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CONSTITUTIONAL REFORM UNIT

# REFORM NEWS



Dr. Glynn Galo (right), Congress member and Pro-Vice Chancellor of Solomon Islands National University (SINU) receives Prof. Yash Ghai's books for the SINU collection. Presenting the books to Dr. Glynn are Prof. Yash (centre) and spouse Jill Cottrell Ghai (left) at Jina's Restaurant Conference, October 15 before they left the country. *Photo by Marilyn Maeta'a, CRU*

## PM wants a Constitution that accommodates diverse interests

By George Herming,  
Government Communications Unit (GCU)

Prime Minister Gordon Darcy Lilo has challenged a special meeting of provincial team leaders of the Constitutional Congress in Gizo, Western province on Monday 25<sup>th</sup> November to aim towards achieving a constitution that meets the expectations of the people.

He said it is important that the constitution is responsive to the needs of the people, as well as having regional and international credibility.

The ruling NCRA Government wants to enact a constitution that is relevant to the country and satisfactorily addresses the many socio-economic challenges that our country faces.

"We want a comprehensive home-grown constitution that accommodates all Solomon Islanders and effectively address their diverse interests," he said, "At this advance stage of the review, I expect all of you to proficiently identify the areas of concern and to

propose appropriate solutions."

As experienced prior to and ever since independence, Solomon Islanders have increasingly realized that the political order under the current constitution is based on the assumption that Solomon Islanders are a socially cohesive homogeneous society and one that can be centrally governed.

However, Mr. Lilo said the Independence Constitution, in the eyes of many Solo-

*Cont. on Page 6*



# Highlights of 2013 Activities



## Preparation phase

Constitutional Congress and Eminent Persons Advisory Council (EPAC) Joint Executive held two meetings on January 31<sup>st</sup> and March 1<sup>st</sup> 2013.

These meetings were mainly to plan the year's activities and the Reform Program's finality. **Story Issue 13**

## Draft's General Info

The **2013 Draft Federal Constitution of Solomon Islands** was passed by the 3<sup>rd</sup> Joint Plenary of CC & EPAC.

This Draft has a Preamble, 27 Chapters, and 9 Schedules.

## New RenBel Team Leader




**John M. Tuhaika** has been appointed Team leader of Rennell Bellona Congress team mid 2013 by the Rennell Bellona Provincial Government.

Mr. Tuhaika is not a new face to the Constitutional Reform Program, he was previously Permanent Secretary (Special Duties) to Constitutional Reform Unit from 2007-2009.

He was also PS of the Ministry of Provincial Government and Institution Strengthening that was involved in the State Government Taskforce and the team that formulated the first draft text of the Federal Constitution in 2004.

Mr. Tuhaika was also in the team that implemented the Constitutional Reform Program after Parliament passed the White Paper on the Reform of the Solomon Islands Constitution, and a Cabinet mandate was made.

He was appointed after the sad passing of the late Fr. Francis Tau-pongi former team leader Rennell Bellona Congress early 2013. 



## CRP presented to Premiers

PS/CRU Ronald Unusi presented the "Development of the Draft Federal Constitution of Solomon Islands" to Premiers' Conference in Gizo, June 2013.


His presentation reported the current stage the Reform and the final phase's progress. **Story Issue 14**

## Experts Identified



**Information about experts to be involved in auditing and drafting the Draft Federal Constitution was finally revealed in a Constitutional Congress & Eminent Persons Advisory Council (EPAC) Joint Executive meeting on August 12, 2013.**

PS/CRU Ronald Unusi informed the Joint Executive on this. The effort put into getting the audit and drafting experts was welcomed with gratitude.

The Joint Executive was informed that the experts to audit the Draft (Prof. Yash Ghai and Prof. Ronald Watts) would be in Honiara from early to mid October 2013. 



## State Boundaries check

CRU Consultant Lawyer Reginald Teutao and PS Ronald Unusi met with Dr. Transform Aquorau for a second opinion on the State Maritime Boundaries.

This brief meeting together with Dr. Aqorau's paper on the subject was necessitated after Mr. Teutao expressed the need for a second legal/expert opinion on the issue.



Members of the Joint CC & EPAC Executive and CRU officers during March 1st 2013 discussed the six issues raised by CRU Consultant Lawyer that needed second legal/expert opinion.





# Highlights of 2013 Activities



## 3rd Plenary starts



Third Joint Plenary of Congress and EPAC gets off to a good start with most members in attendance and a steady participation.

The 3<sup>rd</sup> Joint Plenary reviewed the 2011 Draft in light of the 2012 Provincial/Honiara City Conventions reports.

Though the Joint Plenary was delayed from September 23, it was later held from October 14 to November 8, 2013 at Jina's Restaurant Conference facility in Honiara.



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## Audit Experts in Honiara

Experts auditing the current 2011 Draft Federal Constitution arrived in Honiara early October.

Prof. Yash Ghai and Prof. Ronald Watts met with the Joint Executive members and CC Provincial team leaders briefly before the start of 3<sup>rd</sup> Joint Plenary on October 14, 2013. *Story Issue 15*

## Experts audit Draft

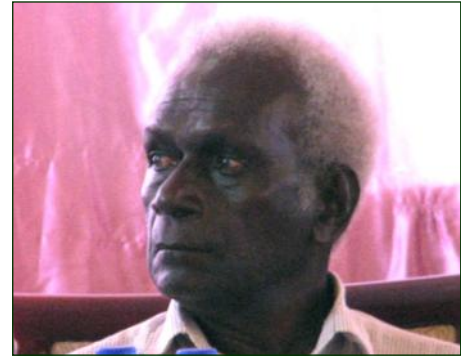


After two weeks in Honiara, experts auditing the Draft Federal Constitution were able to collate the information readily available on the Constitutional Reform and start the auditing.

Prof. Yash Ghai and Prof. Ronald Watts were also present during the first two days' of the 3<sup>rd</sup> Joint Plenary session to give expert observation on federalism; this Constitution's development; and answer questions from Plenary members on issues within the Federal Constitution that needed to be advised on.

To date, they have completed auditing the 2011 Draft and 2013 Draft. Their two audit reports are currently with CRU.

## EPAC gets new member



Eminent Persons Advisory Council (EPAC) gets a new member, Jason Dorovolomo of Choiseul Province, bringing it to 17 in its membership.

Mr. Dorovolomo was one of the pioneering politicians that helped usher in Independence for Solomon Islands in the late 1970s; thus he is familiar with the country's first constitution making, and so far has contributed to discussions in relation to this in the 3<sup>rd</sup> Joint Plenary.

He replaces former EPAC member, late Sir Moses Pitakaka, and will be assisting Choiseul Congress team during the Reform's final phase.

## Team leaders meet

Constitutional Congress Provincial team leaders, including Honiara City held a meeting in Gizo, Western Province from 25 November to 6 December, 2013.

The meeting was purposely to tidy up the 2013 Draft Federal Constitution to be presentable. The 2013 Draft was later sent to the Draft's auditors.





# Reform in Pictures

## Recap of 2013 in snapshots

Photos by Marilyn Maeta'a/CRU



Jack Faga (Makira/Ulawa Congress Member).



From left: Thornely Hite, Charles Levo and Patt R. Loe (members of the Western Congress team).



From left: Johnson Levela (Team leader Temotu) and Artaban Tropa (EPAC member) contributing Temotu's input into the Draft during the 3rd Joint Plenary.



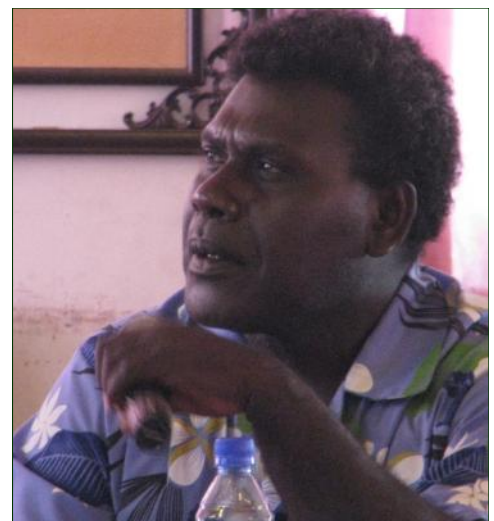
From right to far left: Central Islands, Isabel and Western Provinces Congress members during the 3rd Joint Plenary.



Jason Dorovolomo (EPAC Member) talks about the 1978 independence constitution.



John M. Tuhaika (team leader Rennell Bellona) contributes to discussions on Draft.



Simmy Vazarabatu (team leader Choiseul) contributes his province's input on the Draft.





# Recap of 2013 in snapshots



Sir George Lepping (Chairman EPAC) during Joint Executive meeting on March 1<sup>st</sup>.



Warren Paia, team leader (centre) & Western delegation during 3<sup>rd</sup> Joint Plenary.



Joseph Huta, team leader HCC (right) speaks during Joint CC & EPAC Executive March 1<sup>st</sup>.



CRU lawyer Reginald Teutao speaks during Joint Executive meeting.



Paul Tovua (EPAC member) contributing to discussions during Plenary



From left: Makira/Ulawa, Temotu, Honiara and Malaita CC members.



Members of the 3<sup>rd</sup> Joint CC/EPAC Plenary in October.



From left: Phylisca F. Rihumana (Youth Rep), Ellen Salopuka (Temotu CC member), and Catherine Adifaka (Honiara CC member) during the 3rd Joint Plenary.

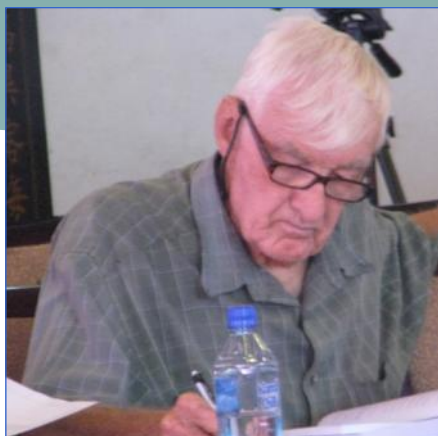


Leah Zoloveke assisting Hazel Lulei in taking Minutes of the 3rd Joint Plenary in October.



Catherine Pule (team leader CIP) during 3rd Joint Plenary.

# TRIBUTE TO TWO EPAC MEMBERS



**Late Dr. John Roughan during the 3rd Joint Plenary on October 2013.**

Late Dr. Roughan was a member of the Eminent Persons Advisory Council (EPAC). He was nominated in 2007 to represent the Non-Government Organizations (NGO) in EPAC.

The Constitutional Reform Program has lost two valuable contributors to the Reform this year.

They are late Dr. John Roughan (October 2013) and late Vainga Tion (December 2013), both were members of the Eminent Persons Advisory Council (EPAC).

They were outspoken in their participation during meetings of the Constitutional Reform, and have both contributed much to the work of EPAC, through the wisdom they've shared on various aspects of the Federal Constitution.

Their passing has left a vacuum not only in the membership, but in the voices of the minority groups and communities, which they represent in the Reform Program.



**Late Vainga Tion during the 3rd Joint Plenary on October 2013.**

Late Vainga was a member of the Eminent Persons Advisory Council (EPAC) and also represented EPAC in the Joint Executive of CC & EPAC. He was nominated to represent minority groups (Kiribati community) in 2007 when Constitutional Reform started.

## PM wants a Constitution that accommodates diverse interests

*Cont. from Page 1*

mon Islanders today, does not accommodate local values and structural realities.

"In fact it has made redundant the political identities of Solomon Island Communities – tribal nations – which are the most relevant and legitimate institutions in our people's lives, which led to a former Prime Minister Solomon Mamaloni to write that Solomon Islands was a nation conceived but never born," Mr. Lilo said.

The Prime Minister added that the NCRA Government believes that the most critical issue is to bring about political reform, to rectify the perceived political and economic imbalances and ensure there is state unity.

He said that various reviews of the independent constitution since independence all agreed on creating a federation for Solomon Islands in

substitution of the unitary model, inherited during independence.

"This was evident that three consecutive Governments have maintained a strong commitment to the vision to ensure the constitutional process be a transformative exercise in the reconfiguration of the Solomon Islands State," he said.

Prime Minister Lilo said in supporting this exercise, the NCRA Government has demonstrated this in the strong budgetary support given to the Constitutional Reform Unit (CRU) to ensure the Constitutional Congress and the Eminent Persons Advisory Council have the financial resources.


"We have also supported the important task of finalizing the draft text of the Federal Constitution of Solomon Islands, which was mandated to the two technical committees by the Cabinet," he said.

"As some of you are aware of, the

Government has engaged the services of two Constitutional experts and a legal draftsman to audit the current working text and advice Congress in its deliberations," he said.

Mr. Lilo said it is anticipated that one of the experts will be present to guide the National Convention in the bargaining of the text that will lead to the final output of the Reform Process.

He added the experts are expected under their Terms of References (ToR) to provide clear explanation of the entire text to the Attorney General and Cabinet to assist them in their deliberations on the document as well as during the parliamentary process to promulgate the bill into law.

"The outcome from the National Convention will be later endorsed by the Congress before it is delivered to the Cabinet by early next year," he said. 



# Information on the 2011 Draft Federal Constitution

## Changes in the 2011 Draft Federal Constitution

In Issue 15, we summarized changes in the 2011 Draft Federal Constitution from Chapter 11–24. These were changes made during the 2011 Provincial/Honiara City Feedbacks on the 1<sup>st</sup> 2009 Draft Federal Constitution, and thus became the 2011 Draft.

*Continued from Issue 15*

### Chapter Twenty-five


Chapter on **Miscellaneous Federal Powers and Responsibilities** has 3 of its clauses renumbered due changes to clauses before this chapter, Clause 276 *International*

*Agreements* was also revised.

### Chapter Twenty-six

Chapter on **Amendment of Constitution** has its only clause, 277 *Alteration of the Constitution* renumbered and a minor change done to it.

### Chapter Twenty-seven

Chapter on **General Provisions** has its 6 clauses renumbered, and Clause 279 *Definitions* has some changes and additions to terms in the glossary. Clause 283 *Referendum* was also revised. 

### Schedule One

Schedule entitled **Election of the President of the Republic** has minor changes done to all the 11 clauses of this Schedule.

### Schedule Two

Schedule entitled **Forms of Oaths and Affirmations** has no changes done to the 3 clauses in it.

### Schedule Three

Schedule entitled **Entitlements of Members of the Federal Parliament** has minor changes done to its 3 clauses.

### Schedule Four

Schedule entitled **Boundaries of the States** has no changes made as it retained what was agreed to for the 1<sup>st</sup> 2009 Draft Federal Constitution, indicating the technical reports on the concept of State Boundaries

### Schedule Five

Schedule entitled **Federal and State Legislative Powers**, has changes made to titles for **List II State Powers for States of Choiseul, Western Solomons, Isabel, Central Islands, Guadalcanal, Malaita, Rennell/Bellona, Makira/Ulawa and Te-**

*motu*; and **List III State Powers held in trust by the Federal Government for States of Choiseul, Isabel, Central Islands, Guadalcanal, Malaita, Rennell/Bellona, Makira/Ulawa and Temotu. There was a new list added, which is **List IV** titled *Community Government Powers* and the text from the amended Clause 161 *Legislative Powers of the Community Governments* in Chapter 13 **Community Governments** was moved here.**

### Schedule Six

Schedule entitled **Revenue Sharing Formula** has changes made in **Part I** newly titled *Natural Resource Revenues* and the text from the amended Clause 176 *Sharing of all natural resource revenues* was moved here; **Part II** was renamed *Federal Tax Revenues* and text from the new Clause 177 *Sharing of Federal Tax Revenues* was inserted here; **Part III** *Review and Amendment* got the text from the new Clause 178 *Review and Amendments of the Sharing Ratios* put here.

### Schedule Seven

Schedule entitled **State Constitutions** has minor changes done to its 3 clauses.


### Schedule Eight

Schedule entitled **Transitional and Saving Provisions** has minor changes done to 9 out of its 23 clauses.

### Schedule Nine

This is a new Schedule entitled **Tax Revenue Sources**, which has **Part I** *Federal Government Tax Revenues* from Clause 137 text; **Part II** *State Government Tax Revenues* from Clause 164 text; and **Part III** *Community Governments Tax Revenues* from Clause 162 text.

### Schedule Ten

This is a new Schedule entitled **Election of the Prime Minister**, which has text from Clause 118 (1) inserted here. 

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



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

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

**Issue 15: Updates on the Third Joint Plenary of CC & EPAC, and audit of Draft Federal Constitution.**

**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**  
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