

# Uniting the fragments: Solomon Islands constitutional reforms

*Gordon Leua Nanau, Solomon Islands College of Higher Education*

Island communities or nations of this archipelago want to be their own and themselves in terms of organization, having greater freedom to enjoy their lives as much as anyone else in the world (Mamaloni 1992).

## Traditional governance structures

Before British colonial rule, there was no single system of government administering all islands of the Solomons. They had their own political organisations. As Mamaloni succinctly puts it 'the "Solomon Islands people" have never been under the authority of any powerful individual leader, nor have they paid homage to a family or clan with royal blood or descent universally acceptable to them' (Mamaloni 1992:14). Nevertheless, two forms of leadership and governance were evident throughout the islands.

The common form of government was the rule by *mane kaa* or *mwane kama* or 'big man'. In such a political setting, a person becomes a leader through his own hard work and through the display of certain qualities such as being 'forceful, even-tempered, hard working, a good speaker, and an able organizer' (Hogbin 1964:63). A big man is a respected person in his own village or groups of hamlets, but may have no influence over the organisation of nearby islands or even villages.

In some island societies chiefs became political leaders, with the position normally transferring from father to son. Like the big man political system, the chief's power is restricted to distinct islands or villages. Political organisation, leadership and governance in the islands were not as simple as described and considerable variations existed.

## Identity and allegiance

It has been argued that the amalgamation of these small independent communities into one country might have been a gross miscalculation. Mamaloni (1992:10) stated that:

All these small 'islands nations' were independent entities long before the northern explorers found them. Their cultures differed from each other. However, inter migration between islands close to each other had resulted in some similarities in customs and other characteristics. The merging of these 'islands nations' into one 'Sovereign Authority' (constitutional terms) was by human design, and said to be by necessity. Unfortunately, for all practical purposes it was the greatest error of the British administration in this region.

Achieving national unity is crucial since it has implications for policy making, national wealth distribution and development in general (United Nations 2002:28). The creation of modern political and administrative boundaries has amalgamated 'distinct communities' into seemingly acceptable convenient groupings.

Geographic and cultural features, and linguistic diversity cannot be downplayed since they are important for present and future directions for national politics and governance. As Liloqula (2000:6) points out, 'since we became one country, Solomon Islanders have yet to accept each other as one people. The situation has been ongoing but we ignored it in our efforts to remain united, focussing on the good and positive small things that happen and burying the big issue as if it does not exist.'

The Guadalcanal crisis was an example of this lack of national identity: a number of Guadalcanal and Malaita police officers ignored national duties and joined forces with fighters from their province and cultural background. This exemplified the strength of cultural affiliations over national considerations.

## Political instability and governance

There have been a number of attempts to review the provincial government system and national constitution, but constant upheavals in government have prevented any real change.

In 1988, a review aimed at institutionalising the roles of traditional chiefs was undertaken. It ceased when the Alliance Government came to power in 1989 and insisted on maintaining the system but delegating more powers relating to fisheries resources, forestry, mining, foreign investment and taxation to the provinces by 1990. The Alliance was toppled in 1990, and replaced by a Government of National Unity, again disrupting any review processes.

The National Coalition Partner (NCP) government, in power during the mid 1990s, favoured the involvement of chiefs, since they have ultimate power in the villages over land issues, an important factor in development. The NCP government was overthrown in 1994 by a constitutional crisis, and the Solomon Islands National Unity, Reconciliation and Progressive Pati (SINURP) won office in the 1994 election. The NCP's bid to review provincial governments was abandoned.

In 1997, a review was carried out and the government passed the *Area Assemblies Act 1997*. Guadalcanal Province challenged the Act in the High Court and it was nullified. Although the Appeals Court ruled against the High Court decision, a new

government was elected into office, and the *Area Assemblies Act 1997* was abandoned and the old system reinstated.

The Solomon Islands Alliance for Change (SIAC) government then appointed a task force to formulate a cost-effective and appropriate system. The task force produced a report and draft legislation but before SIAC had time to present it in parliament, the June 2000 coup forced the plan to be abandoned.

The new government chose the 1987 Constitutional Review Committee's (CRC) recommendations as a starting point for governance reforms, in accordance with the provisions of the Townsville Peace Agreement (TPA 2000). When the SIAC government was voted out of office in 2001, the incoming Kemakeza government continued its approach. A new constitution is now in the making. With new political structures and a constitution in place, it is hoped that democracy and good governance principles will be promoted.

## Calls for autonomy and reforms

Since independence there has been much frustration and confusion amongst groups wishing to secure political autonomy and economic power to pursue development aspirations. Groups with political grievances identified with their province, as apparent in various post-independence calls for autonomy and governance reforms. The Western Solomons held these sentiments prior to independence. A 1975 submission to government raised the following opinion:

Without a form of government which could create a united nation through respecting the regional differences, the effects of the present government structures, powers, functions could only lead to the overrunning of the numerically weaker regions by the numerically stronger regions (cited in Premdas and Steeves 1984:152).

These sentiments are illustrated by the Western Province threat to break away from the country and the boycotting of festivities commemorating Independence Day (Premdas and Steeves 1984:143). The Western Province people wanted a more federal arrangement where people could determine their destiny and maintain their distinct regional features. Their agenda was overshadowed by fears of being marginalised by migrants, a desire to control their wealth and contradictions of traditional and modern views on land (Nanau 2001).

In 1978, Guadalcanal people also petitioned government: 'Our traditions and customs have been torn to shreds by your *onetalks*. Your people have often failed to respect us and our customs' (see Task Force on Guadalcanal Demands, 2 March 1999). Thus government is perceived as external to distinct communities, and as representing the interests of whoever is at the helm. The sense of belonging to a nation is weak.

The Act that established provincial governments was an attempt to encourage decision making from below that would ensure popular participation in public affairs. However, decentralisation through this system strengthened identification with a particular geographic region. On national issues, people

identify themselves as Solomon Islanders because the provincial government system provides for that national identity. National unity could be achieved if people in their distinct regions are recognised and given a political and economic mandate to look after their own affairs before the affairs of the nation.

## The 1987 constitutional review and Guadalcanal Province 1988 demands

Ten years after their first petition, Guadalcanal people again petitioned government to change the system. Included in their petition were issues related to the desire for federalism, revenue sharing, movements and settlements and cultural distinctiveness of the province. The notion of being different from others was again raised. Indeed other provinces had the same feeling of being different. A Constitution Review Committee (CRC) commissioned in 1987 recorded these sentiments from a cross-section of the country. Six provincial premiers supported the 1987 CRC recommendation for federalism.

## The ethnic crisis and constitutional reforms

Coincidentally, another ten years after their second petition and the shelving of the 1987 CRC report and recommendations, Guadalcanal people again pressured government to change the political structure. Some took up arms in an effort to force government to address their longstanding development grievances, which included occupation of their lands by settlers from other islands, particularly Malaitans.

By 2000 a group representing displaced Malaitans, the Malaita Eagle Force (MEF), had formed. Their concern was compensation for properties lost and damaged by the Isatambu Freedom Movement (IFM), killings of Malaitans and protection of Malaitan interests in Honiara (Kabutaulaka 2000:2). By March 2000, confrontations between the MEF and IFM had escalated in areas surrounding Honiara.

The MEF joined forces with elements of the Royal Solomon Islands Police Force (RSIPF) in June 2000. They took over the state armory, staged a coup and forced the prime minister to resign. A new government that took conflict resolution very seriously was formed. The government had independent consultations with conflicting parties, while Australia and New Zealand provided their warships for consultative meetings. Those meetings and the Townsville Peace Conference culminated in the signing of the Townsville Peace Agreement (TPA) and the possibility of lasting peace in the Solomon Islands.

## The Townsville Peace Agreement, Buala Communiqué and constitutional reforms

As soon as hostilities ceased, the government proceeded with the review of the constitution. The TPA stipulates that Malaita and Guadalcanal provinces would be granted autonomy, with other provinces to follow. As a signatory to the TPA, government is obliged 'to introduce a form of government that would give

autonomous powers to the people of Solomon Islands to manage their own affairs' (Leni 2002:2).

A month after signing the TPA, the government summoned provincial premiers to a conference in Buala, Isabel Province. The conference acknowledged that 1998–2000 was the darkest period of the country's history. Moreover, that it was the consequence of ignoring the balance of power between central and provincial governments, and that there was an overriding need to maintain national unity. The conference communiqué agreed to the following resolutions:

1. That the Solomon Islands Government adopt a homegrown state system of government whereby each respective province should become a state with its own State Constitution.
2. The Premiers' Conference recommends to the National Government of Solomon Islands that it takes to Parliament at the earliest opportunity the desire of the Provincial Governments to amend section 114<sup>1</sup> and other relevant sections of the National Constitution to give effect to the Premiers' Conference's resolution for the adoption of a home grown State system of Government for Solomon Islands.
3. That the Premiers' Conference having heard the desire of Temotu, Makira/Ulawa and Rennell/Bellona Provinces to secede from the rest of Solomon Islands as independent Sovereign States hereby take note of that expressed desire and accordingly advises them to pursue the same individually with the Solomon Islands Government.

Soon after the Buala conference, the minister appointed a team to revisit the 1987 CRC recommendations on federalism. The task force completed its assignment and Cabinet approved the report in June 2001. Presenting the report, the minister stated that 'this is the appropriate time to reconsider our political history and correct a Government System that was introduced by our past colonial masters, which has proven unsuitable for our interests' (Leni 2002). The road to a new constitution for good governance and democracy had begun.

## The proposed governance structure and constitution

The present government is committed to the concept of and desire for federalism. As a United Nations Development Programme (UNDP) fact-finding mission confirmed:

The process of constitutional review in the Solomon Islands is on an irreversible track. Politically, the decision has been made to create a federal state and although a thorough analysis of the implications has lacked (sic), the reality does not allow the process to be reversed. For that, too many problems have been encountered in the last 24 years since independence and too much blood has been spilled in more recent years (Muller 2002:9).

The features of the proposed system and intended reforms to the national constitution are as follows.

### Political structure

The Office of Governor General would be abolished and the country would become a republic. It would have a three-tier system comprising federal government, state governments and local governments, with distinctive separation of operational powers prescribed under their respective constitutions (Tuhaika 2001b). As such, states would have their own constitutions.

A new body, the Congress of Governors, would be established to embody governors from all states, traditional leaders, and elder statesmen and women who are appointed by the president on the advice of state governors. Parliament basically remains the same except for a change of name from National Parliament to Federal Parliament. The Federal Parliament and Congress of Governors would elect a president who would chair the meetings of the congress, while federal cabinet and the prime minister would keep the president informed of the government's activities.

Below the Congress of Governors are the ceremonial figureheads of each state, the state governors elected by the state legislatures, and the state Council of Chiefs. The state governor becomes chair of the state Council of Chiefs, whose members include the chairpersons of area/local government, leaders, and chiefs appointed by the state governor.

### Incorporation of traditional values

In the proposed constitution, roles of chiefs<sup>2</sup> are extended to include their involvement in national legislative processes through membership of the Congress of Governors. This is designed to assuage the conflict of traditional and modern laws, and to encourage communities to take ownership of the system. Ideally, national unity would be facilitated when people see government structures and institutions as their own.

### Freedom of movement

Freedom of movement or more specifically *freedom to settle* was a major problem underlying the Guadalcanal uprising against people from other provinces. It is a consequence of adopting Western notions of democracy, and regarding the ownership of land as an economic commodity. The right to freedom of movement must be upheld, but the freedom to settle anywhere should be subject to basic controls in keeping with the way Islanders have coexisted for centuries. This is a very sensitive issue that many would not want to openly discuss. Nevertheless, if properly and carefully addressed it has the potential to free land for development purposes.

The proposed constitution does not interfere with free movement, but intending settlers must comply with restrictions imposed under federal and state laws and traditional practices of localities within the states. Restrictions apply to settlement on both customary and alienated land.

## Local control over land and resources

Since land ownership differs from region to region, states and landowners would decide on how it is to be legislated, how ownership disputes should be solved and how wealth from its exploitation should be shared. Alienated lands would revert to individual states and state governments in turn would return them to original landowners. Currently, land matters are confused due to the application of modern law to alienated lands and its contradictions with traditional land tenures.

Ownership of petroleum and minerals on customary land will be treated as part of land. The current legal situation where the Crown owns anything below six feet would be erased and all such rights given to landowners. Therefore, any explorations would be done under the ownership right of traditional landowners. Arrangements to exploit minerals and other resources would be made between investors, state governments and landowners.

## Sharing national wealth

Inherent in all disputes mentioned above is the sharing of national wealth. In the proposed constitutional arrangement, each state would have certain powers to raise revenue, while the federal government continues to provide grants. Revenue raised from exports and imports through the federal government would be shared between the states and the federal government.

A sharing formula is yet to be finalised pending wider consultations to ensure equitable distribution of wealth.

## Conclusion

Democratic and governance practices in Solomon Islands are a very interesting development. The once distinct and independent communities within the archipelago were amalgamated by colonial powers to forge a country. This was administratively convenient but as this 'imagined community' developed its political structures and attempted to govern distinct groups as one, problems began to emerge.

There have been conflicts over identity and allegiance and over what constitutes the common good, but successive governments skillfully ignored the symptoms. It is only recently that leaders have begun to examine the causes. The communities have been independent and distinct for centuries. Attempts to draw these independent features into modern governance structures are often an uncomfortable undertaking. It was feared that giving more autonomy to distinct groups and administrative entities would lead to secession, however, denying autonomy to those distinct groups might further impede development of a national identity and its associated benefits. People may have more respect for a bigger authority if their immediate identity is not tampered with.

So long as differences are recognised and acknowledged, efforts can be directed towards achieving good governance and working

together to attain the common good. It may be the case that in order to stand as a united country, the Solomon Islands must acknowledge their distinct regional and traditional approaches to governance.

## Notes

- <sup>1</sup> This section deals with the establishment of provincial governments.
- <sup>2</sup> A chief in this context includes church leaders, youth leaders and women's representatives, as well as traditional chiefs.

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