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**CONSTITUTION MAKING IN NEW
ISLAND STATES**

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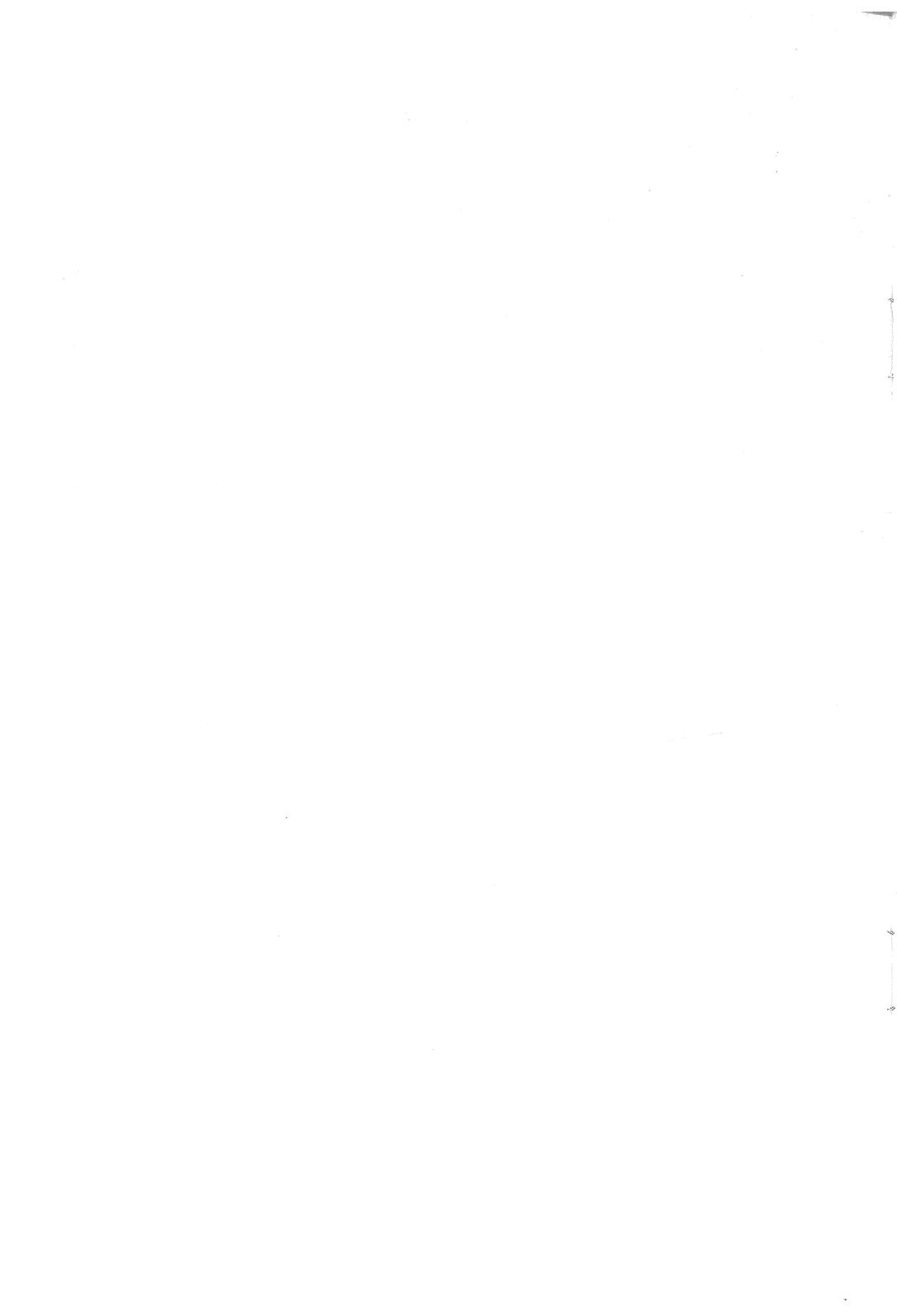
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FOREWORD

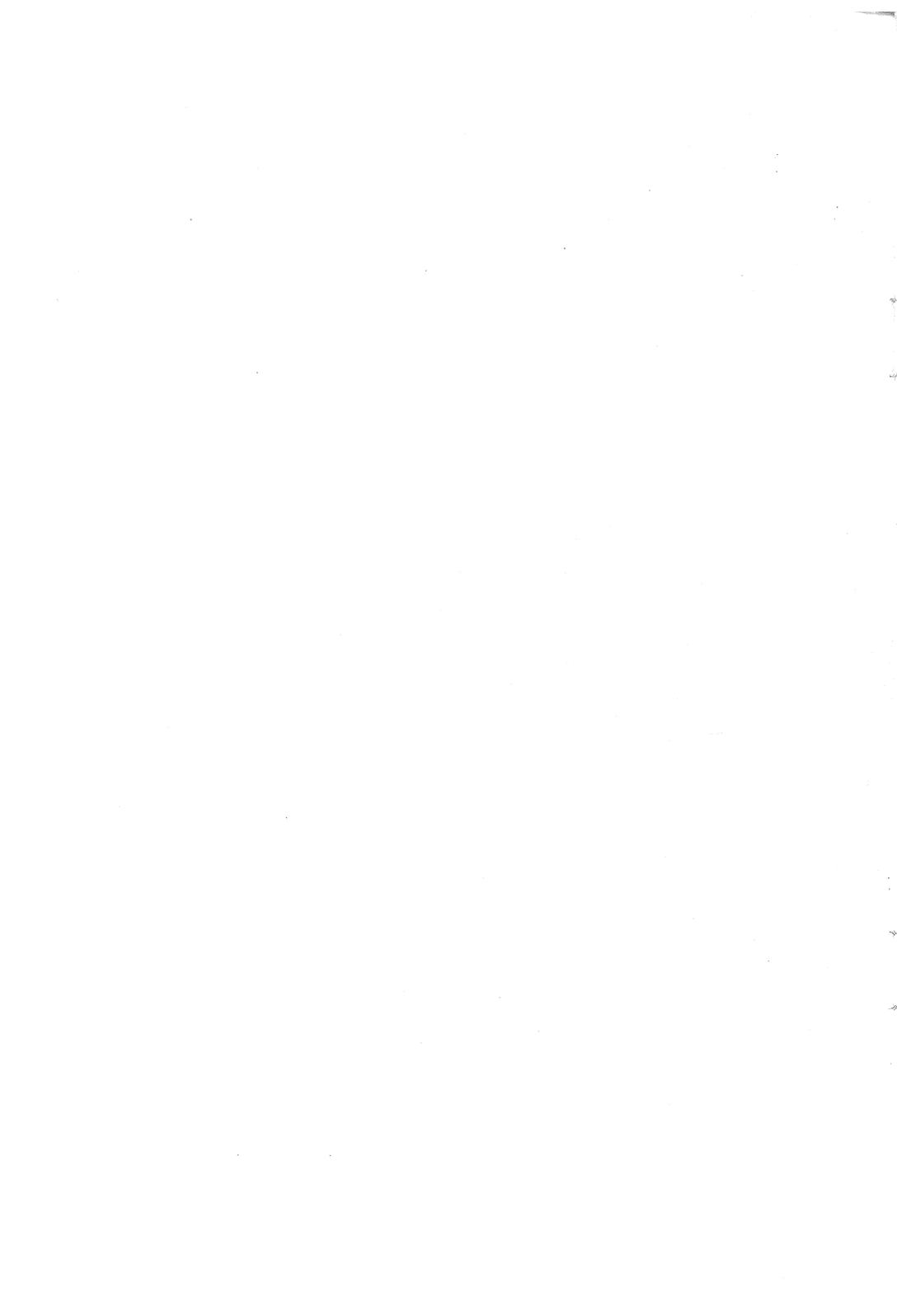
Sir Colin Hamilton Allan, K.C.M.G., O.B.E., F.R.A.I., a New Zealander, has recently retired from Her Majesty's Overseas Civil Service. He was educated at Canterbury University and Magdalene College, Cambridge, and after military service joined the Colonial Administrative Service in 1945. Among his appointments have been those of British Resident Commissioner, New Hebrides (1966-73), Governor and Commander-in-Chief, Seychelles and Commissioner British Ocean Territory (1973-76) and Governor Solomon Islands and High Commissioner for the Western Pacific (1976-78). As such, he has been initially concerned in the processes of constitution making in emergent Island States. Sir Colin, who has been a Visiting Fellow at the Australian National University, has published papers on land tenure and on colonial administration generally. He now lives at Howick.

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ABBREVIATIONS USED IN TEXT

A.I.B.	-	Agricultural and Industrial Loans Board
G.O.S.	-	Governor of Seychelles
I.M.F.	-	International Monetary Fund
N.P.F.	-	National Provident Fund
O.A.U.	-	Organisation of African Unity
P.E.	-	Personal/Personnel Enrolments
P.N.G.	-	Papua New Guinea
P.S.C.	-	Public Service Commission
P.U.S.	-	Permanent Under Secretary
S.I.B.C.	-	Solomon Islands Broadcasting Corporation



Introduction

It has been said that New Zealand, like Britain, does not have a written constitution. Nevertheless, for an Historian, the basic instruments which annexed the country to Britain in 1840, accorded first, representative government, next responsible government, and finally Dominion status in 1906, together, with the Statute of Westminster could perhaps be regarded as composing the body of constitutional law which makes New Zealand an independent country — together, of course — with a good deal of case law, convention and sheer legal habit.

In recent times, Britain's former colonies have become independent by way of acts of the British Parliament abrogating past ties and creating the new states by Orders in Council, brought into effect on Independence Day and setting out the country's constitution. These documents, encased in leather, are usually handed over with due ceremony, in public, to the new Head of State by a member of the House of Windsor appointed by the Queen — providing all is at peace in the newly independent country's capital — on the day — as was not the case with Mauritius in 1968 and Grenada in 1974.

The late 1960s and the early 1970s saw Islands generally, and many Island States, become very fashionable — especially those in the tropics. Islands conjured up visions of white beaches, blue seas and skies, getting away from it all, night clubs, lovely girls, and sometimes casino operations; there were some quite extraordinary professional and unprofessional international deals in respect of some Pacific Islands including fraud on a vast scale. Police forces were stretched beyond limits. Recent cases such as the Federal Bank of Dominica in the Caribbean will be familiar. Not quite so familiar perhaps the Commercial Bank of China in the Seychelles in the Indian Ocean. Above all there was massive dealings in real estate in all oceans. The tourist industry discovered dozens of new islands and so, I fear, did some Diplomats, to the fury of their political masters because of subsequent aid demands. Some islands became popular tax havens — it was very much the in-thing in Sydney, during the previous mining boom, to establish a tax avoidance operation in the New Hebrides, where facing the inevitable great trouble was taken to introduce controls which would provide for a modern but clean operation. But islands and Island States, by virtue of their very geography, suffer acute problems from being encircled by blue seas. The provision of air, sea and telecommunication infrastructure is very expensive indeed, but so necessary. And frequently they attract curious entrepreneurs.

The Commonwealth Secretary-General, in a paper prepared for the Heads of Government meeting in Lusaka, two years ago summarised the problems facing island states as follows:

“Such states are characterised to a greater or lesser degree by limited natural resources, high relative distance to external markets, an undiversified economy, greater economic vulnerability due to export income being dependent on a narrow range of commodities (and in some cases a single product), serious balance of payments problems, high unemployment and underemployment, limited access to capital markets and, consequently, a heavy dependence on official aid from bilateral and multilateral sources. All these factors give rise to fundamental structural problems which block the process of economic transformation.”

Such problems were again on the Agenda at last year's Commonwealth Prime Ministers' meeting in Melbourne, in the context of how to improve relations between

developed and developing nations, how to revitalise the North/South dialogue, the Brandt Commission on aid — though New Zealand pre-empted some of that time by wanting to talk about Gleneagles and who plays marbles with whom.

A leading article in the New Zealand Herald of 13th August 1981, entitled *The French Connection*, dealt with the New Zealand Prime Minister's disappointment with South Pacific Forum meeting in Port Vila — because, he said, too much time had been spent on the issue of independence for New Caledonia; the Editor ponderously raised the issue of "whether economic viability or something close to it should proceed political independence or whether political independence should come first. Budgetary subsidies and other forms of aid (he pompously went on) from former administering powers remain too common a phenomenon among newly independent South Pacific States". Well, well, — even in 1981 — the reality is that because of the U.N. Committee of 24, the O.A.U. Liberation Committee, the South Pacific Forum, H.M. Overseas Civil Service, other institutions including the British Foreign and Commonwealth Office, self determination and political independence nowadays do come first — regardless of economic viability — though perhaps not yet in France's Pacific and West Indian islands, or Pitcairn for that matter.

It will be appreciated from what I have said, that I am rather an islands man.

Solomon and Seychelles Islands

I thought therefore I might say something of the constitutional arrangements in respect of two colonies for which I have been responsible for leading to independence and deal with how the arrangements influenced the nature of bureaucratic organisation and the Civil Service, which after all has to make the system work. As is now fashionable, the Solomon Islands' constitution began by declaring from where power is derived, namely the people. One can be thankful perhaps that it was not derived from God — as is the case of some small states, since that can often later cause difficulties and misunderstandings with the Missions and Churches who might tend to think they are being accorded a special status. I don't think I have ever thought much of the Mauritius system under which the Bishops were always established and their salaries appeared in the P.E.'s section of the Annual Estimates. The Seychelles adopted a simplistic approach merely declaring the country to be a Sovereign Republic. The Preamble in the P.N.G. constitution on the other hand, goes on for over six pages. Not for nothing has it been described as a brief-case constitution locked into a Civil Service white elephant which is breaking the country's back.

In the Solomons, Her Majesty was declared Head of State — that in itself constituted an important element in bureaucratic organisation — involving as it must a surprising amount of correspondence etc. with Buckingham Palace. And then as in the case of most modern states, there follow the fundamental rights and freedoms and these of course provide grounds for future quarrel and legal argument, especially in regard to land and freedom of movement which were both sensitive issues in the Solomons, but it is something which membership of the United Nations usually requires.

Next comes citizenship — again a sensitive issue because of the Gilbertees settlers — now Kiribati — and to a lesser extent the few hundred Chinese; the provisions necessitated the appointment of a Committee to deal with applications for citizenship and it began to function before independence. Inevitably applications have to be

processed. There follows reference to the Governor General who must have a private office, which still includes an expatriate Official Secretary. The Governor General representing the Queen is elected by Parliament on the basis of complex parliamentary rules made before independence: the Attorney General presides over the election. In the case of small island states, there is much to be said for the Seychelles system where an Executive President is accorded very wide powers in respect of Foreign Affairs, Defence and Internal Security. He may also act on his own deliberate judgment. Inevitably, the Presidency will contain a very large staff but at least the Presidency is a working office whereas that of the Governor General tends to be very much in support of a figurehead and perhaps has far fewer powers and ways to influence events than the Governor General of Fiji, for example. But because the Governor General of the Solomons is elected by Parliament, and because in his absence the Speaker (also elected by Parliament) shall act, the post of Governor General is pretty well enmeshed in politics.

Executives

Next the Executive — with authority from the people — it is vested in the Head of State; the Prime Minister, the Ministers, Cabinet, Secretary to the Cabinet, Attorney General and Commissioner of Police, all follow a familiar pattern. The arrangements for exercising the prerogative of mercy with the advice of the usual Committee are spelt out, but the Solomons' constitution emphasises membership by a Medical Practitioner and Social Worker plus a representative of the Provincial Assembly, where the person whose case is being reviewed ordinarily resides. And inevitably there is all the necessary support organisation for a Cabinet of a Prime Minister plus eleven Ministers, the regular Tuesday meetings, preparation and circulation of papers and implementation of decisions.

In the case of the Seychelles, the organisation to support an Executive for a population of 60,000 people was about the same as in the Solomons with 200,000. The only difference was that in the Seychelles preparation of minutes and execution of decisions by Cabinet was punctilious, exact, efficient and speedy. In the case of the Solomons this was not always the case. Perhaps national characteristics were partly responsible — Seychellois, multi racial with their Gallic traditions, tend to be sophisticated, ambitious, individualists much influenced by a matrifocal cash flow system. Melanesia is more of a seeming male dominated society, ridden by custom, consensus and the principle of *primus inter pares*. On the other hand there were few absolutes in the Solomons and without the Gallic influences little tension between theory and practice.

In the Seychelles, the number of Ministers was limited to one plus eleven out of a Parliament of twenty-five elected members. In the Solomons it was twelve out of a Parliament of not less than thirty nor more than fifty. In a country where a party system is not fully established, let alone effective, it must be a temptation to a Prime Minister to ensure Parliamentary support by creating sufficient ministries to placate more than half the members. The portfolios of Ministers in the Seychelles were the result of a most detailed works method study — they were rational, economic and suited the country. Not so much so in the case of the Solomons where the portfolios were cobbled and altered very much as political circumstances required. Undoubtedly a shortage of

talent was in part responsible. The result was some very curious anomalies such as youth being combined with cultural affairs which included the archives and library services. Labour was combined with trade and industry. And the worst example, law with information.

I have mentioned that in the case of the Seychelles, up to and after independence, regular meetings of Cabinet were held on Tuesdays. The same applied in the Solomons. This pre-supposed the orderly development of Cabinet Government and that system. But there are independent states, including island states where the conventional regular Cabinet meetings have been more or less abandoned — informally — and Government has become verbalised: decisions are then taken at receptions, parties, in the backs of cars, in aeroplanes, at the beach, on the telephone, by telex machines, and even in bed. In these circumstances the Secretary to the Cabinet must have his ear pretty close to the ground about those who constitute the inner Cabinet.

As I have mentioned about the Seychelles, the President was responsible for Defence and Internal Security. He was also effectively Commander-in-Chief. In the Solomons the point is not covered by the constitution. But in practice the Prime Minister is responsible for Foreign Affairs, Defence and Internal Security, and that means the Special Force which was expanded rapidly both in the case of the Seychelles and the Solomons. After the coup in June 1977 the Seychelles did go for an army: but it has depended largely on the good offices of President Nyerere's soldiers — though this could be changing. But the Solomons has not — so far — unlike the Gilberts where the former Chief Minister went for an army on Self-Government. This decision has since been reversed by the present Government. Mr Maurice Bishop, the new Governor in Grenada, maintains the quasi army created by Sir Eric Gairy — largely to keep the latter in power but with Cuban help. Mr Bishop has certainly found friends to supply him with arms. But as a general observation one should note that a standing army can prove to be a valuable solution to fall back on in times of unemployment; Fiji has seen the advantages of providing a battalion for the peace keeping force in the Middle East.

The very nature of island states surrounded by seas, and with all that fish enclosed in 200 mile exclusive economic zones, means that the states themselves have to guard as well as manage their natural resources. Both the Seychelles and the Solomons went for what are called "patrol vessels" which are not cheap to buy, let alone operate. Nor are they necessarily all that effective. And while the United Kingdom has helped both countries and Australia the Solomons (usually by an additional order to a production line) I'm bound to observe that there might have been merit in closer study being given to what might be called a multi purpose air/sea/land capability for the police and for that concept to be examined by appropriate consultants.

Parliaments

Both the Solomons and the Seychelles — and also Tuvalu and P.N.G. have chosen a single chamber Parliament. This certainly makes sense because the Clerk's Office is barely able to service a single chamber as it is, and two would have been far beyond its capacity. There is a substantial turnover of members at each election. Members in the Solomons especially require a great deal of careful help and understanding — indeed managing — not only in the execution of their public duties; but also in looking after their ordinary personal affairs. But single chambers of course limit the talent available

to the formation of a Government. Fiji was wise to go for an Upper House.

A constituency boundaries commission and an electoral commission of the usual pattern are provided for in respect of the electoral processes and of course the Speaker and Deputy Speaker are elected by Parliament. Because the party system has scarcely developed in the Solomon Islands, special provision is made for the Governor General acting with the advice of the Speaker to recognise the Leader of the Official Opposition and the Independent Groups. And of course, procedure is laid down for amending the constitution. Unlike the Seychelles, Parliament is broadcast to the people of the Solomon Islands, and so members are constantly addressing their constituents in the rural areas. Furthermore, government offices and the private sector spend a great deal of time listening to the Parliamentary broadcasts. While in the case of the Seychelles Hansard reporting was prompt, speedy and pretty accurate, in the Solomons it was the reverse: indeed production of a record was several meetings behind. There was thus no real opportunity for a member to check what actually had been said; but by the same token, members were not constantly or tediously referring their opponents to what *they had* said previously.

In the case of the Seychelles, the President, of course, had access to the National Assembly and of course could prorogue, dissolve or summon the National Assembly. The Solomons follows the more conventional pattern though when Prime Minister Kenilorea was defeated in December 1978 over the 1979 budget, he said he could not resign because the constitution did not require him to do so.

Legal Systems

The legal system has generally followed a conventional pattern with a High Court and a Court of Appeal. Members of the latter would be appointed as required from abroad, which is something of a saving. Unlike the Seychelles, the Solomons decided to provide for a Director of Public Prosecutions (as a separate office from that of the Attorney General) and for a Public Solicitor to provide Legal Aid; it was expected that in the foreseeable future the appointee to this post would continue to be a volunteer lawyer from Britain. Finally, and again unlike the Seychelles, the Solomons chose to provide for an Ombudsman to spell out in the constitution a leadership code. Neither in the case of the Seychelles nor of the Solomons was an appeal to the Privy Council provided for. Reflecting the xenophobia of Solomon Islanders over land, special provisions were made in the constitution setting out who may hold or acquire a perpetual interest in land and how both customary and non customary land may be compulsorily acquired. These are matters which will continue to cause controversy and strain.

Attorney Generals

I must make mention of the post of Attorney General, which, in the case of Fiji has recently come to particular notice. In the Seychelles prior to internal self government, the Attorney General was ex officio member of the Council of Ministers and the Legislative Assembly and of course he could vote if needs be. At internal self government, the post was made a Public Office appointed by the Governor after consultation with the Prime Minister and the Public Service Commission. He was an

ex officio member of Cabinet but could not vote and he was ex officio member of the House of Assembly. He was not easily removeable from office. In effect he discharged the functions of Director of Prosecutions. There were few changes on independence when a republican constitution was introduced — except that the A.G. had to be Seychellois; he must be appointed by the President and must be qualified to the office of Judge of the High Court. Even following the coup in 1977, the A.G. was still appointed by the President and had power to institute criminal proceedings, though a person other than the A.G. could institute proceedings before military courts or tribunals.

In most ways, the arrangements in the Solomon Islands followed the Seychelles up to independence: the Attorney General advised me in 1976, two years before independence, to facilitate the emergence of a Solomon Islands A.G. and to that end, we created two posts of Assistant Attorney General which were immediately filled by two young Solomon Islands lawyers educated at the University of Papua New Guinea. However, during the negotiations over the independence constitution, the constitutional adviser, a Sri Lankan lawyer with many years' experience in Kenya and now Professor of Constitutional Law at Warwick, chose to persuade Prime Minister Kenilorea to limit severely the powers of the A.G. While being a public office and discharging the role of Principal Legal adviser to the Government, the A.G. would be appointed by the Judicial and Legal Service Commission acting on the advice of the Prime Minister. The provision then went on to say that if a Minister responsible for justice is not a lawyer, then the A.G. could take part in the proceedings of Parliament as adviser to Government but not to vote. Similarly in the section dealing with the Cabinet it was clearly implied that the A.G. was not a Minister but was legal adviser to the Cabinet and should attend Cabinet meetings unless directed otherwise. Not long after independence, the P.M. created the Ministry of Law and Information (strange bedfellows indeed) and an elected member of the National Parliament with no legal qualifications was appointed to the post. At least one of the young lawyers being groomed for the post of A.G. felt that the role of the A.G. had been downgraded and chose to become a Permanent Under Secretary and recently was P. U. S. to the Ministry of Youth and Cultural Affairs — a sublime waste. He has now left the Public Service.

I have already mentioned that the Solomons' Constitution provides for a Director of Public Prosecutions appointed by the Governor General on the advice of the Judicial and Legal Service Commission. He may be an expatriate and if the post is vacant, the functions may be discharged by the A.G.

But turning back to Fiji it should be understood that unlike the Seychelles and the Solomon Islands (especially the former) not until very recently had Fiji cabinet ministers been formally assigned the actual subjects of their various portfolios. And so when the Government order assigned to the politically appointed Attorney General (usually a member of either the Senate or the House of Representatives) responsibility for running an independent office of the Director of Public Prosecutions, the matter went to the Supreme Court which ruled the order unconstitutional: and this ruling has now been upheld, I understand, by the Court of Appeal which held that the Prosecutor was a public officer, independent from any political control accountable only to the Judicial and Legal Services Commission in respect of his professional conduct. *

Ombudsmen

The Seychelles with its Gallic traditions and respect for the ordinary legal processes — and with its largish (for the country's size) Bar — was not attracted to the concept of an Ombudsman; Papua New Guinea went for an Ombudsman Commission of one Chief plus two, all appointed by the Head of State on the advice of the Ombudsman Appointments Committee. The provisions in the Constitution are probably all that is necessary and perhaps the Solomons followed the P.N.G. model but perfunctorily: in the Solomons the Ombudsman was to be appointed by the Governor General acting in accordance with the advice of the Speaker, the Chairman of the P.S.C. and Chairman of the Judicial and Legal Service Commission. About two years went by before the Solomons got around to advertising the post both in the Solomons and abroad. There was in fact a good deal of interest in the post abroad but political pressure persuaded the Government to make a local appointment — a retired civil servant who had been a school teacher and educational administrator of no great distinction. Mr Kenilorea once remarked that if he was not Prime Minister he would like to be the Ombudsman.

It is in Fiji where one should turn for an almost classic example of how the office can function with apparently very great success. Supported by six lengthy and very detailed sections in the constitution Sir Moti Tikaram, a former Judge, has brought very considerable talent to the post, as will be apparent from reading his reports which are most informative. In Fiji, the Ombudsman is appointed by the Governor General acting after consultation with the Prime Minister, the Leader of the Opposition and such other persons, if any, appear to the Governor General acting in his own deliberate judgment, to be leaders of parties in the House of Representatives. Any young country or individual concerned to know how an Ombudsman should function, would be well advised to look at a Fiji precedent. Some may have other views but mine is from the standpoint of an administrator.

Public Accounts

The financial provisions follow the normal pattern and enshrine the powers of the Auditor General including procedure for reporting to Parliament. The Public Accounts Committee in the case of the Solomon Islands was active, effective, and somewhat feared. This was not the case in the Seychelles. Few took it seriously.

Public Services

I turn now to provisions dealing with the Public Service — again they follow a conventional pattern, with a Public Service Commission drawn from the private sector and remunerated either annually or by appearance. It was less easy to find suitable persons in the Solomons compared to the Seychelles, where the private sector was strong. There was concern, which was sustained, to appoint women members. In neither country were the unions represented. In both countries, former civil servants served as Chairmen. In the New Hebrides however, I see the Public Service Commission appears to consist largely of Civil Servants. Both the Solomons and Seychelles were provided with a Judicial and Legal Service Commission and a Police and Prison Service Commission. There was difficulty in finding a private barrister for

the former. Eventually a New Zealand barrister practising in Vanuatu but with the right to appear in the Solomons High Court was appointed. But in the case of the Seychelles, all these Commissions rather went by the board after the coup of 1977 and they have been dropped from the new constitution setting up the one party state.

Works and Utilities

Island communities, with their limited economics, are deeply concerned with development and all the paraphernalia related thereto. By independence, the Seychelles and the Solomons had planning and statistical units, both of which were encouraged, as in most dependent territories, from the late sixties onwards. In both cases, the Planning Unit was established in the Prime Minister's Office — in the case of the Solomons, largely, to keep it away from Finance, for obvious and traditional reasons: in the case of the Seychelles, to ensure that Mr Mancham was able to control all aspects of central government policy. Planning statistics tended to be very much part of the Ministry of Finance. But in the Seychelles, it was rather more independent and tended to serve the whole administrative structure of government. In the Solomons there was a tendency for Ministries to build up their own statistical units.

Planning in the Solomons followed the conventional five or three year rolling pattern with lists of projects; I think that at independence we were in the midst of VIth or VIIth plan and often one heard the question, what happened to the first and second plan? And the planning unit was in practice largely concerned with processing project applications. The Seychelles had adopted a rather different and possibly more flexible approach. There, they had moved to a basic factual economic review document, figures for which were being continually updated and then supported by a series of integrated sector plans. The Solomons included in its planning organisation an international financial and economic planner responsible directly to the Prime Minister for providing advice on international economic and financial matters, international trade and joint venture negotiations especially those related to natural resource development.

Public utilities in the Solomons, for many years before self-government, had been vested in statutory boards and authorities. Copra marketing, ports, electricity, housing, tourism, were all run by statutory authorities. All but housing and tourism were extremely successful. For some reason, which is unclear, the Solomons did not attempt to manage water and certainly by independence, the capital, Honiara, was beginning to suffer real difficulties over water supplies. The Seychelles, on the other hand, did not believe in the principle of statutory authorities managing public utilities — with one exception, which I shall mention later. There were two reasons for this — first, many former colonial administrators had frankly been opposed to the principle on the grounds that such authorities would not work in the Seychelles. And second, because the politicians wished to retain personal direct control over such utilities. The exception in the case of the Seychelles was the operation of the new international airport. Aviation Seychelles was a private corporation owned 60% by the G.O.S. and 40% by British Airways, and what a very profitable success it was too. A suggestion made in the Solomons that its run down airports might benefit from public utility administration was not well received. In the New Hebrides, the Chamber of Commerce at least ran the airport buildings and installations quite efficiently.

Finance and Currencies

The emphasis placed on public utilities in the Solomons meant that the size of the Public Service of the Seychelles was roughly the same as the Solomons. But Seychelles' suspicion towards statutory authorities resulted in a series of inefficient ad hoc committees and boards being established to administer a variety of development funds in respect of hotels and tourism, small industry, agriculture, fishing, etc. None were very efficiently run and endless problems were encountered over bad debts and funding. Above all, there were insufficient persons in the Civil Service of the right calibre to sit on such boards and committees. The Solomons, on the other hand, had established an Agricultural and Industrial Loans Board in the mid fifties — I had the honour to be one of its first members and for a time acted as chairman. The A.I.B. expanded and developed, received several further injections of capital and with advice provided by the Australian Government and the Asian Development Bank, was reconstituted as a Development Bank on 1st January 1978 — as Governor, I signed the necessary documents on the advice of Ministers. Perhaps, this step could have been taken many years earlier. In its first year of operation the Bank has been highly successful.

On the other hand the Seychelles had established its own national currency, administered by a Statutory Board many years ago — in fact before World War II. Not so in the Solomons; this step only took place in the spring of 1977 — though indeed the Protectorate had its own currency in the twenties. The Solomons might have taken such a step earlier — apart from anything else, issuing one's own currency is highly profitable — but not, I hasten to add — by simply satisfying the collecting habits of numismatists. Furthermore, I believe it to be important for developing island states to manage their own exchange rates and thereby avoid imported inflation. But currency boards of management, and national exchange rates require expensive expertise which most island states are obliged to import — though this was not the case in the Seychelles by independence.

Postal Services

Despite urgings by the Overseas Development Ministry, none of the territories with which I am familiar, attempted to incorporate the Post Office. Therefore it was not always easy to determine whether the Philatelic Bureaus were profitable, let alone individual stamp issues. But in the case of the Seychelles, the telephone system and the internal and overseas telecommunications system were operated by Cable and Wireless Ltd — with conspicuously efficient and profitable success. At independence, an earth satellite station had been constructed. In the Solomons however, the internal and overseas telephone and telecommunications were somewhat archaic. It was very difficult to establish cost benefit figures and while there were splendid plans for development in the future, they seemed to recede year by year. However six months before independence, Cable and Wireless Ltd negotiated a 51/49% joint venture operation with the Solomons Government to establish a modern overseas telecommunications system locked into an earth satellite station. The funds for the Solomons' share came from a special projects allocation provided by H.M.G. under the independence financial settlement.

Commercial Developments

A similar joint venture in respect of tuna fishing had been negotiated with TAIYO in 1971. Subsequent to independence, the Solomons' Government has negotiated joint venture arrangements with Unilevers (for the development of Copra and Cocoa) Brewers Solomons (the further development of rice on the Guadalcanal plains) and Solomon Islands Plantations (in respect of palm oil expansion). Further projects pending relate to fishing, forestry and exploitation of bauxite. Such projects ensure that the Solomons' Government through the Government Shareholding Agency (set up before independence by Ordinance) can participate directly in large scale commercial development of the country's natural resources. But all must have Boards and require management expertise — a substantial representation must, in the Solomons view, be Solomon Islanders which places a very great strain in the training resources and skills of all the joint venturers. More especially, finding suitable and experienced representatives for the various Boards of Directors also places a severe strain on the limited available expertise. And even then, as has been made clear in a consultancy report concerning one of the early joint ventures, most expatriate officials appointed to the Boards simply do not possess the expertise to fill management roles in joint commercial ventures — in some instances they even find difficulty in reading and understanding a commercial balance sheet — especially one drawn in accordance with principles foreign to British commercial practice. In this connection it seems to me that a good case could be made out in the future for multi national joint ventures to be established on a regional basis.

Only in the tourist industry did the Government of the Seychelles participate as modest joint venturers — the Mahe Beach Hotel, the Bean Vallon Bay and Reef Hotels are examples: no difficulty was experienced in finding Ministers, officials and members of the private sector with the right qualifications.

In the late sixties the Gilbert and Ellice Islands Colony approached the problem of the economic operation of public utilities and services by establishing the Gilbert and Ellice Islands Development Authority. It was intended that the Authority should manage a whole series of services, including for example those normally provided by a Public Works Department as well as wholesaling and retailing. The project for various reasons was unsuccessful and eventually had to be wound up. It was a very brave experiment in the rationalisation of the public utilities and services in a small colony — but it failed.

Media Regulation

The media was dealt with differently in the Seychelles and the Solomons. The Seychelles had an active political press and the politicians competed bitterly for time and freedom on Radio Seychelles. Therefore, in such a potentially explosive situation, the media remained a reserved subject until independence though the Government was advised somewhat timidly by a committee on newspapers and broadcasting. Needless to say, on independence the media was retained as the responsibility of the President. By then however the training programme which had been launched had borne fruit and Radio Seychelles had been completely localised. It was a very sophisticated operation.

In the Solomons, the position was almost the opposite. There were no effective

political groupings, no real political press and the SIBC was enmeshed in the Government machinery of control. Power therefore passed with self-government on 1st January 1976. But during the government of Mr Solomon Mamaloni (who viewed direct government control of broadcasting with some distaste — if only because he had been thwarted from making, what he believed, to be effective use of it) a Bill was passed in the Assembly providing for the establishment of an independent broadcasting authority. It came into force on 1st January 1977 — hesitantly. The Authority consisted of a number of Solomon Islanders — mainly retired but representative on a geographical basis. Only the Director (responsible to the Authority) and the Accountant were expatriates. Having established the Authority, the Government and the Civil Service set to work to frustrate the Authority and its staff in the discharge of its responsibilities. The SIBC and the Government Information Service were in continuing confrontation and competition with each other. The Director resigned and the Accountant was appointed to act; by independence, the Authority was independent in name only, faced acute financial difficulties, had no policy, lacked an adequate training programme but provided a basic service fleshed out with country-western, and pop music which was sharply criticised; the service worked largely because of the dedication of its long serving staff. But there were severe internal strains. During this difficult period, the Australian Aid Authorities, with the agreement of the Solomons Government began to assume responsibility for the development of SIBC — much, I suspect, to the relief of the U.K. Aid Authorities. I am not sure that in the period 1977-78 the Solomons Government could really afford the pain, sweat, energy and time which was consumed in just frustrating Mr Mamaloni's Broadcasting Authority. It might have been preferable to have scrapped the whole operation.

It was a critical time; there was a great need for political education. As in the Seychelles, much effort was made to explain constitutional changes on the radio. But in the Solomons, the experts, while well versed in the language, knew nothing of the techniques of political education. In the case of the Seychelles the reverse applied. There was an immense experience of political education but knowledge of the language was zero. All in all, in neither country were constitutional developments effectively explained to the people of the rural areas.

Provident Funds

Both the Seychelles and the Solomons established National Provident Funds along classical lines. Indeed the same member of the Home Civil Service organised, computerised and localised both operations one after the other. It was a distinguished contribution. In both countries, two problems emerged. First, membership of the board and second appropriate safe investments for the funds which in the case of the Solomons soon amounted to \$A60,000 per month. Both these problems were more easily solved in the Seychelles — and certainly the interpretation of a safe investment was very rigidly interpreted in the Seychelles. But on the other hand, the first Solomons manager of the NPF became a valued member of the Public Service Commission. And in the case of the Seychelles, thought was already being given, by independence, to how the NPF could be converted into a National Social Security Scheme — because real problems existed in respect of the aged, infirm and the handicapped — for reasons I need not go into here. This scheme has now, I understand, been implemented.

Trade Unions

I turn now to the trade union movement which, in the Solomons, had never flourished — partly because of Government policy, inadequacies of leadership, past failures, and the consequent loss of funds; and partly because of the intense frustration suffered by genuine Solomon Islands trade unionists; and partly too because of the suspicions, inexperience and obstruction of management. The strictures made in 1979 by, I think, the Prince of Wales on the lack of communication between management and workers in Britain certainly applied in the Solomon Islands. May I simply explain what I mean, by pointing out that “labour” in other words management/worker relations in industry, commerce, the plantations and the civil service etc. were the responsibility of the Ministry, Industry, Trade, Commerce, and *Labour*.

It will, I am sure, be readily understood the nature of the limitations on the trade union movement with such strange bedfellows in its Ministry. Sadly, I fear too that the trade union movement and labour relations generally have been adversely affected by antipodean traditions — stemming far back to the Victorian colonial past.

But in the Seychelles, the trade union movement was positive, active, well-organised, but nevertheless deeply involved in politics. It sought and was given aid from various international agencies, held seminars on many subjects from birth control to the problems of youth and the aged, had generally good relations with management, made a sensible use of the Government's labour administration facilities (the department was part of the Ministry of Labour and Social Security) and was an important and respected part of the community — above all not to be ignored or frustrated. Its involvement in party politics was simply accepted.

Economic Aid

As is normal, the Seychelles and the Solomons negotiated an independence financial settlement which would give local Ministers the will to lead their country to independence. Such a settlement was to be reviewed from time to time in the future and of course the economy had to be monitored. At the time of negotiation both emerging countries showed clear signs of resentment that their budgets and economies should be monitored by a Ministry of the former administering power: it smacked of the worst of neo colonialism. But the reputation of the Solomons in fact was higher than that of the Seychelles. Budgetary control and control of development expenditure was infinitely more effective than in the case of the Seychelles. The Solomons ran a tight ship but the overheads involved in running such an operation were in fact high; nevertheless, benefit accrued not only from the normal savings from a tight ship, but more especially from the Solomons' international reputation, vis a vis the Asian Development Bank, the I.M.F. and of course eventually, the World Bank. And therefore it was easier for the Solomons to attract other bilateral aid donors. It seems to me that it is very necessary for island states to understand that organisations such as the I.M.F. can perform an invaluable function as financial fire fighters monitoring budgets and economics. And aid donors such as Australia, New Zealand and Britain, far from being neo colonialist watch dogs, can be good financial and economic friends of emerging island states; but running a tight financial ship is expensive in terms of staff, training, supervision, money and of course it can be painful.

Epilogue

The island states with which I have been concerned have all evolved constitutionally in differing degrees over the past few years as part of Britain's policy of decolonisation. The question is often asked whether, by reason of the doctrine of precedence beloved by constitutional lawyers, these small island states have simply inherited and been burdened with a vast collection of expensive institutional bureaucratic claptrap from the decolonising power. And the cost of all this bureaucracy — in the form of an expanding entrenched civil service — has ever continued to increase, so much so that the personal enrolments section is out of all proportion within the overall budget including aid. Inevitably, the producer is forced to pay; but that solution is limited as Third World economies are discovering. There may be a great deal in all that but it is by no means easy to dispose of the problem overnight. Even Australia and New Zealand suffer the effects of their colonial past. Besides most island states proceeding to independence have been assisted by constitutional lawyers who, themselves, burdened with precedence, are concerned to leave their own marks on 'their' constitution. The decolonising power on the other hand is concerned that the constitution is acceptable to the colony, politicians and people, to its own parliament, to international opinion, that it sticks, and that power passes peacefully and harmoniously and continues thereafter. In achieving all this, inevitably at the end of the day one may end up with a good deal of bureaucratic claptrap — and sadly some of it in historical terms was designed for continental colonies like Canada, India and Australia, rather than Kiribati or Tuvalu or Seychelles or even Pitcairn.

Someone once asked me about the mechanics of getting a country to independence: how do you remember everything in the time scale? The short answer is that there is a check list of about eighty constitutional points under ten main headings. We ticked them off in a bureaucratic way one by one — relevant or not — it is as simple as that. Only one or two will be so controversial as to require substantial negotiation. The truth is that it has all been done, over forty times before!

** Footnote*

On 7th October 1982, the N.Z. Herald reported that the Privy Council has overturned the findings of the Fiji Supreme Court and the Court of Appeal. The Privy Council ruled that the Fiji Government had acted within the country's constitution by bringing the office of Director of Public Prosecutions under the Attorney General's portfolio.