

Sustaining Peace in Solomon Islands through a New Constitution? Part 2: The Draft Constitution and Recent Discussions

Gordon Leua Nanau

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Introduction

This In Brief is the second in a series on the process of developing a new constitution in the Solomon Islands. It looks at recent dialogues and resolutions, and shows how some historical grievances are addressed in the draft constitution.

Common Demands and Aspirations

This document has serious potential for sustaining peace, security, and inclusive development at this critical time in Solomon Islands' history. Law and order was successfully restored by the Regional Assistance Mission to Solomon Islands, but the fundamental concerns posing greater risks to future security and stability may only be addressed through the adoption of a government system favoured by most citizens. Part 1 summarised the petitions, contests, government-sanctioned consultation reports, communiqués, and resolutions over the years. These show that Solomon Islanders generally aspire for a system that is able to provide the following safeguards:¹

- political and financial autonomy at both provincial and community levels to determine their own welfare and development
- customary land tenure and resources to be protected and used in ways that benefit resource owners and the nation-state
- a system that recognises and appreciates respective distinct cultures (including indigenous leadership) while promoting peaceful coexistence and the free movement of people
- a system that enhances citizen participation in decision-making on governance matters affecting them, as well as increasing the accountability of leaders.

Recent Dialogues and Resolutions

The various drafts of the proposed constitution since [2004](#) have attempted to address historical grievances and dissatisfactions with the current system² to ensure future stability and inclusive development. Up to the current ([Second 2014](#)) draft, the values, aspirations, and local realities of contemporary Solomon Islands are captured well in the 18 chapters, 249 sections and 14 schedules of the draft Constitution. It is fair to say that the Constitution Reform Unit, the Constitutional Con-

gress, and the Eminent Persons Advisory Council have worked tirelessly and diligently on the proposed constitution. Work is continuing after 17 years — an indication how important the process is for Solomon Islanders.

In November 2016, it was reported that all nine provinces had agreed the way forward for Solomon Islands is through the adoption of a new draft federal constitution (RNZ 2016). Choiseul leaders endorsed the draft in September 2015, together with the proposition to amend Section 61 of the [current constitution](#) to establish a Constituent Assembly (CRU 11/9/2016). The Assembly will include all members of parliament, members of all provincial assemblies, Honiara City, and representatives from civil society, and would be responsible for ratifying the new constitution. Similarly, Isabel leaders endorsed the draft earlier in July 2015, noting that successive provincial governments since 2007 have supported adopting a new constitution (CRU 3/7/2015). In July 2015, the Central Islands Province and leaders unanimously endorsed the draft constitution and the move away from the current provincial government system to a federal system (CRU 31/7/2015). Likewise, Rennell and Bellona leaders also endorsed the draft in July 2015 with the premier underlining that 'such popular endorsement demonstrates the continued support and endorsement of the people of Rennell Bellona for Federalism' (CRU 20/7/2015).

Malaita leaders endorsed the draft federal constitution in June 2015, acknowledging clear provisions for the empowerment of traditional leaders at the community level. The premier stressed to the leaders then that '[t]he choice we make for federalism comes with responsibility ... But the good thing about this is, the autonomy is ours, sovereignty is ours. So we should happily accept the responsibility and work that comes with it' (CRU 26/6/2015). Another Leaders Dialogue, held in Auki in November 2016, supported the federal constitution and strongly emphasised the need to safeguard customary land and resources from alienation (MPG 2016). Likewise, Guadalcanal leaders discussed and endorsed the draft constitution earlier, in June 2015. The Guadalcanal Dialogue and Leaders' Summit, in November 2016 endorsed '[t]he adoption of a federal system of government

that ensures inclusive governance that empowers Guadalcanal people and provides them with more authority to make informed decisions on their future' (GPG 2016).

Makira Ulawa leaders unanimously endorsed the draft federal constitution in August 2015 (CRU 16/8/2015). The leaders appreciated the prominence given to community governance and noted the powers and autonomy given to proposed state governments. Temotu leaders also supported the shift to adopt the draft federal constitution, in August 2015, with the provincial speaker stating that 'If we remain in the current system, irrespective of the types of resources we have or how determined we are, we are not moving anywhere' (CRU 29/8/2015). Likewise, Western province endorsed the draft in September 2015 with the statement that 'Federalism is the road to rebuilding peace and stability in Solomon Islands' (CRU 21/9/2015). Nationwide support to adopt the new constitution is there and citizens now look to SIG to facilitate the process that will ultimately lead to the adoption of the new constitution in the country.

Feasibility and Appeal

There are some concerns on how the new system will be resourced, both in human resource and financial terms. [Chapter 13](#) addresses questions on how the new government structure will be financed. Leaders in the provinces acknowledge the detailed prescriptions on financial arrangements under the new system. Chapter 14 prescribes how human resource needs of the new structure will be addressed.

There has been overwhelming support for the draft as it addresses the historical grievances, concerns, and aspirations of Solomon Islands' citizens. For instance, the recognition and political autonomy for traditional and community leadership is provided in Chapter 5; Chapter 4 provides safeguards for customary land tenure and the redistribution of wealth from land and natural resources extraction – something Solomon Islanders have always wanted protected; Chapter 8 addresses concerns over citizen participation and leadership accountability.

Conclusion

The draft constitution endeavours to accommodate the wishes and aspirations of ordinary Solomon Islanders. The 2017 National Dialogue on Sustaining Peace and Stability Solomon Islands reaffirmed people's commitment to the new draft constitution. The [draft] communiqué states: 'We encourage further deliberations on achieving inclusive governance at all levels, including exploring constitutional reform to create a decentralised system of government that empowers the Solomon Islands people at all decision-making levels with more authority and resources to make informed decisions about their future' (SIG 2017). Compared to other efforts in the past that have never borne fruit, the next steps in this process are clear.

That is, for parliament to amend Section 61 of the current constitution to endorse a Constituent Assembly, which will work to ratify the new constitution. Membership of this assembly will include all MPs, MPAs of all nine provinces, Honiara City, and representatives from civil society. The people have spoken!

Author Notes

Gordon Leua Nanau is a Senior Lecturer of Politics and International Affairs at the University of the South Pacific, and a 2017 Pacific Visitor at the Department of Pacific Affairs, ANU.

Endnotes

- 1 See also CRC Reports of 1987; 9 provincial consultation reports of 2003; 2015 provincial conventions and awareness; and the 2016/2017 provincial and national dialogues and summits.
- 2 Criticisms of the current system include neglect of traditional and community-level leadership; provinces being only agents of the central government, thus open to manipulation; heavy dependence on central government finances; limited power of provinces and communities to benefit from revenues off their resource.

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