



CONSTITUTIONAL REFORM UNIT

# REFORM NEWS

## Third Joint Plenary starts in full force



Collin Gauwane (EPAC member) speaks on the value of education during the 3rd Joint Plenary on October 2013. *Photo by Marilyn Maeta'a, CRU*

The much anticipated 3<sup>rd</sup> Joint Plenary of Constitutional Congress (CC) and Eminent Persons Advisory Council (EPAC) started on Monday 14<sup>th</sup> October 2013 with a good attendance from members.

The 3<sup>rd</sup> Joint Plenary was delayed from September 2013 due to financial and administrative mishaps.

However the Joint Ple-

nary commenced on a good note at the Jina's Restaurant Conference facility in Honiara mid-October.

This Plenary was held for CC and EPAC to put together outcomes of the various consultations held in 2012 from the Provincial/Honiara City Conventions, and consultations held with Solomon Islands tertiary students studying abroad, mainly in institutions in

Fiji, Vanuatu and PNG.

Some of the issues of concern highlighted by the CRU Consultant Lawyer Mr. Reginald Teutao in the beginning

*Cont. on Page 2*

### In This Issue

Reform in Pictures	4
Ontong Java pursues Statehood	6

Find Us on Facebook  
[facebook.com/SolomonIslandsConstitutionalReform](http://facebook.com/SolomonIslandsConstitutionalReform)

Follow @ReformSolomons on twitter

# THIRD JOINT PLENARY COMMENCES



Members of the 3rd Joint Executive of Congress and EPAC at Jina's Restaurant Conference on 14 October 2013.



**We bring you  
updates in  
our quarterly  
Newsletter**

Visit our website

[www.sicr.gov.sb](http://www.sicr.gov.sb)

Or call us on office line 21209

*Cont. from Page 1*

of the year was brought to the attention of this Joint Plenary as well.

These were mainly six issues comprising the proposed State Maritime Boundaries; Taxation Powers of Federal, State, and Community Governments; Legislative powers of Federal, State, and Community Governments; Debt Servicing of Solomon Islands Foreign and Domestic Loans; State Loans without the approval of the Federal government, however if in default, the Federal Government to bail out the State concerned; and Formation of the Federal, States and Community Governments.


These issues were also highlighted to the Premiers' Conference held at Gizo, Western Province by the PS of Constitutional Reform Unit (CRU) Mr. Ronald Unusi in June 2013.

On the first two days of meeting, the

Joint Plenary also met with the legal and Constitutional law experts that were present during this time to consult the 3<sup>rd</sup> Joint CC & EPAC Plenary on federal constitution matters and the audit on the *2011 Draft Federal Constitution*.

Members of the Plenary asked the experts various questions regarding issues within the draft constitution.

It was also noted during this Joint Plenary that there were some major changes done to the 2011 Draft Federal Constitution as a result of the 2012 Provincial/Honiara City Conventions.

The 3rd Joint Congress & EPAC Plenary will put together findings from these Conventions and the other consultations to make the 2013 Draft Federal Constitution, which will be audited and professionally drafted in time for the National Convention. 

# Federal Constitution Experts progress audit



From left: CC Chairlady Jenny Tuhaika, CRU Consultant Lawyer Reginald Teutao, Professor Yash Ghai and Professor Ronald Watts listening to questions from Plenary members on Day 2 of the 3rd Joint Plenary at Jina's Restaurant Conference. *Photos by Marilyn Maeta'a, CRU*

After the long-awaited engagement of Federal Constitution experts in the auditing of the Draft Federal Constitution, the Constitutional Reform Program (CRP) was finally fortunate to engage two renown and very experienced experts in the area of federalism and constitution-making.

Professor Yash Ghai and Professor Ronald Watts were in Honiara early October to start the auditing of the Draft Federal Constitution and also to consult with the Joint Plenary of Constitutional Congress (CC) and Eminent Persons Advisory Council (EPAC) on federal constitution matters and the audit process.

CC and EPAC were relieved to have both Professors on board to do the auditing, as getting the final text of the Draft ready for this stage was crucial for the finality of the process.

As the long-awaited response from the Indian Government, previously highlighted by CRU, to provide experts for this final stage did not eventuate, CRU had to look elsewhere in engaging the expertise.


After actively corresponding to get experts, CRU PS (Special Duties) Ronald Unusi informed the Joint

Executive of CC and EPAC in a meeting in August 2013 details of the experts that have responded positively to be engaged on this task.

During the Joint Plenary meeting on 14 & 15 October, both Professors made comments on some of the issues that stood out in the *2011 Draft Federal Constitution* together with experiences of different federalisms on certain matters.

They also answered questions from CC and EPAC members on various areas of federalism that needed to be clarified before the Joint Plenary.

The Professors spent two sessions (Day 1 & 2) with the Joint Plenary before leaving for their respective countries on the week of the Plenary.

They have already submitted the audit of the *2011 Draft Federal Constitution* in October 2013, and will be progressing the audit of the *2013 Draft Federal Constitution* after it's compilation by the 3<sup>rd</sup> Joint Plenary of Congress and EPAC at the end of the Plenary. 



Professor Yash Ghai



Professor Ronald Watts

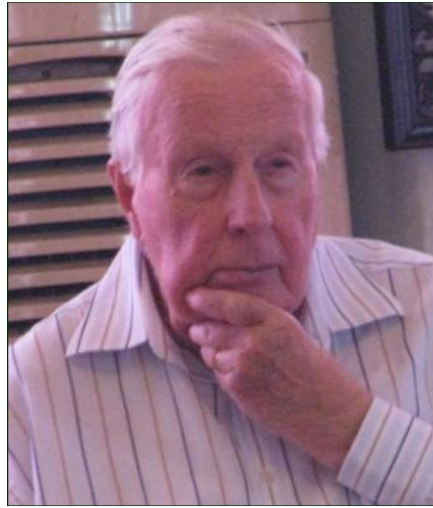
# Reform in Pictures

## 3rd Joint CC & EPAC Plenary

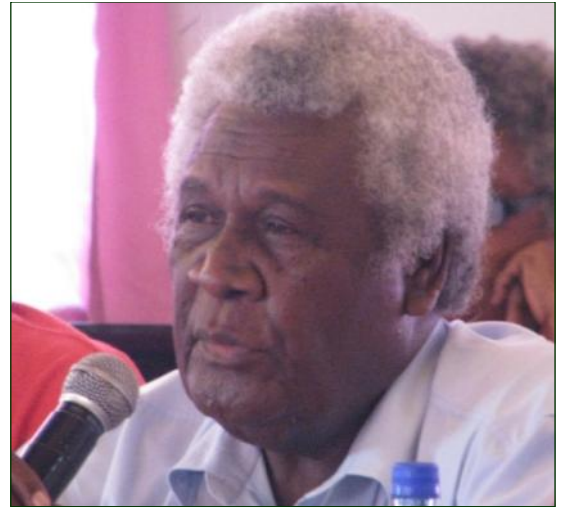
Photos by Marilyn Maeta'a/CRU



Prof. Yash Ghai addresses Joint Plenary on 14 October 2013 (Day 1).



Prof. Ronald Watts during the question and answer session with the Joint Plenary.



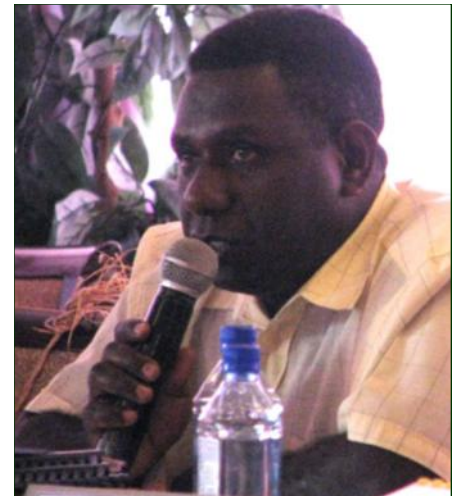
Sir Nathaniel Waena asks questions to constitution experts during question and answer session.



Reginald Teutao (CRU Consultant Lawyer) during the question and answer session



Warren Paia, Team leader (Western) contributes to session with constitution experts on Day 1.



Rodgers Tovosia (Guadalcanal team) during session with constitution experts.



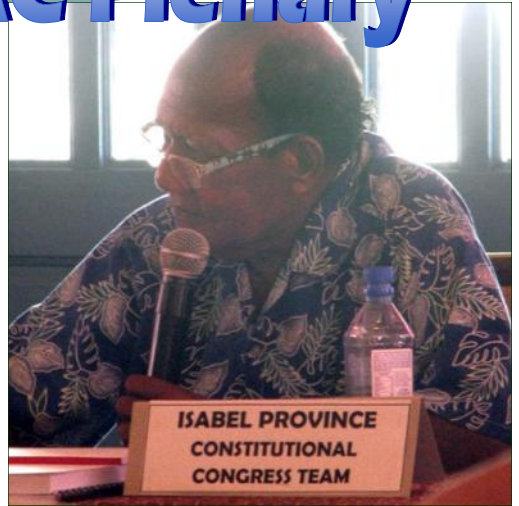
Members of the 3rd Joint CC & EPAC Plenary meet with Federal Constitution experts Prof. Yash Ghai and Prof. Ronald Watts on 14 October 2013

# Reform in Pictures

## 3rd Joint CC & EPAC Plenary



**Left:** Paul Tovua, EPAC Member (front) and Joseph Anea, Guadalcanal CC member (far left) on Day 3 of the Plenary.



**Right:** Dennis Lulei during question and answer session with Federal Constitution experts.



Hazel Lulei, taking Minutes of the Third Joint CC & EPAC Plenary



**Top:** Recently appointed Team leader (Rennell Bellona) John M. Tuhaika contributes to question and answer session with Federal Constitution experts.

**Below:** Hudson Kwalea, Team Leader (Malaita) contributes to discussions on 2011 Draft on Day 3 of Plenary.



Daniel Ho'ota contributes to discussions on Day 5 of Plenary.



# Ontong Java pursues State Government

**Ontong Java Atoll Taskforce have submitted a resolution to have their own State government after their consultations on the Draft Federal Constitution.**

Malaita Constitutional Congress Team leader Hudson Kwalea brought this to the attention of the 3<sup>rd</sup> Joint Constitutional Congress and Eminent Persons Advisory Council (EPAC) Plenary in October 2013 as their political aspiration.

Although the Malaita Mainland Convention in Auki (June 2012) resolved and formed a taskforce to work on allocating land for resettlement of MOI people on Malaita Mainland, affected by the ongoing sea-level rise, the team leader said this resolution was made and has since been respected as their call for autonomy.

It was explained to the Plenary that this concept for having their own State was raised during the MOI (Malaita Outer-Islands) Convention in September 2012.

The MOI Convention Report indicated this and presented to the 3<sup>rd</sup> Joint Plenary by the Malaita Congress team, including a detailed 30-paged report on "Ontong Java Atoll Statehood Resolution" presented on behalf of the Ontong Java Atoll Taskforce Towards Statehood by EPAC Member and MOI representative Abraham Kapei.

According to the Ontong Java Atoll Taskforce report, it has been the longing of the Ontong Java Atoll people to have their own Province/State.

The report highlighted nine reasons Ontong Java Atoll is prepared to take the step of Statehood. Some of the reasons include being able to independently look after their own affairs before British colonialism in 1890s up to today; governance in



**Abraham Kapei (EPAC Member and MOI Rep) during the 3rd Joint Plenary at Jina's Restaurant Conference facility. Photo by Marilyn Maeta'a, CRU**

relation to its Polynesian culture; the ability to use existing human and natural resources to generate income to sustain their population; and having the chance to be represented at the Federal level as a State.

During the 3<sup>rd</sup> Joint Plenary, the technical advice given to the Malaita Congress team was that since MOI or Ontong Java was not a province yet under the current system, it wouldn't be considered a State under Chapter 12 (State Government) in the current Draft.

However the Malaita Congress team was advised to pursue the matter with the Malaita Provincial Government to endorse the move by Ontong Java Atoll to become a province, before it can be allocated as a State in the Draft Federal Constitution.

CRU is working alongside the Malaita Congress team to pursue this with the Malaita Provincial Government before the Draft Federal Constitution is finalized for the National Convention in 2014. [🔗](#)



**Christmas celebration at Pelau Island, one of the islands on Ontong Java atoll. Photo by Chris Keungi, 2008 (Source: Ontong Java Statehood Resolution)**

# Information on the 2011 Draft Federal Constitution

## Changes in the 2011 Draft Federal Constitution

In Issue 14, summary of changes in the 2011 Draft Federal Constitution were highlighted from Chapter 1–10. Changes were made reflective of the 2011 Provincial/Honiara City Feedbacks, thus making the 2011 Draft. Summary of the changes below are in comparison to the 1<sup>st</sup> 2009 Draft Federal Constitution.

*Continued from Issue 14*

### Chapter Eleven

Chapter on **Congress of States** has renumbering of clauses. Minor changes were done to clauses and title of Clause 152 *Powers and Functions of the Congress of States*.

### Chapter Twelve

Chapter on **State Governments**, has renumbering of clauses and major changes done to Clauses 158 *Traditional Law Practices*, 159 *Prime Minister & State Premiers Conferences*.

### Chapter Thirteen

Chapter on **Community Governments** is a new inclusion to the Draft, with three additional Clauses 160 *Community Governments*, Clause 161 highlights where Community Governments' legislative powers are specified, and Clause 162 highlights where its Tax Revenue sources are specified in the Constitution.

### Chapter Fourteen

Chapter on **State Revenue Arrangements** has minor changes done to the Clauses, mainly on renumbering of its 7 clauses due to changes to Chapter 13's clauses.

### Chapter Fifteen

Chapter on **State Powers** has minor changes done, mainly renumbering of its 5 clauses due to the changes to previous clauses.

### Chapter Sixteen

Chapter on **Financial Sharing Provisions** has renumbered clauses and major changes done to clauses dealing with *Federal Revenues to be shared*; *Review and Amendments of the Sharing Ratios*; and *Foreign Aid funds*.

### Chapter Seventeen

Chapter on **Honiara City** has minor changes done, mainly on renumbering of 5 of its clauses due to changes in clauses of previous chapters.

### Chapter Eighteen

Chapter on **Environment, Land and Development** has very few changes done, though renumbering of 10 of its clauses were done due to changes in previous chapters.

### Chapter Nineteen

Chapter on **The Legal System** has 15 of its clauses renumbered due changes chapters prior to this, and some changes in its last Clause 215 *The Judicial and Legal Services Commission*.

### Chapter Twenty

Chapter on **The Prerogative of Mercy** has minor changes and renumbering of its 3 clauses done.

### Chapter Twenty-one

Chapter on **Representation of the People** has 10 of its clauses renumbered due to changes before this chapter, some changes were also made in Clause 222.


### Chapter Twenty-two

Chapter on **The Public Administration** has a few changes done, including renumbering of 12 of its clauses due to changes in the numbering of clauses prior to this chapter. The main visible changes are in *Part 2 Public Service Commission* and *Part 3 Federal and State Public Services*.

### Chapter Twenty-three

Chapter on **Institutions Supporting and Strengthening Constitutional Democracy** has 25 of its clauses renumbered. Major changes were done to Clauses 242 *Appointments to Institutions*, 243 *The Office of the Public Solicitor*, 244 *The functions of the office*, and a new clause 245 *Tenure of office of the Public Solicitor*. Other changes made are in *Part 4 Human Rights Commission*, and *Part 5 Auditor-General*.

### Chapter Twenty-four

Chapter on **Accountable and Transparent Government** has very few changes done to it, however 8 of its clauses were renumbered due to the changes to the number of clauses prior to this chapter. 

*2011 Draft Federal Constitution of Solomon Islands contains:  
a Preamble  
27 Chapters  
10 Schedules*

*To be continued on Issue 16*



Solomon Islands Government

**CONSTITUTIONAL REFORM UNIT**

Office of the Prime Minister & Cabinet  
P.O Box G1  
Honiara  
Solomon Islands

Phone: 21209/22742  
Fax: 28649  
Website: www.sicr.gov.sb

**ABOUT CRU**

The Constitutional Reform Unit (CRU) is the body responsible for the management and coordination of Constitutional Reform Project.

It is an established division within the Office of the Prime Minister and Cabinet, and it is the Secretariat for the Constitutional Congress.

CRU has staff that carry out administrative, media, legal and financial related undertakings for the Constitutional Reform Programme.

CRU is location at the East Wing (top floor end) of the Office of the Prime Minister and Cabinet, which is situated along Mendana Avenue, Honiara.

**Publisher's Information**

**Publisher:**  
**Constitutional Reform Unit**

**Content, Design & Editing:**  
**Marilyn Maeta'a, Media Officer/CRU**

**Endorsement for release:**  
**Ronald Unusi, PS/CRU**  
**Karl Kuper, Director/CRU**

*We are also on the web!*  
[www.sicr.gov.sb](http://www.sicr.gov.sb)

**Recently published by the Constitutional Reform Unit**



**Reform News**  
**Issue 13 (Volume 1)**  
**Jan—Mar 2013**

**Issue 13: Features reform's progress for 2013.**

**Issue 14: Progress on the Reform's process.**

**For more information:**

If you would like to know more about these & other documents, contact CRU EPS Ms. Stella Pitiveke on [spitiveke@pmc.gov.sb](mailto:spitiveke@pmc.gov.sb).



**Reform News**  
**Issue 14 (Volume 1)**  
**Apr—Jul 2013**