAW and the process by which it had come about continued to intensify throughout the next month. In early May, the Church Leaders' Forum issued a statement against CEDAW. The Forum laid out concerns based on the interpretation that Article 16 of the Convention would lead to same sex marriage and increased access to abortion in Tonga, and that the government's reservations were no guarantee to preventing this. This interpretation remains contested by the Women in Leadership coalition. On 19 May Tonga's capital saw the first of a series of marches and petitions against the Government's actions. The Catholic Women's League marched to parliament, led by its Assistant President and wife of former Prime Minister Sevele, Lady 'Ainise Sevele. Approximately 300 people were reported to have marched, and a petition, reportedly of over 2,000 signatures was presented to the Speaker of the House and former Prime Minister Lord Tu'ivakano.<sup>25</sup> The Women in Leadership Coalition meanwhile began to formalise as a group, and quickly responded with a Joint Statement<sup>26</sup> clarifying its position on CEDAW and affirming that its members were not in support of same sex marriage or widened access to abortion. Both the anti-CEDAW demonstration and the Joint Statement attracted widespread media attention. However, the public's uncritical acceptance of the church leaders' interpretation of the convention meant that the coalition's attempts to provide assurances that, a) the convention does not include any reference to same sex marriage or abortion, and b) even if it did, the government's reservations would prevent these from having any effect, had only limited impact on public opinion.

<sup>20</sup>Mary Lyn Fonua, "Tonga ready to sign CEDAW and move forward", Matangi Tonga, 23rd February 2015.

<sup>21</sup>Beijing Declaration and Platform For Action, United Nations Women, 1995 - [http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa\\_e\\_final\\_web.pdf](http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf).

<sup>22</sup>Article 28, Part 2, United Nations Convention on the Elimination of All Forms of Discrimination against Women.

<sup>23</sup>Pesi Fonua, "Concerns over Tonga's ratification of CEDAW", Matangi Tonga, 20th March 2015

<sup>24</sup>No byline, "Letter writers criticize PM", Matangi Tonga, 1st April, 2015.

<sup>25</sup>No byline, "Catholic Women's League marches against CEDAW", Matangi Tonga, 19th May 2015.

<sup>26</sup>"A Joint Statement by the Civil Society Organisations, (CSO's) on the Convention for the Elimination of Discriminations Against Women (CEDAW)" [sic], 19th May 2015.

Three days later on 22 May, a second march of approximately 500 people was led by Rev. Dr Liufau Vailea Saulala of the Tokaikolo Church, Vicar-General Monsignor Lutoviko Finau of the Catholic Church, Rev. Dr. Ma'afu Palu of the Free Wesleyan Church, Pastor Barry Taukolo and Father Seluini 'Akau'ola, from the Catholic Basilica to Mala'e Pangai Lahi. Other participants included Nobles Representatives to Parliament, such as the Deputy Speaker Lord Tu'i'afitu, Lord Nuku, Lord Tu'ilakepa and Lord Tu'iha'ateiho. Four petitions against ratification were presented to King Tupou VI from the Catholic Women's League, Lotu Hufia 'a Tonga, Tokaikolo Church, and a group of men from the Eastern District. The petitions reportedly contained approximately 15,000 signatures in total. Another group also presented a petition to parliament on the same date.<sup>27</sup>

The next week, on 29 May, parliament unanimously passed a resolution in support of the petitions for government not to ratify CEDAW. On the 1st June the Women in Leadership coalition made its second high profile contribution to the debate when the Director of Women and Children's Crisis Centre, 'Ofa Guttenbeil-Likiliki, presented a petition in favour of CEDAW on behalf of the Women in Leadership coalition to the Deputy Clerk of the House, Dr Sione Vikilani, Minister of Internal Affairs Hon Fe'ao Vakata, and Tongatapu People's Representative Number 2 and Chairman of the Whole House Committee, Semisi Sika. The petition had approximately seventeen signatures from the representatives of the Civil Society Forum of Tonga (CSFT) and its members. 'Ofa Guttenbeil-Likiliki stated, "We have two recommendations in the petition. First for government to proceed and ratify CEDAW with its reservations, and for government to continue raising awareness on CEDAW among the various sectors of society including community leaders, churches and other groups with the support and help of NGOs and civil society organisations to carry out these awareness programs."<sup>28</sup>

However, following a total of eight petitions against CEDAW, the King requested on 15 June that the government annul its move toward ratification. Privy Council stated, "We remit to our Ministers forthwith to proceed as may be necessary to annul the kingdom of Tonga's signature or ratification of the CEDAW Treaty."<sup>29</sup> On 31 August 2015, less than six months after the UN Commission on the Status of Women, Prime Minister Pohiva informed Parliament that Cabinet would not ratify the Convention.<sup>30</sup>

## Context

In order to make sense of these events and the role played by Women in Leadership coalition – both publicly and behind the scenes – it is necessary to consider the complex and fast changing political and cultural context in which they occurred. While the fault lines of debates around CEDAW in Tonga are often due to differential perspectives regarding the timing of various government actions, they are also intertwined with varying interpretations of Tongan values, the role of religion in Tongan society, Tonga as a transitional democracy, and associated shifts concerning class, the nobility and land rights. The following section provides some brief background to these issues.

## Tongan values

The concept of 'Tongan values' is as nebulous as it is pervasive. Ideas around mutual respect, cooperation, humility, loyalty and commitment, combined with religiosity and traditionalism translate into strong feelings regarding family structures and gender roles. For some, the notion of men and women being 'the same' is problematic, arguing that policy in the Tongan context needs to allow for the idea of men and women as 'equal but separate'. As one interviewee put it:

*I'm not sure about having equality. I think in parts of life women should be equal with men, but according to the culture and tradition they are not equal because men are the head of the family. [...] According to how we live there are things that are not equal and things that are equal. They cannot work in isolation- women's and men's roles are like a puzzle that needs to be put together. CEDAW is challenging because it says equality everywhere.*

Traditionalists and opponents of CEDAW's ratification frequently point to women's ceremonial privileges in the Tongan context. For example, the idea that while husbands and fathers traditionally head households, the husband's or father's sister has the final authority in the case of family disputes. Advocates of this position also point to reverence for female members of Tonga's royal family – the queen, queen mother, and crown princess – as evidence of women's high ceremonial status and elevated position in public life.

<sup>27</sup>No byline, "Church Leaders Take Petition to Palace", Matangi Tonga, 22nd May 2015. NB: The article references both the "group of men from the Eastern District" and the petition which was presented by an additional group on the same date, but provides no further detail regarding either.

<sup>28</sup>No byline, "NGO's petition supports CEDAW ratification", Matangi Tonga, 1st June 2015.

<sup>29</sup>No byline, "Tonga hopes to ratify Anti-Corruption convention by 2019", Matangi Tonga, 21st August 2015

<sup>30</sup>"Government withdrew decision to ratify CEDAW- PM says", Parliament of Tonga, 31st August 2015 - <http://www.parliament.gov.to/media-centre/latest-news/latest-news-in-english/430-waste-of-time-for-parliament-to-debate-on-cedaw-petition-pm-says>.

Similarly, Tonga's independence and history as free from colonisation – frequently referred to by interviewees – inform sometimes ambivalent or suspicious views regarding the role of donor agencies and the international community more generally. Prior case studies show that it is not unusual for views regarding national autonomy and gender roles to become fused together in this way, as “foreign assistance can be construed as interference in cultural and family matters- further reinforced by widespread assumptions that family relations are private and not of public concern.”<sup>31</sup> In Tonga, anti-CEDAW sentiment is regularly imbued with rhetoric regarding outsiders ‘trying to cut and paste solutions into the local context without local understanding’. Whether or not this is the case is to some degree irrelevant, although, anecdotally, this is certainly not the approach advocated by donor agency interviewees. However, the sentiment has clearly played a role contributing to negative public opinion regarding CEDAW and the UN more generally. One advocate of CEDAW noted, “they say gender and development is a foreign idea [...] I have to ask myself how I can show that it can be a Tongan idea and not a palangi idea.”<sup>32</sup>

## The role of religion

The importance of religious identity in Tonga cannot be underestimated. According to the country's 2011 Census, over 98% of citizens identify as Christian. The largest denominations are the Free Wesleyan, Latter Day Saints, Roman Catholic and Free Church of Tonga. Churches, church leaders and affiliated groups (such as the Catholic Women's League) are key power brokers in political debates because they are the primary informants of public opinion. The churches' influence in this respect goes beyond preaching at the pulpits due to, for example, their role in the provision of the majority of secondary school education and the affiliation of popular print and radio media with specific denominations. One interviewee summed up this power stating:

*“There's no other outlet. There's no other option for the people to hear alternative views. The whole socialisation process has been dominated by the church and religion. The mentality, mindset and beliefs are the product of that long process of socialisation”.*

Tonga's most high profile religious leaders, such as Cardinal Mafi of the Catholic Church, were ostensibly against the ratification of CEDAW in 2015 because of the lack of consultation regarding the perceived possibility of ushering in same sex marriage and more freely available abortion, despite their consensus that many other aspects of CEDAW were both extremely positive and in line with the Christian faith. However, it is important to note that some more conservative grassroots elements have also voiced concerns about the Convention's perceived implications regarding the role of women more generally, for example, those expressed with regards to Tongan values, above. Conversely, there are some public individuals within the major denominations, such as Reverend Dr Ungatea Kata (Free Wesleyan and Director of Tupou Tertiary Institute) and Betty Blake (former President of the Catholic Women's League) – both members of the Women in Leadership coalition – who are staunchly in favour of Tonga's ratification of the Convention. Despite these exceptions, there is overall a severe reluctance among individual members to contradict their church leadership, or for churches to contradict one another and risk fragmenting a united front put forward by the Church Leaders' Forum in this debate. Furthermore, the very few religious representatives who have publicly dissented and advocated for CEDAW are far lower ranked in the church hierarchies than those who have objected to ratification.

While the churches' opposition to CEDAW has been interpreted by some as politically motivated by opposition to the Pohiva government, or by the perceived threat of social change more generally, interviews with key informants indicate a greater degree of consensus regarding CEDAW than might be suggested by the events of 2015. Cardinal Mafi, for example, has stated a willingness to support Tonga's ratification of the convention subject to four conditions: firstly, a public consultation on the issue; secondly, proper parliamentary procedure; thirdly, absolute clarity and guarantees on Tonga's reservations regarding same sex marriage and abortion; and finally, the clear acceptance of these reservations by

<sup>31</sup>Tam O'Neil and Pilar Domingo, Using adaptive leadership to support feminist action, p.20, Overseas Development Institute Report, March 2016.

<sup>32</sup>'Palangi' is a Tongan term for a person of white/European origin.

the Convention Commission. The position of Tonga's most high profile and influential church leaders in 2015 appears to be explained primarily by a lack of information (from sources perceived as impartial and trustworthy) on legal provisions to guarantee prevention of same sex marriage and extended access to abortion on Tonga, as well as a lack of consultation immediately preceding Cabinet's decision to ratify.

## Transitional democracy

As previous PLP reports have documented,<sup>33</sup> Tonga is undergoing a series of substantial political, economic and social transitions. While democratic reform is ongoing, there remain tensions between relatively new democratic institutions and the traditional, highly structured class hierarchies which remain an integral part of Tongan identity and society. Previous reports note that "A key feature of developmental politics in Tonga is obtaining sponsorship of specific elites who can patronise reforms."<sup>34</sup> We find this to be highly evident in relation to debates regarding CEDAW. For example, links between the Prime Minister and civil society organisations are excellent, in part due to his former role as a democracy campaigner. One member of the Women in Leadership coalition exemplified this relationship, stating, 'Before I would never have been inside the PM's office - now I'm a regular. With the former government we used public pressure, but now I just talk with the PM'. However, in part due to these alliances, there are evident strains on the relationship between Pohiva and the nobility. As the first commoner elected as Prime Minister and an outspoken champion of reforms regarding the nobles' continued power and influence, Pohiva's actions regarding CEDAW have been subject to exceptional scrutiny and opposition from the nobility, who enjoy a great deal of deference and respect from the public, as well as former governments. Several interviewees suggest that nobles' opposition to both CEDAW and the current government stems from concerns that the democratic turn in politics threatens their long established power and influence. A notable example of opposition from former government members is the series of statements made by Lord Sevele, an influential figure who is the former Prime Minister, a current member of the Privy Council, a reported adviser to Cardinal Mafi, and husband of Lady 'Ainise Sevele, Assistant President of the Catholic Women's League. Members of Sevele's former government of nobles have been uniformly and vocally against Tonga's ratification of CEDAW.

Furthermore, the transitional democratic context has given rise to a variety of concerns and confusions regarding what constitutes proper parliamentary process, who has the power to ratify treaties, the perceived politicisation of the Privy Council due to the inclusion of members of former governments, and the appropriate role of the monarchy. Although the King has surrendered some executive powers, the Privy Council argues that the Tongan constitution still states that it is the King's rather than Cabinet's prerogative to ratify treaties. Therefore, the government has come under substantial criticism for its decision to announce ratification without the King's prior consent. The Attorney General has conversely argued that Cabinet does have the final authority to ratify. This point remains contested and will need to be properly clarified in future if CEDAW or other treaties are to be ratified without controversy. One advocate of CEDAW commented, "arguably, this doesn't matter because it's standard practice for the government to behave this way and it doesn't usually create a fuss" suggesting that to at least some degree, both sides within this debate have attempted, with varying degrees of success, to capitalise on transitional instability. Prime Minister Pohiva has commented on his decision to step back from ratification in 2015, "It's very sensitive because it's so much to do with security in the country. It's not a question of whether the decision we make is right or wrong [...] If you support CEDAW, you challenge the mentality, beliefs and religious values upheld by the status quo so it's a very delicate area". Therefore, as previous case studies have noted, there is also "genuine concern about the potential for political instability and disruption as the community experiments with emerging freedoms."<sup>35</sup> Many interviewees in favour of ratification feel the degree of controversy raised by CEDAW goes beyond the single issue, and is a manifestation of wider challenges to the new government. However, there is also a perception among CEDAW's advocates that the King's call for annulment of the ratification constitutes an attempted show of unity and a commitment to democracy, given the widespread public disapproval of Cabinet's actions.

Finally, the issue of land rights is one at the intersection of democratic reform, class hierarchies and the possible ratification of CEDAW. Women in Tonga are, in almost all circumstances, unable to own land. However, among governmental and civil service advocates of CEDAW, there persists a view that women's current ability to lease land is a sufficient, albeit perhaps temporary, concession to those who view this as a problem. Although the debate around ratification in 2015 focused on abortion and same sex marriage, issues surrounding land rights, gender and inheritance also remain unresolved and represent core provisions of the convention. This is an issue that will need to be addressed in future if consensus is achieved.

<sup>33</sup>Julien Barbara & Nicole Haley, *Analytical Framework to Engage with Developmental Leadership in the Pacific*, Australian Aid / Pacific Leadership Program, 2014.

<sup>34</sup>Julien Barbara & Nicole Haley, *Analytical Framework to Engage with Developmental Leadership in the Pacific*, Australian Aid / Pacific Leadership Program, 2014, p.36.

<sup>35</sup>Julien Barbara & Nicole Haley, *Analytical Framework to Engage with Developmental Leadership in the Pacific*, Australian Aid / Pacific Leadership Program, 2014, p.36

## 4. FINDINGS

### Women in Leadership Coalition

#### Membership

The Women in Leadership coalition comprises a core group of civil society organisations and their representatives, as well as a number of individual members with institutional links. Civil society organisations that are members include the Civil Society Forum of Tonga (CSFT), Maá Fafine mo e Famili (MFF, 'For Women and Families'), the Talitha Project, the Tonga National Centre for Women and Children (TNCWC), the Tonga Public Service Association (PSA), the Regional Rights Resource Team (RRRT), Tongan Women National Congress (TWNC) and the Women and Children Crisis Centre (WCCC). Individual members include: Rev Dr 'U'ngatea Fonau-Katu, Director of the Topou Tertiary Institute; Ms 'Ana Bing Fonau, CEO for the Ministry of Internal Affairs, and; Ms Sipola Halafihi, a 2014 Democratic Party parliamentary candidate. Further details are outlined in the table on page 14.

Organisational members are relatively homogeneous in that they are primarily service provision organisations, rather than campaigning organisations, working predominantly in the area of violence against women and children. Some members of the coalition hold professional roles within, for example, the Free Wesleyan Church and the civil service. However, these connections do not mean that the individual members represent these bodies, due to the sensitivity of the debate.

#### History and Evolution

The Women in Leadership coalition has emerged primarily out of well-established informal networks among its service provider members. The longstanding history among these groups presents both opportunities and challenges for the coalition. Service provision organisations have separately been engaging in ad hoc campaigning and advocacy on CEDAW and related issues for several decades but it is only since the anti-CEDAW demonstrations of 2015 that the coalition has been established more formally. The following analysis demonstrates how the current capacities and activities of the coalition's member organisations are strongly influenced by the legacy of their historical evolution.

Present tensions between the Catholic Women's League and the coalition may have been due to the fact that many of the coalition's member organisations have evolved out of the CWL, due to both political and financial factors. For example, Betty Blake served as President of the CWL between 2001 and 2003 and worked as Coordinator of the Legal Literacy Project between 1997 and 2007. This project was supported by the CWL and funded by the Regional Rights Resource Team to educate Tongan women about their rights within the legal system and raise awareness of CEDAW. However, in 2008, following tensions with the CWL regarding the allocation of financial resources to the Legal Literacy Project, Blake broke away and founded Ma'a Fafine mo e Famili (MFF, 'For Women and Families'). So, it is evident that CWL has not always taken a critical position towards CEDAW. Indeed, in addition to its initial links to the Legal Literacy Project, it was among the co-publishers of a Tongan translation of the convention in 2005. However, historical relationships between the CWL and MFF may have contributed to the heated nature of current debate, which have seen the CWL as one of the most forceful opponents of ratification.

The Tonga National Centre for Women and Children also originally emerged as a project conceived by the CWL to provide a refuge for survivors of violence. The Government granted funding to the Centre under a bilateral agreement with New Zealand Aid in 2000 (on the condition of the provision of services to all Tongan women regardless of religion). The TNCWC's constitution also mandates that the advisory board includes representatives from the Ministries of Internal Affairs (Women's Affairs), Police (Domestic Violence Unit), Health and Inland Revenue as well as the Catholic Women's League. This structure of the advisory board ensures that decision making within the organisation is subject to substantial oversight from government. It has also resulted in degree of internal conflict regarding the most recent CEDAW debates due to the opposing positions of the CWL and the broader advisory board and organisation.

Many of the individuals within the Women in Leadership coalition have previously worked together under the auspices of the Tongan Women National Congress (TWNC), including former TWNC President, Mele 'Amanaki, Betty Blake, Fuiva Kavaliku, and Lepolo Taunisila. It is therefore significant that the TWNC, established in 2008, had a sometimes fraught relationship with the Sevele Government. In 2009, the TWNC and then Prime Minister Sevele were engaged in an acrimonious dispute regarding the government's refusal to ratify CEDAW or employ Temporary Special Measures to improve women's political representation in Tonga.<sup>36</sup> In the autumn of that year, 'Amanaki led a public hunger strike protesting for the removal of the former Prime Minister and his Deputy. Although the TWNC now has a lower profile, there remains a degree of conflict between members of the coalition and former Prime Minister Sevele - now Lord Sevele and member of the Privy Council. Furthermore, this is also in the context of continued hostilities between Lord Sevele and Pohiva's government. Therefore, although coalition members' historical activities ensured that CEDAW remained on successive governments' agendas, the tone of former debates may also have contributed to problematic personal relationships with certain key power brokers in the current context.

Another member of the coalition, the Women and Children Crisis Centre (WCCC) was founded by the former director of the TNCWC, 'Ofa Guttenbeil-Likiliki. Guttenbeil-Likiliki was a vocal critic of the Sevele government during 2009, the year that WCCC was founded, and the WCCC holds a more autonomous position in relation to government as ministries are not represented among its trustees. On the other hand, any remaining historical tensions between TNCWC and WCCC caused by the WCCC's breakaway have now been overcome due to their mutual aims within the Women in Leadership coalition.

The demonstrations of 2015 constituted a critical juncture for the coalition, seen by many of its members as a 'silver lining' because the force of anti-CEDAW public opinion served as a catalyst to unite the convention's advocates. This was the first time that both service providers and their allies from other sectors had been brought together in this way. Even so, the coalition is not known by name beyond its members, is not formally registered and does not have a formal constitution. Although members are united in their aims, they are not yet publicly viewed as a singular body.

The CSFT, and in particular Executive Director, Siale 'Ilolahia, have played an enormous part in coordinating the coalition, both prior to and following its formalisation. 'Ilolahia has experience working with PLP and expertise in the concepts of developmental and adaptive leadership. In addition, she has a long history of working with civil society organisations in Tonga, including, but not limited to those working on women's issues. The CSFT has provided organisational support, for example facilitating meetings and disseminating documentation, as well as playing a key role in bringing, and holding together organisational and individual members with a variety of wider agendas. An important challenge for the CSFT has been managing coalition members' various expectations and its capacity to respond to immediate advocacy needs of the coalition, particularly as - even following the formalisation of the coalition - there not yet a formalised structure for decision making on messaging, strategy or organisation. Existing evidence suggests that developmental reform coalitions achieve success when there is "clear understanding among members of their role and interest in the coalition, and the inclusion of members who can fill different roles (e.g. leaders, connectors, gatekeepers, enablers, change champions and links to key players outside the coalition)."<sup>37</sup> Therefore, facilitating the coalition's development in this direction may be a key area where PLP can contribute to supporting the coalition's development in future.

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<sup>36</sup>Prime Minister Sevele Don't Respect Women's Rights and Threatened by Women Leaders, Tongan Women National Congress (2009).

<sup>37</sup>Chris Wheeler and Adrian Leftwich, *Coalitions in the Politics of Development: Findings, insights and guidance from the DLP Coalitions workshop*, Sydney, 15-16 February 2012, p.3, Developmental Leadership Program Research and Policy Workshop Report, April 2012.



## Core organizational and individual members of the women in leadership coalition.

Organisation	Activities	Representative(s)
Civil Society Forum of Tonga (CSFT)	Provider of support, coordination and capacity building for Tongan Civil Society Organisations.	Executive Director, Ms Siale 'Ilolahia and Board Chairperson, Mr Drew Havea
Ma'a Fafine mo e Famili (MFF, 'For Women and Families')	Provider of legal and human rights education, and publisher of the National Study on Domestic Violence in Tonga	Director, Ms Betty Blake
Talitha Project	Provider of advice, support and training regarding violence, reproductive health and leadership, working particularly with women and girls aged 10-25, single mothers and women in rural areas.	Director, Ms Vanessa Heleta
Tonga National Centre for Women & Children (TNCWC)	Provider of counselling, support and referral work for women and children experiencing violence, as well as community outreach, advocacy and advisory work on gendered violence.	Coordinator, Ms Fuiva Kavaliku
Tonga Public Service Association (PSA)	Trade union.	Secretary General, Ms Mele 'Amanaki
Regional Rights Resource Team (RRRT)	Provider technical assistance and training on human rights issues.	Country Officer, (and former parliamentarian) Lepolo Taunisila
Tongan Women National Congress (TWNC)	Campaigning umbrella body of women's civil society organisations.	Lepolo Taunisila
Women & Children Crisis Centre (WCCC)	Provider of counselling, support and referral work for women and children experiencing violence, as well as advocacy and education on gendered violence.	Director, Ms 'Ofa Guttenbeil-Likiliki, and Community Education Advocate and Staff Team Leader, Ms Lesila Lokotui To'ia
<b>Individual Members</b>		
Rev Dr 'Ungatea Fonua-Kata and Director of the Tupou Tertiary Institute (TTI), a Free Wesleyan higher education provider.		
Ms 'Ana Bing Fonua, Chief Executive Officer of the Ministry of Internal Affairs, which oversees the Women's Affairs division.		
Ms Sipola Halafihi, 2014 Democratic Party parliamentary candidate.		

## The role of the Pacific Leadership Program

Women's leadership constitutes one of the six priority areas within PLP Phase Three. The program's first two phases focused on identifying and building relationships with civil society organisations and capacity building within those individual organisations. Phase Three focuses on supporting coalitions, building on the recognition that, as one PLP representative noted, "change happens rapidly when there's a collective effort compared to one organisation, and we needed to demonstrate what leadership means in terms of reforms, as well as mobilising people and resources". Therefore, the current stage of the program aims to support coalitions in developing adaptive leadership strategies to achieve specific goals.

PLP has responded to the specific challenges as well as benefits posed to organisations working with, and within, coalitions. The program recognises that it is a complex task to manage the personal relationships and politics within a coalition to concentrate on collective goals and prevent silos. This is especially true when many of the members organisations and individuals are, in other contexts, in competition for funding or hold varying organisational values and agendas.

In 2015, advocates for CEDAW had witnessed the level of controversy caused by the government's initial decision to ratify the convention and the weight of public opinion against CEDAW. They had also seen the great personal cost to those who publicly advocated for CEDAW and come to the conclusion that they "only had each other [...] no one else was going to push this issue". PLP recognised the moment as a critical juncture.

PLP responded to this critical juncture by providing a retreat for members in August 2015, a timely and tailored response to the coalition's needs. PLP recognised that the anti-CEDAW demonstrations had effected members of the coalition by uniting them in their aims and that this constituted a window of opportunity. It also realised that the setting was crucial: a workshop or a meeting was insufficient to provide a relaxed and informal environment that would foster the necessary reflection and dialogue for the coalition to strategize collectively. Instead, an overnight retreat was organised by PLP, with participants invited by the CSFT. This provided more 'quality time' than a meeting, as well as the opportunity to socialise, renew relationships and build networks. One participant reported, "it was very useful because we had the space not to be hurried, and to think openly and reflectively."<sup>38</sup> Prior case studies have noted the importance of trust, respect and safe dissent in building the capacity of developmental coalitions. In this case, the retreat created the conditions for members to build trust and work collectively towards building strategy. Activities focussed on communication, crafting messages to specific audiences, mapping out networks, and identifying gatekeepers and strategies for influence. Participants also heard a presentation from the Ministry of Internal Affairs, which updated members of the coalition on its submissions to Cabinet and plans for future consultations on CEDAW.

PLP's support to the Women in Leadership coalition exemplifies PLP's approach, providing flexible, iterative support that does not begin with pre-determined solutions and is tolerant of a certain level of risk in order to achieve developmental change. Significantly, PLP's focus was on adaptive leadership and supporting the coalition to think and work politically in the context of the coalition's broader work on women's rights, rather than on CEDAW. The mixture of both local understanding and critical distance held by PLP meant that representatives were also able to provide a strong 'accompaniment' role. This included being able to encourage participants to consider lessons learned from previous setbacks in order to achieve greater success in their collective aims. This is evidenced by comments made by members of the coalition on how they have operated differently following the retreat: "we have left our differences aside and come together. It's a normal practice now for the coalition, if something comes up relating to women's issues, to circulate it to each other. Now we are moving into the Convention of the Rights on the Child [...] strategising on that, so that women are consulted. There is a much more trusting relationship between us now".

## The Campaign

### Key stakeholders and their claims

The key stakeholders debating Tonga's ratification of CEDAW in 2015 were the Pohiva Government, the Women in Leadership Coalition, and Tonga's religious leaders. Religious leaders had several advantages over other groups in communicating their message to the public. Firstly, references to abortion and same sex marriage are both succinct and highly emotive, and they were easily disseminated by sympathetic media. Secondly, the association of these issues with advocates of CEDAW proved both highly stigmatising and difficult to challenge with nuanced responses which were harder to convey via heated media debates. Furthermore, there is some evidence that the responses provided by the women's civil society organisations were less consistent than those conveyed by their opponents. Similarly, the positions articulated by the government were also somewhat mixed. This was, in part, due to pressure to maintain stability in the context of a relatively fragile transitional democracy and because of a degree of debate regarding proper democratic process for ratification.

The Government's awareness of CEDAW's capacity to ignite controversy in Tonga is evidenced by the Convention's absence from the 2014 election campaign. Statements issued by the Prime Minister's office following the public anti-CEDAW demonstrations do not explicitly argue in favour of CEDAW.<sup>39</sup> Instead, while the government refers to "previous debate and dialogue inside and outside parliament" and "consultations carried out by civil society", the job of persuading the public to accept ratification has largely been left to the members of the Women in Leadership coalition. These civil society organisations had conducted a wide range of ad hoc consultations through their service provision and advocacy work in the decade prior to 2015. Then, following the announcement on ratification of CEDAW and the resultant controversy, it was the (newly formalised) coalition who responded to a range of criticisms and concerns from religious leaders and members of the former Sevele government. As one coalition member put it, "In response to all the stories about gay marriage, the government wouldn't defend CEDAW so we had to".

<sup>38</sup>Chris Wheeler and Adrian Leftwich, *Coalitions in the Politics of Development: Findings, insights and guidance from the DLP Coalitions workshop*, Sydney, 15-16 February 2012, p.15, Developmental Leadership Program Research and Policy Workshop Report, April 2012.

<sup>39</sup>For example, "Process has not been completed for ratification of CEDAW but is ongoing", Tonga Ministry of Information and Communications press release, 15th April 2015 - <http://www.mic.gov.to/news-today/press-releases/5310-process-has-not-been-completed-for-ratification-of-cedaw-but-is-ongoing>.



In early May 2015, a statement from the Church Leaders Forum was issued by Cardinal Mafi on behalf of its members, which include the Free Wesleyan, Catholic, Latter Day Saints, Constitutional Church of Tonga, Free Church of Tonga and other, smaller denominations.<sup>40</sup> Several member churches, although not the Free Wesleyan Church, also issued separate statements opposing ratification. Key claims made in these statements concerned the perceived dangers of same sex marriage and abortion, as well as the lack of public consultation prior to the government's declaration of intention to ratify.

Grassroots religious opposition to CEDAW was heavily inflected with concerns regarding traditional gender roles, Tongan independence and Tongan cultural values. For example, one stakeholder expressed the view that, "same sex marriage has travelled from afar and now it has come to the Pacific. The scary part is that if it is accepted it may come ashore." The Crown Law's suggested reservations to Tonga's ratification of CEDAW were also the focus of concern, including by Cardinal Mafi. This was due to the perception that Tonga's ratification with reservations may lead the Convention Commission to pressure Tonga to act in contravention of these reservations in the future. Thus opposition to the convention, even with reservations, was seen as erring "on the safe side" and "trying to promote our own way in Tonga". Considering the motivation for these claims, it seems that a perceived lack of clear, trustworthy information was crucial. The Women in Leadership's attempts to inform church leaders that the Convention would not result in same sex marriage or extended access to abortion, and that reservations would provide additional safeguards against this, appear to have been treated with great suspicion and therefore effectively fell on deaf ears. Despite the best efforts of the Women in Leadership coalition, relationships between stakeholders with opposing views were so fractured that religious leaders were less open to persuasion than they may have been under different circumstances.

The Women in Leadership coalition employed several strategies to publicly advocate for CEDAW and challenge what they viewed as misperceptions promoted by religious leaders and organisations. Key documents produced by the coalition included a factsheet<sup>41</sup> to debunk five 'myths' regarding the convention, which was disseminated to media, parliamentarians and church leaders, both before and after the anti-CEDAW demonstrations. This factsheet addressed the concern that ratification would 'give too much power to the international community'; that it would 'destroy the traditional family structure', redefining 'the respective roles of men and women'; that it 'supports abortion through its promotion of access to "family planning"'; that it might 'sanction same-sex marriages'; and finally that it would 'require the legalization of abortion'. The coalition's unity around this statement was a major achievement. Yet its content demonstrates a serious challenge faced by the group - it was focused on allaying concerns rather than being in a position to convey a positive message regarding the favourable effects of ratification. Furthermore, to convey the perceived benefits of CEDAW, members of the coalition faced something of an uphill battle in both convincing the public of the extent of problems such as violence against women, as well as the utility of the convention to remedy these problems. In addition, while there is consensus on ending violence against women, the same cannot be said for reforming the law with regards to women and land ownership, even among CEDAW's advocates. For example, the Prime Minister and several key members of the civil service are currently satisfied with the status quo in which women cannot own land, but are able to lease it. There needs to be further clarification on whether this situation would be fully compatible with ratification given that it may be interpreted as being in contravention of the core provisions of the Convention.

Following the anti-CEDAW demonstrations, the Women in Leadership Coalition also issued a Joint Statement that was released on 19th May. The document included clear articulation of the following points: 1) the coalition was not in favour of same sex marriage or extended access to abortion; 2) the coalition's members had been engaging in grass roots advocacy for CEDAW over the past decade; 3) the content of the reserved articles of the convention; 4) that CEDAW is not a 'gateway' to abortion or same sex marriage, and; 5) the Convention Committee has no power to overrule signatory states' sovereign decision making. The document also explicitly alleged that opposition to CEDAW from former members of the Sevele Government was politically motivated.

Although the Joint Statement received widespread media attention, partly due to the broad range of signatories, the arguments put forward seem to have gained only limited traction with the public. There are several reasons for this. Firstly, and most obviously, the status of religious leaders within Tonga's hierarchy meant that their message was accepted less critically than that of women's civil society organisations. Secondly, the Women in Leadership coalition was often attempting to explain comparatively nuanced legal positions and provide contextual information. For example, as one member described the content of television and radio appearances:

*"The clarification we made around same sex marriage was [...] that CEDAW removes discrimination against women where an opportunity is available for men but not women, so for example if the marriage laws said men can marry men but women cannot marry women."*

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<sup>40</sup>We have not been able to access to a copy of the statement.

<sup>41</sup>The statement outlines five 'myths' about CEDAW, and was disseminated by the WCCC and other members of the coalition. However it is untitled and undated.

*“In terms of abortion, we were saying that actually abortion is allowed in Tonga on medical grounds. [...] We tried to explain the definition of family planning for what it really was – family planning is educating women and giving them the option so that they can choose, but everyone was saying that it was abortion and nothing else”.*

Despite the challenges, the coalition also engaged in a wide range of ad hoc activities to communicate its position, as well as engaging in online campaigning. For example, members capitalised on opportunities to speak at public forums, including meetings on CEDAW hosted by local businesses (interviewees mention Western Union and FedEx). Members also continued to incorporate advocacy for CEDAW into their service provision roles, such as articulating their position when carrying out school programs to raise awareness of gender equality, human rights, and violence. Online activism included a presence in internet chat rooms (a major platform for public debate in Tonga, regularly frequented by government ministers). Several members of the coalition, including a male advocate, delegated to maintain a consistent visibility on this platform. While it is difficult to assess the success of these online strategies, it does show the initiative taken by the coalition to create and capitalise on a wide range of opportunities to convey their message.

## Challenges

We have already touched upon many of the challenges faced by the coalition which were caused by the wider political and cultural environment. These included:

- The lack of consultation directly preceding Cabinet’s decision to announce its intention to ratify.
- The fragility of the political environment, in which the government in has been concerned with maintaining stability.
- The confusion and conflict regarding whether the Cabinet or the King have the authority to ratify conventions.
- The legacy of relationships with former and current government members and people in key positions of power, such as the Privy Council, due to the tone of historical campaigns for CEDAW.
- The legacy of relationships with the Catholic Women’s League, as well as historical relationships among organisations now united within the Women in Leadership coalition.
- The status of church leaders as key informants of public opinion, an uncritical acceptance of church leaders’ views by the general public, and a media environment that is highly sympathetic to the views of church leaders.
- The difficulty of challenging the simple messages communicated by the opponents of CEDAW (e.g. the possibility of same sex marriage and extended access to abortion in Tonga).
- The lukewarm public appetite for amendments to Tonga’s land rights laws, even among advocates of CEDAW.

While none of these challenges have been insignificant, members of the coalition have also emphasised other challenges, such as their own lack of resources and the personal toll of the dispute. Firstly, the coalition’s members have had little dedicated ‘quality time’ to meet and strategise, especially prior to the group’s formalisation. According to one member of the coalition, “it’s been difficult to get all of us together in one place”. Instead, they have often relied on ad hoc communication at meetings primarily concerned with their roles as service providers. This arguably contributes to the occasional lack of clarity on strategy and decision-making. In particular, some members favour rapid responses in the form of strong public statements, while others prefer to engage in dialogue and deliberation. This creates a tension between having consensus and keeping up with a fast moving campaign: “we are always on the run, and this has exposed our capacity”. PLP’s provision of a retreat went some way to addressing this need. However, consistent time devoted to strategy, as well as maintaining relationships, is crucial for the coalition’s success in its future endeavours.

Secondly, funding remains a significant challenge. MFF has only had core funding since 2015, while funding constraints have resulted in the TNCWC referring clients to the WCCC from July 2016. The precarious financial situation of coalition members leads to: a) additional workload and diversion of time and energy that could otherwise be spent on advocacy and service provision, and b) competition among organisations who are also trying to work together within the coalition.

Thirdly, in terms of personal challenges, fatigue is a substantial factor affecting the coalition’s capacity. Many members have emotionally demanding roles as service providers working on issues around violence against women. Being part of the Women in Leadership coalition places an additional burden on individuals who may already be over-committed.

Fourthly, coalition members have had to battle some substantial differences in perspective with those opposing CEDAW. The first is around the perceived extent of violence against women in Tonga and the institutional challenges faced by survivors when dealing with police and healthcare professionals. A sense of urgency on this issue has shaped the coalition's view on the need to ratify CEDAW as soon as possible as a tool to address these problems. Another major difference in perspective is whether there has been an adequate level of public consultation on CEDAW. Members of the Women in Leadership coalition have conducted grass roots advocacy and education on CEDAW intermittently for over a decade. They are therefore very frustrated by assertions that there has been a lack of public consultation on this issue, due to its absence directly preceding Cabinet's announcement of its intention to ratify. Coalition members are also fatigued by their unsuccessful attempts to reason with religious leaders, for example, in a series of private meetings following the demonstrations. The nature of the political situation and relationships between coalition members and religious leaders resulted in little progress towards brokering a compromise position. Future progress is likely to depend on a clear statement from the Convention Commission on what safeguards on same sex marriage and abortion can be provided through reservations.

Finally, the nature of the campaign has also resulted in a huge emotional toll on members of the coalition. Many members were ostracised and stigmatised following widespread sympathetic television and radio coverage gained by CEDAW's most extreme grassroots opponents: "every night I turned on my television and saw people saying that we are lying and we allow abortion and same sex marriage". This affected both their professional and personal lives: "nobody wanted to speak to me in the street, that's when you find out who your friends are" / "we made a lot of enemies, some of my family didn't want to talk to me" / "I was mocked by members of my church" / "our children were identified at school". There are also reports of member organisations' service users facing social exclusion and physical violence from families – one of whom reportedly had to leave her home. Some coalition member have also felt a sense of abandonment from the reluctance of individuals and organisations to publicly support the campaign, due to the associated stigma and sense of risk: "It was a test of who the real women's rights activists are". This stigma is compounded by the fact that many potential allies have also been hesitant to publicly contradict the views of powerful religious leaders. Rev Dr Ungatea Kata, minister within the Free Wesleyan Church and head of the Tupou Tertiary Institute was a rare example to the contrary.

In this context, there is a feeling among some members that the group was 'swept along' by the events of 2015, positioned from the offset as reactive rather than proactive. However, at each point in the campaign, the coalition did show its ability to demonstrate adaptive leadership, take informed risks, and think and work politically. For example, on February 12th 2012, on first receipt of reservations from Crown Law, the coalition immediately endorsed ratification with and without reservations, aware that the former was more likely to gain support, even if the latter was preferable. In response to the demonstrations, the coalition took every possible avenue to gain a public platform, including press releases, public appearances, private meetings and petitions. The coalition articulated messages that carefully answered the points made by religious leaders, and members risked their own reputations by putting their heads above the parapet. Following public petitions against CEDAW, the coalition ensured there was a record of alternative opinion, even if that were a minority view, by submitting its own petition to parliament. And even in the context of wavering government commitment, the coalition continued to work with key power brokers, holding private individual meetings with leaders of all the major churches, aiming to both provide information and build relationships.

## Achievements

Universally, when asked what the Coalition's key achievements are, members state that first and foremost they are proud of coming together as a group, and of remaining united and focused in spite of the many challenges they faced. In the words of a member:

*"We stood together as a group of women, we are now under one umbrella, we're strong together, we have the same interest and passion and this has never happened before".*

This is in contrast to previous iterations of the campaign: "in 2009 we fell apart but in this campaign we came together". The outcomes of this newfound unity include the coalition's Joint Statement and petition to parliament.

Secondly, simply getting CEDAW on the current government's agenda has been a large achievement and the result of more than a decade of advocacy. It reflects the development of excellent relationships with this particular group of political power brokers, and members taking advantage of their varied powers of influence, such as 'Ofa Guttenbeil-Likiliki's links to the Minister of Internal Affairs.

*"We were lobbying since the rejection of CEDAW in 2009, the real long term work of lobbying, and when this new government started we thought it would be good to continue that work, to be able to convince them. When Cabinet agreed that Tonga should ratify CEDAW that was a big achievement for the coalition."*

The politically aware strategy of supporting ratification with reservations, as a form of compromise with government, was also strategically important.

The coalition's achievements are also a tribute to its extensive history working on a wide range of women's issues, and longstanding work to develop allies among gatekeepers beyond government and the civil society sector. For example, the coalition engaged in follow-up contact with all participants of a 'Practice Parliament for Women in Tonga'<sup>42</sup> held 7-11th April 2014. This strategy paid off when one of the members, 'Ana Kanume Bing Fonua, took up a post as Chief Executive Officer at the Ministry of Internal Affairs (which includes Women's Affairs within its remit). More recently, the coalition also invited Acting Deputy Chief Executive Officer for the Women's Affairs Division, Tupo Fakakovikaetau, to present an update on the Division's work at its retreat, hosted by PLP. Both Bing Fonua and Fakakovikaetau are committed to supporting government in its ongoing work towards CEDAW and ensuring a proper consultation occurs in future. The coalition's commitment to the development of these relationships is also evidence of its increased political understanding of the roles of a variety of stakeholders.

Following the retreat, and reflections on the events of 2015, the coalition is highly motivated to build bridges where relationships have been problematic, and to widen its existing network of allies. For example, Betty Blake is returning to the Catholic Women's League, and Rev. Dr. 'Ungatea Fonua-Kata continues her work with the free Wesleyan church. Meanwhile, the coalition's current work supporting female candidates for local government is evidence of adopting strategic thinking beyond CEDAW. Members are identifying achievable avenues for women's leadership, and developing allies among the power brokers of the future. Furthermore, by taking ownership of the issue and developing their own training program, they have been able to tailor it to the specific challenges of the local context. Finally, although the coalition has not yet achieved its ultimate goal, it has gone a great way to developing public understanding of issues around women's rights in Tonga. The group continues to show sustained commitment, meeting on a fortnightly basis, and understanding that members work differently but together towards the same goal: "we've decided not to give up; we are going to keep going on no matter what until this convention is ratified". However, the coalition will need to continue to develop its decision making structures and organisational capacity in order to achieve this.

## Lessons Learned

Reflecting on the lessons learned from the campaign thus far, there is a great degree of consensus among coalition members regarding both the shortfalls in their own capacities, and the contextual factors that will need to be addressed differently in future.

Firstly, there is a recognition of the importance of government transparency. Coalition members recognise that the government's decision to announce its intention to ratify CEDAW at the Commission on the Status of Women, rather than beforehand, had a negative impact on the perceived legitimacy of its behaviour.

Secondly, coalition members are aware that, although their own efforts at public consultation on CEDAW have been extensive, there was insufficient consultation immediately prior to the government's announcement. One coalition member said: "there's been a long silence, the women's groups were working a lot previously, and then because of the feeling that there was no hope with CEDAW our attention was directed elsewhere". Both coalition members and relevant civil service representatives have recognised the need to work together to conduct a well-structured and timely public consultation before any further attempts from government to move towards ratification.

Thirdly, both the coalition and religious leaders agree that there needs to be further dialogue between the two groups. They also agree that the tone of engagement needs to move on from the confrontations of the past: "the dialogue needs to be more relaxed, in a different spirit, without politicisation".

Fourthly, members note that there is a great deal of work to be done to remedy the negative perceptions of CEDAW that resulted from the lack of transparency and consultation prior to the announcement of ratification, as well as conflicts with religious leaders in 2015. This will require a new communication strategy: "It's hard to undo that and you really have to come back in some other friendly way, trying to appeal to people that this is not just for a limited group, but this is for the rights of all women. Women are not the only beneficiaries, everybody else will benefit if we ratify CEDAW".

Finally, there is consensus among coalition members that working together as a formalised group, on both CEDAW and improving women's rights more generally, is more conducive than allowing historical divisions. Members recognise their organisations' differing capacities and roles, and are increasingly being strategic with regards to, for example, which organisation or individual is best placed to approach specific gatekeepers or convey particular messages: "we are a minority and without a bigger group to support us we will get nowhere."

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<sup>42</sup>The 'Practice Parliament for Women in Tonga' was a joint initiative of Australian Aid, UNFPA, Inter Parliamentary Union, Pacific Island Forum Secretariat, UNDP, Civil Society Forum of Tonga and The Tonga Electoral Commission.

## 5. CONCLUSIONS AND RECOMMENDATIONS

### Recommendations

Based on our findings regarding the coalition's key successes and setbacks over the course of 2015, our recommendations focus on a) the aspects of the debate which will need clarification for ratification to proceed; b) the steps that will need to be taken to ensure that government actions are perceived by all stakeholders as legitimate; c) the development of the coalition to build its capacity for a range of future endeavours; and d) the ways that PLP can facilitate this.

#### Immediate/short term actions

- **Build and maintain relationships:** It is imperative that the coalition continues to build and maintain relationships with external stakeholders, in order to put in place the necessary processes to move toward ratification, and generate public support for these actions.
- **Develop organisational capacity:** There is room to further improve the cohesion and organisational capacity of the coalition to preserve internal unity going forward.<sup>43</sup> In order to achieve this, the coalition will need to formalise its aims and decision-making procedures and develop a constitution. It may also want to formalise the roles of individual members, or to create Terms of Reference, identified by members themselves. This process could be facilitated by PLP and should include discussion of possible risks and threats to the coalition.
- **Build a strong identity:** It may also be beneficial for the coalition to develop its identity as an organisation. This is to ensure that it is viewed as a singular body comprising a broad range of stakeholders which includes, but is not limited to, civil women's society organisations.
- **Organise annual retreats:** The 2015 retreat supported by PLP should become an annual event open to all members, providing a space and opportunity for the coalition to reflect, evaluate and strategise.
- **Develop networking and communication strategies:** The coalition would also benefit from further input from PLP on developing its networking and communications strategies. It is important that this takes into account the experiences of other organisations that have tackled sensitive issues such as CEDAW and incorporates the need to think and work politically.
- **Broaden the coalition's focus:** Future support from PLP should also facilitate the coalition's work on wider issues such as women's political representation and Tonga's future ratification of other treaties, such as the UN Convention on the Rights of the Child.

#### Medium term actions

- **Clarification on ratification of international treaties:** Prior to any future move to ratify CEDAW, there needs to be a resolution to debates regarding whether this is the prerogative of Cabinet or the King.
- **Guarantees on reservations on same sex marriage and extended access to abortion:** There needs to be written guarantees- ideally from the Convention Commission itself - that Tonga's ratification with reservations on same sex marriage and extended access to abortion would be acceptable, and that this would not lead to any future pressure from the Commission regarding these issues.
- **Resolve the status of a potential reservation on land rights:** There needs to be clarity on whether or not the status quo on land rights in Tonga (whereby women are able to lease but not own land) would be in contravention of the core provisions of CEDAW and whether a reservation on this point would be acceptable to the Commission.

#### Longer term actions

- **The way forward for ratification:** In order for any move toward ratification to be perceived as legitimate, the coalition will need to work with both religious leaders and the civil service to agree the terms of a public consultation, as well as a strategy and timetable for its implementation. This will only be possible once religious leaders have received guarantees that the reservations that they seek will be both acceptable and binding.

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<sup>43</sup>Mariz Tadros, Research Paper 12: Working Politically Behind Red Lines: Structure and agency in a comparative study of women's coalitions in Egypt and Jordan, p.vii, Developmental Leadership Program, 2011.

## APPENDIX 1. FURTHER READING AND RESOURCES

### CEDAW

- United Nations Convention on the Elimination of All Forms of Discrimination against Women
- Thinking and Working Politically (TWP)
- Adrian Leftwich, Thinking and Working Politically - What does it mean? Why is it important? And how do you do it? *Developmental Leadership Program Discussion Paper*, p.7, March 2011
- The Case for thinking and working politically, the implications of doing development differently, TWP Community of Practice

### Gender, coalitions and developmental Leadership

- Julien Barbara & Nicole Haley, *Analytical Framework to Engage with Developmental Leadership in the Pacific*, Australian Aid / Pacific Leadership Program, 2014
- Chris Wheeler and Adrian Leftwich, Coalitions in the Politics of Development: Findings, insights and guidance from the DLP Coalitions workshop, Sydney, 15-16 February 2012, p.3 *Developmental Leadership Program Research and Policy Workshop Report*, April 2012
- Mariz Tadros, *Research Paper 12: Working Politically Behind Red Lines: Structure and agency in a comparative study of women's coalitions in Egypt and Jordan*, p.iii, Developmental Leadership Program, 2011
- Julien Barbara & Nicole Haley, *Analytical Framework to Engage with Developmental Leadership in the Pacific*, Australian Aid / Pacific Leadership Program, 2014
- Tam O'Neil and Pilar Domingo, Women and power: Overcoming barriers to leadership and influence, p.11, *Overseas Development Institute Report*, February 2016

## APPENDIX 2. NON-CONFIDENTIAL INTERVIEWEES

Name	Position	Organisation
Cardinal Mafi	Cardinal	Catholic Church
Dr Mele'ana Puloka	President	Free Wesleyan Church Education System
Mr Pesu Fonua	Journalist	Matangi Tonga
Ms 'Ana Kanume Bing Fonua	Chief Executive Officer	Ministry of Internal Affairs (MIA)
Ms Betty Blake	President	Ma'a Fafine mo e Famili (MFFT)
Ms Lepolo Taunisila	Country Officer	Regional Rights Resource Team (RRRT)
Ms Lesila Lokotui To'ia	Community Education Advocate and Staff Team Leader	Women & Children Crisis Centre (WCCC)
Ms Mary Lyn Fonua	Journalist	Matangi Tonga
Ms Mele Amanaki	Secretary General	Public Service Association (PSA)
Ms Ofa Guttenbeil-Likiliki	Director	Women & Children Crisis Centre (WCCC)
Ms Siale 'Ilolahia	Executive Director	Civil Society Forum of Tonga (CSFT)
Ms Vanessa Heleta	Director	Talitha Project
Prime Minister Akilisi Pohiva	Prime Minister	Democratic Party
Rev Dr Ungatea Kata	Director	Tupou Tertiary Institute (TTI)



## REFERENCES

- <sup>1</sup>Chris Wheeler and Adrian Leftwich, Coalitions in the Politics of Development: Findings, insights and guidance from the DLP Coalitions workshop, Sydney, 15-16 February 2012, p.3 *Developmental Leadership Program Research and Policy Workshop Report*, April 2012.
- <sup>2</sup>Tam O'Neil and Pilar Domingo, Women and power: Overcoming barriers to leadership and influence, p.11, *Overseas Development Institute Report*, February 2016.
- <sup>3</sup>Mariz Tadros, *Research Paper 12: Working Politically Behind Red Lines: Structure and agency in a comparative study of women's coalitions in Egypt and Jordan*, p.iii, Developmental Leadership Program, 2011.
- <sup>4</sup>"What is TWP?", <https://twpcommunity.org/what-is-twp/>.
- <sup>5</sup>The Case for thinking and working politically, the implications of doing development differently, TWP Community of Practice, Developmental Leadership Program.
- <sup>6</sup>Adrian Leftwich, Thinking and Working Politically – What does it mean? Why is it important? And how do you do it?, p.6, *Developmental Leadership Program Discussion Paper*, March 2011.
- <sup>7</sup>"What is TWP?", <https://twpcommunity.org/what-is-twp/>.
- <sup>8</sup>"What is TWP?", <https://twpcommunity.org/what-is-twp/>.
- <sup>9</sup>For further discussion of this approach, particularly with regards to theorizing power, see: David Hudson and Adrian Leftwich, *Research Paper 25: From Political Economy to Political Analysis*, p.82-88, Developmental Leadership Program, 2014 and Diana Koester, Gender and Power, *DLP Concept Brief 4*, Developmental Leadership Program, May 2015.
- <sup>10</sup>Adrian Leftwich, Thinking and Working Politically – What does it mean? Why is it important? And how do you do it? *Developmental Leadership Program Discussion Paper*, p.7, March 2011.
- <sup>11</sup>Chris Wheeler and Adrian Leftwich, Coalitions in the Politics of Development: Findings, insights and guidance from the DLP Coalitions workshop, Sydney, 15-16 February 2012, p.6, *Developmental Leadership Program Research and Policy Workshop Report*, April 2012 .
- <sup>12</sup>"What is TWP?", <https://twpcommunity.org/what-is-twp/>.
- <sup>13</sup>UN Volunteer CEDAW Information Research Report, 2005.
- <sup>14</sup>"Prime Minister Sevele Don't Respect Women Leaders", Tongan Women National Congress, 2009.
- <sup>15</sup>National Study on Domestic Violence against Women in Tonga, Ma'a Fafine mo e Famili, June 2012.
- <sup>16</sup>Articles 2 and 16, United Nations Convention on the Elimination of All Forms of Discrimination against Women - <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.
- <sup>17</sup>Mary Lyn Fonua, "Tonga ready to sign CEDAW and move forward", Matangi Tonga, 23rd February 2015.
- <sup>18</sup>No byline, "Break the silence and end violence against Women in Tonga" Matangi Tonga, 8th March, 2013.
- <sup>19</sup>Mary Lyn Fonua, "Tonga ready to sign CEDAW and move forward", Matangi Tonga, 23rd February 2015.
- <sup>20</sup>Mary Lyn Fonua, "Tonga ready to sign CEDAW and move forward", Matangi Tonga, 23rd February 2015.
- <sup>21</sup>Beijing Declaration and Platform For Action, United Nations Women, 1995 - [http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa\\_e\\_final\\_web.pdf](http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf).
- <sup>22</sup>Article 28, Part 2, United Nations Convention on the Elimination of All Forms of Discrimination against Women.
- <sup>23</sup>Pesi Fonua, "Concerns over Tonga's ratification of CEDAW", Matangi Tonga, 20th March 2015
- <sup>24</sup>No byline, "Letter writers criticize PM", Matangi Tonga, 1st April, 2015.
- <sup>25</sup>No byline, "Catholic Women's League marches against CEDAW", Matangi Tonga, 19th May 2015.
- <sup>26</sup>"A Joint Statement by the Civil Society Organisations, (CSO's) on the Convention for the Elimination of Discriminations Against Women (CEDAW)" [sic], 19th May 2015.
- <sup>27</sup>No byline, "Church Leaders Take Petition to Palace", Matangi Tonga, 22nd May 2015. NB: The article references both the "group of men from the Eastern District" and the petition which was presented by an additional group on the same date, but provides no further detail regarding either.
- <sup>28</sup>No byline, "NGO's petition supports CEDAW ratification", Matangi Tonga, 1st June 2015.

<sup>29</sup>No byline, "Tonga hopes to ratify Anti-Corruption convention by 2019", Matangi Tonga, 21st August 2015

<sup>30</sup>"Government withdrew decision to ratify CEDAW- PM says", Parliament of Tonga, 31st August 2015 - <http://www.parliament.gov.to/media-centre/latest-news/latest-news-in-english/430-waste-of-time-for-parliament-to-debate-on-cedaw-petition-pm-says>.

<sup>31</sup>Tam O'Neil and Pilar Domingo, Using adaptive leadership to support feminist action, p.20, Overseas Development Institute Report, March 2016.

<sup>32</sup>'Palangi' is a Tongan term for a person of white/European origin.

<sup>33</sup>Julien Barbara & Nicole Haley, *Analytical Framework to Engage with Developmental Leadership in the Pacific*, Australian Aid / Pacific Leadership Program, 2014.

<sup>34</sup>Julien Barbara & Nicole Haley, *Analytical Framework to Engage with Developmental Leadership in the Pacific*, Australian Aid / Pacific Leadership Program, 2014, p.36.

<sup>35</sup>Julien Barbara & Nicole Haley, *Analytical Framework to Engage with Developmental Leadership in the Pacific*, Australian Aid / Pacific Leadership Program, 2014, p.36

<sup>36</sup>Prime Minister Sevele Don't Respect Women's Rights and Threatened by Women Leaders, Tongan Women National Congress (2009).

<sup>37</sup>Chris Wheeler and Adrian Leftwich, Coalitions in the Politics of Development: Findings, insights and guidance from the DLP Coalitions workshop, Sydney, 15-16 February 2012, p.3, *Developmental Leadership Program Research and Policy Workshop Report*, April 2012.

<sup>38</sup>Chris Wheeler and Adrian Leftwich, Coalitions in the Politics of Development: Findings, insights and guidance from the DLP Coalitions workshop, Sydney, 15-16 February 2012, p.15, *Developmental Leadership Program Research and Policy Workshop Report*, April 2012.

<sup>39</sup>For example, "Process has not been completed for ratification of CEDAW but is ongoing", Tonga Ministry of Information and Communications press release, 15th April 2015 - <http://www.mic.gov.to/news-today/press-releases/5310-process-has-not-been-completed-for-ratification-of-cedaw-but-is-ongoing>.

<sup>40</sup>We have not been able to access to a copy of the statement.

<sup>41</sup>The statement outlines five 'myths' about CEDAW, and was disseminated by the WCCC and other members of the coalition. However it is untitled and undated.

<sup>42</sup>The 'Practice Parliament for Women in Tonga' was a joint initiative of Australian Aid, UNFPA, Inter Parliamentary Union, Pacific Island Forum Secretariat, UNDP, Civil Society Forum of Tonga and The Tonga Electoral Commission.

<sup>43</sup>Mariz Tadros, Research Paper 12: *Working Politically Behind Red Lines: Structure and agency in a comparative study of women's coalitions in Egypt and Jordan*, p.vii, Developmental Leadership Program, 2011.









