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CONSTITUTIONAL REFORM UNIT



REFORM NEWS

MOI HOLDS CONSULTATION

Malaita Outer Islands held a weeklong consultation in Honiara to get their views on the 2011 Draft Federal Constitution of Solomon Islands.

About sixty (60) representatives of MOI from Sikaiana, Liuanua and Pelau attended a one-week Convention from 12-16 November 2012 at King Solomon Conference room.

The consultation was part of the "catch-up Feedbacks" that were supposed to be held in 2011 for the country's outer islands, which included both Malaita Outer-Islands and Temotu Vattu islands; however

those did not eventuate at the time due to budgetary shortfalls.

The meeting was chaired by Abraham Kapei, who is an EPAC Member and MOI representative in the Malaita Province Constitutional Congress team.

Malaita Provincial Nominees to Constitutional Congress Team Leader Mr. Hudson Kwalea, CC member Fr. John Gereia and EPAC member Mr. Collin Gauwane were also in attendance.

The Draft's discussions were guided by Constitutional Reform Unit's (CRU)

Consultant Lawyer Mr. Reginald Teutao.

The MOI consultation successfully concluded their consultations on the Draft.

According to the team leader Mr. Kwalea, the consultation was well attended by all participants invited, adding that all participants including the women who attended, constructively contributed to discussions.

MOI participants made resolutions in relation to the 2011 Draft Federal Constitution, which were submitted to the team leader to include in the *MOI Consultation* report. 



Recap Edition



In this Edition, we recap on activities of 2012, in photos and news briefs.



Highlights of 2012 Activities



CONVENTIONS' MOMENTS

- ◆ Though the Honiara City Convention was a success, CRU Consultant Lawyer noted in his closing remarks to the Convention that it was discouraging to see that not a lot of women actively participated in this convention. Aside Congress's Honiara City team that had three women, the Convention had only one female participant left by the last day.
- ◆ For Rennell Bellona, though there were no legal assistance provided by Constitutional Reform Unit during their Convention, it is understood that matters brought up in the convention for legal explanation will be brought before the final Joint Plenary of the Constitutional Congress and Eminent Persons Advisory Council (EPAC), where the Consultant Lawyer will be present to clarify.



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Before I also had the thinking as some people do, that when we hear this "Federal system", we have doubts and fears. But after going through this review, I see that there are lots of good things inside that I believe people will be happy about. - Margaret Aihunu, Women Representative, Honiara City Convention 2012



Draft's General Info

The **2011 Draft Federal Constitution of Solomon Islands** was the document reviewed by all Provinces and Honiara City in 2012.

The Draft has a Preamble, 27 Chapters, and 10 Schedules.

All Provinces complete Conventions



Provincial/HCC Conventions held throughout the year:-

- ◆ Choiseul (30 Jan—10 Feb)
- ◆ Rennell/Bellona (20Feb—2 Mar)
- ◆ Honiara City (12—23 Mar)
- ◆ Isabel (16—27 Apr)
- ◆ Makira/Ulawa (16—27 Apr)
- ◆ Western (23—27 Apr)



- ◆ Guadalcanal (30Apr—11 May)
- ◆ Central Islands (14—25 May)
- ◆ Malaita (4—15 June)
- ◆ Temotu (10—18 Sept)

The Conventions were the final opportunity for political communities of each province to have their say on the Draft Federal Constitution.

Premier Suibaea pleased

Malaita Premier expressed that he was pleased with the progress of the Constitutional Reform.

Mr. Suibaea said in his remarks during the Convention's closing, that Malaita Provincial government will continue support the Malaita Congress team till the final National Convention. **Story Issue 10**

CITY BOUNDARY DISCUSSED

Honiara City will remain the Federal Capital, according to the Guadalcanal Convention.

The Convention agreed that as well as this, the government must recognize the indigenous rights of the Guadalcanal people with regards to surrounding Customary Land that are currently occupied as "Honiara" area.

Deliberation on Honiara City's boundary shared with the Province, was done during the review of the 2011 Draft Federal Constitution.

CIP's New Team Leader

Congress Member Catherine Pule was appointed Central Islands Congress team leader early this year.

Former leader George Saemane relinquished duties due to work commitments as Principal of Florence Young Christian School; he remains a CIP Congress nominee.

- Story in Issue 9

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Highlights of 2012 Activities



CONVENTIONS' MOMENTS

- ◆ **Honiara City Convention is the only convention to involve more youths, totaling to 10 out of 50 participants in this last consultation.**
- ◆ **Clause 69 in the 2011 Draft Federal Constitution—Participation of Women in Parliament was one of the most debated Clauses in the 2012 Provincial Conventions, challenging the concept.**
- ◆ **Malaita Convention welcomed more than 90 people who turned up to participate during the course of the Convention when the Malaita Congress team had originally arranged for 50.**

Incoming PS/CRU

New PS/CRU Ronald Unusi took up office in mid-March 2012.

He replaces Dr. Fred Rohorua, now PS Ministry of Education & Human Resource Development.
- *Story in Issue 9*

Parliament Committees meet with CRU



Constitutional Reform Unit met with joint Parliament committees—the Constitutional Review Committee (CRC) and, the Bills and Legislation Committee (BLC) at the National Parliament conference room on Thursday 5 April, to give a progressive report on the Constitutional Reform Program.

In attendance were Hon. Stanley Sofu (Chairman CRC), Hon. Manasseh Sogavare (Chairman BLC), Hon. Milner Tozaka, Hon. John Maneniaru, Hon. James Tora, PS/CRU Mr. Ronald Unusi, Consultant Lawyer/CRU Mr. Reginald Teutao, Parliament and CRU officers.
- *Story in Issue 10*

GP prepares for State

Guadalcanal Premier Anthony Veke announced during the Convention's closing a taskforce to be setup to take stock of the province in anticipation of State Constitution making.

He called on all Guadalcanal leaders to work together for this important agenda -*Story Issue 11*

Students abroad talk

Students in Tertiary institutions in Fiji, Vanuatu and PNG were consulted on the 2011 Draft from June to August, respectively.

CRU's Consultant Lawyer, Director & PS did the consultations.-
Story in Issue 10

Temotu Vattu Feedback

Temotu's Vattu feedback started on April 16, 2012 on Duff Islands.

This consultation was part of catch up Provincial Feedbacks, which were supposed to be held in 2011, however did not happen due to budget limitations.-*Story Issue 9*



"This is an opportunity for us to learn what is in the constitution of our country, as the United Na-

tion's General Secretary said that 'young people should never be seen as a burden in any society but as its most precious asset'. This convention recognizes that. That we are assets in the development of our country" - *Harry James, Youth participant, Honiara City Convention 2012*

Youths of today, leaders of tomorrow



Some youth reps during Honiara City Convention in March. Honiara City team involved a total of 10 young people in this last Convention. Youths spoken to said they felt privileged to be in this stage of the Reform.



Reform in Pictures

Recap of 2012 in snapshots



Photos by Marilyn Maeta'a/CRU



Convention delegate Dr. Ronald Ziru during Honiara City Convention discussions.



Hon. James Tora (left) and Hon. Manasseh Sogavare Chairman Bills & Legislation Committee (right) ask questions during Q&A Session in Joint Parliament Committee meeting with CRU.



Katie Kamaka'a speaks during MUP Convention.



Participants of Honiara City Convention held at the Tandai Seafront Motel conference room.



Katie Kamaka'a speaks during MUP Convention.



Youth Reps at Honiara City Convention in March.



(EPAC Member) Abraham Kapei chairs Malaita Convention in Auki, Malaita Province.



Francis Tagua speaks at MUP Convention.



Cr Ronald Fugui during Honiara Convention



MUP Convention participant



Participants of the Guadalcanal Convention at Binu.



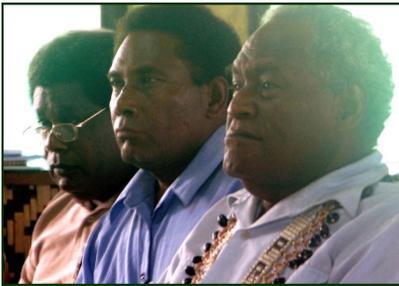
Malaita Convention participant



Cr. Jack Maeli during HC Convention



Malaita Convention held in June at Rarasu Restaurant in Auki.



Participants of Malaita Convention held in Auki.



Legal personnel for MUP Convention Jack Faga



Guadalcanal Premier Veke speaks during closing ceremony.



Guadalcanal Convention participants

Top Right: Hon. John Maneniaru asks questions.

Below Right: Parliament's Bills & Legislation Committee and Constitutional Review Committee during Joint Meeting with CRU.



Participants of Makira/Ulawa Convention held in Kirakira.



Participants of the Central Islands Provincial Convention held in May at Tulagi, CIP.

Information on the Constitutional Congress & EPAC

Continued from Issue 11

EMINENT PERSONS ADVISORY COUNCIL

In its Rules of Operation in the Terms of Reference (ToR), Congress was to work collaboratively with this group in a way that brings to the Reform a wealth of experience & inclusiveness.

The Eminent Persons Advisory Council (EPAC) was established by Government to be an associate body of the Constitutional Congress. They were to perform an important role in the technical work of Congress.

According to the Organization of the Constitutional Congress (2007), EPAC was required to endorse the findings and recommendations of Congress working committees (i.e. Theme Committees) before they are submitted to the whole Congress to consider in session.

Membership of EPAC comprises Solomon Islanders recognized for their traditional and civic capacities as distinguished leaders and States men. They also represent all Solomon Islands communities, including minority racial groups.

EPAC was previously called the Elders Advisory Group (EAG) during its inception in 2007. The name Elders Advisory Group was subsequently changed to Eminent Persons Advisory Council after it was considered that the status of those making up this group was very distinguished and prominent. Hence the change was deemed appropriate



during the Induction period in 2007.

At the time, EPAC was given the opportunity through the Organization of the Constitutional Congress (2007) to be governed by its own rules. EPAC therefore nominated a Chairman and Vice Chairman for important EPAC sessions. The Chairmanships are currently operational.

Objectives

As according to its ToR, the Objectives of Congress was to:

1. Define Solomon Islands political community and engage that community in the constitutional making process;
2. Complete a final content of a new constitution;
3. Prepare a detailed report setting out the reasoning for the content of the new constitution;
4. Recommend an appropriate ratification procedure to bring the new constitution into effect.

Despite some changes in strategies in order to accommodate MoFT lengthy financial processes, and the government's direction on the Re-

form, that also made changes to the Work-plan/Timeline of Congress; to date these objectives are being fulfilled as the Constitutional Reform nears completion.

Original Working Structure

Originally, the Constitutional Congress' operation was to integrate itself within and be assisted by an advisory group, having its own specialty, wisdom and expertise. Its structural framework was to work in committees to collate information gathered; and in sub-plenary and plenary to finalize contents of the draft of a new constitution.

The Provincial and Honiara nominees in Congress are to link to their home based committees and Provincial Authorities; and act as Congress' point of contact to the provinces and Honiara, and to operate as conduits for dissemination and collection of information.

The Congress would then deliberate on constitutional issues in a holistic approach when putting together all the findings, which is anticipated to lead to the compilation of content for the proposed Federal Constitution of Solomon Islands.

Throughout the process, EPAC was to check on their work as and when required.

However, it is notable that through several meetings, Congress and EPAC members have been working together (informally) on several tasks set to accomplish the process.

In early 2011, the Joint Executive of Congress and EPAC formally confirmed an amalgamation of the two groups to work together to fast-track the process as advised by the Si-kua-led government at the time.

Constitutional Congress is the central body that works on the actual Constitutional Reform Programme, dealing with substantive matters.

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Methodology

In its ToR, when carrying out its mandated task, the Congress was requested to;

1. Consider all previous constitutional reviews and relevant reports and documents pertaining to the draft federal constitution, which have informed and shaped the constitutional reform programme to date;
2. Conduct a country wide consultative tour to the provincial centres to understand the aspirations of the provincial political community; and with any person, official, leaders, office holder, organization or body Congress may so choose;
3. Invite submissions from any interested person or organization on the draft federal constitution or on any specific topic or matter Congress may desire public input;
4. Inform, seek and have regard to the views of Solomon Islands political community of the final draft of a new constitution at a convention representative of that community.

Constitutional Reform Main Activities

2008 - Political Community Identification: This was the first task, as according to the Work plan/Timeline then, Congress set out to do after the Induction.

Rationale: There is no reliable or readily attainable source of information or knowledge defining Solomon Islands political community.

The reason for that is that the political community, which Solomon Islanders identify, exists and operates outside the current constitutional/political framework. The con-



stitution assumes a “civic” individualistic political community, not an ethnically diverse one.

Thus the identity and engagement of this community will be an integral factor in the constitutional-making process, in defining the union of a new Solomon Islands state and shaping a new constitution.

Congress was to define Solomon Islands’ Political Community and plan a strategy to present the draft Constitution to that community at a Convention. At this convention, the representatives of this community will be given an opportunity to be informed on the draft and comment on it.

CC Provincial teams (with the assistance of some National Nominees and EPAC members due to work load) were to identify the Political Community of Solomon Islands. Consultations were basically done in the Provinces and Honiara City. This activity was for Congress to identify the Political Community of Solomon Islands to consult, when going into deliberation activities of the Reform Program.

Method: Congress’ Provincial teams carried out the tasks in respective provinces from May to June 2008.

2008 - Theme Committees Meetings: Comprised seven (7) Theme Committees with a membership of 7 to 8 Congress & EPAC members

per committee. The committees’ task was to consider the main themes within the proposed Federal arrangement:

1. Foundation Provisions
2. Federal Political Systems and Powers
3. Public Finance and Revenue sharing
4. Law and Justice
5. Fundamental Human Rights and Freedoms, and Other Rights
6. Constitutional Institutions, Representations and Public Service
7. Transition

Originally this was the main (technical) working unit of Congress. The idea was that the work of each committee will be preceded by the delivery of a comprehensive working brief on the topic before it. Constitutional Reform Unit prepared the working brief. Once completed, the respective committee was called together to commence its work. The committees were able to draw on the support from a number of specialists and the EPAC. Any member of specialist groups was able to sit in on work sessions.

The Committee meetings commenced from September to November, with the first three (listed above) deliberating on their respective themes separately, under the guidance of CRU’s outgoing Technical Advisor at the time, Mr. Thomas Woods.

As a result, each committee produced their reports, namely the Political Systems and Powers Report (25 November 2008), the Public Finance and Revenue Sharing Report (November 2008) and the Federal Foundation Theme Report (December 2008). 

To be continued on Issue 13



Solomon Islands Government

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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.

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Issue 11: Features the Temotu Provincial Conventions held in September 2012.

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.



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