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### **PRESENTATION PAPER**

**Topic:** *Constitutional Reforms in Solomon Islands: An analysis of public participation in the reform process.*

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**Abstract**

Solomon Islands is faced with a lot of problems associated with the lack of development, unemployment, crime and overburdened health and educational facilities. The system of government adopted on Independence failed to deliver what was expected of it. The Independence leaders believed that the Westminster (unitary) system of government was the ideal model for the country. This was opposed by a lot of Solomon Islanders who preferred the federal system of government with its promises of decentralization.

After thirty one years of independence the rural areas have seen no development at all; instead the urban centres continue to dominate development. As a result, rural dwellers migrate to the urban centres in search of employment, better health, lifestyle, and educational facilities, resulting in the rise of squatter settlements, crime, and unemployment. On the other hand, resource owners are concerned about the unfair distribution of earnings from their resources. A larger percentage is kept by the central government in the capital city and other urban centres.

The people through their provincial governments rallied for the adoption of a federal system of government. It is believed that the new system would deliver the much needed developments and better life for Solomon Islanders. Since 2000 the country had engaged in the process of constitutional reform, resulting in the first draft being released in 2004. The 2004 draft was then taken back to the people for further consultations. As a result of these consultations and deliberations by a constitutional congress, a second draft was released in August 2009. It is hoped that the people will continue to participate in this process and help steer the country beyond survival.

This paper will provide an analysis of the involvement of Solomon Islanders in this constitutional reform process.

**Title: *Constitutional Reforms in Solomon Islands: An analysis of public participation in the reform process.***

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## **Introduction**

Solomon Islands gained independence from the British in 1978 and adopted a Westminster style of government. There was opposition to this choice of government system, notably from the western part of Solomon Islands<sup>1</sup> as they felt that the Westminster system of government does not have the mechanics to serve the people of Solomon Islands. Almost 33 years after independence, the debate of which system of government is suitable for Solomon Islands is still alive. People still long for the day their respective islands will attain self-governance and make laws that may reflect well on their traditional and cultural beliefs and values.

This paper will provide an analysis of the involvement and participation of Solomon Islands in the constitutional reform process. Firstly the paper will address some of the failures of the Westminster system of government and the 1987 Constitution in Solomon Islands. Secondly, the paper will outline the possible benefits that a federal system of government will offer to Solomon Islands. Thirdly, the paper will look at the consultations and surveys that had been conducted in Solomon Islands and evaluate the participation of Solomon Islanders in these consultations. Finally the paper will look at some of the recommendations that the reform process need to address in order to further the participation of Solomon Islanders in the reform process.

## **Background Information**

Solomon Islands was declared a British Protectorate in 1893 and remained under British control until it gained independence in 1978. The country has a population of approximately half a million people; this figure is expected to rise after the 2009 general census. The people speak about sixty five different languages and maintain strong social ties within the clan, island or provincial groupings. Solomon Islands adopted the Westminster system of government, with a strong centralized government based in Honiara. Nine provincial governments were set up under the *Provincial Government Act (1981)* as second tier governments representing the interest of the central government in the provinces.

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<sup>1</sup> Western District which comprised the islands of Kolombangara, Velalavela, Simbo, Choiseul and the Shortland Islands.

The idea of a federal system of government for Solomon Islands is not a recent idea; it was raised by national leaders before Solomon Islands gained independence. Literature showed that the Westminster system was chosen over the federal system mainly because it was cheaper to administer and was compatible with the previous system used during the British colonial rule.<sup>2</sup>

This did not deter the continuous push for the federal system of government from Solomon Islanders. They continued to voice their wishes in public demonstrations,<sup>3</sup> petitions,<sup>4</sup> consultations and surveys conducted by the national Government over the years.<sup>5</sup> In 2000 the national government embarked on the constitutional reform process with the aim of drawing up a draft federal constitution for Solomon Islands. Consultations and surveys were carried out throughout the country, and the feedback was used to draw up the drafting instructions for the draft federal constitution. In late 2004 the first draft of the federal constitution was released and more consultations were carried to prompt feedback from the communities on how to further improve the draft. In 2008 a Constitutional Congress was established with the mandate to oversee the final stages of the draft federal constitution. In July 2009, after a joint plenary held by the Constitutional Congress and the Eminent Persons Advisory Council (EPAC), a second draft was published. At the moment the Constitutional Congress and respective provincial committees are working on the second draft by conducting further consultations and surveys in preparation for the next plenary meeting before the final draft of the federal constitution can be finalized.

### **Failures of the Westminster System and the 1987 Constitution**

The Constitution of Solomon Islands provides for the establishment of a second tier government called the provincial government. Under the Provincial government system certain powers were transferred to the provinces through the *Provincial Government Act (1981)*.<sup>6</sup> The provinces are expected to legislate or make by-laws for

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<sup>2</sup> Peter Kenilorea, *Tell it as it is*, 2008.

<sup>3</sup> The people from the Western District boycotted the 1978 independence celebrations in protest over the failure to adopt a federal system of government upon independence. In 1988 the Guadalcanal people held mass demonstration to express their desire for a state government system to protect what they considered as traditional rights that had been infringed by the influx of people from other islands on the lands.

<sup>4</sup> The Guadalcanal people also submitted petitions to consecutive governments in which they raised a number of claims, including the wish for the province to become a state.

<sup>5</sup> This include the findings of the *Provincial Government Review Committee (Kausimae Report – 1979)*, *Committee to Review the Provincial Government System (Lulei Report – 1986)*, *Constitutional Review Committee (Mamaloni Report – 1987)*, *Committee to Review the Provincial Government System (Tozaka Report – 1999)*, *Buala and Auki Communiqués (2000)*, *State Government Task Force Report (SGTF 2000)*, *UNDP Provincial Consultations (2003)*, *MPs Consultations (2005)*, and the *Constitutional Congress Consultations (2007 – 2010)*.

<sup>6</sup> The 1981 *Provincial Government Act* was replaced by the 1996 *Provincial Government Act* which was subsequently replaced by the 1997 *Provincial Government Act*.

their respective provincial boundaries. The provincial governments are subordinates of the central government who retains the ultimate power to make decisions and laws for the country.

The level of participation in Solomon Islands under the Westminster system is far from what was envisioned in the 1978 Independence Constitution. There is a huge gap between the promise of popular participation and the reality of participation. For instance, there are provisions in the Constitution that empowers Parliament to make laws for the integration of traditional leadership structures into the formal government system. This was never implemented or utilized. An attempt to integrate the traditional chiefs and elders into the provincial assemblies was heavily criticized and was aborted.

Furthermore, the current Westminster system of government still resembled the colonial system of government – it's just the personnel serving the system that changed. In other words, Solomon Islands remained subdued by a colonial mentality that needs to be changed. This was confirmed by renowned Pacific Constitutional law expert, Yash Ghai that the colonial bureaucratic system had "...stifled people's initiative, enthusiasm and induced a sense of dependency on the officials."<sup>7</sup> What he meant was that the system placed too much power on the central government and the public service rather than the people whom the public service was supposed to serve.

In Solomon Islands the Westminster system lacked the necessary ingredients for success in participation such as accessibility and ownership. At present, power is retained by the central government in Honiara. Government services are difficult to access by the majority of people in the rural areas. Solomon Islanders argued that decisions should be made by the people to whom the issues at stake are meaningful, easily understood and relevant. It was pointed out that the existing system of government should therefore be restructured, and power should be de-centralized, so that the energies and aspirations of people at the grass root level is utilized to contribute in promoting development.

A renowned researcher in provincial government systems in the Pacific, J Crawly, wrote in his "*Bureaucratic response to provincial governments*" paper delivered at University of Papua New Guinea (UPNG) in 1982 that with continuing assertiveness of many provincial governments and a weakening of the central bureaucracy's ability to control them, the centers dominance is declining.<sup>8</sup> He noted that with time, the

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<sup>7</sup>Ghai, Y., 1983, Constitutional Issues in transition to Independence. In R. Crocomber and A. Ahmed (eds), *Foreign Forces in Pacific Politics*, Institute of Pacific Studies, University of the South Pacific.

<sup>8</sup> Crawly, J., 1982, The Bureaucratic response to Provincial Government, Paper delivered at the Waigani Seminar, University of Papua New Guinea, 1982.

central government's control over provincial governments will subdue leaving provincial governments with more powers to run their own affairs.

This is not the case for Solomon Islands – with each passing year the control that the central government exerts on the provinces gets tighter. It should be remembered here that the provincial governments were established with great reluctance and in such a way as to enhance control from the center and to limit the powers of the provincial governments. This control is continued to be exercised by successive central governments in Solomon Islands by way of suspension of provincial governments or removal of various provincial government bodies. For example, in the past the Honiara City Council and the Rennell and Bellona Provincial government were dissolved by order of the Minister of Provincial Government on allegations of failure to hold assembly meetings and misappropriation of provincial funds.

Further still, in 1999 the Ulufa'alu led government (SIAC) suspended the area councils, a part of the provincial government system that was closer to the rural people. The *Provincial Government Act (1997)* of Solomon Islands provides for the establishment of a Provincial Assembly and Area Councils. The Provincial Assembly is made up of the elected members from the different wards. The elected members in turn elect the Premier. On the other hand, the area councils were the lowest level of government in the provincial government system of Solomon Islands. Area Councilors were elected by ward voters into the area councils, and they in turn elect an area council president who presides over the area council. The Area Council works together with the provincial governments in dealing with issues of relevance to their respective areas. The abolishment of the area councils meant that the national government's closest link to the rural communities has been terminated leaving a majority of Solomon Islanders not able to participate in the government policies.

### **Arguments for the federal system**

A lot of arguments were put forward by Solomon Islanders in support of the federal system of government. This paper will not look at all of them, but will only discuss the popular arguments.

Firstly, the Westminster (unitary) system of government is not fully supported by the traditional and cultural set-up in Solomon Islands. The country does not consist of a single group of people;<sup>9</sup> rather it contains a cluster of different island groupings, each with their different ideologies. For example, the concept of nationalism is not

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<sup>9</sup> Unlike the Polynesian and Micronesian societies, Solomon Islands (and its Melanesian neighbors) is a multicultural society made up of different people speaking different languages and dialects. This makes it very difficult to unite the people under one central government.

appreciated by the people; they have a greater sense of responsibility towards their kinfolk or *wantoks*<sup>10</sup> than to the country. These sentiments were equally shared by researchers who were of the view that local or state governments are better placed to handle localized problems due to these shared affinity, situational awareness and empathy for local issues and people than could arguably rendered at the central or federal government level.<sup>11</sup>

As a result Solomon Islanders rarely identify themselves as being ruled by any particular ruling government.<sup>12</sup> The federal system will ensure that the government remains close to the people and state governments feel that due to their accessibility, government services can be delivered better to the people and in particularly the small isolated states removed from the central government. A home grown state system would offer more suitable and relevant form of government structure as it would respect the different ethnic groups and distinct cultures within Solomon Islands

Secondly, the federal or state government system provides a barrier to the majority gaining dominance over the minority.<sup>13</sup> As seen in Solomon Islands, the unitary system failed to address the economic insecurity that Solomon Islanders faced, especially those provinces with a higher resource base. For example, in a submission made by the Western District of Solomon Islands during the 1979 *Provincial Government Review* it feared that without a form of government that could create a united nation through the respect that people have towards their regional differences the numerically weaker regions will be overrun by the numerically stronger ones. This is evident in the current distribution of financial allocations from the central government to the provinces.<sup>14</sup> People have been disgruntled that their resources have been exploited by the Central Government due to their dominance in decision making and the exercise of power. There is indication that although provincial governments have been an integral part of the polity of the Solomon Islands, in reality, powers to decide on political, financial, social, legislative and administrative issues still remained with the central government.

This further reflected the fear that certain regions have towards the ever increasing presence of Malaitans in the different regions or district. The federal system

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<sup>10</sup> The term can be loosely defined in Solomon Islands to refer to a person from the same clan, person who spoke the same language or someone from the same island. Later on when Solomon Islanders travel overseas, they use the term to refer to their fellow country men.

<sup>11</sup> Viliame Wilikilagi, *The feasibility of state governance in the Solomon Islands*, 2009.

<sup>12</sup> John Tuhaika, *Presentation on the Occasion of the Commonwealth Advanced Seminar*, 2005.

<sup>13</sup> Ian Scales, *Regional Politics in Solomon Islands*, 2001. Also see Viliame Wilikilagi, *The feasibility of state governance in the Solomon Islands*, 2009.

<sup>14</sup> Under the current economic distribution of funds, the province with the highest population gets the most, irrespective of whether it contributes more or less to the national budget in terms of investments.

provides the provinces the power to take control of issues such as migration and re-settlement in their regions. A similar sentiment was voiced by the people of Guadalcanal on independence in 1978 when a petition was given to the government. They demanded that other migrant Solomon Islanders respect the traditions and cultures of the host people.

Thirdly, it is argued that the federal or state system of government facilitates development of the nation in a fashion that is decentralized and focused at regional level. This creates the potential to assimilate new and innovative ways of managing socio-economic and political problems. For instance, the Deputy Premier of Western Province, Oliver Zapo argued that state government system will allow the provincial governments to make their own stand alone legislation that does not conflict with federal laws.<sup>15</sup> Furthermore it will empower the states to manage and shape their internal policy context that is responsive to the needs of their people. For example, identify the resources that are abundant in the province and focus on managing and utilizing them. As a result, the province will become partners in nation building through developing their internal infrastructures for roads, education, health and provisions of other public goods and services.

Finally, federal systems allow for diversity in law and policy making and protect the liberty and autonomy of those at state and local level. This will further provide for more levels of political participation facilitating pluralism and democratic governance.<sup>16</sup> This is very important when it comes to the implementation of policies that may relate to traditional leadership structures. Each state will be at liberty to make laws that would only affect that traditional leadership system that each state has. This is particularly important in the Solomon Islands as their history of political volatility coupled with the 2000 crisis has necessitated a new and innovative approach to their overall approach to issues of local governance and management.

### **Analysis of participation of Solomon Islanders in the reform process**

Numerous consultations and surveys were conducted in Solomon Islands since independence to date to find out the views of Solomon Islanders on the country's governance system. The majority of these reports indicated that Solomon Islanders were in favor of a federal system of government as compared to the continuation of the current Westminster system.

The first indication of Solomon Islanders participation in deciding the type of system of government was in 1977 when a *Special Committee on the Provincial Government*

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<sup>15</sup> Ian Scales, *Regional Politics in Solomon Islands*, 2001.

<sup>16</sup> Viliame Wilikilagi, *The feasibility of state governance in the Solomon Islands*, 2009.

or more popularly known as the *Kausimae Review Committee* was set up. The committee was given the mandate to devise a system of government that would assist the central government govern the young country. The Committee was given the opportunity to study the provincial government system adopted in neighboring Papua New Guinea. In its pursuit of a “cheap and easy to manage system,” the Committee failed to consider the “desire for local control by the island districts” that would increase their law making powers. As a result the Provincial Government system was designated as the best alternate government for the central government in Solomon Islands. However, this report does not refute the fact that the majority of Solomon Islanders were in favor of a federal system of government. This was based on the numerous submissions that were submitted to the committee from individuals and groups throughout the country.<sup>17</sup>

Despite the popular support for a federal government system, the Peter Kenilorea lead government opted for a provincial government system. A *Provincial Government Act* was passed in 1981 and immediately led to the establishment of provincial governments. The *Provincial Government Act* however made restrictions on the revenue earning capacity of the provinces. It further limits the powers of the provincial governments to make laws to improve their revenue earning base. This is an absolute contradiction to the promises made to the people during the *Kausimae Committee* consultations.

In 1986 another committee was set up to review the provincial government system. In its report *The Provincial Government Review*<sup>18</sup> unanimously recommended the federal system as an alternate for the provincial government system.<sup>19</sup> This recommendation was made based on the popular demand for the federal system of government by the general population they talked to during the review and consultations. The Review Committee pointed out that Solomon Islanders again reminded them that the provincial government system is inadequate to satisfy their wishes and aspirations. People raised historical and geographical factors, social structures, differences in languages and dialects, religion and imbalances in economic developments as key factors for the desire for a federal system of government. This recommendation was not seriously taken note of by the government at that time. The Government instead produced a *Provincial Government Review White Paper* in 1987, promising an evolution of the provincial government system which would result in a gradual decentralization of powers.

In 1987 a *Constitutional Review Committee (Mamaloni Report)* was formed with the purpose of reviewing the 1978 Independence Constitution and if possible made

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<sup>17</sup> John Tuhaika, Presentation on the Occasion of the Commonwealth Advanced Seminar, 2005.

<sup>18</sup> Sometimes referred to as the *Lulei Report (1986)* after it was chaired by the Honorable Dennis C. Lulei

<sup>19</sup> Ibid n.17

accommodations for the introduction of a state government system.<sup>20</sup> The Review Committee conducted consultations and surveys throughout the country as well as received submissions from individuals and groups. In its final report, the Committee unanimously recommended a federal system of government for Solomon Islands. This recommendation was made based on the continued call for a federal government system by the majority of Solomon Islanders. Again this report was not seriously considered by the Government and National Parliament.

In 2000 an ethnic disturbance led to armed confrontations between two island groupings and the eventual removal of the Bartholomew Ulufa'alu led government. It should be noted that the issue of state government was one of the demands presented by one of the warring groups that led to the eventual crisis.<sup>21</sup> They raised the same sentiments that were raised in the past during the numerous consultations; that people should have more say and control over their resources. This led to the Townsville Peace Agreement (2000) where the government committed itself to pursue the state government issue in return for peace and a return to normalcy to the country.

After the Townsville Agreement a Premiers Conference was convened at Buala on Isabel Province. The aim of the conference was to discuss issues of importance that arise as a result of the 2000. At the conference, all the premiers collectively approved the *Buala Communiqué* which calls for the introduction of the state government system for Solomon Islands. Since 2000 the Premiers continue to maintain their position on the federal system of government in the respective premiers' conference.<sup>22</sup> Besides these Premiers Conferences, provincial governments also submitted provincial papers outlining the position of the province on the state government system. For example, Western called a meeting of all its leaders in April 2000 and the outcome was submitted in the *Western Leaders Communiqué (2000)* in which the leaders urged the political leaders to prepare the province for statehood.

Also in 2000 a State Government Task Force (STGF) was commissioned to re-visit the findings and recommendations of the *Constitutional Review Committee* in 1987. The SGTF made a number of recommendations which *inter alia* include the adoption of the federal system of government and the removal of Her Majesty the Queen as the Head of State.<sup>23</sup> In order to achieve that, the 1978 Constitution needs to be

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<sup>20</sup> Ibid

<sup>21</sup> The Isatabu Freedom Movement (Representing people from Guadalcanl Province) presented numerous demands including the state government, compensation for government occupation of its lands, and compensation for lives of Guadalcanal people killed by people from neighboring island of Malaita.

<sup>22</sup> In the last *Premier Conference (2009)* held in Tulagi, Central Islands Province, the premiers reiterated their position and wish to see the government committed itself to ensure the draft federal constitution is completed soon.

<sup>23</sup> See Parliament Paper No.3 of 2002

amended or a new federal constitution be introduced. It was resolved that a new federal constitution should be drafted to avoid a massive amendment of the current 1978 Constitution.<sup>24</sup>The SGTF further outline the drafting instructions for the draft of the federal constitution.

In 2003 the national government secured funding from the United Nations Development Program (UNDP) for consultations in the provinces. These provincial consultations and surveys were conducted by personnel trained under the UNDP supported program. The aim of the consultations was to find out if there was any change in the perspective of Solomon Islanders on the issue of state government since the last nationwide consultation was held in 1987. The result of these provincial consultations showed that people wanted the introduction of state government system.<sup>25</sup> People want to see more powers given to them, and the state government system provides the best option to achieve that.

The outcome of the first UNDP provincial consultation was used in conjunction with the STGF report (2001) and the Socio-Economic Study (2001) to devise the drafting instructions for the draft federal constitution. In mid July 2003, the Overview Committee<sup>26</sup> required another consultation be made to verify the findings made in the first consultation and gauge people's views on the drafting instructions. The second consultation took about a month to be completed. Upon the completion of the consultations the final drafting instructions were then put together and submitted to the constitutional law experts to work on the first draft of the federal constitution.

In December 2004, after the launching of the first draft of the federal constitution, the national Government approved the disbursement of twenty thousand dollars (\$20,000 (SBD)) to each Member of Parliament to conduct further surveys on the draft federal constitution. The purpose of the MPs survey to their respective constituencies was to explain to their electorates the draft federal constitution and to report back to the government on the feedback from this survey to further improve the first draft of the federal constitution. Unpublished feedback from these MPs' surveys identified a trend that is now common with all the previous consultations; almost all the electorates were in support of the new proposed draft federal constitution. Only a few constituencies on Malaita Province showed some form of reservation. For example, on Fataleka Constituency and East Areare Constituency the people wanted to see the government concentrate its manpower

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<sup>24</sup> Ibid, n.17

<sup>25</sup> Ibid

<sup>26</sup> This is the Committee responsible for over viewing the process of finalizing the drafting instructions before being presented in Cabinet. The Overview Committee was made up of high government officials.

on economic recovery and development than on the constitutional reform process.<sup>27</sup> Others agreed with the proposed federal system of government, but would rather see a gradual move towards it than the current approach. Their reason was to ensure all provinces are fully prepared, in terms of infrastructure and man power, before they can be declared states.

Nevertheless, the message gathered during this consultation was that people want to see the government take further steps towards the removal of the system of government adopted after independence.

In December 2007 a Constitutional Congress was established by the Sikua led government. The objectives of the Congress were to:

- (a) Complete a final content of a new constitution,*
- (b) Prepare a detailed report setting out the reasoning for the content of the new constitution,*
- (c) Define Solomon Islands political community, and*
- (d) Recommend an appropriate ratification procedure to bring a new constitution into effect.*

According to these objectives, the Congress is purported to be in the final stage of the constitutional reform process. Alongside the completion of the draft federal constitution, the Congress was also given the mandate to engage with the Solomon Islands communities to recommend a procedure to bring the new constitution into effect.<sup>28</sup>

The Congress is composed of thirty two members, twenty of whom were nominated by the provinces and Honiara City.<sup>29</sup> The remainder was nominated by the national government with the inclusion of women and youth representatives. Furthermore, all nominations were gender balanced and represented a cross section of the communities. The Congress is assisted by an advisory body of elderly Solomon Islanders (EPAC) and experts.<sup>30</sup> The seniority of the membership of the EPAC is reflected in their status in society. For example, included in the Eminent persons advisory board were three former governor generals, a retired Anglican bishop, a number of former premiers, former members of parliament, a former speaker of parliament, and a traditional chief. The Congress and EPAC members were vested with the authority to debate and decide on the final content of the draft federal constitution.<sup>31</sup>

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<sup>27</sup> See the Reports of these constituencies for more on their position.

<sup>28</sup> CRU, 2008, Talking points, p.1

<sup>29</sup> See Appendix for full list of membership of the Constitutional Congress and the Eminent Persons Advisory Council

<sup>30</sup> Ibid

<sup>31</sup> See the Constitutional Congress White Paper, 2008.

In 2007 the Congress members began their consultations with their respective provinces in anticipation of the plenary meetings to debate the details of the draft federal constitution. The assumption was that these Congress members represent the views of the majority of people of their respective provinces. The CC members toured their respective provinces to seek the views of their respective people regarding the draft federal constitution. These consultative meetings were long and intensive compared to the surveys carried out for the 1987 constitutional reform and the UNDP surveys. The consultations mainly targeted the main central locations on the islands. For example, the Malaita CC team, lead by Hudson Kwalea held a week long conference in Auki with participants coming from various parts of the province.<sup>32</sup> The conference did not only cover issues relating to the draft constitution but also proposed laws that were considered important to the people of the province.

Furthermore this paper would like to point out here that these consultations were inclusive and participatory in nature. It is inclusive in the sense that it takes into consideration the views of all the different groupings in the communities. For example, youth and women representatives were included in the survey teams, the available reports showed that the views of youths and women were also collected during the surveys. In Malaita, an island known for its predominantly patrimonial system, Alice Pollard, a renowned Solomon Islands academic was included as part of the Constitutional Congress Team. Similarly, women and youth groups presented submissions before the Congress.

Church groups, traditional authorities and minority groups also participated in the constitutional reform process. The reports had shown church groups were consulted whenever parties toured the respective islands. Similarly, traditional groups played a role in voicing their views as well. For example, discussions were held with respective individual chiefs during the consultations to collect their personal views on the constitutional reform process. Another added bonus is the inclusion of the Guadalcanal Chief Savino Laugana.<sup>33</sup> The Constitutional Congress members of Guadalcanal took extra measures to consult members of the *Qaena-Alu* movement<sup>34</sup> about the draft federal constitution. This is good because it reached out to the traditional communities as well.

The findings of these surveys and reports showed a very high level of participation from Solomon Islanders in the constitutional reform process. In an interview with

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<sup>32</sup> See Report of Auki Visit, Malaita Province – 10<sup>th</sup> – 15<sup>th</sup> December 2007.

<sup>33</sup> He was nominated by the Central Government to be a member of the Constitutional Congress.

<sup>34</sup> In other literature publications this movement is referred to as the *Moro Movement*, using the name of the leader of the movement Pilesi Moro to describe it.

the outgoing Permanent Secretary of the Constitutional Reform Unit, Dr. Frederick Rohorua, he commented that from the outset people thought that the federal system of government is incomprehensible to the ordinary rural people.<sup>35</sup> However, by listening to their views and viewing the reports and findings it is crystal clear that the majority of Solomon Islanders prefer the federal system of government. This sum up the level of participation Solomon Islanders have in the constitutional reform process.

## **Recommendations**

Based on the above discussion, some recommendations that this paper would like to see implemented to gauge further participation in the constitutional reform process are provided here:

### **(1) Clarifying the parameters of the constitution making exercise**

There have been a number of misconceptions by readers and researchers that the parameters of the constitution making exercise were narrowly set and should be expanded to look at other possible options of governance as well. It was argued by Katy Le Roy that the consultations that were carried out were purposely to determine whether people were in support of the proposed federal system of government.<sup>36</sup> Its results were to be used as a yardstick to determine the support the proposed constitutional reforms have from the general population. These general misconceptions were raised possibly because of the lack of clarity in the parameters of the constitution making process. The process is generally referred to as the constitutional reform process in Solomon Islands, a generalization that would make readers assume that the constitutional reform process is all about finding possible alternative systems of governance for the country.

It should be noted that the call for a federal system of government in Solomon Islands has long been overdue. It is common knowledge amongst Solomon Islanders that the people want a federal system of government, supported by past survey results. The recent surveys were rightly directed, as the government was clear on what it wanted to hear from the people. In other words, the surveys can be considered as re-confirmation exercises in which the government sought to hear the views of the people and see if there has been some changes since the past surveys were carried. Thus to call for an expanded parameter for the current survey such as

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<sup>35</sup> Interview made with Dr. Frederick Rohorua, Permanent Secretary for the Constitutional Reform Unit in July 2009.

<sup>36</sup> Le Roy, K, 2008, Constitutional Renewal in the Solomon Islands: Public Participation in theory and practice, Unpublished Chapter of PHD thesis, University of Melbourne.

the UNDP survey is considered ignorant at the least of the consultative processes carried out in Solomon Islands on these issues since independence.

(2) Include the educated elites living and studying abroad in the consultations

Solomon Islanders living abroad should be encouraged by the CRU to participate in the constitutional reform process as well. It will be beneficial to the reform if such an opportunity is provided to Solomon Islanders who live or study abroad. With their level of education and experience, they will be able to shed more light on some of these constitutional and political issues facing Solomon Islands. Not only that, but some of these Solomon Islanders living abroad might be living in countries that operate under similar political systems such as the federal system of government, therefore they would be in a better position to inform Solomon Islanders about the operations of such system; which would be a plus besides the usual foreign expert advisors.

Also it is important to involve young Solomon Islanders studying abroad in the process to ensure they feel part of the process. It is logical that once this proposed federal system comes into play the most likely group of people that will implement it will be those who are now doing their studies;— and not necessarily the common folk consulted in the rural areas. Therefore it is important that Solomon Islands students are made part of the constitutional reform process to ensure they have a sense of ownership when implementing it in the future.

(3) Extending Consultations to the Internet discussion forums

The internet is one of the latest modern technologies to reach Solomon Islands, connecting people with relatives and *wantoks* through-out the world. Today a lot of interaction is carried out through a system that links people together. For instance, there are online discussion forums and online news outlets that are frequently visited by Solomon Islands. A lot of websites were set-up by Solomon Islanders or a group of Solomon Islanders to discuss issues of importance to them. Obviously, the constitutional reform process is a very important issue, and if properly planned should feature in all of these Solomon Islands-related web pages. The Constitutional Reform Unit (CRU) web page<sup>37</sup> does not provide an avenue for active engagement with the general population as provided by these websites run by Solomon Islands students or groups.

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<sup>37</sup> [www.sicr.gov.sb](http://www.sicr.gov.sb).

I wondered how much attention is given to these online discussions. For instance, local websites such as *PFnet*,<sup>38</sup> *tutuvatu*,<sup>39</sup> *TARD*,<sup>40</sup> *lifhaus*,<sup>41</sup> *Solomon Times*,<sup>42</sup> and numerous other students' blog sites<sup>43</sup> run numerous insightful open forums on issues in Solomon Islands including the constitutional reform process and the option of a federal system of government for the country. Most of the contributors in these forums are tertiary students, academics and Solomon Islanders working for regional and international bodies outside of the country. These forums provide a wealth of opinion by Solomon Islanders of the reform process, and it would be of great assistance to the process if attention is paid to these forums.

Also the CRU, as the body that oversees the final stages of the process, should seriously consider engaging in these forums to solicit the views of Solomon Islanders as part of the consultation process. Information should be distributed to these web or blog sites letting them know about the involvement of the CRU in their respective discussion forums. A dedicated person or team should be given the task of monitoring the web sites or blogs to engage in the forums by way of giving information or taking note of the views raised in these discussion forums.

## Conclusion

The constitutional reform process in Solomon Islands is timely and adequate for the country. The issue of a state government system for the country is long overdue. The naivety and the fear of change shown by the leaders had led to turmoil and turbulence, an experience the country would not afford to repeat. A change from the Westminster system to the federal system could be the positive route that would take the country beyond survival.

The reports and findings of the consultations and surveys showed that the popular support the call for a federal system of government is getting from the majority of Solomon Islanders. Furthermore, the constitutional reform process is not a recent happening, rather it is a long process that begun as early as the day the country gained independence from Britain. Thus, it is time the national leaders take the step beyond these uncharted waters and look beyond the survival of this young nation.

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<sup>38</sup> People Fastaem Network - a UNDP initiative that brings the internet network closer to people in the rural areas, giving them access to email and information.

<sup>39</sup> Website created by Guadalcanal intellectuals to discuss issues relating to Guadalcanal and Solomon Islands as a whole.

<sup>40</sup> Tobaita Authority for Research Development – A student oriented association that also runs a blog site for discussion of issues relating to Tobaita interest and Solomon Islands.

<sup>41</sup> Local social networking web pages run by Solomon Islands with active open forums.

<sup>42</sup> Local online newspaper outlet that also coordinates a active open discussion forum on issues of importance to Solomon Islands.

<sup>43</sup> *Avaiki* student webpage, *CMSA* blog site, *SMSA* blog site, etc