



DRAFT SUCCESS APPLAUDED

OUT-GOING PS COMMEDED FOR 2009 DRAFT'S SUCCESS DESPITE THE ODDS

Deputy Secretary to the Prime Minister (DSPM) Chris Hunupau expressed the Prime Minister's Office gratitude towards Dr. Frederick Isom Rohorua for his leadership in the constitutional reform, which saw to the 1st 2009 Draft Federal Constitution's production, despite obvious difficulties.

He made this remark during a farewell dinner the Constitutional Reform Unit (CRU) held for its out-going PS Dr. Rohorua on January 7, 2010. His contribution & work in liaising between OPMC, Government, Congress & EPAC were notable in pushing the reform to the next stage.

"I would like to acknowledge his strong leadership; leading & guiding the Constitutional Reform to achieve government policy objectives especially in the work towards the Federal Constitution," Mr. Hunupau said, "He is a man of principle, and no doubt has inspired many

Chairlady Mrs. Jenny Tuhaika presenting a gift to out-going PS Dr. Rohorua, looking on Mrs. Rohorua.



of us." He said Dr. Rohorua had come to CRU with a sense of strong conviction to make a difference.

"Fred's departure will have some bearing impact on the work of constitutional reform, however, I know & trust that the team Fred will leave behind has the capacity to continue with this important national mandate," he said.

Congress' Chairlady Jenny Tuhaika also said that Dr. Rohorua's leadership skills & calm attitude helped in many Congress & EPAC discussions. Other remarks were made by the CRU Consultant Lawyer & other guests.

While addressing guests & staff of the Prime Minister's Office, Dr. Rohorua spoke of the challenges working in Solomon Islands Public Service since most of his work-life was spent abroad; however he summed it up as a worthwhile experience.

Those who made speeches at the occasion thanked Dr. Rohorua's family for their understanding during his time of work in the country. CRU sincerely thanks Dr. Rohorua for his professional contributions & wishes him success in his future endeavors.

He has left the country in January to join his family in New Zealand. 

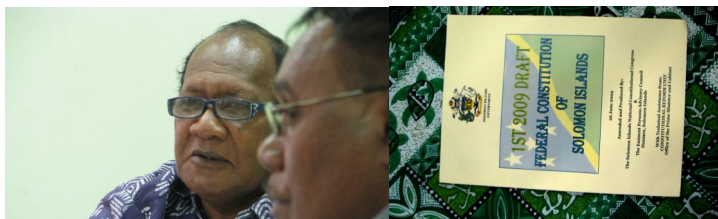
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UPDATE

Provincial/Honiara City Feedback

Choiseul, Makira/Ulawa, Isabel, Western and Malaita Provincial teams have completed their feedback in their respective provinces; and are now in the report writing phase. **More on Page 2**



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PM ANNOUNCES CONSTITUTIONAL REFORM'S WORK-PLAN

By Alex Akwai

USP Journalism Student
Government Communications Unit (GCU)

First published by GCU: February 2010

The Government has allocated about SBD\$7 million in its 2010 Annual Budget for Constitutional Reform work.

Speaking during a feedback meeting of Constitutional Congress' Guadalcanal team & Executive of the Guadalcanal Provincial Government, Prime Minister Dr. Derek Sikua said the total allocation (SBD\$5.9 million from Recurrent budget & SBD\$1.3 million from Development budget) has been

approved by National Parliament.

In the mean time, the work-plan timeline prepared by the Constitutional Reform Unit (CRU) has already been approved by Constitutional Congress (CC) & Eminent Persons Advisory Council (EPAC).

Dr. Sikua announced that CRU has done preparatory and planning work to follow tasks required for this year since January.

He said that by the first two weeks of February feedback on the 1st 2009 Draft Federal Constitution of Solomon Islands should be received from the provinces and Honiara.

This will be followed on by preparations for

the second Joint Plenary of the Congress & EPAC.

"The 2nd Joint Plenary of the Constitutional Congress and EPAC takes place in May after which drafting will be done in the months of June and August", he said.

Dr. Sikua also said it is hoped CRU will organize a National Convention so that citizens will be informed of the proposed changes in the Draft Federal Constitution.

Hence, the final drafting of the Federal Constitution is expected to be done in October 2010, and followed by a final Joint meeting of the Congress & EPAC by the first and second week of November. 

NEWS IN BRIEF

TWO REPORTS FROM PUBLIC SUBMITTED REGARDING 1ST 2009 DRAFT



Peter Kenilorea (Jnr) and Raymond Hite are two members of the public who have submitted their personal

critique, thoughts and comments on *1st 2009 Draft Federal Constitution of Solomon Islands*.

The two separate submissions are currently with the Constitutional Reform Unit (CRU), for reproduction, in anticipation of the 2nd Joint CC/EPAC Plenary.

These submissions will be taken into consideration by Constitutional Congress (CC) and Eminent Persons Advisory Council (EPAC) when they meet in the 2nd Joint CC/EPAC Plenary.

CRU appreciates & thanks these two contributors for their submissions. 

FEEDBACK CONTINUES INTO APRIL DUE TO BAD WEATHER

The Provincial/Honiara Feedback has been moved into the month of April due to bad weather conditions during March 2010.

Feedback commenced early this year with meetings held by the Choiseul, Guadalcanal, Makira/Ulawa, Isabel & Malaita teams in their respective provinces.

This Constitutional Reform Program's much anticipated activity, is to gauge people's opinion on the *1st 2009 Draft Federal Constitution of Solomon Islands* amendments.

However, due to bad weather in March, planning & implementation for Guadalcanal (remaining meetings), Central Islands, Rennell Bellona & Honiara City are underway.

Each province's work programs have been strategically scheduled to cater for legal assistance from CRU's Consultant Lawyer Reginald Teutao. 

EXECUTIVE CONSIDERS 2010 PROGRAM



The Constitutional Reform Program's Work-plan Timeline was re-looked into, in light of delays in Provincial/Honiara feedback this month.

Joint Executive of Congress & EPAC met with senior officers of Constitutional Reform Unit (CRU) to discuss important issues concerning the Work-plan timeline.

During the meeting, it was highlighted that due some delays in the feedback activity, other activities would have to be rescheduled for this year.

There is a possibility that the second Joint CC & EPAC Plenary might begin mid 2010. 

FROM PLENARY TO DRAFT

Facts about the event & changes on the Draft Federal Constitution

Over 40 members with various expertise of Congress & EPAC entered a joint dialogue for the second time after their Induction on August 2007.

On May 4, 2009 members began the first Joint Plenary at SIBC Conference room. Though it may seem like ordinary meetings, this is the most crucial event that brought about the *1st 2009 Draft Federal Constitution of Solomon Islands*, a document that is in essence to many, a tangible result of the Constitutional Reform.

Sitting for 38 meetings (May 4 to June 26, 2009) on three different venues (SIBC, CYP & Red Mansion Inn Conference facilities), the Joint Plenary successfully completed the task, & passed the amended document on 26 June 2009.

2009 Draft

The document is the latest edition of the Draft Federal Constitution of Solomon Islands 2004. Draft 2004 was revised with legal issues discussed with CRU Consultant Lawyer Reginald Teutao; national & provincial issues raised & debated as a Plenary.

The amendments were set in red text, however due to cost-cutting measures; amendments were underlined & italicized in the print version. The printed 2009 Draft is 172 pages long, 27 pages more than Draft 2004.

It has been printed & distributed throughout the country since July 2009. Copies are still being distributed by CRU as & when requested. So far, about 2,900 copies were distributed to Government ministries, Non-Government Organizations (NGOs), schools, churches, private businesses, training & tertiary institutions, & provincial centers, to name a few.

The red text [edition] of the 2009 Draft still remains in electronic format & can be found on website www.sicr.gov.sb. 

A PEEK INTO 2009 DRAFT

An overview of the contents of 1st 2009 Draft Federal Constitution. This is a summary guide to what is in the current Draft.



The 1st Joint CC & EPAC Plenary that saw to 2009 Draft's completion held in May 2009 at SIBC Conference room.

It has a Preamble, 26 Chapters and 8 Schedules; the *1st 2009 Draft Federal Constitution of Solomon Islands* is now a working document of the Constitutional Reform Program.

Issues emanating from the first Joint CC & EPAC Plenary in 2009, which saw to the product of this document, will be further discussed in the Provincial Feedback. Though generous changes can be seen in the 1st 2009 Draft Constitution, it maintains most of the 2004 Draft Federal Constitution contents.

Preamble

The Preamble is basically known as the spirit of the constitution.

It summarizes the values and asserts the belief system envisaged of Solomon Islands as a Federation. It is set in two pages at the beginning of the Draft & is still in its draft stage. Much of the work put into the Preamble was done during the 1st Joint CC & EPAC Plenary, and the Federal Foundation Theme Committee during the committee's meetings in 2008.

Chapters

This is the body of the Constitution, holding constitutional ideals, components & functions of the Federation.

The Chapters maintain much of Draft 2004 content, however there are areas yet to be adjusted as informed by the 1st Joint Plenary last year. The adjustments will be based on the feedback with provinces, especially in areas of States' concerns. There are 26 Chapters this Draft.

Schedules

These are the details of the Constitution's body (Chapters). Schedules give more element to important parts of the Constitution. They also cross-reference sections/clauses in the Constitution that need more detailed explanation of certain subject matters.

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LOOK AT REFORM IN A POST-CONFLICT ERA CONTEXT: DR. ROHORUA

Dr. Fred Isom Rohorua encouraged Constitutional Congress & Eminent Persons Advisory Council (EPAC), to look at the Constitutional Reform in the context of a post-conflict era.

The out-going Permanent Secretary made these remarks in his speech during a farewell dinner held for him at Red Mansion Inn on 7 January 2010.

Solomon Islands had gone through an ethnic conflict from 1998 till 2003, & recently experienced a series of riots sparked by political protests, & various public disagreements during some major events held in Honiara.

"We are in a situation where we've come through a hard experience of problems in our nation as a whole, in which everyone has suffered, so while we're talking about a constitution, I think this should be placed in that [post-conflict] context," he said, "So that we begin to address constitutional issues not from a position of distrust."

Dr. Rohorua reiterated that the country is faced with this problem, which is currently experienced between communities, & that this is something that should be considered as work progresses on making a new constitution.

He pointed out that one of the policies of Government, in which both the Government

and people of Solomon Islands look forward to, is reconciliation & unity.

He said that although differences between people are inevitable as seen in an ordinary family-unit context, it is what holds a family-unit together that should be embraced at the national level.

"So locate the discourse of the federal constitution within the context of a post-conflict environment," Dr. Rohorua said.

After the Feedback, it is envisaged when Congress & EPAC meet in the next Joint Plenary critical issues underlying the identity of States-to-be will be discussed & deliberated on fully. 

OVERVIEW: 2009 DRAFT CHAPTERS & SCHEDULES

Continued from Pg 3

Below is the brief list of the 26 Chapters:-

Chapter 1: FOUNDATION PROVISIONS; comprising Sections 1-9 with the new Section 3A [Security of the Republic].

Chapter 2: THE SOCIAL CHARTER BETWEEN THE REPUBLIC AND THE PEOPLE, comprising Sections 10-12.

Chapter 3: CUSTOMARY LAND, RESOURCES AND PROPERTY RIGHTS, comprising Sections 13-20.

Chapter 4: FUNDAMENTAL RIGHTS, FREEDOMS AND OTHER RIGHTS, containing Part 1 General Provisions comprising Section 21; Part 2 Civil and Political Rights and Freedoms comprising Sections 22-40; Part 3 Economic, Social & Cultural Rights comprising Sections 41-53; Part 4 Women with Section 54; a new Part 5 Other Persons comprising Sections 55-56; Part 6 Enforcement of Rights & Freedoms comprising Sections 57-58 &; Part 7 States of Emergency with Sections 59-60.

Chapter 5: CITIZENSHIP, comprising Sections 61-68.

Chapter 6: GOVERNMENT OF SOLOMON ISLANDS, comprising Part 1 Structure of Government containing Section 69; Part 2 Principles of co-operative government with Section 70 and; Part 3 Roles & duties of

members of government comprising Sections 71-72.

Chapter 7: THE PRESIDENT OF SOLOMON ISLANDS, containing Sections 73-81.

Chapter 8: THE FEDERAL PARLIAMENT, comprising Part 1 Parliament with Sections 82-86; Part 2 Composition of Parliament and qualification of members comprising Sections 87-93; Part 3 Rules and Procedures of Parliament with Sections 94-101; Part 4 Term, sessions and sittings of Parliament containing Sections 102-104; Part 5 The Speaker & other officers of Parliament comprising Sections 105-107 &; Part 6 General matters with Sections 108-110.

Chapter 9: THE EXECUTIVE GOVERNMENT, which includes Part 1 Government Formation and Political Allegiance having Sections 111-112; Part 2 The Prime Minister with Sections 113-118; Part 3 Ministers comprising Sections 119-122; Part 4 Cabinet with Sections 123-130 and; Part 5 Attorney General with Section 131.

Chapter 10: FEDERAL REVENUE ARRANGEMENTS, containing Part 1 Federal Revenue with Sections 132-133; Part 2 The Federal Consolidated Fund comprising Sections 134-137; Part 3 Authorisation of expenditure from the Federal Consolidated Fund comprising Sections 138-144 &; Part

4 Central Bank of Solomon Islands comprising Sections 145-146.

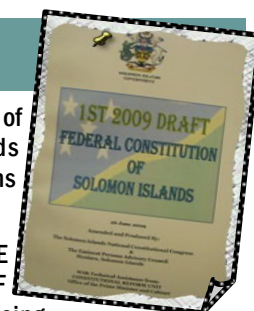
Chapter 11: THE CONGRESS OF STATES, comprising Sections 147-149 with a new Section 149A.

Chapter 12: STATE GOVERNMENT, comprising Part 1 State Constitutions with Section 150; Part 2 States & Federal and State Boundaries with Section 151; Part 3 Adoption & certification of State Constitutions with Section 152; Part 4 State Justice System with Section 153 and; Part 5 Traditional Justice with Section 154.

Chapter 13: STATE REVENUE ARRANGEMENTS, comprising Sections 155-157, with new Sections 155A, 155B, 155C & 157A.

Chapter 14: STATE POWERS, containing Sections 158-162 with new Sections 158A, 158B & 162A.

Chapter 15: FINANCIAL SHARING PROVISIONS, containing Part 1 Sharing of Federal Revenues with Sections 163-169; Part 2 National Finance Commission with Sections 170-172 with new Sections 172A & 172B.



Continued on Pg 5

PHASE FOR TOMORROW

'Federalism' & 'State Government' has certainly been this generation's click words for the country's future.

For 30 years of (political) independence, Solomon Islands has talked about a more 'people-oriented' system of government; one that grasps the diverse cultural, social and economic aspects of the country.

Though nothing had prepared the nation for 5 years of ethnic conflict that basically crippled the society; lessons were learned to quickly address the issue at hand; opt for a system that gives people more regional (provincial) autonomy:- Federalism.

Ongoing Government commitment to the reform has been evident, such as that of the current Government led by Prime Minister Dr. Derek Sikua, through its allocation of \$7 million to Constitutional Reform Program, in its 2010 Annual Budget (highlighted in Page 2).

In addition to that, much community-involvement has been harnessed in this reform process, through the 2002-03 Consultations, 2008 Political Community Identification exercise, & 2010 Provincial Feedback.

As Reform progresses, it is anticipated that a final product, the Federal Constitution is prepared for Solomon Islands to move forward into Federalism.

And as former CRU/PS Dr. Fred Rohorua expressed, the discourse of the federal constitution has to be located in the context of a post-conflict era. Hopefully, this can be done in the final activities of the Constitutional Reform. 

"The draft Constitution...establishes a federal system of government for Solomon Islands...a system that is unique to Solomon Islands, reflecting the nation's characteristics and aspirations not from any foreign import as to how Solomon Islands should be structured as a nation state." Extract, Pg 1 of Explanatory Notes on the Draft Federal Constitution of Solomon Islands 2004

Joint Plenary

Joint Plenary is a series of meetings held over a set period, that Congress & EPAC sit to discuss constitutional issues together as a group. It is a forum where members can express views & comments, take note of issues & put together submissions as part of the Constitutional Reform Process. So far, Congress & EPAC have had one Joint Plenary; the next is planned for mid 2010.



OVERVIEW: 2009 DRAFT CHAPTERS & SCHEDULES

Continued from Pg 4

Chapter 16: HONIARA CITY, comprising Sections 173-176 with new Section 176A.

Chapter 17: ENVIRONMENT, LAND AND DEVELOPMENT, containing Part 1 Environment and natural resources with Section 177; Part 2 Land, Sea, Resources and Property Matters with Sections 178-180; Part 3 National, State and Community Government Development Plans with Sections 181-183 and; Part 4 Economic and social reforms and development with Sections 184-186.

Chapter 18: THE LEGAL SYSTEM, comprising Part 1 Judicial authority with Section 187; Part 2 The Superior Courts with Sections 188-195; Part 3 Court Procedure with Section 196 and; Part 4 Tenure and other matters with Sections 197-202.

Chapter 19: PREROGATIVE OF MERCY, containing Part 1 Powers of the President with Section 203 and; Part 2 Exercise of State Powers with Sections 204-205.

Chapter 20: REPRESENTATION OF THE PEOPLE, comprising Part 1 Electoral Arrangements containing Sections 206-210 and; Part 2 Political Parties with Sections 211-216.

Chapter 21: PUBLIC ADMINISTRATION, containing Part 1 Principles governing Federal and State public administration with Section 217; Part 2 Public Service Commission with Sections 218-219; Part 3 Federal and State Public Services with Sections 220-221; Part 4 Police Force containing Sections 222-225 and; Part 5 Correctional Services with Sections 226-228.

Chapter 22: INSTITUTIONS SUPPORTING CONSTITUTIONAL DEMOCRACY, containing Part 1 Governing Principles with Sections 229-230; Part 2 Public Solicitor with

Section 231-234; Part 3 Director of Public Prosecutions with Sections 235-237; Part 4 Human Rights Commission comprising Sections 238-239; Part 5 Auditor General with Sections 240-241; Part 6 Electoral Commission with Sections 242-244; Part 7 Ombudsman comprising Sections 245-248; Part 8 Leadership and Anti-Corruption Commission with Sections 249-250 and; Part 9 General Provisions with Sections 251-252.

Chapter 23: ACCOUNTABLE AND TRANSPARENT GOVERNMENT, comprising Part 1 Leadership Code with Sections 253-259 &; Part 2 Transitional arrangements and other matters with Section 260.

Chapter 24: MISCELLANEOUS FEDERAL POWERS AND RESPONSIBILITIES, comprising Sections 261-264.

Chapter 25: AMENDMENT OF CONSTITUTION, containing Section 265.

Chapter 26: GENERAL PROVISIONS, comprising Sections 266-270.

These are the 8 Schedules & the subject matters they deal with:-

SCHEDULE 1: Election of the President of the Republic

SCHEDULE 2: Forms of Oaths & Affirmations

SCHEDULE 3: Entitlements of Members of the Federal Parliament

SCHEDULE 4: Boundaries of the States

SCHEDULE 5: Federal & State Legislative Powers

SCHEDULE 6: Revenue Sharing Formula

SCHEDULE 7: State Constitutions

SCHEDULE 8: Transitional & Savings Provision. 

ADDRESS BOUNDARIES FOR GOOD FUTURE

A State boundary is defined as a boundary which consists of series of lines that encloses a particular State.

On the technical side of drawing boundaries, the United Nations Convention on the Law of the Sea, Article 47, it sets certain rules & regulations to carry out demarcations of boundaries.

So in drawing boundaries, I have to follow the technical criteria of laying out boundaries; but keeping in mind those boundaries must be fair to all States yet to be demarcated.

Current political boundary arrangements

Today, under the Unitary system, we have Provincial governments; thus naturally, we have provincial boundaries. The boundaries set the jurisdiction limits of those provinces; such as Western Solomon has its own series of boundaries, & so forth.

Provincial boundaries & those specified under Schedule 4 of Draft Federal Constitution 2004, shows an attempt to revise our boundaries to be State boundaries. These are good boundaries that have been set by our leaders prior to Independence. Yet, it is important to analyze these boundaries.

Boundary Hot-spots

There are certain so called hot-spots throughout & in between our current boundaries, such as the Anavone Turtle Reserve between Isabel & Choiseul provinces. It is an area where both provinces have common interests in, including the traditional people living on both sides.

There are other hot-spots as well. Such as Ramo Isles between Isabel & Malaita provinces; Ruadika rock between Isabel & Ngella islands, Central provinces. Mborokua (or Mary) island between Western & Russell islands, Central provinces.

If there are consultations, meetings & negotiations between these States, it's always important to involve the people, who will be

*Boundaries Expert & Solomon Islands qualified Hydrographer talks on fair State boundaries for a harmonious future. He does researches at Lands & Survey, National Fisheries, Geological divisions & Forum Fisheries Agency. The data collected will be used as the revised State Boundaries map to be considered in this reform. **Patt Loe** presents the topic of State Boundaries.*

directly affected in the areas for common interest. It would be good to get chiefs & communities to sit down together, listen to their wisdom, their tradition & history. They would be in a better position to tell the right history about the islands & reefs, & what have they within those hot-spots.

Overlapping Boundaries

This is another area that needs consideration. For example, a corner of a boundary running off a province might be too close to a seaside of another province.

My view on the current boundaries specified under the Schedule 4 of Draft 2004 are that some of the corners of the lines come really close to some of the States. In other States they are really distant.

Reason for Revision

Today, people are conscious of resources. Resources not only reside on dry land, but also in the sea and sea bed.

If any State would want to tap into its resources for economic & financial benefits, it has the option of considering its sea resources. If we adopt the current revised boundary in Draft 2004, & in the future the next generation might have deeper understanding to consider sea resources, but find that the boundaries might not be fair, this will cause problems for that generation & governments. So for that reason, I think there is a need to consider upgrading & revising the boundaries.

The best way to set boundaries especially between the proposed States is to lay boundaries that are fair; they must be in the middle of the States; & must be very clear before they get gazetted.

Technical reasoning is that in the future, a State might find that it has some wealth under the sea. There could be oil, for instance & the deposit might be right at its coast. If it hits the coast of this State, however that coast is slightly under another State's boundary, the former loses all its jurisdictional rights to claim that resource. So in order to avoid these sorts of scenario, it is only fair that boundaries must be drawn to follow what is "equal in between". This

principle is called, the Medium Equity or Equal distance from between the shores or coastlines of the States.

Governments at State level also must consider developing further alongside its resources both on land and sea; & in order to develop or exploit sea resources, there must be clear boundaries on the sea. The concept of the laying boundaries on the sea is relatively new to us, and for the past 30 years, boundaries on the sea have not to been talked about at the government level.

Therefore I believe that we should establish boundaries, considering areas of common interest between any two or more States for proper negotiations before any finalization. 



Patt R. Loe is a Constitutional Congress member & Western Province Nominee; a Master Degree holder in Science

(Geological Science, & Hydrography) respectively of University of Bristol and University of Cambridge, United Kingdom. He is a qualified Hydrographer, & a corporate member of the International Hydrographic Society.



Reform in Pictures

PHOTO GALLERY OF PHOTOS TAKEN DURING THIS QUARTER'S EVENTS

Top Right: EPAC Chairman Sir George Lepping during the 1st December 2009 Executive meeting held to decide on Provincial Feedback period, listening on Warren Paia.

2nd Top Right: Congress Chairlady Jenny Tuhaika and colleague Hilda Kari during the 1st December 2009 Executive meeting.

3rd Top Right: Imprest Holders meeting 19 September 2009 for Provincial Nominees discussing with CRU Director and Accountant.

Below left: Guests and staff of the Prime Minister's Office during the PS Farewell on 7 January 2010.

2nd Below Left: Jenny Tuhaika (CC Chairlady) chairs the Joint CC & EPAC Executive Meeting on March 29, 2010.

Below centre: Dr. Rohorua and family during the Farewell dinner at Red Mansion Inn.

Below Right: Imprest Holders meeting 19 September 2009.

Photos: Marlyn Maeta'a, CRU



PLENARY WRESTLES WITH STATE POWER IDEALS

State Powers, one of the most debated topics in the first Joint CC & EPAC Plenary that left members resolving to take it back to the Provincial Feedback, in a longer list on the amended draft.

By Marilyn Maeta'a

Staff Writer, Constitutional Reform Unit

It seemed like power-struggle when it came to talking about State matters in the 2004 Draft Federal Constitution, & Schedule five's State Powers was no different, leaving most Plenary members looking frustrated and eager for solutions.

In about three days of discussions on June 2009, the Plenary kept coming back to issues on State Powers in 2004 Draft's Schedule 5. This schedule has three lists, respectively, Federal Powers (List 1), State Powers (List 2) & Concurrent Powers (List 3).

State Powers is the legislative capacity of a State legislature to make decisions & laws for whole or part of the State. For example, the legislature (or parliament) of Guadalcanal State can make laws regarding certain taxation on businesses & trades operating on Guadalcanal as an autonomous region.

There are two categories of State Powers; the Exclusive & Concurrent powers, further described in Chapter 14 of Draft 2004. Concurrent are the legislative powers shared with the Federal Government, while Exclusive is a State's legislative power to make decisions on its own, within the requirement of federal law.

While these powers would indicate State autonomy & cooperation in the Federal Republic simultaneously, the list of State Powers was in a tug-of-debate. One side supported increasing List 2 while List 3 decreases, for States to be able to make decisions freely without too much Federal interference. The other side said that autonomy was not the issue, rather some States' capacity to legislate & operate.

There were questions of whether this Federalism would allow certain Concurrent powers to be relinquished as Exclusive, to a State that was ready to take it on legislatively; on the other hand the idea of the Federal government having the upper hand in any legislature dealings that involved States, didn't sit too well with some provinces represented in Plenary.

Exclusive Power

As discussions proceeded during the meeting at SIBC Conference room, with List 2 increas-

ing in State legislative powers, there were concerns on some States' ability to take them on.

Some Congress Provincial Nominees were not so comfortable with increasing the list, voicing their concern for smaller regions/provinces. It was argued that due to smaller land-mass & less resources, implementation difficulties might become an issue if more legislative powers become Exclusive.

However, the support that hinged on increasing powers to be Exclusive was the perceived unwanted decrease of State autonomy. This issue was also discussed regarding Chapter 14; that if it was considered unlawful making a decision with regards to a State Power that violated the requirement of a federal law; hindered or prejudiced the authority the Federal, where would autonomy lie in the equation of Federalism. Thus, arguably State autonomy was seen as significant in the move to Federalism, and that the simple exercise of State powers should reflect this.

Concurrent Power

Some members said that sharing between Federal & States was not such a bad idea, & that States' Concurrent Power was thought ideal for provinces that would transition slower into Statehood.

This came out of the idea of State's legislative capability to execute legislatively & fiscally, when it was ready; so for those who supported concurrent, maintaining or increasing List 3 was the best action.

However, those who favored autonomy, emphasized that Chapter 14 had to sufficiently cover a State government's exercise of Concurrent Powers. Therefore, the idea of prior consultation between a State & Federal Governments was added to the section/clause that addressed the Exercise of Concurrent Power, under the Chapter of State Powers. Statements that positively portrayed State governments' ability to undertake their own affairs were also added.



EPAC Member Rev. Lazarus Munamua making a point during the 1st Joint Plenary. Photo: Marilyn Maeta'a, CRU

Debate of the Lists

When it came to deliberating over the three Lists, amending them became an issue because of the different perspectives regarding what subject matters fall under which list.

The crux of debate over State's Concurrent Power was whether List 3 should be maintained or done away with. Some said powers under List 2 would be sufficient to direct the cause of State autonomy, thus increase it & do away with List 3, while others thought Concurrent best served the transition period of each State, & thus should be maintained.

In addition to this, there were those that saw some overlapping powers between the Federal and States coming from the first two Lists in Schedule 5, which would be in the interest of States.

These disputing perspectives led the Joint



Ashley Wickham (CC National Nominee) makes a point during the first Joint Plenary at SIBC Conference. Photo: Marilyn Maeta'a, CRU

STATE POWERS' DEBATE

Continued from Pg 8

Plenary to resolve in creating a Core Group to put together a common list for indicative powers. Provincial nominees were asked to get their respective teams to discuss their Province's ideas on State Powers & submit their lists to the Core Group.

The five-member Core Group nominated on 17 June & chaired by Sir George Lepping; presented a combined summary called the Common List & Matrix of State Powers on 19 June 2009.

The Summary consisted of a common list of powers preferred by most provinces to be included in List 2 (State powers) from List 3 (Concurrent powers); a list of overlapping powers between Federal & States; & the appendices of each province's respective lists of preferred State powers.

The common State Legislative powers list had 16 subject matters. To arrive at an agreed common powers list, the Core Group indicated that the submitted list was subject to addition & deletion when doing the Provincial feedback. Then for the purposes of amending Draft 2004, the lists in Schedule 5 were amended accordingly with suggestions to clearly indicate positions of respective provinces. This would indicate each provinces stand on what they thought of legislative powers to be established, thus in a way, showing their voice with regards to the matter.

State Powers List and Provinces' Positions

List 2 was significantly increased, from four (4) subject matters to sixteen (16) for the amended Draft Constitution. These were based on Common Provincial positions, however Western province indicated its overlapping powers list & that its list was agreed on to be taken to the Provincial feedback as well.

List 3 was not amended, as most provinces wanted this list deleted. However, the Plenary took into consideration Rennell Bellona, Central & Guadalcanal provinces' positions to maintain Concurrent Powers.

It is anticipated that the topic of State Powers will be clearer after the Provincial feedback; & the general expectation is that this issue will be sorted out in the second Joint Plenary this year. 

THIS QUARTER'S CALENDAR

DECEMBER 1 CC & EPAC Executive met with CRU to discuss the Provincial Feedback, with the suggestion that feedback would possibly be unable to commence in December as earlier anticipated, due to financial constraints emerging from the Global Financial downturn.

DECEMBER 4 CC/EPAC Executive & CRU Senior Officers met with the Prime Minister to discuss the constraints that would possibly impede the start of the Provincial Feedback for 2009.

DECEMBER 7 Liaison started between CRU, Office of the Prime Minister and Cabinet, & Ministry of Finance & Treasury on the financial status of the Constitutional Reform Programme.

JANUARY 7 CRU hosted farewell dinner for Dr. Frederick Isom Rohorua, now former Permanent Secretary of CRU.

JANUARY 18 Choiseul Provincial Nominees hold Provincial Feedback meeting for one week at Provincial Headquarter in Taro.

FEBRUARY 8 Makira/Ulawa Provincial Nominees hold a week's feedback meeting at Kirakira Provincial headquarter.

FEBRUARY 8 Guadalcanal Provincial Nominees hold first meeting in Honiara.

FEBRUARY 9 Isabel Provincial Nominees hold first series of meetings in Isabel province.

MARCH 9 Malaita Provincial Nominees begin feedback a week's meeting at Auki.

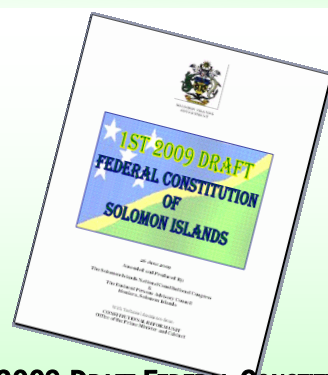
MARCH 14 Isabel Provincial Nominees hold second series of meetings in Bugotu, Hograno and Katova Districts.

MARCH 29 CC & EPAC Executive meet with CRU Senior officers to discuss 2010 Work-plan timeline.

RECENTLY PUBLISHED



REFORM NEWS
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1ST 2009 DRAFT FEDERAL CONSTITUTION OF SOLOMON ISLANDS
Constitutional Reform Unit, July 2009

For more information:

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BRIEF PROFILES OF CONSTITUTIONAL CONGRESS MEMBERS

Name: CATHERINE ADIFAKA

Membership: MEMBER OF CONGRESS

Representation: NOMINEE FOR HONIARA CITY

Current work: MEMBER, NATIONAL COUNCIL OF WOMEN (NCW) EXECUTIVE

Fields of Expertise: ADMINISTRATION



Name: FR. JOHN GERA

Membership: MEMBER OF CONGRESS

Representation: NOMINEE REPRESENTING MALAITA PROVINCE

Current work: ANGLICAN PRIEST

Fields of Expertise: POLITICS/ THEOLOGY



Name: ABRAHAM BAEANISIA

Membership: MEMBER OF CONGRESS

Representation: NOMINEE REPRESENTING NON-GOVERNMENT ORGANIZATIONS

Current work: S.I.D.T

Fields of Expertise: COMMUNITY GOVERNANCE



Name: JOSEPH HUTA

Membership: VICE CHAIRMAN OF CONGRESS

Representation: NOMINEE & TEAM LEADER FOR HONIARA CITY

Current work: PRIVATE CONSULTANT

Fields of Expertise: HISTORY & POLITICS/ EDUCATION/ MANAGEMENT



Name: JACK FAGA

Membership: MEMBER OF CONGRESS

Representation: NOMINEE & TEAM LEADER REPRESENTING MAKIRA/ULAWA

Current work: MAKIRA/ULAWA PROVINCIAL AUTHORITY

Fields of Expertise: LAW



Name: HILDA KARI

Membership: MEMBER OF CONGRESS

Representation: NOMINEE REPRESENTING GUADALCANAL PROVINCE

Current work: SELF-EMPLOYED

Fields of Expertise: PERSONNEL ADMINISTRATION



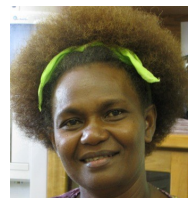
Name: JUDITH FANGALASU

Membership: MEMBER OF CONGRESS

Representation: : NOMINEE REPRESENTING CHURCH ORGANIZATIONS

Current work: SHORT-TERM CONTRACTS

Fields of Expertise: ADMINISTRATION/MANAGEMENT



Name: HUDSON G. KWALEA

Membership: MEMBER OF CONGRESS

Representation: NOMINEE & TEAM LEADER FOR MALAITA PROVINCE

Current work: PRIVATE CONSULTANT

Fields of Expertise: HISTORY & POLITICS/ LIBRARY SCIENCE & RESEARCH/ STRATEGIC MANAGEMENT



Name: PHYLLISCA FATE

Membership: MEMBER OF CONGRESS

Representation: NOMINEE REPRESENTING YOUTHS

Current work: TRANSLATOR OF PRAYER BOOK FOR HOGGRANO DISTRICT, ISABEL DIOCESE (COM)

Fields of Expertise: YOUTH ISSUES/ HEALTH



Name: SIR JOHN INI LAPLI

Membership: MEMBER OF CONGRESS

Representation: NOMINEE & TEAM LEADER FOR TEMOTU PROVINCE

Current work:

Fields of Expertise: MEDIA/ POLITICS/ THEOLOGY



To be continued on Next issue

BRIEF PROFILES OF EMINENT PERSONS ADVISORY COUNCIL MEMBERS

Name: SIR BADDELLEY DEVESI

Membership: MEMBER OF EPAC

Current work: SELF-EMPLOYED

Field of Expertise: EDUCATION / ADMINISTRATION / POLITICS



Name: SIR GEORGE LEPPING

Membership: CHAIRMAN OF EPAC

Currently: CHIEF OF PIRUMERI VILLAGE & FAMOA COUNCIL OF CHIEFS MEMBER, SHORTLAND IS.

Field of Expertise: AGRICULTURE / ADMINISTRATION / POLITICS / TRADITIONAL GOVERNANCE



Name: COLLIN GAUWANE

Membership: MEMBER OF EPAC

Current work: SELF-EMPLOYED

Field of Expertise: EDUCATION / POLITICS



Name: HENRY MANUHEA

Membership: VICE CHAIRMAN OF EPAC

Currently: MEMBER OF LUANGINA TRADITIONAL LEADERS (ARIO TRIBE), & MALAITA OUTER-ISLANDS (MOI) TASK FORCE COMMITTEE IN HONIARA.

Field of Expertise: ADMINISTRATION / POLITICS



Name: DANIEL HO'OTA

Membership: MEMBER OF EPAC

Current work: SELF-EMPLOYED

Field of Expertise: PUBLIC & SOCIAL ADMINISTRATION



Name: RT. REV LAZARUS MUNAMUA

Membership: MEMBER OF EPAC

Currently: BISHOP OF ANGLICAN CHURCH

Field of Expertise: LABOR & INDUSTRIAL RELATIONS / ADMINISTRATION / THEOLOGY



Name: SABINO JERRY

Membership: MEMBER OF EPAC

Current work: PARAMOUNT CHIEF OF KOMUVAOLO VILLAGE, GUADALCANAL PROVINCE

Field of Expertise: POLITICS / TRADITIONAL & COMMUNITY GOVERNANCE



Name: DANNY PHILIP

Membership: MEMBER OF EPAC

Current work:

Field of Expertise: FINANCE / POLITICS



Name: JOSEPHINE KAMA

Membership: MEMBER OF EPAC

Current work:

Field of Expertise: ADMINISTRATION



Name: SIR MOSES PITAKAKA

Membership: MEMBER OF EPAC

Current work: SELF-EMPLOYED

Field of Expertise: ADMINISTRATION / POLITICS / TRADITIONAL GOVERNANCE



Name: SIR PETER KENILOREA

Membership: MEMBER OF EPAC

Current work: SPEAKER OF NATIONAL PARLIAMENT

Field of Expertise: EDUCATION / ADMINISTRATION / POLITICS



Please note that the experience of members are extensive, & these profiles haven't done justice to highlighting the extensive expertise of CC & EPAC Members. However, we hope that these brief information can give you some idea of CC & EPAC Members' work.

To be continued on Next issue



Solomon Islands Government

CONSTITUTIONAL REFORM UNIT

Address:
Constitutional Reform Unit
Office of the Prime Minister and Cabinet
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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 9 staff members that carry out administrative, media, legal and financial related undertakings for the Constitutional Reform Programme.

CRU is located 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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FREQUENTLY ASKED QUESTIONS

♦ What is the Constitutional Reform?

A change to the constitution of a country. In Solomon Islands' context, the change was done through popular/citizens' initiative.

♦ When did the Constitutional Reform Program start?

This reform started after the cessation of hostilities in October 2000 when suggestions were made for Statehood during the Townsville Peace Agreement and Buala Premiers' Conference in Isabel on November 2000. Through popular initiative, the initial focus was to strengthen the Provincial government system; However, after a review done by a Government-appointed taskforce, the focus shifted to reforming the Constitution.

This resulted to the appointment of a Constitutional Committee in 2001. With the assistance of United Nations Development

Programme (UNDP), the committee carried out a nation-wide public consultation in 2002-03, involving 150-village consultations and over 20,000 active participants. The Draft Federal Constitution of Solomon Islands was produced in 2004, and White Paper on the Reform of the Solomon Islands Constitution in 2005 for the current phase now taking place.

♦ What is the Constitutional Reform Process?

Constitutional Reform Process is the approach used to change the Constitution of Solomon Islands. In this process, various activities/programs take place to tackle issues, define and legitimize the change. In this case, the 2002-03 Consultations, 2008 Political Community identification, 2010 Provincial/Honiara Feedback, creation of various documents and reports from 2002 till present are all part of the process to Constitutional Reform in Solomon Islands.

♦ Is Constitutional Reform also the Law Reform?

No. Both Reform's operate separately, however these are both part of the Government's Reform Programs currently taking place in the country.

♦ What are the groups working in this Reform Program?

Constitutional Congress (CC) & Eminent Persons Advisory Council (EPAC). Both groups were appointed and mandated by the Government in August 2007 to carry out the task.

♦ What are the groups' role in this Reform?

Constitutional Congress is a body mandated by the Government to complete the task of the Constitutional Reform. Eminent Persons Advisory Council was also appointed by the Government and its main role is to check the work of Congress.