

Current issues in Pacific Island Parliaments¹

The evolution of government in Pacific islands Parliamentary practice in the Pacific Islands has not received much scholarly attention. A number of capacity-building projects are underway which are improving administrative practice. However, this is overlooked in media coverage which continues to focus on political struggles and their impact on parliamentary functioning. This paper reviews current development assistant projects as well as the interplay between executive and legislative power that remains a feature of almost all parliaments in the region.

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I. Introduction

A useful early concept paper on “legislatures and good governance” prepared for UNDP by Johnson and Nakamura (Johnson and Nakamura 1999) distinguished legislatures as being either *transformative* (highly complex – eg US congress), *arena* (complex – eg Britain’s parliament), *emerging* (evolving, eg Bolivia) or *rubber stamp* (little internal structure, as in the former USSR). That paper also articulated four fundamental goals of legislative development (build internal support for legislative strengthening, strengthen representation, strengthen lawmaking, and strengthen legislative organization and facilities) and distinguished between the roles of two types of external agencies (funding, and legislative/parliamentary associations). A subsequent practice note by UNDP on Parliamentary Development set out that organization’s concept of “what parliamentary institutions do” and identified eight “principal entry points” for its “role and niche” in parliamentary development. (United Nations Development Programme 2003)

The current paper draws such development agency literature to identify the current issues facing Pacific Island Parliaments and the efforts underway (or not) to address them. It proceeds in four sections, commencing with (1) a review the Pacific islands context, followed by (2) a consideration of recent parliamentary dynamics, and (3) a review of parliamentary development activities.

II. The Context of Pacific Island Parliaments

Graham points out that the “architecture of Pacific regionalism” remains somewhat inchoate. (Graham 2008) The Pacific Islands Forum, for instance, comprises 16 “independent” states, but includes Australia and New Zealand together with 14 small island states enjoy “sovereign independence” or which are in “free association” or other dependent relationship with one or other metropolitan power: Cook Islands, Niue and Tokelau with New Zealand; American Samoa, Guam, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, and the Marshall Islands with the United States of America; New Caledonia and French Polynesia with France. A number of these states chose dependence rather than independence, acknowledging the challenges they would face should they choose to enter the

global economy on their own.² “Regional assessments, such as the one offered in this paper, generally include the member countries of the Pacific Islands Forum, but not including Australia and New Zealand.

The first important characteristic of the context of Pacific Island parliaments is their unique geographic location: they are established by societies which are small and strongly influenced by their archipelagic setting. Whereas this geographic feature may seem obvious, its impact on social, political and economic development – and therefore on constitutional and legal structure and operation, is equally inexorable. Development agencies therefore recognise the special needs of “small island developing states” (SIDS). Most significantly, these include lack of human and financial resources, and such constraints inhibit the operation of parliaments just as they inhibit other areas of state functioning. As noted by Johnson and Nakamura, “Assuming the existence of the desire for and adequate political space for a greater legislative role, the need to create greater capacity to fulfil functions poses the current challenge to legislative development efforts. The power and even obligation to introduce legislation is not worth much without the support required to do it. The power to shape the budget is not very useful without the knowledge to do so. And legislatures need some means of overseeing or checking executive power beyond the ultimate power of removal.” (Johnson and Nakamura 1999)

At a fundamental level, a lack of material resource affects the material form of the parliamentary complex. Not all legislatures in the region operate from purpose-built facilities. The Cook Islands legislature, for instance, was first erected as a hostel for contractors building the adjacent international airport. It is on the ocean and vulnerable to cyclones and high tides, and it was once disrupted by five cyclones in a single year. In 2004 a site was selected further inland for relocation but met resistance from a public wary of large capital expenditure on the project. Tuvalu’s parliament meets in a basic *maneaba* (open air meeting house) and has no permanent facilities. Ironically, Fiji’s parliamentary complex, completed in 1992, is one of the most developed in the region. It is modelled on a traditional Fijian village, with the *e Vale-ni-Bose Lawa* (Main Chamber) replicating a *Bure* (House) raised on a *yavu* (earth mound) to place it higher than surrounding buildings.³ But like most other Pacific

² As one of the states in the United States of America, Hawaii is not represented independently in Pacific Islands for a, although its state legislature participates in regional legislative organizations.

³ <http://www.parliament.gov.fj/parliament/about/about.aspx?curid=cphouse> visited 22 September 2011.

Parliaments, there is little or no office space for individual members. In the case of Solomon islands, a significant parliamentary complex was completed with donor assistance, but a second building, intended to house MP offices and other staff, has only recently commenced construction. Papua New Guinea's parliamentary complex, modelled on a Sepik *haus tambaran*, provides a substantial chamber and office space and facilities for MPs and parliamentary staff, but suffers from lack of maintenance to such essential services as air conditioning and internet. In the north Pacific, one notable legislative complex is in Palau, where a new capital city was built at Ngerulmud on the island of Babeldaob, in an architectural style that replicates the US congress.

Other implications of "smallness" for Pacific Island parliaments, apart from physical facilities, concern the extent and quality of support services, including legislative drafting, library and research, committee secretariats, *Hansard*, management of human and financial resources, and establishment and maintenance of ICTs such as a parliamentary website and internet services for MPs and support staff. All such services depend on provision of budget, preferably established through an independent process.

The Samoan Parliament always has sufficient funds for its operations and this appropriation is a statutory provision. The idea behind this is that there should be no barrier to the conduct of Parliamentary operations because of the unavailability of funds thus the main reason why it is not under any Ministry's appropriations. Except for refreshment and travel costs which are incorporated into the appropriations for selected outputs of the Office of the Clerk's budget, everything else is statutory. However, Lack of funding for civil education program or up-skilling program for MPs.

The second important contextual characteristic is the continuing influence of the colonial period on post-independence social and political life. The choice of parliamentary or presidential form of government was made principally on the basis of familiarity with the system under which colonial rule was experienced. Most colonies had legislative assemblies with limited local representation and authority.⁴ Fiji and Solomon Islands emerging from British rule in 1970 and 1978 respectively, Papua New Guinea from Australian administration in 1975, and Vanuatu from joint British and French control in 1980. New

⁴ On the Legislative Assembly in Papua New Guinea see Connor Connor, M. (2009). "Constructing a parliament." *Quadrant* 53(9): 84-86.

Caledonia remains a French Overseas Territory, although recent agreements have moved the Territory closer to autonomy, if not outright independence. In the case of former British, Australian and New Zealand colonies, Lamour has suggested that the Westminster system was adopted at the time of independence with just a modicum of consideration of alternatives:

“Westminster spreads by a process of replication, almost independently of the underlying conditions in which it finds itself. The deliberation and rejection of alternatives in the Solomon Islands shows how this is not an automatic ineluctable process, but can be a result of deliberate choices by Members of Parliaments. Westminster succeeds not because of its internal virtues (which are somewhat arbitrary), or its appropriateness to local conditions (which may not matter). It succeeds because it was there first.”⁵

Kiribati and Fiji are amongst the few Pacific states that have switched between systems – the former commencing as part of the British colony of GEIC but adopting a presidential system and Fiji shifting from a British colony to a syncretic Republic. The autonomous province of Bougainville has incorporated a directly elected president to its 41-member legislature, which includes three women representatives and representatives of former combatants. A number of Pacific Island states also integrate traditional authority into their constitutional system and parliament.

Table: Pacific Populations and constitutional adoption dates: Source:
<http://www.spc.int/prism/population-mid-year-2010-projections>

Country	Mid-Year 2015 Total	Date of adoption	Comment
Fiji Islands	868,198	1970 1990 1997	Adopted after domestic and external pressure to review 1990 constitution
New Caledonia	273,074	1998	Noumea Accord. On UN list of non-self governing territories since 1986
Papua New Guinea	7,476,504	1975	Adopted at independence from Australia
Solomon Islands	624,667	1978	Adopted at independence from UK
Vanuatu	277,572	1980	Adopted at independence from UK and France
Federated States of Micronesia	113,864	1986	Compact of Free Association with USA
Guam	212,011	1950	Unincorporated territory of USA
Kiribati	110,280	1979	Adopted at independence from UK
Marshall Islands	57,127	1986	Compact of Free Association with USA
Nauru	11,006	1968	Adopted at independence from Australia
Northern Mariana Islands	66,591	1978	Part of US Commonwealth

⁵ Larmour, P. (2002). "Westminster Constitutions in The South Pacific: A "Policy Transfer" Approach." *Asian Journal of Political Science* 10(1): 39-54.

Palau	21,168	1994	Compact of Free Association with USA
American Samoa	70,039		Unincorporated territory of the USA
Cook Islands	15,747	1964	Adopted on entry into 'free association' with NZ
French Polynesia	283,577	2004	Constituent country of the French Republic
Niue	1,328	1974	Adopted on entry into 'free association' with NZ
Samoa	185,440	1962	Adopted at independence from NZ
Tokelau	1,153		A non-self governing territory of New Zealand
Tonga	104,851	1875	Adopted to stave off colonial rule
Tuvalu	11,445	1978	Adopted after separation from Kiribati and at independence from UK
Wallis and Futuna	13,110	2003	French overseas collectivity
Total	10,798,752		

Because parliamentary systems were “transferred” quite rapidly rather than developed locally and over a longer period of time, some of their characteristics are defined by law rather than convention so as to ensure the existence of practices which might otherwise take a much longer time period to settle on. The minimum number of days per annum for which parliament must meet, for example, has been established in the constitutions of Papua New Guinea (63 days) and Vanuatu (?? Days), to ensure at least basic compliance. The roles of “the government”, “the opposition”, and political parties have in some places been legislated rather than explored through practice. Provisions about the offices of speaker and attorney-general, as well as the major parliamentary committees, are also detailed in some constitutions. On Bougainville, for example, MPs elect their speaker from candidates outside the house, while in Solomon Islands the speaker must similarly be a non-politician (the problems of politically-aligned speakers as experienced in Papua New Guinea, Cook Islands, Nauru and Vanuatu are referred to in brief in section two). Committees – especially the Public Accounts Committee - are intended to play a significant role in the effective functioning of virtually all Pacific Island parliament, and considerable attention has been paid to this by development agencies, as indicated below.

In keeping with the small populations of Pacific states, the Island parliaments have small numbers of seats and small electorates. In Tuvalu’s 15-member *Fale i Fono* 8 members form a government with 7 in opposition. The Nauruan Parliament has 18 members who serve a 3 year term. In Tokelau the 21-member *General Fono* is composed of nominated representatives of the Island’s three main villages.⁶ The Cook Islands Parliament has 25

⁶ Atafu - 8 members, Fakaofu - 7 members, and Nukunonu - 6 members.

members⁷ serving a population of 15,324 on 15 islands, for a 4 year term. In Samoa, 49 MPs serve a 5 year term in 35 single-member and 6 two-member seats. Two seats are elected to represent voters of mixed descent. All candidates must be *matai* (chiefly title holders), and need endorsement of their village major testifying to ongoing contribution to the village, and to five years continued residence in Samoa. In Vanuatu there are 52 MPs, who must be a minimum age 25, and who serve a four year term. Until recent amendments, Tonga's parliament included separately elected representatives of commoners and nobles. The largest parliament in the region, in Papua New Guinea, has 109 seats. The small size of constituencies implies that members generally have close familiarity with their electorates. Whilst this can be a good thing, it can also lead to difficulties for the member, who is subject to intense expectations about patronage.

Few women have been elected to Pacific Parliaments. In 2006 the Pacific Islands Forum Secretariat commissioned a study on the status of women in Pacific Parliaments (Pacific Islands Forum Secretariat 2006). UNIFEM, UNDP, and other international agencies have put significant effort into promotion of "temporary special measures", but these have not succeeded to date (the Samoan government has recently announced its intention of introducing TSM legislation). Not all opposition to TSM is offered by males: in Nauru, where two-thirds of the members of a recent constitutional convention were women, a proposal to reserve seats for female members failed to pass after female representatives stated their preference that women compete in elections on an equal footing with men (a similar argument was put by male MPs during debate on a TSM bill in the Papua New Guinea parliament).

An additional feature of the Pacific Islands context is the extent of political conflict, which has affected the role and functioning of several parliaments. Papua New Guinea experienced civil war over the status of Bougainville Province; Fiji has been jolted by four coups between 1987 and 2006; New Caledonia experienced extensive violence in the 1980s as different social and ethnic communities struggled over the issue of independence; violence erupted in Vanuatu at the time of independence and recurs periodically when groups vent their frustration at some aspect of government policy; and Solomon Islands and Tonga are reconstructing systems of governance following periods of violence. In the case of Solomon Islands, five years of inter-island conflict (1998-2003) prompted creation of RAMSI

⁷ 10 members from Rarotonga, 10 from the southern group and 4 from northern.

(Regional Assistance Mission to the Solomon Islands), whilst in Tonga, a steady rise in tension around expectations for democratic reform included the destruction of much of the capital, Nuku'alofa, in 2006. In the case of Bougainville, a parliament has been established under a constitution that creates an "autonomous province" that was part of the peace process, but divisions remain on the island and those in authority are in a race against time to deliver sufficient levels of social and economic development to prevent any return to conflict.

A final comment on the context of Pacific Island parliaments concerns the existence and role of political parties. Few such parties existed in the Pacific in the years immediately prior to independence, but there was a clear expectation that they would emerge and flourish in response to the opportunity and need created by the contest for power within the Westminster system. At independence, parties were formed to contest seats in the larger legislatures (eg Papua New Guinea, Solomon Islands, Vanuatu, Samoa), but the elected members of smaller chambers, including those of Tonga, Tuvalu, Kiribati and Nauru, coalesced around 'factions' rather than formalised parties.

Whereas parties have thus been duly established in all but the smallest of the Pacific states, they have not necessarily replicated the "two major party" political and parliamentary cultures on which the Westminster system has traditionally relied. Henderson has pointed to the dilemma that political parties present in Melanesia: they are seen as essential to the operation of Westminster democracies, but they "have proved to be a particularly divisive factor in the Pacific Context."⁸ Fiji's Ratu Sir Kamisese Mara, for one, promoted the notion of a "government of national unity" both prior to and after independence:

... I first floated this alternative to the Westminster system in December 1969, during the preparatory talks for the 1970 Constitutional Conference, and I had found that the membership system worked along those lines, though it did not fully recognize it at that the time... I proposed it to a meeting of the Alliance Council at Sabeto in 1980, only to find that it was strongly opposed by some of my colleagues. I was disappointed, for they were people who were happy to use my name, and indeed my presence at their meetings, but they were unwilling to support this initiative. Were some of them fearful they would lose their ministerial positions? Perhaps that was the reason, for a unity government would certainly have had that effect.⁹

⁸ Henderson, J. (2003). "The future of democracy in Melanesia: What role for outside powers?" *Asia Pacific Viewpoint* 44(3): 225-241.

⁹ Mara, K., Ratu Sir (1997). *The Pacific way : a memoir / Ratu Sir Kamisese Mara*. Honolulu, Center for Pacific Islands Studies, University of Hawai'i, Pacific Islands Development Program, East-West Center : University of Hawai'i Press.

In a similar manner, the aspiration of Fiji's 1997 constitution that government be formed through inclusion of parties in proportion to their parliamentary numbers failed in implementation: in 2003 the ethno-nationalist Qarase government rejected the model even in the face of a court direction; when such an effort was finally initiated following the 2006 general election the labour party, which stood to gain from the opportunity, imploded rather than grasp it.

There has also been an undercurrent of concern about the need for parties in the Pacific context. There is, after all, no cleavage in Pacific political economy (in the Melanesian states at least) similar to the class divisions between the ruling and working classes of Europe, which gave rise to the conservative and labour ideologies of the modern period. Thus on Bougainville, concern about the role of parties was expressed during 2004 debates of the Constituent Assembly:

“1. People do not want political parties because:

They will cause division in Bougainville

- that division will come from different people and groups in Bougainville supporting different parties
- we need to maintain the unity developed during the peace process
- the activities of political parties in PNG work against the interests of the people – we do not want that in Bougainville
- political parties do not operate on the basis of principle or policy. All they are seeking is power. They are not looking after the people.

2. political parties can come later:

- after the systems of government are tried and tested
- after the referendum

3. What's wrong with Melanesian consensus? Political Parties are not consistent with consensus politics because they highlight division not unity. They are by their nature looking for an opportunity to criticise their opponents not at how they can work together to find consensus.”(Bougainville Constitutional Commission 2004) p. 226)

In Vanuatu, a 2001 review of decentralization offered as part of its political analysis: “The political groupings present a huge challenge for governance and more so for Decentralization and service delivery in Vanuatu. During consultations, DRC [Decentralization Review Commission] heard many examples of politics ruining the effective operation of the Central, Municipal and Provincial Governments. DRC views seriously the fact that political interference in the work of Councils and in staffing decisions at all levels, and makes recommendations to prevent this throughout its Report ...” (Government of Vanuatu. Decentralization Review Commission 2001) In the Solomon Islands context Kabutaulaka

has suggested that the 2006 riot originated in the operation of Westminster in that country.
(Kabutaulaka)

In just a few instances were parties formed on the basis of clear philosophical or policy platforms. In Vanuatu, Solomon Islands, Papua New Guinea and New Caledonia, parties were focused on achieving independence, and in the cases of Vanuatu and Papua New Guinea (perhaps more than elsewhere) there was an interest in “Melanesian socialism”. John Momis, currently President of the Autonomous Province of Bougainville, is among the few politicians in Papua New Guinea who has consistently adhered to a political philosophy of “integral human development”.¹⁰ Tonga’s emergent parties are focused on the characteristics of “Tongan Democracy”. There were also parties premised on sub-regional or ethnic concerns, and in Fiji the National Alliance Party succeeded for several decades on a doctrine of cooperative multi-racialism; but no party has grounded itself on broader Pacific regionalism. Given the Pacific’s reliance on agriculture, the land, and the sea, one might expect green parties to figure more prominently.¹¹

This absence of underlying political philosophy has had a significant effect on subsequent behaviour of political parties and their individual members who are not tied to each other by values so much as by strategic interests. When speaking on the bill for an Organic Law on Integrity of Political Parties in the PNG parliament, then Prime Minister Sir Mekere Morauta described party formation to that time as “a secret business, illegal, unmanaged and totally unacceptable.”¹² We must ask who, exactly, do political parties in Pacific jurisdictions represent? The Westminster model, which systemically requires the formation of a “government” and an “opposition”, presumes the existence of political parties where none existed, and depends on a model of political debate that doesn’t reflect Pacific traditions of dialogue or consultation.

¹⁰ And perhaps in an earlier period Utula Samana, see Samana, U. (1988). Papua New Guinea: Which Way? Melbourne, Arena Publications.

¹¹ The Australian Labor Party has sought to cultivate pan-Pacific party links.

¹² Quoted in Rich, R. (2002). "The Quality of Democracy in the Pacific." 2002 Roundtable of Heads of Government of Commonwealth Pacific Islands Countries on the Challenges of Democracy in the Pacific.

III. Parliamentary Dynamics

The essential functions of parliament are generally enumerated as: Representation; Legislation; Deliberation; Scrutiny; Budget setting; Making and breaking governments; Redress of grievances.¹³ Johnson and Nakamura reduce these to three: representing publics, making laws, and exercising oversight, and suggest that “Enhancing the capacity to perform these functions in less developed legislatures has often been the focus of development assistance”. (Johnson and Nakamura 1999) (p3)

However, at the outset, some basic indicators of parliamentary functioning are provided. Although incomplete, they provide some following chart gives an indication of the numbers of sitting days, numbers of bills introduced, and numbers of laws passed for selected Pacific Island parliaments.

¹³ See Donahoe: Donahoe, A. R. (2002). "The Value of Parliament." *Australasian Parliamentary Review* 17(1): 109-118. and Searing: Searing, D. (1994). *Westminster's World. Understanding Political Roles*. Cambridge, MA, Harvard University Press..

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Average
? not sure which country	Sitting days	56	28	29	29	32	25	18	32	47	33	53	42	10	34
	Bills	41	20	13	13	21	17	14	22	22	30	21	33		
	Laws	41	20	13	13	21	17	14	22	22	30	21	33		
Cook Islands	Sitting days	73	37	22	11	23	10	37							
	Bills														
	Laws														
Federated States of Micronesia	Sitting days														
	Bills														
	Laws														
Fiji Islands	Sitting days - lower	50	59	21	32	64	60	63							
	Sitting days - upper	29	38	10	23	41	56	61							
	Bills	69	46	16	10	35	29	22							
Kiribati	Laws	59	43	0	9	34	22	14							
	Sitting days					20	20	20							

Total: 40 Days

2001

First Ordinary Session: 4 days
First Extra-Ordinary Session: 2 days
Second Extra-Ordinary Session: 1 day
Third Extra-Ordinary Session: 11 days
Second Ordinary Session: 11 days
Total: 29 Days

2002

First Extra-Ordinary Session: 11 days
First Ordinary Session: 15 days
Total: 26 Days

2003

First Ordinary Session: 11 days
First Extra-Ordinary Session: 2 days
Second Ordinary Session: 9 days
First Extra-Ordinary Session, Second Meeting: 1 day
Second Extra-Ordinary Session: 1 day
Total: 24 Days

2004

First Ordinary Session: 1 day
First Extra-Ordinary Session: 2 days
Second Extra-Ordinary Session: 5 days
Third Extra-Ordinary Session: 4 days
Second Ordinary Session: 6 days
Total: 18 Days

2005

First Extra-ordinary session: 8 days
First Ordinary Session: 10 days
Second Extra-ordinary: 11 days
Second Ordinary: 16 days
Total: 45 days

A. Sitting days

This data suggests that Pacific Parliaments may meet for at least three sessions per year and for an average of approximately ?? sitting days in total. In some instances, such as Cook Islands in 2004, sitting days were as low as ten per year. The Fiji Parliament averaged 51 sitting days per year between 1998 and 2006, notwithstanding the impact of the coup of May 2000 (which did have significant impact on passage of legislation for that year). The Papua New Guinea Parliament averaged 43 sitting days per year between 2003 and 2009.

There may be several reasons for the minimal number of sitting days, including the prohibitive cost of transporting and accommodating members. However, the dominant cause would appear to be directly related to the executive's attitude toward and power over the legislature. Whereas parliamentary theory suggests that constituency representation is a major function, this is not as significant a driver in the absence of strong civil society, public interest advocates, and mass media. Oversight of executive action also becomes secondary, leaving the main functions as passage of legislation and money supply.

The inhibition about calling parliamentary sessions increases where the executive is politically weak – as is often the case in Pacific jurisdictions where governments consist of unstable coalitions. This proposal can be tested by examining the sessional records of the presumably stronger executives formed under the congressional or Republican model, or where the head of the executive is elected by popular vote in elections separate to legislative elections.

When opposition members put the first no confidence motion in the Marshall Islands parliament in September 1998 the parliament ceased to function for some six weeks, while the government sought to avoid it. Although the courts instructed the parliament to resume, the matter was not finally settled until the Supreme Court upheld the lower court's ruling one year later. In Papua New Guinea "no-confidence" motions removed four governments since independence, and threatened the existence of many others. This constant spectre of instability prompted passage of a law prohibiting no-confidence votes in the first 18 months and final six months of the five-year parliamentary term (suspending Westminster in order to preserve it?). The Parliament averaged 43 sitting days per year between 2003 and 2009: in 2009 it sat

31 days before adjourning from August to November to avoid introduction of a confidence vote, and in 2010 it was suspended on July 21st for the same reason, despite the risk of facing a court challenge for not sitting for 63 days in the year as constitutionally required.

At times Papua New Guinea's opposition has sought the court's assistance in the recall of parliament. Lack of sitting days in 2010 and 2011 has threatened the integrity of the appointment of the head of state, and passage of constitutional reforms and legislation required ahead of general elections in 2012 (constitutional recognition of two new provinces - Hela and Jiwaka - required to establish their constituency seats before the 2012 general elections).¹⁵ Sitting for insufficient days also prevented leaders from meeting such parliamentary responsibilities as the tabling and consideration of reports, scrutinizing bills, considering committee findings, and engaging in general debate. Commissions of Inquiry reports remained unexamined - or else incomplete and not followed up. Public Accounts Committee recommendations went unheeded. Most government reports statutorily tabled remained unread. Constitutional changes required in anticipation of the 2012 general elections will not be made on time.¹⁶

In both the SI and Vanuatu parliaments, such "no-confidence" motions are similarly put on a regular basis. The SI parliament averages three meetings per year, but in the absence of a firm parliamentary calendar, and. (there is no calendar to mark the sittings of Parliament. Parliament convenes when the Prime Minister say so, although the Constitution states that Parliament must within 12 Months. In Vanuatu just two ordinary sessions per year are required, but additional sessions can be called. In some years parliament has only agreed to sit following judicial orders pointing to its Constitutional requirement to do so. Following years of instability and minimal session times, the Cook Islands parliament promised in 2011

¹⁵ MacPherson, J. (2009). Timelines and Deadlines: Electorates for the Next Parliament and Related Matters. Port Moresby, Institute of National Affairs. 98. The Task Force For Government and Administrative Reforms noted in May 2010 that there remain barely sufficient parliamentary sittings to accommodate the requisite three readings of the amendments and thus allow the changes to be incorporated in accordance with the rule of law. Tuck, G. (2010). Number of Districts. Seminar on Constitutional And Electoral Matters. Port Moresby. Tuck, G. (2010). Number of Seats in Parliament. Seminar on Constitutional And Electoral Matters. Port Moresby. In addition, the Task Force points out that the Boundaries Commission is required to make recommendations concerning and new boundaries, and this has not happened. Tuck, G. (2010). Local-Level Government Elections. Seminar on Constitutional And Electoral Matters. Port Moresby.

¹⁶ See the assessments of Macpherson MacPherson, J. (2009). "General Election and Size of Parliament.", MacPherson, J. (2009). Timelines and Deadlines: Electorates for the Next Parliament and Related Matters. Port Moresby, Institute of National Affairs. 98, MacPherson, J. (2009). Electorates for the next Parliament and related matters. Port Moresby, Institute of National Affairs, MacPherson, J. (2010). Creating Parliaments to Realise the Vision: a Government Score Card. Port Moresby, Institute of National Affairs.

to sit for a minimum of 100 days. In Nauru there have been more than 38 changes of government since 1977. In 2010 there were 2 general elections within 2 months. The government is always in the minority – it has a president plus five cabinet members. The working majority is 9 for passage of legislation. In 2011 the situation remained politically volatile and this has affected the public service, as changes of government are followed by changes of heads of department, which in turn result in policy changes. The Vanuatu parliament has experienced numerous motions of no-confidence since attaining independence in 1980.¹⁷

A small number of parliamentary sitting days inevitably constrains the ability of a parliament to complete its work-load: whether consideration of new bills, and their second and third readings; consideration of reports tabled as constitutionally required or otherwise; as well as legislative reform generally; and questioning ministers of the government of the day with or without notice. The average number of bills passed into law in the Pacific states appears to be approximately 20 per year - which number includes all appropriations and other legislation of a fiscal nature, which facilitates the work of government without otherwise contributing new legislation.

B. Executive oversight

From the point of view of parliamentarians, effective oversight of the bureaucracy is a concern. But in practice, the ability of parliaments to deliver oversight – whether from the government’s position or the opposition’s, is often seriously proscribed. If Pacific parliaments desire to exercise their oversight function, they will ensure that their committee systems function well. In many Pacific jurisdictions the functioning of these systems has fluctuated, in some cases due to lack of resources, in others through use of the system in the interests of the government of the day rather than the parliament as a whole. Whereas individual committees may operate well from time to time there are some systemic issue to address, such as the tendency for governments to use committee appointments as a form of patronage (in some cases giving committee chairs considerable remuneration and conditions and thus ensuring their continued loyalty), and the danger that MPs only attend meetings for a period sufficient to collect their allotted per diems.

¹⁷ Instability to 2001 is described in Hassall, G. (2007). Vanuatu. Security and Development in the Pacific Islands: Social Resilience in Emerging States. M. A. Anne M. Brown. Boulder, Colorado, Lynne Rienner.

Public Accounts Committees play a crucial role in oversight of the financial affairs of government on behalf of the parliament. Some PACs have status under a public financial management act as well as Parliament's standing orders. However, even the most productive of PACs - that of Papua New Guinea - comprises a staff of just three. In recent years it has made more than 50 recommendations to prosecute public servants, with not a single one subsequently facing charges.

A. The role of speaker

In each parliament the crucial role played by the Speaker is developed in the passage of time. In several Pacific jurisdictions contest over the Speaker's actions has had significant impact in recent times. In small legislatures - or indeed in any legislature in which the division of seats amongst the parties is almost even - the "yielding up" of a member of one's party to the position of Speaker can jeopardize the executive's hold on power. Such was the case in Nauru in recent years, where refusal by both major parliamentary groups to offer a candidate led to months of stalemate. Parliament has approved a bill adding an additional parliamentary seat to ensure that votes on the floor cannot be evenly split.

In Vanuatu, successive speakers appear to have struggled with maintaining a non-political approach to their office. In 2011 the issue has focused on rivalry between current speaker Maxime Carlot Korman and current Prime Minister, Sato Kilman. Kilman was intent on removing Korman as speaker but parliamentary standing orders state that a written motion - such as is required to remove a speaker - can only be debated on Tuesdays and Thursdays from four to five in the afternoon, and speaker Korman for obvious reasons refused to allow a sitting at these times - including in the face of a court order obtained by the government (Korman in his third term as speaker, having been the parliament's first speaker at independence in 1980 and again 2008-2010, and he was also Prime Minister 1991-1995).

In Papua New Guinea, too, the position of speaker has proven controversial. In December 2010 the court found speaker Jeffrey Nape breached parliamentary rules concerning election of the Governor-General. On several occasions in 2010-2011 Nape has appeared to stifle debate and even adjourn parliament by ignoring the voices opposing his ruling. Whereas many of these rulings appeared to protect the interests of a struggling Somare government, Nape took a decision in August 2011 to disqualify Somare from parliament on the basis that

he had failed to attend three consecutive meetings (Somare had been suspended from office in December 2010 to face a leadership tribunal and in April 2011 had departed for heart surgery in Singapore. His family announced in June his resignation from Parliament but he had returned to Port Moresby in August, disputing his family's legal right to announce his retirement).

B. Constraints of party affiliation

Much of the concern about the operation of party systems in Pacific Island context concerns the “fluidity” of political parties, and the movement of MPs between them. In 2008-09, for instance, the Samoan government vigorously sought to suppress the flight of MPs from the ruling party in the context of opposition to its decision to shift traffic from “left hand” to “right hand” drive. Such “floor-crossing” tactics have had considerable impact on the formation and exercise of legislative and executive power. The most direct impact of party fluidity is executive instability, which is manifest in no-confidence votes, shifts of allegiance, pre-occupation by successive heads of government with maintaining loyalties, and the performance of legislatures (numbers of sitting days, performance of parliamentary committees, progress with passage of legislative programs etc). Responses to these problems have focused on reforms to mandate stability: party registration, discouragement of independent MPs, restraints on party-hopping, automatic triggering of dissolution through no-confidence votes, power of constituencies to exercise recall, and enlargement of cabinet size to accommodate more sectional interests.¹⁸

A lack of political party traditions has fuelled the movement of MPs between parties, from government to opposition and vice versa, and has created “imminent instability” within parliaments through competition amongst political actors to obtain executive power. “Anti-hopping” electoral laws have been adopted in an effort to fortify the current system but do not address the fundamental structural issues and lead to a reduction rather than enlargement of democratic practice.

¹⁸ In 2007 PNG Prime Minister Somare allocated ministry or vice-ministry positions to at least one member of each of 14 parties in his coalition and wanted to expand the cabinet beyond the existing 28 ministries. An expansion in the size of cabinet has also been made in Tuvalu.

In 1999 the PNG parliament passed the *Integrity of Political Parties Act* in an effort to establish political stability, and in 2003 (check date) it changed from a FPP electoral system to limited preferential voting in an effort to boost the legitimacy of representation. In 2010 the court found the constraints set out in the Organic Law to be unconstitutional, and this resulted in an immediate shake-up of political affiliations, which an opposition spokesman explained in these terms:

“We have decided on this bloc because for too long we have been marginalised, overlooked for ministerial positions in government and funding for the electorates. We have to change this situation and the time has come,”¹⁹

Table: political parties in Pacific Island countries

Country	Political Parties
Cook Islands	5
Federated States of Micronesia	0
Kiribati	5
Marshall Islands	3
Nauru	3
New Caledonia	30
Palau	2
Papua New Guinea	38
Solomon Islands	21
Tokelau	0
Tonga	2
Tuvalu	0
Vanuatu	17

The issue, as everyone understands, is access to executive power rather than merely legislative. Is the answer greater institutionalization of party systems, incremental maturation of political cultures, or a re-examination of more fundamental processes? The future operation of parties and their impact on government

stability in Westminster systems will remain problematic: the courts will rule, in keeping with fundamental principles of free expression and association as set out in the International Covenant on Civil and Political Rights, that it is improper to legally restrain MPs from choosing and changing allegiances; but the lack of philosophic boundaries between MPs will continue to facilitate such shifts with more prospects of success than of failure (there is no censure for changing sides as affects a conservative who becomes progressive and vice versa).

The statement of basic principles agreed to by Pacific Legislators in 2010 includes at point four:

¹⁹ Chimbu Governor, Father John Garia, MP
<http://www.pina.com.fj/?p=pacnews&m=read&o=10766175684c3bf73f289324d5d186>

4. POLITICAL PARTIES, PARTY GROUPS AND CROSS PARTY GROUPS

4.1 Political Parties

4.1.1 The right of freedom of association shall exist for legislators, as for all people.

4.1.2 Any restrictions on the legality of political parties shall be narrowly drawn with the

International Covenant on Civil and Political Rights.

And:

4.3 Cross Party Groups

4.3.1 Legislators shall have the right to form interest caucuses around issues of common concern such as Health, Education, Community, Private Sector Development, Women or MDGs. (Commonwealth Parliamentary Association, Forum Presiding Officers Conference et al. 2010, p 9-10)

C. Constituency Relations

There are significant gaps in the literature on politics and political parties in the Pacific islands. There are no studies, for instance, concerning how MPs in Pacific parliaments occupy their time when parliament is not in session. Nor have political cultures and organization been properly assessed. Very few statistically valid surveys of “public opinion” have been undertaken.

The figures for parliamentary sessions suggest that a backbencher may have no parliamentary sessions to attend for 300 days of the year. Members of Cabinet will of course be busy with supervision of their Ministry and Departments, and those committee members whose committees are functioning will have business to attend to – although many committee dates are aligned with parliamentary sitting dates in order to reduce operational costs.

The evidence concerning the legal basis of political parties suggests that party memberships are small and imprecise, and that as a result, parties struggle for the most part to satisfy the requirements of representativeness, inclusiveness, or authenticity as entities established in pursuit of the public interest. We can only conclude that party structures remain “fluid” to maintain political “room to manoeuvre” (Duncan and Hassall 2010)

In the case of Solomon Islands, for instance, 12 of 17 currently active “parties” have legal personality under the *Charitable Trust Act* of 1964. The five without such registration include the Solomon Islands Party for Rural Advancement, which claims a membership of between 7000 – 8000 but which like the National Party, the People’s Alliance Party, the Solomon Islands Liberal Party, and the Solomon Islands Democratic Party, maintains no

official records of party membership or meetings. Of twenty currently or previously active parties in the country, eight had memberships under 100, ten between one and five-hundred, and only two claimed to have memberships in excess of 1000; and few if any of these parties kept records of party meetings and decisions, or membership subscriptions. The Solomon Islands Social Credit party led by Manasseh Sogovare is alone in claiming to maintain official record of some 10,000 members. The National Party, which estimates its support base to be 400-500, holds an annual convention in addition to a monthly executive meeting, raises funds through fundraising activities and sponsorship from business interests including logging countries, but is under no legal obligation to report the size or origins of donations.²⁰ Parties are generally only activated during electoral periods, and at other times remain dormant.

In Vanuatu fifteen parties are registered, of which only the Vanu'aku party established by Walter Lini before independence has clear a membership, complete with regional sub-committees, a Commissars' council, and a central administrative council. Such other parties as the National United Party of Ham Lini, the Union of Moderate Parties led by Serge Vohor, the Vanuatu Republican Party of Maxime Carlot Korman, the Grin Pati of Moana Carcasses Kalosil, the People's Progressive Party of Sato Kilman, the Melanesian Progressive Party of Barak Sope, the National Community Association of Joshua Kalsakau, the People's Action Party of Silas Hakwa, or the Namangki Aute of Paul Telukluk - maintain no membership lists.

There are, too, parliaments in which members use informal groups rather than formal parties. Until recently there were no political parties in Tonga, which has been a constitutional monarchy from 1875 to the present time (The Human rights and democracy movement was established in 1970, and has recently become the country's first "party"). There are no formal parties in Kiribati, Nauru, or Tuvalu.

1. Constituency Development Funds

In a number of jurisdictions it appears that MPs are more actively involved in activities at constituency level than in parliamentary processes. In the Melanesian context it has been

²⁰ Phone interview with Francis Oridani, 12 September 2007.

argued that MPs are obliged to meet traditional cultural expectations of a ‘big man’.²¹ However, participation of MPs in the planning and delivery of services has such unintended effects as drawing resources away from the line departments ordinarily responsible for such activities, or possibly leading to overlaps in the delivery of services. Furthermore, the involvement of MPs in service planning and delivery leaves them little time for other parliamentary duties, such as the development of legislation, committee service, and scrutiny of government. A more sceptical view would be that MPs have simply sought to exercise control over budgets, specific programs, and statutory bodies. This tends to confuse the lines of accountability: if MPs engage in work that government departments are otherwise responsible for, who is accountable for the success or otherwise of these? In the long term, the role of the MP will require clarification, particularly as a more educated public begins to ask incisive questions concerning the ideal role of elected representatives.

The increasing size and scope of constituency funds is causing concern.²² Across Melanesia, MPs are allocated considerable constituency funds and a certain amount of time will be spent in their electorates supervising their disbursement. At the current time, each member of the Papua New Guinea parliament receives 10 million kina per year for use under the DISP – District Improvement Services Program. This amounts to approximately 118 million kina annually for 109 members of parliament. As this is a fairly new program no audit information has yet been made publicly available, concerning either the disbursement of funds, or project impact (the first review has been completed, but not yet made public).

In Solomon Islands there is a double concern. First there is the matter of accountability of funds distributed to MPs (both financial and performance concerns), and secondly the fact that for a number of this assistance has been supplied by the Government of Taiwan directly to MPs rather than through formal government channels.

Given the size of electoral development funds (constituency funds), and the role of MPs in decision-making concerning the expenditure of these funds, it is important to consider the

²¹ Throughout the Pacific, but particularly in Melanesia, ‘big man’ is used to refer to an important public figure. The concept combines elements of contemporary politics with traditional notions of the obligations of people holding high status.

²² This concern is shared more widely than Pacific: see van Zyl, A. (2010). What is Wrong with the Constituency Development Funds?, International Budget Partnership. Budget Brief. 10.

relationship between legislative and executive powers. Benchmarks for Pacific Island parliaments issued in 2009 states at 1.3.3:

“A legislator may not simultaneously serve in the judicial branch or as a civil servant of the executive branch.” (Commonwealth Parliamentary Association, Forum Presiding Officers Conference et al. 2010, p3)

An additional issue concerns the legitimacy of MPs in Papua New Guinea having automatic membership in provincial government by virtue of their membership in the national chamber. The CPAs 2010 principles state at section 1.3.2: “In a bicameral Legislature, a legislator may not be a Member of both Houses.” (Commonwealth Parliamentary Association, Forum Presiding Officers Conference et al. 2010, p 3)

What has fuelled the growth of constituency funds in the Melanesian states? Culturally, there is an expectation that the Member of Parliament distribute resources in the tradition of a “big man”. Leaving aside the issue of whose resources are being distributed, a second impetus to the involvement of MPs in service delivery has been perception of poor performance by the executive branch of government. This has been, at least, the justification put forward by MPs. It raises the issue of the proper role of a member of the legislature, whether of the government or opposition side, in oversight of executive power.

D. The integrity of members

Whereas the civic virtues of individual members of parliament are questioned in jurisdictions throughout the world, the task of ensuring integrity in office remains constant. In a number of high-profile instances, electorates have chosen representatives with known criminal records, whilst in others, representatives have been removed from office for breaches of leadership codes or criminal activities.

In the Solomon Islands, former PM Sir Allan Kemakeza was lost his seat upon conviction for an attack on a Honiara law firm in 2002, but has since been re-elected. A similar scenario involving one-time Prime Minister and Minister for Finance Barak Sope occurred in Vanuatu.

Other current “integrity issues” include the disproportionate allocation of scholarships for education in Taiwan to the children of sitting MPs,²³ and the size of MP entitlements determined by the Parliamentary Entitlements Commission (PEC). The PEC has status separate from the Parliament, but is headed by the Minister for Finance. When in 2009 then Minister Snyder Rini awarded large entitlements not only to MPs but to their spouses, public outrage was such that the Sikua Government was obliged to respond and did so by challenging the PEC’s decision in the courts. On 22nd October Chief Justice Sir Albert Palmer quashed the PEC’s ruling on the basis that it had gone beyond its powers in making an award not only to MPs but to their spouses, who were not members of Parliament and who were not therefore entitled to such benefits.

Whereas Pacific island electorates have long been described as “forgiving” for their apparent unconcern about their representatives’ illegal activities, a younger generation of voters is sharing information about MPs on the internet and through consciousness-raising activities in both rural and urban settings.²⁴ In the Papua New Guinea context, blog sites had asserted for several years that Minister for Finance and National Planning Paul Tientsin was misappropriating development funds, and when police sought the Minister for questioning in September 2011, he reportedly fled the country.

The benchmarks published by the Pacific legislators in 2010 suggests at point 10:

ETHICAL GOVERNANCE

10.1 Transparency and Integrity

10.1.1 Legislators should maintain high standards of accountability, transparency and responsibility in the conduct of all public and parliamentary matters.

10.1.2 The Legislature shall approve and enforce a code of conduct, including rules on conflicts of interest and the acceptance of gifts.

10.1.3 Legislatures shall require legislators to fully and publicly disclose their financial assets and business interests.

10.1.4 There shall be mechanisms to prevent and detect corruption, and bring to justice legislators and staff engaged in corrupt practices. (Commonwealth Parliamentary Association, Forum Presiding Officers Conference et al. 2010, p 17)

²³ “SOLOMONS POLITICIANS ACCUSED OF ABUSING AUTHORITY: *Children allegedly get preference in Taiwan scholarships*”, MELBOURNE, Australia (Radio Australia, Sept.2, 2011).

²⁴ The qualifications and experience of MPs elected to the SI parliament at general elections in 2010 are listed at <http://degacliff.blogspot.com/p/solomon-islands-elections-2010.html?zx=72e816b32d1d2d7a>

IV. Parliamentary Development

Within the public sector, “new professionalism” has been a distinct feature of reform processes worldwide in the past decade,²⁵ and it appears to be the case that similar expectations are now shifting to political as much as public sector leadership. There are at least three regional parliamentary associations (FPOC, APIL & APPF), and two international associations having Pacific Island members (CPA and IPU). However, these are more focused on the *use* of capabilities than on the *development* of capabilities. APIL, for example, was established in 1981 by legislators from the north Pacific, with a secretariat in Guam, “...to organize a permanent association of mutual assistance by representatives of the people of the Pacific Islands.”²⁶

The Pacific Islands Forum Secretariat has played a specific role in promoting leadership development in Pacific parliaments through the establishment in 2000 of the Forum Presiding Officers Conference (FPOC). Under then Governance Advisor at the Forum, Mose Saitala, FPOC generated the Forum Principles of Good Leadership and individual legislatures considered adopting leadership codes. FPOC has since been amalgamated with the Pacific Parliamentary Assembly on Population and Development (PPAPD) and been allocated resources for the establishment of a secretariat in the Cook Islands.²⁷

Table: Regional parliamentary associations.

State	Association of Pacific Island Legislators	Asia-Pacific Parliamentary Forum	Commonwealth Parliamentary Association
	http://www.apilpacific.com/	www.appf.org.pe	www.cpahp.org
American Samoa	√		
CMNI	√		
Cook Islands			
Federated States of Micronesia (incl. Chuuk, Kosrae, Pohnpei & Yap)	√√√√	√	
Fiji Islands		√	√
French Polynesia			
Guam	√		

²⁵ Ives, D. (2002). “New Professionalism” as an emerging concept in public sector reform.” CAPAM Biennial Conference, Glasgow, UK.

²⁶ (<http://www.apilpacific.com/whoweare.htm>, visited 22 September 2011).

²⁷ “The joint Secretariat is aptly named the “PPAPD-FPOCC Secretariat”:
http://www.spc.int/ppapd/index.php?option=com_content&task=view&id=100&Itemid=80.

Hawaii	√		
Kiribati	√		√
Marshall Islands	√	√	
Nauru	√		√
New Caledonia			
Niue			√
Palau	√		
Papua New Guinea		√	√
Samoa			
Solomon Islands			√
Tokelau			
Tonga			√
Tuvalu			√
Vanuatu			√

The development needs of Pacific Island parliaments have been assessed by a range of agencies, over an extended period of time. An informed list of developmental issues was presented in 2005 by Governance advisor to the Pacific Islands Forum Secretariat Mose Saitala, at a Commonwealth Secretariat-sponsored conference on “Government and Opposition”:

1. Parliaments lack real independence, especially from the executive branch.
2. The role of speaker must be enhanced. Five parliaments seek speakers from outside house membership in order to make the position impartial; but in general the position lacks status and speakers are not well compensated.
3. Many Elections Offices lack independence;
4. There are weaknesses in regulatory framework governing parliaments: constitutions and standing orders need to be aligned with best practices of parliamentary democracy;
5. The relationship of parliament and constituents needs cultivation: there is a lack of civic education by parliaments. Weak emphasis on part of public in legislation and law making. There are youth parliaments to educate
6. There are prolonged absences of MPs from sittings
7. There is too short a time between reading of bills.
8. There is lack of will to exercise oversight functions
9. There is need to strengthen audit bodies – and who audits the auditor?
10. Parliaments are poorly resourced. They lack, for instance, resources for per diems for committees, and this leads to a lack of sittings.
11. There is much political instability within legislatures.²⁸

These issues have been elaborated on at a number of conferences and by the region’s key development partners. Principal events and processes have included:

²⁸ Saitala, M. (2005). "Developments in Forum island Legislatures." GOVERNMENT AND OPPOSITION - ROLES, RIGHTS AND RESPONSIBILITIES, A workshop organised by the Commonwealth Secretariat and Commonwealth Parliamentary Association in cooperation with the Pacific Islands Forum Secretariat and the Pacific Islands Association of Non-Governmental Organizations, Sheraton Royal Denerau Resort, Nadi, 29-31 August 2005. .

- the Pacific Regional Conference on Governance for Parliamentarians (March 2000);
- The UNDP's Governance Programs, including "legislative needs assessments" and "parliamentary strengthening" program;
- Transparency International's survey of "National Integrity Systems";
- The Pacific Islands Forum's several protocols promoting good governance and leadership;
- Activities of such international agencies as:
 - International IDEA;
 - Asian Development Bank;
 - Parliamentary network of the World Bank;
 - Parliamentarians for Global Action;
 - Association of Pacific Island Legislatures (APIL);
 - Centre for Democratic Institutions;
 - United Nations Agencies, including UNIFEM's Pacific Regional Office's "Women in Politics" program.²⁹

In 2000 the UNDP and other agencies convened a regional conference on Governance for Pacific islands' Parliamentarians to promote strengthening the performance of Parliament in several urgent respects: upholding good governance best practises and public accountability; parliamentary oversight; committee performance; reporting to and by Parliaments of statutory offices and state owned enterprises; and consultative processes with civil society. (UNDP, ESCAP et al. 2000) That meeting identified a range of major challenges for Pacific leadership:

- an adequate and independent budget for Legislatures;
- a fully resourced and autonomous Office of the Presiding Officers;
- an autonomous legislative service;
- a strengthening and/or establishment of independent parliamentary/ legislative counsels;
- an active Committee System as an effective tool of Legislatures;
- strengthening and ensuring the independence of constitutional offices;
- appropriate usage and reference to legislatures of subordinate legislation and regulations;
- legislatures' key involvement in treaties and international obligations;
- consultative mechanisms to ensure engagement of civil society;
- adequate information and advisory service for members of legislatures; and
- effective dissemination of information to the community and, through the education system, improved understanding about the role of the Legislature and the ethics and practices of good governance. (UNDP, ESCAP et al. 2000)

Yet another workshop convened by UNDP in 2005 identified those challenges that Pacific parliaments had in common:

²⁹ <http://pacific.unifem.org/index.php?cat=15>

1. Lack of independence in matters of funding, staffing policies and committee functioning;
2. Ineffective committee systems;
3. Unsystematic approach to the introduction of bills and their debating;
4. Lack of training for members of parliament and parliamentary support staff; (Lindroth 2005)³⁰

Eight “legislative needs assessments” undertaken 2000-2003 by UNDP currently set much of the framework for development assistance to Pacific Parliaments.³¹

Between 2000 and 2003, LNAs were carried out for eight Pacific Island Countries (PICs) through the UNDP project - Governance for Livelihoods Development (GOLD). The analysis indicate that whilst PICs have different systems in place, different colonial histories and are of different sizes, they were unified by shared obstacles to good parliamentary governance. Following the completion of the LNAs and extensive consultations, parliamentary support projects were designed and mobilized in Fiji, Marshall Islands and Solomon Island from 2005 to 2007. But unlike for the Fiji Project, these other projects have commenced implementation of Phase II design. Likewise in 2007, UNDP also designed a Parliamentary Strengthening Project for Nauru which is yet to be implemented.

In Tuvalu and Kiribati, UNDP commenced with a Parliament. Preparatory Assistance (PA) Projects in early 2008 that would culminate in a design of a larger 3 year project. Activities include an update of the Legislative Needs Assessment, an Orientation Workshop, a Committee Workshop and Capacity Assessments. Similar PA projects were also undertaken for the Federated States of Micronesia, Palau, Tonga and Vanuatu in 2008.³²

The findings of the report on the National Parliament of Vanuatu are indicative of the situation in a number of legislatures of similar size and circumstance:

“The National Parliament of Vanuatu is unable to fulfil its responsibilities, particularly with regard to its duty as an oversight body, because:

- The Executive dominates the Legislature;
- Human resources, within the Office of the Clerk of Parliament, the Office of the Speaker and the within departments of the government of Vanuatu generally, are underdeveloped, especially in legal, research and financial areas;
- The content and implications of legislation are not well understood by Members of Parliament;
- No legal or technical secretariat is available to non-government Members.

³⁰ online at <http://www.undppc.org.fj/userfiles/file/Final%20Workshop%20Report%20050505.pdf>

³¹ These are online t <http://www.undppc.org.fj/pages.cfm/our-work/democratic-governance/strengthening-parliaments-democratic-institution/pacific-parliaments/undp-pacific-parliamentary-resources/#Pacific%20Legislative%20Needs%20Assessments>

³² UNDP – Fiji Multi-Country Office, <http://www.undp.org.fj/index.cfm?si=main.resources&cmd=forumview&cbegin=0&uid=democraticgov&cid=99>, accessed 10 November 2009.

- Access to information regarding and knowledge of procedures of Parliament and the political system generally is limited;
- Where they have been enacted already, these procedures are not adhered to;
- Little differentiation is made between the role of the Constitution, Acts of Parliament, Government Regulations and the Standing Order.
- Members are not able to liaise effectively with their constituents in a timely and regular manner;
- Women are under-represented in the National Parliament are not adequately advocated for. (There are no women Members of Parliament);
- Recommendations contained in existing reports on and training exercises for parliament have not been adopted. (Morgan 2001)

A. Parliamentary assistance

Following extensive needs assessment activities from 2000, a range of short and long-term parliamentary assistance projects have been initiated in the Pacific region. The UNDP's Parliamentary Support Program convened a "Parliamentary Assistance Roundtable in Nadi, Fiji, in 2007 to distil good practice and lessons learned from past assistance to legislatures. Key findings of this meeting included:

- The need for sustainable, flexible, and responsive, programs of technical support to parliamentary secretariats and legislators which are adapted to context, and time and resources available to legislators;
- support to legislatures in the Pacific should translate into legislative activities which contribute to better development.
- legislatures often do not have primary carriage for issues-based policies and laws, but must engage more strategically with executives if they are to play an effective role in policy-making and implementation processes.
- The desirability of closer cooperation in providing support to Pacific legislatures amongst academic, UN and other organisations, including Pacific parliamentary associations which already exist in the region, including the Commonwealth Parliamentary Association, Association of Pacific Island Legislatures and the Forum for Presiding Officers and Clerks. (United Nations Development Programme 2007)

There is thus considerable convergence of views on content of development agendas for Pacific Parliaments: education and learning – (civic and professional), resources (human, financial, and material), and mustering sufficient will to enforce rules and to implement

change. Subsequent assistance projects have included induction programs for new members (Fiji, Kiribati, Solomon Islands (twice), Marshall Islands, Palau, Papua New Guinea, Tuvalu, and Vanuatu), or longer-term parliamentary support programs (Fiji, Marshall Islands, Papua New Guinea, Solomon islands).³³

UNDP-sponsored parliamentary assistance programs, such as that for Solomon Islands have become recognised for their enduring impact on parliament.³⁴ Assistance has included strengthening of the parliamentary library and website, and committee functioning, with each of these measures having beneficial impact on the performance of MPs, who enter the legislature with better research, and well-considered committee reports.

The Solomon Islands Parliamentary Strengthening project is widely credited as having had significant impact on the conduct of parliamentary procedures, provision of information and research support for members, committee functioning, human resource management, parliamentary education, and community engagement.³⁵ Up to 2006, the main divisions or Parliament departments within parliament were the speaker, clerk, and mps, at the centre, supported by sergeant at arms, the library, finance, and Hansard. In the period 2006-2012 this organization was complemented with:

1. procedures office (established towards the end of 2010 with support from NSW Parliament)
2. committee Secretariat,
3. information services (ICT),
4. civic education, and
5. human resources department(established in 2010)

Recent achievements have been in the development of corporate services – a five year parliamentary strengthening project, a new human resources department, the establishment of internal committees, monthly reporting, and recruitment of staff.

³³ The program for Fiji was suspended consequent to the military's take-over of government in December 2006, and Papua New Guinea's program has not been implemented.

³⁴ <http://www.parliament.gov.sb/index.php?q=node/177>

³⁵ http://www.undp.org/fj/pdf/SOI_Parliamentary_Strenghtening_Project_Phase2.pdf

Across the region more broadly, training programs include induction programs, tailored workshops, familiarization tours. MPs are also being targeted to show leadership on specific issues, such as reproductive health (The Pacific Parliamentary Assembly on Population and Development) and democratic oversight of the security sector (UNDP), human rights, AIDS, climate change, gender, business, etc.

Induction programs have generally been approximately 5 days in duration, and have brought in resource people with particular parliamentary experience, whether in debating skills, committee skills, or knowledge of parliamentary procedure. Although such programs undoubtedly have value, there is no compulsion for MPs to attend, and there may be a tendency for the very MPs who require skills upgrading to absent themselves from these learning opportunities.

The Centre for Democratic Institutions (CDI), based at the Australian National University, has run workshops for members of parliament since 1999. Between its establishment and 2004 some 77 participants from nine legislatures, including many from the Pacific, had benefitted from the Centre's initiatives, and many additional retreats have been held in the years since. In the process, CDI has developed a valuable set of resources on its website.

The World Bank also conducts training for MPs. In 2008 the leadership program at USP hosted a Parliamentary Professional Development Course convened over a broadband connection, which was attended by Fiji's parliamentary staff and at least one former MP (Krishna Datt).

Considerable development assistance has also been given to the matter of the digital capabilities of Pacific parliaments. (Hassall 2007) Whereas the majority of Pacific parliaments now have homepages and at least some legislation and parliamentary activity on-line, the quality websites varies greatly, with some sites benefiting from donor assistance and others having no regular IT support. Parliamentary websites are listed in the following table.

Table: Parliamentary websites

State	Web address
American Samoa	-
CMNI	www.cnmileg.gov.mp
Cook Islands	www.parliament.gov.ck
Federated States of Micronesia	/www.fsmcongress.fm/
Fiji Islands	www.parliament.gov.fj/main/index.aspx
French Polynesia	www.polynesie-francaise.gouv.fr
Guam	www.guamlegislature.com
Hawaii	www.capitol.hawaii.gov
Kiribati	www.parliament.gov.ki
Marshall Islands	www.rminitijela.org
Nauru	www.naurugov.nr/parliament/index.html
New Caledonia	www.congres.nc
Niue	
Palau	
Papua New Guinea	www.parliament.gov.pg
Samoa	www.parliament.gov.ws
Solomon Islands	www.parliament.gov.sb
Tokelau	www.tokelau.org.nz/General+Fono.html
Tonga	parliament.gov.to
Tuvalu	-
Vanuatu	www.parliament.gov.vu

Whilst the establishment of these websites marks a significant advance in the dissemination of knowledge of the activities of these parliaments, there is equally significant variation in the levels of service provided. The most complete sites are supported by Solomon Islands, Papua New Guinea, and some of the Micronesian legislatures. In 2008 the CI parliament's website went online but bills and papers are not put up as the policy remains that they be sold rather than freely distributed. The Samoan Fono has commenced posting its Committee reports. Vanuatu's website has been established but is not being updated.

A further form of parliamentary assistance involves "twinning relationships". The Commonwealth Parliamentary Association has established relationships with Australian and Pacific legislatures, as set out in the following chart:

Australian Region Parliament	Pacific Region Parliament
Australian Capital Territory	Kiribati
New South Wales	Bougainville (Papua New Guinea)
New South Wales	Solomon Islands
Northern Territory	Niue
Queensland	Papua New Guinea
Queensland	Vanuatu
South Australia	Tonga
Victoria	Nauru

Victoria	Tuvalu
Victoria	Fiji <i>whenever it comes out of abeyance</i>
Tasmania	Samoa
Western Australia	Cook Islands
Norfolk Islands - to join should they wish to do so	

The New Zealand parliament supports a Parliamentary Study Program, and supports a Pacific Parliaments network website.

Conclusions

This paper has outlined some of the key issues facing Pacific Parliaments at the present time and the extent to which parliamentary development is being introduced through local, regional and international development assistance programs. With the range of programs and agencies involved, coordination is an important consideration. In parliamentary systems based on Westminster, the absence of stable political parties has significant impact on the formation of strong executive government. On the other hand, evidence of “weak executives” does not imply the presence of “strong legislatures”. In reality, the functioning of both legislative and executive branches of government in Pacific Island countries still require a strong development focus, in which not only MPs and administrators but also constituents and civil society also have an important developmental role to play.

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