



REFORM NEWS

PUBLIC VIEWS ON 2011 DRAFT VITAL



Chairlady of Congress Mrs. Jenny Tuhaika addressing the Joint Constitutional Congress and EPAC Plenary in August 2011 at Red Mansion Conference room. Photo: Marilyn Maeta'a, CRU

According to the Constitutional Reform's work plan, the Provincial/Honiara City Conventions during the first quarter of 2012 will be the final time for the public throughout the country to comment on the draft Federal Constitution of Solomon Islands.

In an update interview in August with CRU Media, Chairlady of Constitutional Congress Mrs.

Jenny Tuhaika made this comment to emphasize the importance of final public input on the draft.

"These conventions will take at least two weeks, and I would like to stress here that this will be the final opportunity for the Provinces and Honiara City Council to have their input or to include any issues of concern or importance to them in this draft constitution," Mrs. Tuhaika said.

In light of the Reform's activity the 2nd Joint Constitutional Congress and Eminent Persons Advisory Council (EPAC) Plenary reviewed the 1st 2009 Draft Federal Constitution contents after a Provin-

cial/Honiara City feedback in 2010 at the Red Mansion Comfort Inn Conference Room from August to September this year, and is expected to come up with the 2011 draft Federal Constitution by the end of the plenary in September.

The 2011 draft will be used during the Provincial and Honiara City Conventions to get final comments on it before it goes through its first professional drafting in mid 2012.

The Constitutional Reform Unit, with the approval from the Joint Constitutional Congress and EPAC Executive Commit-

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Finance briefs Team leaders on financial responsibilities



Assistant Accountant General Mr. Denty Tuke and colleague Mr. Allen Ziuna during the one-hour briefing for team leaders.

Staff members of the Ministry of Finance Imprest Section have briefed Constitutional Congress' Provincial and HCC team leaders on the purpose and proper use of Standing Imprests during the course of Constitutional Reform consultations.

On Day One of the Team Leaders' Workshop 11th July 2011 at the Pacific Casino Hotel Conference room, team leaders were made aware of


the financial processes with regards to Standing Imprest arrangement that they have been using for their work around the provinces and Honiara City.

Mr. Denty Tuke, Assistant Accountant General clarified to the team leaders about the Standing Imprests' acquittal processes according to Solomon Islands Government Financial Instructions; while Mr. Allen Ziuna informed the workshop that

under the Constitutional Reform Account there are 10 Standing Imprests approved to operate for the Reform program.

This one-hour briefing session on financial responsibility of the Provincial/HCC teams with regards to expending funds during the Constitutional Reform Program was facilitated by Constitutional Reform Unit, to assist teams and in particular Imprest Holders to be aware of the requirements and their responsibility on finance when setting out to complete Constitutional Reform tasks.

Team leaders expressed their gratitude to the clarification and clear explanations from the Ministry of Finance staff.


A second date was set for early August for these staff to do another 1 to 2 hour briefing with team leaders and Imprest Holders of each province on how to do proper acquittals for funds used during the Constitutional Reform program. 

PUBLIC SAY ON 2011 DRAFT

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tee and the Prime Minister, has prepared a work plan/timeline that the Constitutional Congress and EPAC will use to work towards the completion phase.

On the overview for the main events after the Provincial Conventions, will be a third Joint Plenary, a National Convention where important stakeholders nationwide would bargain for the new political order in Solomon Islands; and two professional drafting before and after the National Convention.

It is projected that 2012 will be the busiest year for the Constitutional Reform Program as it will be winding down to hand over final contents of the proposed federal constitution by December 2012 to the Prime Minister and eventually to Cabinet. 

TEAM LEADERS SUCCESSFULLY COMPLETE WORKSHOP

Constitutional Congress' Team Leaders have come up with a report on findings of the Provincial/Honiara City Feedback outlining each region's considerations on each clause of the 2009 version of the Draft Federal Constitution.


The ten-day Team Leaders' Workshop concluded 22nd July 2011 with each province and Honiara City putting in their respective provincial positions into a tabled form of report called the Matrix "Consolidating Provinces and Honiara City's Positions on the 1st 2009 Draft Federal Constitution of Solomon Islands".

Each province's positions varied on some issues, which included the Preamble, Federal Powers, State Powers, Concurrent Powers and

the Federal Parliament.

Although this was the case, the team leaders agreed that this was not the time to debate the issues, rather that the substance should be left for Congress & Eminent Persons Advisory Council (EPAC) second Plenary to debate jointly later on in August.

It is expected that this report will give the Joint Plenary a clearer guide when going through the Draft Federal Constitution, taking into account all the views of the provinces on important subject matters.

After production, this Matrix report will be distributed to all members of Congress and EPAC to read through for the weeks approaching the 2nd Joint Plenary in August. 

Determining the direction of the Solomon Islands Constitution

For a long time provinces not in favor with the current West Minister system of government made emphasis on having a “State Government” system, resulting to the current constitutional reform trying to address this proposition.

Since the Buala Premiers’ Conference in 2000, the country has embarked on finding a solution to prevent any crisis that would threaten the peace of Solomon Islands again.

The Premiers’ Communiqué indicated such vigorous dialogue, done under stressful circumstances.

It was a time faced with reflections on how the current governing system has been running since independence; the Provinces’ political will was sang out loud and clear—more regional autonomy and control over resources.


Looking back at those day, one can’t help but wonder how much longer will it take before these wishes, demands and political aspirations would come into effect. Countless

reviews and government policies after 2000 had an indicative direction, setting the road map back to the emphasis on a Federal Government system.

A road map that can be traced back to the beginnings of an independent Solomon Islands in 1979 when the former Guadalcanal parliamentarian Late Sethuel Kelly’s “State Government” bill was announced in the media but later withdrawn.

All past reviews resulted in a 2004 Draft Federal Constitution, a White Paper in 2005 on reforming the Solomon Islands Constitution, and a Constitutional Reform Programme, which started in 2007.

After the turn of a decade since the Premiers’ Communiqué, much has happened.

Yet as the reform advances to completion, one of the most fundamental points for one to remember is the insecurity this nation faced, and how it can best avoid any major crisis such as that from 1998 till 2003, through lasting solutions. 

Revenue-generating Ministries present revenues made in Solomon Islands

Revenue-generating Ministries were called on by the Joint Plenary of Constitutional Congress and Eminent Persons Advisory Council (EPAC) to make presentations about the revenue Solomon islands is making.


In the last two weeks of September, Divisions within Tourism, Finance, Commerce, Fisheries, Forestry, State-owned Enterprise Ports Authority gave revenue information to the Joint Plenary to understand Revenue generation when discussing Federal Revenue and Sharing.

There were positive notes from the presenters about the amount of revenue being made through natural resources, services and goods from Solomon Islands. They also acknowledged a range of challenges faced in revenue collection.

Inland Revenue Division in the Ministry of Finance, the heart of revenue collection in the country was particular about a centralized collection system. It noted that having different revenue collection locations in the country would be expensive. Even the current system is complex as it is.

Renbel feedback update


Rennell Bellona team has successfully completed the Bellona sector feedback with CRU’s Consultant Lawyer Mr. Reginald Teutao.

The feedback took place from 25 to 28 July on Bellona Island. Lengthy discussions were on the Constitution’s Preamble; Customary land; Federal Parliament; State Government; Legal system; and the Revenue Sharing formula. 

Honiara City boundary




Honiara City Council Executive have met with the HCC Congress team over the continual City boundary discussions.

On July 28 both parties discussed about further dialogue with the Guadalcanal Congress team and Provincial Executive on outstanding issues from the proposed State Maritime Boundaries and Special Areas meeting. 

This clarification was not according to the much discussed topic in the feedback, in which recommendations were made for States to collect revenue from their own resources.

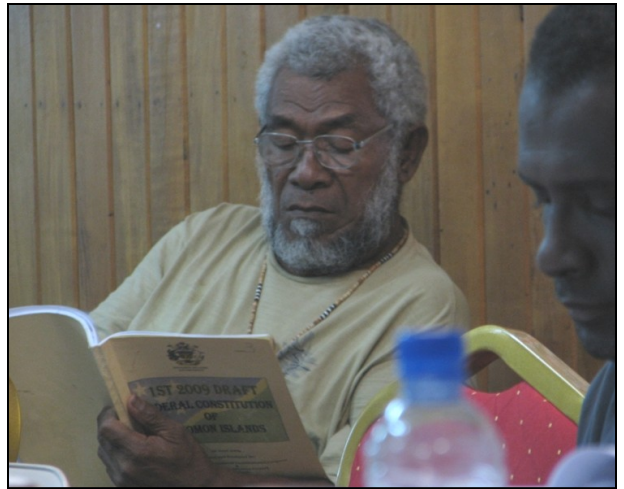
Though some information were not divulged due to confidentiality, the members got a fair idea about the kinds of revenue generated, and how much is made yearly from these different sectors.

It is anticipated that these will be used during the Provincial and Honiara City conventions when talking about revenue sharing. 

Reform in Pictures



Members of the Joint CC/EPAC Plenary reviewing the 2009 Draft Federal Constitution at Red Mansion Conference room.



Bp. Lazarus Munamua (EPAC Member from Temotu) looks through 2009 Draft during the review exercise.



Team leaders meeting at Pacific Casino conference room on 12 July 2011.



Team leader for Guadalcanal Paul Tovua during the meeting.



Top left: Chairlady Jenny Tuhaika chairing the team leaders workshop.



Right: Members of Joint Plenary in August.

Constitutional Reform Project members

Name: JOHNSON LEVELA

Membership: MEMBER CONSTITUTIONAL CONGRESS

Representation: TEAM LEADER FOR TEMOTU (REPLACING SIR JOHN INI LAPLI)

Current occupation: SELF-EMPLOYED

Fields of Expertise: POLITICS | ADMINISTRATION



Name: ELLEN SALOPUKA

Membership: MEMBER OF CONSTITUTIONAL CONGRESS

Representation: NOMINEE FOR TEMOTU (REPLACING ROSELYN LEMOBA)

Current occupation: ADMIN OFFICER (EXTENSION) FOR TEMOTU PROVINCIAL GOVERNMENT

Fields of Expertise: ADMINISTRATION



REVIEW TAKES MAJOR SHIFT IN DRAFT'S CONTENT

While reviewing the 2009 Draft, several parts of the constitution took a major shift, which to some was unforeseen while to others, it was a path of good judgment.

Major changes involved subject areas such as the composition of the Federal Parliament including the ten reserved seats for women; an alternative political Government system; the replacement of the Draft's fundamental Rights chapter with the current Independence Order's chapter on fundamental rights; appointments of constitutional post-holders; outlining the revenue sharing formula; and the exclusion of the Right to self-determination.

After forty-five days of Joint Plenary, the draft took on a drastic look of change with certain clauses in the constitution being deleted and others added. Respective of that all concepts were discussed and debated extensively, and the clauses were changed accordingly.

The provinces that were affected by changes indicated that they will take the Joint Plenary's position back to their respective provinces during the conventions to let them know of what was agreed to be included or taken out of the 2011 Draft.

Malaita province, for instance indi-



Fr. John Gereá (Malaita nominee) making a point during the review of the 2009 Draft at Red Mansion Conference room. Photo: Marilyn Maeta'a, CRU

cated its disappointment on the Joint Plenary's decision to do away with the clause on Right to self-determination, after the plenary had the view not to further fragment Solomon Islands. However, there was some comfort given by lawyers that it was an internationally recognized right, which could be dealt with on that level under certain conditions.

Some provinces in the meantime, were not so positive about the ten reserved seats for women concept. However they said that though this concept was retained in the draft

after much debate, they will take it back to their provincial conventions for feedback.

Though there were disappointments, the decisions were taken on by consensus for the final provincial and Honiara city input in the Draft Federal Constitution. It was anticipated that finality on the Draft as a whole will be from the conventions.

The second Joint CC & EPAC Plenary passed the latest revision as the 2011 Draft Federal Constitution of Solomon Islands.

CONGRESS GETS AWARENESS ON PACER PLUS



Pr. Robert Scollay making his presentation to the Joint Plenary, along with his colleagues Mr. Shivraj Bhatt and Dr. Chris Noonan on Friday 12 August.

In a two-hour session, the Joint Plenary of Constitutional Congress and Eminent Persons Advisory Council (EPAC) received awareness facilitated by the Ministry of Foreign Affairs and External Trade (MFAET), on the PACER-Plus Trade Agreement.

As part of the review exercise of the Draft Federal Constitution, the Joint Plenary requested consultation with the PACER-Plus team to have understanding on trade arrangements when discussing related aspects in the Draft Federal Constitution.

“The introduction of the Federal system of government doesn’t alter the obligations of Solomon Islands under international treaties”

The consultation, which was held at Red Mansion Conference room on Friday 12 August 2011, involved two presentations and Question-and-Answers sessions.

Professor Robert Scollay, Consultant to MFAET for PACER-Plus National Consultations, informed Plenary members that PACER-plus is a two-way trade agreement that gives duty-free market access between Australia, New


Zealand and the Pacific islands.

Professor Scollay also briefed the Plenary on various trade arrangements PACER-Plus is considering in its provisions to make Pacific island countries including Solomon Islands take full advantage of their market access. This would include goods trade, as well as services trade like labor mobility, education, health and telecommunications services, to name a few.

Dr. Chris Noonan, Chief Trade Adviser to the Forum Islands Countries on PACER-Plus, made a presentation on the implications of trade on the Federal Constitution for Solomon Islands. In view of the country’s choice to change to Federalism, he emphasized the current and existing obligation of Solomon Islands to international treaties, which also includes trade agreements.

“The introduction of the Federal system of government doesn’t alter the obligations of Solomon Islands under international treaties,” he said. In addition Dr. Noonan pointed out different aspects in the Draft Constitution that are potential trade issues that should be worth considering.

He elaborated on various issues such as cost and revenue implications; implementation of trade agreements; the scope of Federal and State jurisdiction, which might affect trade; and trade implications on human rights obligations.

The team that represented MFAET’s Department of Trade also included Mr. Barrett Salato (Acting Director), Dr. Julia Tijaja (Officer of the Chief Trade Adviser), Ms. Jenny Barile (Senior Trade Officer), Mr. Shivraj Bhatt (Technical adviser for Solomon Islands Integrated Framework for Trade-Related Technical Assistance), and Ms. Laura Norris (Trade Policy Analyst). 



Members of the Joint Plenary listening to presentations by Pacer-Plus consultation team.

Political representation for women through “Reserved seats”

By Marilyn Maeta'a

Staff Writer, Constitutional Reform Unit

Women in politics is quite often a global topic of debate, to the extent that it has become a topic of discussion in Solomon Islands.

Solomon Islands is predominantly a male-dominated society, which is overshadowed by practices of two cultural systems in its regions, the Patrilineal and Matrilineal.

This has in a way, created varied societal perceptions on women joining politics for a very long time in Solomon Islands, and with the latest talk of reserved seats for women in Parliament, the debate has become even more intense. In 2009, it was channeled higher up decision-making bodies through a concept paper designed by the Ministry of Women, Youth and Children Affairs. However was dropped by the Government Caucus in June 2010.

On the online news website Solomon Times, the Chairperson of Temporary Special Measures (TSM) Working Group Mrs. Ethel Sigimanu was quoted saying that despite this, the TSM working group met to consider “new strategies to lead their work in how best to get to the ten reserved seats”. Mrs. Sigimanu indicated that this was not the final try.

On the other hand, the then Special Secretary to the Prime Minister (now former), Mr. John Keniapisia said in the media that the mind of the government in 2010 was to have women joining political parties rather than having ten reserved seats that would in turn create “false hopes” for the country.

Constitutionally Debating It

While there is support for women in the political arena, many ask for justifications in the idea of reserved

seats. Even the Constitutional Reform was faced with debating whether or not to add it in the Draft Federal Constitution in its 2009 revision.

The debate still lingers with the recent Joint Plenary of Constitutional Congress and Eminent Persons Advisory Council (EPAC) debating the topic even as rigorously as it did in the 2009 Joint Plenary.

In light of these discussions for the draft, two dynamics of the debate are evident, (1) the aspect of gender balance in decision-making; and (2) the possibility that this would be unfair on parliament composition.

Clause 88 of the Draft holds this concept and the plenary debated whether it should remain as part of the constitution. At least two sessions were dedicated to this debate, with several Joint Plenary members arguing that some provincial feedbacks were in disagreement with this clause.


Though some feedbacks respected the idea, it was seen as unnecessary and contradicting cultural norms. Others had much debate between traditionalists and liberalists, but ended up accommodating the ten reserved seats idea with the intention that proper implementation criterion would be put in place.

On the same note, the Joint Plenary agreed by consensus to include this in the 2011 Draft in light of the proposed Federal Parliament composition.

Though it is unclear how long the debate on reserved seats will take before it is implemented, one thing is certain, political representation among women is lacking. However, in order to create representation at such levels, Solomon Islands societal perspectives must be taken into

consideration.

Accommodating women in political leadership can be hard to do in a male-dominated society and it can be even harder if women leaders don't mentor other women to excel or even try out their potentials.

In this case, both men and women should understand women's role political leadership, not only as a motherly or caring figure, but as a binding force that strengthens the ropes of leadership in this country based on merit. 

Thank You!

CRU wishes to sincerely thank the following persons for making their time available to present revenue information to the Joint CC & EPAC Plenary in September.

- 1) **Mr. William Barile (Ports Authority)**
- 2) **Ms. Savita Nandan and Ms. Rachel (Min. Tourism)**
- 3) **Mr. Derrick Aihari (Min. Commerce—Foreign Investment)**
- 4) **Mr. Robinson Gegeu (Labour Division)**
- 5) **Mr. Ronald Unusi (Min. Forestry)**
- 6) **Mr. James Teri and Mr. Joseph Atkin (Min. Fisheries)**
- 7) **Mr. Nathan Kama (Customs Division)**
- 8) **Mr. Andrew Minto & Mr. George Lapo (Inland Revenue Division)**



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 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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THE SECRETARIAT; INFORMATION ON THE CONSTITUTIONAL REFORM UNIT (CRU), 2010.

This Quarter's Calendar



Two-week Team leaders' Workshop commences to put together feedback findings.



Bellona feedback commences for 1 week, ends on 28 July.



Congress' Honiara City team meets HCC Executive on town boundary dialogue with Guadalcanal.



Second Joint CC & EPAC Plenary begins and runs for 2 months, ending on September 30th.

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.