

THOUGHTS ON FUTURE
CONSTITUTIONAL DEVELOPMENT
IN THE GILBERT ISLANDS

HIS EXCELLENCY
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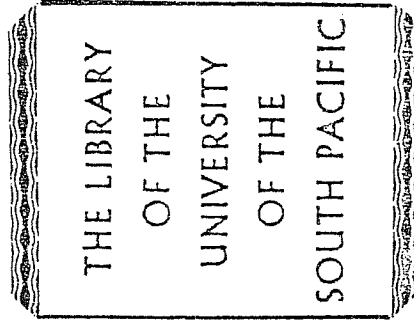
THOUGHTS ON FUTURE CONSTITUTIONAL DEVELOPMENT
IN THE GILBERT ISLANDS

A public lecture delivered by His Excellency
The Governor, John Smith

U.S.P. Centre

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constitutions which have not worked well after independence and which have had to be changed, often by an unhappy and bloody process.

To be fair, the pressure to accept the British political system in full came as much from the nationalist politicians of the new nations as it did from British officials. The latter, of course, found it easier to administer something they understood and they had fewer problems in advocating constitutional progress along well trodden paths to Ministers and Members of Parliament in Britain. They were, therefore, often ready to agree when local politicians argued that anything less than the full Westminster model meant that they were being fobbed off with second best. 'If it is good enough for you, then it's good enough for us'. So many new nations got not only full Westminster but full bottomed wigs, and other seventeenth century English dress designed for a cold, damp and draughty Westminster Hall.

What everyone tends to forget is that direct preparation in the Westminster model has always been at the latter end of colonial rule. At best some ten years has been available in which to develop a system which took several hundred years to evolve in the unique circumstances of Britain. A much longer part of the colonial experience has been an inevitable, if unintentional, preparation for despotism or government by departments, benevolent perhaps, but neither representative nor democratic. When the Westminster model fails it is all too easy

to revert to the strong one man rule typical of the early stages of colonial government; a Tudor rather than a constitutional monarchy.

But the Gilbert Islands has been lucky. There has been no helter skelter rush for independence. It has been possible to benefit from the experience of the many Asian, African and Pacific countries which have attained independence in the last couple of decades. Relations between ruler and ruled have remained easy and there has been sufficient mutual confidence to enable some experimentation. A search has begun for a system of government which really fits the Gilbert Islands and the Gilbertese people. That search must continue.

So far there has been little departure from the usual path but there has been readiness to reject the British experience when the Gilbertese can see good reasons why it would not suit them. Thus the 'first past the post' style of election used in the United Kingdom is effective when there is a national party system and at most three or four candidates in any constituency. People vote for the party rather than the man; if they do vote for a man it is usually not for a candidate but for the person they want to become prime minister. But in the Gilbert Islands there are no parties and it seems unlikely that there will be. There are often many more candidates than three or four. So the requirement of an absolute majority and provision for a second election has been introduced. If no candidate obtains a majority of votes cast in the first election, a specified number of the candidates

is something which the Gilbert Islands cannot easily provide.

It would, therefore, be unwise to try and find the check some may feel is needed in the Westminster model. Sentiment for the monarchy can be satisfied by the Queen's position as Head of the Commonwealth and the check must be found elsewhere.

It would be in keeping with Gilbertese tradition to have a council of unimane, to whom the constitution would give specific powers designed to check abuse of office by the chief executive. The council could be empowered to appoint the electoral commission, the Chief Justice, the Chairman of the PSC, the Commissioner of Police and the Director of Audit, and it might even be empowered to call for a dissolution of the House of Assembly in extreme circumstances.

The council would need to be genuine, that is of real elders, so perhaps there would have to be an age barrier of 50 or 55. There might be rotation among island unimane of whom at any given time three or five formed the council. More easily, the council might be ex-officio the Speaker, the Chief Justice and the Chairman of the PSC.

An alternative would be to have one elder, te unimane, a title well understood in tradition, who could perhaps be the Speaker of the House, elected by the Members but with the power to dissolve the House as a final check in extreme circumstances and to be involved in appointments to those offices where independence of political control is advisable.

The question to be decided is whether the checks in the proposals as they stand at present are sufficient. If not, there can be a Gilbertese solution. The point I am emphasising is that the retention of the British monarchy and the appointment of a Governor-General may not provide the answer its advocates believe it would.

Alongside the well developed sense of community in Gilbertese society there is a strong sense of personal privacy. Relationships are with the community rather than with other individuals, but each man remains himself an individual. When the community needs to come together all participate, and work together for the occasion, but it is a community occasion. Individuals are not tolerant of community interference in their private affairs so long as they are conducted at a level which is generally acceptable. They certainly see no need for government to be involved. They don't want more of it than is essential. There have been times when over zealous officials in Tarawa have tried to burden people with government they didn't want. It hasn't worked. The laws and regulations may still exist to this day, but ignored. In the same way, projects have been implemented by central officials which remain rejected and unused on outer islands.

This healthy approach towards government teaches the lesson of decentralisation. Make island councils responsible for as much as possible. There may be room for re-organising the structure of island councils, but those who believe the country could do just as well without them are mistaken. The essence of all self government is to devolve it to the lowest unit consistent with bearing the

burden of the service or task involved. With an island geography this is even more important than it is elsewhere.

There is ample room too for the individual, provided he remembers that he must serve and not command, and the level of his activity remains below that at which the wider community will seek involvement. For example, the bus service on South Tarawa is now run by individual bus owners - note owners and not owner. It was never a fair community venture. It was, to put it crudely, a cheating of other people by those on South Tarawa who used the service. Now that the official service has been replaced everyone is pleased. The service is better. The tax-payer carries no burden of subsidy. Several families have a source of income hitherto denied to them, a source, of course, which can be taxed.

It is another characteristic of Gilbertese society that while the achievement of consensus is necessary, lengthy discussion is unpopular. With his instinct for privacy, a Gilbertese expresses his opinion reluctantly and then usually only once, but he expects due notice to be taken of it. The telling of a story is enjoyed but not the cut and thrust of debate. People find it hard to alter a view, again the instinct for the preservation of some privacy in so public a life style. The prolonged negotiations which lead to compromise in other societies are not part of everyday tradition.

As a result the British parliamentary tradition does not fit easily. In Britain members are supposedly elected because they are good men; their constituents are prepared for them to take decisions on their behalf and will not

query what they have done - until the next election of course. This concept was set out in a famous address to the electors of Bristol by Burke - but a long time ago. In fact, if you examine Parliament in Britain to-day there is little of the good man atmosphere left. Members are held by the party whips in what would have seemed to Burke to be tyranny. Power has also increasingly passed to the executive so that in recent years Britain has tended to adopt what almost amounts to a presidential system.

But whatever happens in Britain, or once happened in Britain, is not the relevant factor. The Gilbertese have a long tradition of their own which is reflected in every form of representation, whether it be to central government, or to island council, or to cooperative society or to church committee. The community expect their representatives to report back and keep them informed. The community also expect certain services to be performed. To some extent, therefore, the Member of the House of Assembly is a delegate and not a representative.

This explains why the Convention proposed that important policy matters, including legislation, be timed in their discussion to allow referral back to constituencies by members of the House of Assembly for maneaba discussion. It is easy to produce arguments against such a course. Governments are always in a hurry - but how often do we ask ourselves why? Nine times out of ten the hurry is the result of a failure by civil servants to think ahead and get things done in an orderly manner. It is easier to want everything now - and colonial governments with official majorities have bred bad habits.

Referring matters back will undoubtedly take time but it means that any decision is the more likely to be universally accepted at the end of the day. It also means that details which have escaped scrutiny will have attention called to them because ordinary people often notice things which matter to them which do not occur to officials living in a rather different kind of world. To refer a matter back to the people will not interfere with the authority of the legislature, but enhance it. Members will speak with the confidence of legitimacy. They will really know what their people want and there will be no room for hasty and ill considered decisions which might subsequently prove of political disadvantage to the government of the day.

If Members of the House of Assembly are to refer matters back to their constituencies it will put the spotlight on one recommendation of the Convention, already implemented - the decision in favour of multi-member constituencies. Island integrity is preserved but the election showed the difficulty of electing two or three members rather than one. The next four years may show how difficult it is for both members and constituencies to share joint representation and responsibility. If it does, no doubt the same good sense which prevailed in the convention will prevail again. It would be an easy matter to divide the multi-member constituencies into single constituencies.

Finally, it would be a pity to be pushed into accepting standard British titles for the offices of state. There are often appropriate Gilbertese titles. Why not use

them? Other countries do, and to the distinct advantage of creating a sense of nationhood. The United Kingdom has a Parliament but Assembly is the better English term to describe what exists in the Gilbert Islands and it would be better still to use the Gilbertese Maneaba ni Maungatabu. If there is to be one elder or a council of elders, then the dignity and meaning of the Unimane should come into the title.

Political independence means little unless there is also economic independence. The new Minister of Natural Resource Development has said everything which needs to be said in his admirable policy statement. The danger is that everyone expects an alternative to phosphate. There will not be a single alternative. There can be the sum of many small projects which make an alternative, but none of them will ever be in the same class with phosphate in terms of magnitude.

There are human resources available - more people could work overseas for at least a part of their lives, perhaps as crews on the many long liners and other fishing boats which fish our waters. Every island has crabs. What about converting them into bait or petfood? What about pickling shell fish for the hotel industry in neighbouring Fiji; selling milk fish to Nauru and door mats to Australia? Use must be made of the resources available for the development of which a great deal of foreign expertise and capital is not required. The Gilbert Islands is an economy in which even one job makes a difference. There does not have to be another phosphate industry in order to keep heads high. It is better, after so many years dependent on the one industry, to

resolve to show the world of what stuff the Gilbertese are really made.

Gilbertese abhorrence of elitism, however, makes it extremely hard to develop the individuals who are essential to make the wheels of government and of the economy turn. When posts are advertised nobody replies, unless it is a very humble post, because to do so makes one stand out. Nobody broadcasts his own virtues and, for fear of being accused of favouritism, nobody else will do so. The Gilbertese constantly underestimate themselves. A way must be found around this problem.

Effective records should be kept for every individual in employment, each person being made responsible for seeing, once a year, that his own record card is complete with increments earned, courses attended etc. There should also be an annual interview for the more senior staff conducted by the PSC, which is now responsible for all statutory boards as well as the civil service, by Secretaries, Heads of Division and General Managers for the others. An interview report would be submitted along with the annual confidential report and it would then be the duty of the Ministry of Labour and Manpower to ensure that everyone within any particular promotion zone is listed and assessed. It may be a difficult task initially but once rolling would be easy. Nobody need feel shy about it. Everyone would be considered every year. Both the individual and the community would be satisfied. That is just one of many such systems which need to be worked out by the Gilbertese in their own time if they are going to achieve a pattern of government which makes use of other peoples' experience but is essentially their own.

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