

# Constitution of Tuvalu

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## Introduction

This report consists of six major sections related to the constitution of Tuvalu. This reports deals with the form of government in Tuvalu, how the trichotomy works, the procedure of the selection of head of state and head of executive which is the prime minister. This reports also tells the provisions for declaring emergency , and judicial review in Tuvalu.

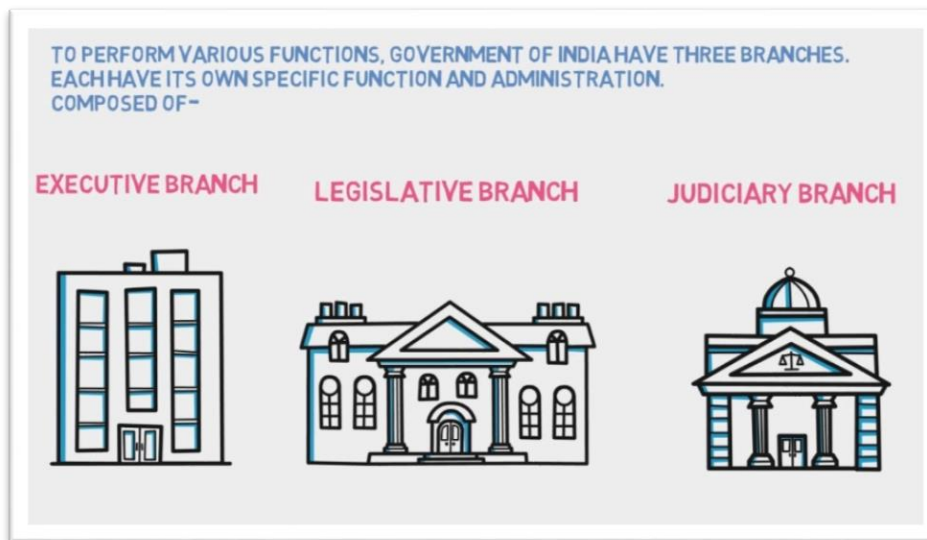
## Form of government

In Tuvalu the form of government is Parliamentary democracy (House of Assembly) under a constitutional monarchy. Monarch is the head of state and the prime minister is the head of government. The government of Tuvalu is managed under the Westminster parliamentary system and is a representative democratic monarchy. A representative democracy means that the general public elects politicians to represent their interests, while the Westminster system takes its inspiration from the legislative framework of the United Kingdom.

The government of Tuvalu has three separate branches:

- Executive
- Legislative
- Judicial

## Constitutional Institutions



## EXECUTIVE BRANCH

The executive branch has three main office holders. Monarch, Governor general and Prime minister. Queen is the head of state and governor general is appointed by the queen on the advice of the prime minister. Prime minister is elected by the members of the Parliament.

The members also elect the Speaker of the Parliament of Tuvalu who is the presiding officer of the parliament. The ministers that form the cabinet are appointed by the governor-general on the advice of the prime minister. The Attorney-General sits in parliament, but does not vote: the parliamentary role of the Attorney-General is purely advisory.

## LEGISLATIVE BRANCH

The legislative branch of government is carried out by the Parliament of Tuvalu. The parliament is a unicameral body is made up of 15 members. These members are elected by the general population on a basis of constituency. Each island of Tuvalu represents 1 constituency, with the exception of Niulakita Island, which is the smallest of the nation and included in the constituency of Niutao Island. Each island elects 2 representatives, except Nukulaelae Island, which elects 1 parliamentary representative. Members of parliament serve a 4-year term and are responsible for creating legislation for the country. Legislation is introduced to parliament for an initial review and, once approved, is presented to local level governments for review. Any amendments are passed for a second and third review by parliament before being sent to the governor-general for final approval as law.

## JUDICIAL BRANCH

The judicial branch is made up of several courts, including land courts, island courts, magistrate's court, and high court. The courts of first instance, land, and island courts are located on each island to serve the local populace. Any cases involving issues of land ownership are first seen by land courts, and can be appealed to the Land Courts Appeal Panel. Island court cases and those seen by the Land Courts Appeal Panel may appeal to the magistrate's court if the value of the case is \$10,000 or less. The high court is the highest court of appeals in the country and has total jurisdiction.

## Procedure of selection of head of state and head of executive

Queen is the head of state and governor general is appointed by the queen on the advice of the prime minister. Prime minister is elected by the members of the Parliament.

## Provisions for declaring emergency

Under section 29 it is acknowledged that it may be necessary to restrict some rights if their exercise may be divisive, unsettling or offensive, or may directly threaten Tuvaluan values and culture. Section 35 Provides for the declaration of public emergencies. (During emergency periods certain restrictions apply to the basic rights and freedoms. Safeguards are provided for persons detained during such periods.)

## Provisions related to judicial review

The High Court of Tuvalu has general jurisdiction and responsibility, as authorized by sections 120 to 133 of the Constitution of Tuvalu. The jurisdiction of the High Court extends over both criminal and civil matters, and deals with cases at first instance or on appeal from the lower courts.

## Conclusion

Tuvalu has Parliamentary democracy (House of Assembly) under a constitutional monarchy. This eventually helps to maintain the trichotomy. The head of state is Queen Elizabeth and the members of the parliament selects the Prime minister through voting. There are provisions related to declaring emergency and judicial review.