Nodes and Networks: The Governance of Constituency Development Funds in Baegu/Asifola and Gizo/Kolombangara, Solomon Islands

Derek Gwali Lauta Futaiasi

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A thesis submitted for the degree of Doctor of Philosophy of
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Declaration

This thesis contains no material that has been accepted for the award of any other degree or diploma in any university. To the best of the author's knowledge, it contains no material previously published or written by another person, except where due reference is made in the text.

Derek Gwali L. Futaiasi

April 2023

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Abstract

In Solomon Islands, constituency development funds (CDFs) are public money. These funds are allocated to and distributed by members of parliament (MPs) in order to facilitate economic development across constituencies. They were ostensibly introduced in order to over-come the problem that when public funds are channelled through line ministries, they do not reach, nor facilitate economic development at, the local-village level. However, CDFs have been open to exactly the sort of exploitation and manipulation that the bureaucratic structures of the state are designed to prevent. There has been considerable criticism of the regulation of CDFs, but to date the critique has largely focused on state actors and state regulation. This has led to a problematically circular argument – state regulation, dependent upon state bureaucratic capacity, is required to fix problems caused by lack of state bureaucratic capacity. Drawing upon understandings of nodal governance, this thesis enquires whether all the regulation of CDFs occurs at the state level, or whether there is regulation that also occurs below the level of the state. It develops two detailed empirical case studies that show the multiple scales of regulation of CDFs in two constituencies in Solomon Islands: Gizo/Kolombangara in Western Province and Baegu/Asifola in Malaita Province. The thesis shows that there are many different types of regulatory actors involved, and that the overall regulatory system is influenced by the relationships that exist between them. Through a comparison between the two constituencies, it also shows the enormous variety in regulatory structures that exist at very local levels in Solomon Islands. This both complicates a vision of regulation that is based on the state, but also provides potential opportunities for interventions to strengthen accountability and transparency through going beyond the state. Among other findings, this thesis illustrates the need to look below and above the state in understanding how regulation does and can occur. It suggests that more collaboration between state actors, non-state actors and international actors in the regulation and governance of CDFs in Solomon Islands may strengthen the regulatory system around CDFs.

List of Abbreviations

ANU	Australian National University
BAC	Baegu/Asifola constituency
BACC	Baegu/Asifola Council of Chiefs
CAO	constituency accountant officer
CDCF	Constituency Development Catalyst Fund
CDFs	constituency development funds
CDFR	CDF regulations
CDO	constituency development officer
CPO	constituency project officer
CPP	constituency partnership program
DDA	District Development Authority
DSIP	District Services Improvement Program
GKC	Gizo/Kolombangara constituency
IBP	International Budget Partnership
IMF	International Monetary Fund
LLC	Leadership Code Commission
MARA	Malaita Alliance for Rural Advancement
MDPAC	Ministry of Development Planning and Aid Coordination
MFR	Ministry of Forestry and Research
MNPDC	Ministry of National Planning and Development Coordination
MOU	Memorandum of Understanding
MP	member of parliament
MPGIS	Ministry of Provincial Government and Institutional Strengthening
MPLADS	Members of Parliament Local Area Development Scheme
MoFT	Ministry of Finance and Treasury
MRD	Ministry of Rural Development
NDF	national development fund
NGCDF	National Government Constituencies Development Fund
NGO	non-government organisation
OAG	Office of the Auditor General
OPMC	Office of the Prime Minister and Cabinet
PFMA	Public Financial Management Act

PRC	People's Republic of China
RAMSI	Regional Assistance Mission to Solomon Islands
REPOA	Research for Poverty Alleviation
ROC	Republic of China
SIG	Solomon Islands Government
SSC	special select committee
TSI	Transparency Solomon Islands
UN	United Nations
UNCAC	United Nations Convention against Corruption
WDC	ward development committee
WNGVC	West New Georgia and Vonavona constituency

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Chapter 1
Introduction: Mapping the Story of CDFs in Solomon Islands

1.1 Introduction

In Solomon Islands, constituency development funds (CDFs) are public funds allocated to and distributed by members of parliament (MPs). The stated rationale is to facilitate economic development at the constituency level through bridging the perceived divide between the state and the public created by bureaucratic state structures.[1] Underlying this approach is the concern that when public funds are channelled through line ministries, they do not reach, nor facilitate economic development at, the constituency level. But CDFs themselves have been open to exactly the sort of exploitation and manipulation the bureaucratic structures of the state are designed to prevent. They have created numerous challenges that raise fundamental questions about the management of public funds and governance issues.

This PhD thesis seeks to explore whether expanding the study of the governance of CDFs beyond a focus on state regulation to collective governance would provide fresh insights into the way CDFs are regulated, which may suggest new ways of addressing the problems that are widely perceived to plague their administration and distribution and thereby improve their impacts on development outcomes. Regulation and governance are key concepts used in this thesis. As I give them broader meanings than are common in some disciplines, such as administrative law or political science, I will define their meanings in the context of the thesis. The definitions I draw on are by John Braithwaite, Cary Coglianese and David Levi-Faur, who state that:

> Governments and governance are about providing, distributing, and regulating. Regulation can be conceived as that large subset of governance that is about steering the flow of events and behavior, as opposed to providing and distributing. Of course, when regulators regulate, they often steer the providing and distributing that regulated actors undertake as well.[2]

These broad definitions of regulation and governance are highly appropriate for this interdisciplinary study and go far beyond the boundaries of state law and institutions. As Miranda Forsyth argues, a broad definition is essential in the context of Pacific Island countries

[1] Derrick Manu'uari, interview by Derek Futaiasi, 16 August, 2019, Mendana, Honiara. Fred Fono, "A Perspective on Constitutency Development in Solomon Islands," *Pacific Economic Bulletin* 22, no. 2 (2007): 127-30. Well-informed village people from Baegu/Asifola and Gizo/Kolombangara mentioned and highlighted this standpoint as well.

[2] John Braithwaite, Cary Coglianese, and David Levi-Faur, "Can Regulation and Governance Make a Difference?," *Regulation & Governance* 1 (2007): 3.

because “the reach of the state is often limited and much norm enforcement occurs at a non-state level through customary institutions, churches, non-government organisations, and civil society.”[3]

This chapter has eight parts. First, it introduces my initial understandings of CDFs and how they influenced my study of their governance in Solomon Islands. Second, it summarises the scope of this thesis. Third, it outlines the research questions. The fourth part provides an overview of the intended purposes of CDFs from a global perspective, then focuses on the Solomon Islands context. Fifth, I introduce the conceptual frameworks used by this study to situate the stories of CDFs. Sixth, I elucidate the importance of studying CDFs in the context of Solomon Islands. The seventh part demonstrates how this thesis contributes to the existing literature on CDF. Eighth, I provide a brief outline of the structure of the thesis, followed by a conclusion.

1.2 Insights Regarding CDFs: My Initial Views

As in all research projects, my positionality influences this PhD thesis. Positionality involves “the stance or positioning of the researcher in relation to the social and political context of the study—the community, the organization or the participant group.”[4] I approached this study of CDFs in Solomon Islands as both an insider and outsider. In part, I am an insider because I am a Solomon Islander and a public servant within the Solomon Islands Government (SIG). However, I am also a scholar at The Australian National University (ANU) and not part of the case study communities.

I first heard about CDFs in 2001. I was then a high school student at St Joseph’s Catholic National Secondary School in Guadalcanal. I learnt from a classmate that an MP paid the partial fees of another rural-based classmate from the MP’s constituency. The reason, according to some of my classmates, was that the student’s father was a voter and a strong supporter of the MP. These classmates also highlighted that the student’s father approached the MP to pay part of his school fees. My perception of MPs at high school was that they were powerful and influential leaders in their constituencies. These factors initially influenced my understanding of CDFs as money controlled by MPs that could be used to help rural people socio-economically.

[3] Miranda Forsyth, "How Can Traditional Knowledge Best Be Regulated? Comparing a Proprietary Rights Approach with a Regulatory Toolbox Approach," *The Contemporary Pacific* 25, no. 1 (2013): 2.
[4] Wendy E Rowe, "Positionality," in *The Sage Encyclopedia of Action Research*, ed. David Coghlan and Mary Brydon-Miller (London: SAGE Publications Ltd, 2014), 628.

When I was a student at the University of the South Pacific, I learnt from media reports and stories from relatives that there were a lot of complaints and criticisms about MPs' alleged mismanagement of CDFs. Many of my relatives from the village highlighted that MPs use CDFs to support their voters—MPs use CDFs as political capital to maintain their seats in parliament. However, there were also positive stories about CDFs. These public funds were used for the socio-cultural needs of constituents, such as feasting, compensation and deaths, for small business projects like trade stores and for purchasing of outboard motors. Such uses of CDFs are important because they favourably touched and positively impacted the socio-cultural and economic livelihoods of the people—and these socio-cultural norms are what people value as important as it is part of their livelihood.

When I started my public service career with the SIG at the Solomon Islands Law Reform Commission in 2012, the government at that time, led by then Prime Minister Gordon Darcy Lilo, introduced a Bill to regulate CDFs. When the CDF Bill was tabled before the Bills and Legislation Committee, it prompted substantial discussions in both social and mainstream media about the challenges and problems of the CDF regulatory system and the CDF Bill. These discussions, particularly those about CDFs' relationship to alleged corrupt practices, heightened my interest in CDFs. In 2013, I began working for the Office of the Prime Minister and Cabinet (OPMC) and had the opportunity to get to know some MPs and their experiences with CDFs.

At the OPMC, I had the chance to work on anti-corruption policy-related issues. Central to these were consultations on the Anti-Corruption Bill. I was part of the initial four-man team that undertook consultations on the Bill in Honiara, Kira Kira (Makira Province), Auki (Malaita Province) and Gizo (Western Province). Among the many issues raised by the people from these provinces were allegations of misuse, clientelist politics and abuse of the *wantok* system concerning the disbursement of CDFs. Central to these concerns was the question of whether CDFs were for rural development, or only for an MP's supporters. There were also concerns about the relative absence of the state in rural areas. This was important to the consultation, because one of its aims was to help people understand corruption laws in Solomon Islands and what actions constitute corruption. Further, with the support of the Attorney General, officers from the Office of the Director of Public Prosecutions, the Office of the Ombudsman and the Leadership Code Commission, I conducted a presentation regarding the Anti-Corruption Bill to the Caucus to gauge their views. While working at the OPMC and especially on the anti-corruption bill, I was also exposed to international discourses, conventions and institutions that deal with the issue. For example, I dealt with the United Nations Convention

Against Corruption (UNCAC) and relevant UNCAC agencies and helped to assess whether the SIG policies and laws of Solomon Islands complied with the provisions of the UNCAC. When I presented the statement of the SIG at the 2017 Conference of the States Parties to the UNCAC in Vienna, Austria, I highlighted that one of the important recommendations that emanated from the review process on Solomon Islands laws and policies relating to corruption undertaken by external reviewers (Republic of Iraq and Slovak Republic) was the need to ensure transparency and accountability in relation to the use of public funds.[5] I made it clear that in the case of Solomon Islands, central to public funds is the governance of CDFs.

More significantly, during those provincial tours, meetings, and consultations, coupled with *tok storis* (informal conversations), rural leaders and people discussed economic development challenges they face, and alluded to the fact that one of the reasons for this was what they perceived as the relative absence of the state in the rural areas. They questioned the relevance of the state to their lives. My own tribal members in Malaita Province reaffirmed such frustrations.

These interactions, experiences and observations illustrate two points. First, they helped establish a footing for this undertaking as both an insider and an outsider doing research in my country. My interest as an insider regarding the issues situated within the scope of the study is ongoing and part of my public service and career.[6] Second, this study has implications for my personal contributions to the literature on the governance of CDFs in Solomon Islands, in particular concerning those constituencies this study is concerned with. It also may have broader implications for other constituencies in Solomon Islands. I undertook this PhD study because I wanted to see improvements to the governance of CDFs by helping the national government and country to relook at the idea of CDFs and identify practical approaches for effective reforms. I feel the need to contribute to policy reforms and implementations, especially to the governance of public funds such as CDFs.

1.3 Scope of Thesis

Discussions about CDFs have often focused on the challenges of how such funds are disbursed and used. These discussions tend to be state-centric, focusing on the regulatory

[5] Derek Gwali Futaiasi, "Solomon Islands Statement at the Seventh Conference of the State Parties to United Nations Convention against Corruption, 6 – 10 November 2017, Vienna, Austria," (Honiara, Solomon Islands: Office of the Prime Minister and Cabinet, 2017). Also see Office of the Prime Minister and Cabinet, "Solomon Islands Shares Anti-Corruption Law Plans with United Nations," news release, November 9, 2017, https://theislandsun.com.sb/si-shares-anti-corruption-law-plans-un/.

[6] See similar observations in Joseph Daniel Foukona, "Land, Law and History: Actors, Networks and Land Reform in Solomon Islands" (PhD Thesis, The Australian National University, 2017).

mechanisms provided by the state, such as weak laws and a lack of proper administration. Consequently, weak regulations and the inability of the state to enforce them are seen to illustrate a weak state. Some scholars argue that CDFs have contributed to further weakening the state.[7] The problem is that the solutions proposed through this lens depend upon laws and proper regulation—so it is a circular argument. Against that background, this thesis examines whether expanding the focus of governance from a state-centric theoretical framework to one that includes governance outside the state would provide fresh opportunities to overcome the regulatory problems that plague CDFs in Solomon Islands.

The underlying questions in this thesis are: What are the existing mechanisms for regulating CDFs? Can CDFs be better regulated and made more transparent and accountable by identifying and including non-state regulatory mechanisms?; Are there sources of regulation outside the state that, together with the state, could create a network of state and non-state regulatory stakeholders and regulation that would ensure CDFs are administered with accountability and transparency? The central argument of the thesis is that the institutional mechanisms and stakeholders for regulating CDFs should not focus only on national legislation and the state but should be multi-scalar and include non-state actors such as local village committees, zone committees, churches, chiefs/traditional leaders, constituency-level structures and committees and global geopolitical dealings and arrangements. Put another way, this thesis is concerned with how the Solomon Islands state works in practice and tries to capture how it should respond to the mechanisms, principles and other actors that are shown empirically to influence it.

I now move on to highlight the research questions central to this thesis.

1.4 Research Questions

The overarching questions are: How are public funds in the form of CDFs currently regulated in Solomon Islands, and how could they be regulated more effectively? The sub-questions are:

- What are CDFs, their historical background, evolution over time, their explicit and unstated purposes and viewpoints, and why are they an appropriate subject of study?

[7] See Sinclair Dinnen, "The Solomon Islands Intervention and and the Instabilities of the Post-Colonial State," *Global Change, Peace and Security* 20, no. 3 (2008): 350. Also see Sinclair Dinnen and Matthew Allen, "State Absence and State Formation in Solomon Islands: Reflections on Agency, Scale and Hybridity," *Development and Change* (2015): 7. Further see Sinclair Dinnen, "The Crisis of State in Solomon Islands," *Peace Review* 21, no. 1 (2009): 74. Jude Devesi, "The Solomon Islands Public Service: Organisations, Challenges and Reform," *Asia Pacific Journal of Public Administration* 40, no. 4 (2018): 235-44.

- Considering the political economy of Solomon Islands, what are the challenges of regulating CDFs?

- Are CDFs regulated by a state-based approach? If so, how? What contests exist around this regulation, and why?

- Are CDFs regulated by a non-state-based approach, and if so, why and how have non-state-based approaches to regulating CDFs emerged?

- Can state-based and non-state-based approaches to the regulation of CDFs be hybridised and harmonised to ensure an effective regulatory framework for CDFs, and if so, how?

1.5 CDFs: A Brief Overview

This section has three parts. First, it provides a short overview of the literature on CDFs by highlighting the definitions and purposes of CDFs in an international context. It argues that CDFs have several meanings and purposes. The second part briefly introduces the various state actors that regulate CDFs. The third provides an overview of the narratives around CDFs and some of their governance problems in Solomon Islands.

1.5.1 International Context: Definitions and Purposes of CDFs

This section provides various definitions and rationales for having CDFs, drawing from countries in Africa, Asia, the Caribbean, and the Pacific Islands region. In Africa, countries with CDFs are South Sudan,[8] Kenya,[9] Nigeria,[10] Ghana,[11] Zambia,[12] Tanzania[13] and Malawi.[14] In

[8] Mark Baskin, "Introduction: Are Constituency Development Funds a Policy Tool?," in *Distributive Politics in Developing Countries: Almost Pork*, ed. Mark Baskin and Michael L. Mezey (London: Lexington Books, 2014), 14.
[9] David Ndii, "Money for Small Things: Experience and Lessons of Kenya's Constituency Development Funds," ibid., ed. Mark Baskin and Michael L. Mezey, 49-81.
[10] Udefuna Patrick Nnadozie, Jumare Fadila, and Adebayo Francis Ojo, "Legislative Constituency Project in Nigeria: Implication for National Development," *Mediterranean Journal of Social Sciences* 4, no. 6 (2013): 647-53.
[11] Joseph Asunka, "Non-Discretionary Resources Allocation as Political Investment: Evidence from Ghana," *Journal of Modern African Studies* 55, no. 1 (2017): 29-53; Mark Baskin and Rasheed Draman, "The Growth of Constituency Development Funds in Africa and Beyond Institutionalized Rent-Extraction or Constituency-Specific Development Assistance?," in *African Parliamentary Reform*, ed. Frederick Stapenhurst, et al. (USA: Routledge, 2011), 113-27.
[12] Benson Matipa, "The Extent of Community Participation in Constituency Development Fund (CDF) Project Identification in Mwense Constituency," *International Journal of Public Administration* 43, no. 8 (2020): 668-81.
[13] Policy Forum and Research for Poverty Alleviation (REPOA), "Review of the Governance Effectiveness of the Constituency Development Catalyst Fund in Tanzania," (Dar es Salaam, Tanzania: Policy Forum and Research for Poverty Alleviation, 2014).
[14] Asiyati Lorraine Chiweza, "The Political Economy of Fiscal Decentralisation: Implications on Local Governance and Public Service Delivery," in *Political Transition and Inclusive Development in Malawi: The Democratic Dividend*, ed. Dan Banik and Blessings Chinsinga (London: Routledge), 95-111.

the Asian region, Bhutan,[15] India,[16] Pakistan[17] and Nepal[18] have CDFs. In the Caribbean, Jamaica[19] has CDF schemes. In the Pacific region, Vanuatu has an established scheme called the MP Allocation,[20] and Tonga[21] and Papua New Guinea both have established CDF schemes.[22] Writing in 2010, Zyl states that 23 countries have adopted or are introducing CDFs.[23] Some countries with specific CDF Acts include Kenya,[24] Zambia[25] and Tanzania.[26] In Zambia, along with a CDF Act, article 162(1) of its Constitution establishes its CDFs and article 162(2) empowers the parliament to prescribe the management, disbursement, utilisation and accountability of the CDFs.[27]

Different professions and disciplines view CDFs through various lenses and contexts. Political scientists might view CDFs as constituting an "MPs' 'home style' and an 'electoral connection' for the legislature."[28] This means that CDFs are seen as a mechanism connecting MPs and their constituents and hence a tool to improve service delivery.[29] Mark Baskin says that "CDFs can be viewed as an innovation in legislative development among governments that are undergoing democratization."[30] Some economists hold that CDFs are a form of fiscal decentralisation.[31] But for some within the international good governance community, CDFs are seen as "manifestations of undemocratic politics, clientelism, cronyism, corruption, inefficiency in developing and providing services to communities."[32] While MPs generally support CDFs, international donors are usually reluctant due to concerns relating to the lack

[15] Baskin, "Introduction: Are Constituency Development Funds a Policy Tool?," 6.
[16] Harry Blair, "Constituency Needs, Constitutional Propriety and Clientelist Patronage: Constituency Development Funds in India," ibid., ed. Mark Baskin and Michael L Mezey, 167-98.
[17] Rabia Malik, "(a)Political Constituency Development Funds: Evidence from Pakistan," *British Journal of Political Science* 51 (2021): 963–80.
[18] Jayanta Rai, "Including the Excluded? The Political Economy of the Constituency Development Fund in Post-War Nepal," *Conflict, Security & Development* 21, no. 6 (2021): 805-30.
[19] Horace Bartilow, "Drugs Dons and Development of Executive Driven Bi-Partisan Constituency Development Funds in Jamaica," in *Distributive Politics in Developing Countries: Almost Pork*, ed. Mark Baskin and Michael L Mezey (London: Lexington Books, 2014), 143-65.
[20] Tess Newton Cain, "The What, Why and Why Not of Constituency Development Funds," *DAILYPOST*, July 21 2017.
[21] Radio New Zealand, "Tongan Nobles Seek Access to Constituency Funds," news release, 19 July, 2019 https://www.rnz.co.nz/international/pacific-news/394728/tongan-nobles-seek-access-to-constituency-funds.
[22] Joseph Ketan, "The Use and Abuse of Electoral Development Funds and Their Impact on Electoral Politics and Governance in Papua New Guinea," in *CDI Policy Papers on Political Governance*, ed. Ben Reilly and Luke Hambly (Canberra: Centre for Democratic Institutions, Australian National University, 2007). Bill Standish, "The Dynamics of Papua New Guinea's Democracy: An Essay," *Pacific Economic Bulletin* 22, no. 1 (2007): 149.
[23] Albert van Zyl, "What Is Wrong with the Constituency Development Funds?," in *Budget Brief* (International Budget Partnership, 2010).
[24] The National Government Constituencies Development Fund Act (Kenya), (15 December 2015).
[25] *Constituency Development Fund Act (Zambia)*, (23 December 2018).
[26] *Constituency Development Catalyst Fund Act (Tanzania)*, (31 July 2009).
[27] *Constitution 1991 (Zambia)*, (30 August 1991). *Constitution of Zambia (Amendment) Act (Zambia)*, (5 January 2016).
[28] Baskin, "Introduction: Are Constituency Development Funds a Policy Tool?," 3.
[29] Ibid.
[30] Ibid.
[31] Ibid.
[32] Ibid., 4.

of good governance in how it is disbursed and used.[33] In the case of Solomon Islands, however, Taiwan funded CDFs, and since Solomon Islands switched diplomatic allegiance from Taipei to Beijing, the People's Republic of China (PRC) continues to do so. Both China, and before it Taiwan, provided only partial funding—the majority of funding for CDFs is from SIG itself. In the last 10 years (2011 to 2022) total funding for CDFs by SIG and donors (Taiwan and PRC) totalled to SBD3,049,600,000 which means that each of the 50 constituencies received around SBD60,992,000.[34]

There are various definitions of CDFs. The general definition is that CDFs are public funds given to MPs to spend in their constituencies. Karelle Samuda described CDFs "as a financial allocation from the central budget to members of parliament to provide services and undertake projects in constituencies."[35] In Tanzania, CDFs known as the Constituency Development Catalyst Fund (CDCF) was described by the non-government organisations (NGOs) Policy Forum and Research for Poverty Alleviation (REPOA) as "local development funding."[36] According to Joseph Asunka, "CDFs are monies drawn from national revenues and allocated to MPs to enable them to undertake development projects in their districts."[37] Albert van Zyl stated that "CDFs are funding arrangements that channel money from central government directly to … constituencies for local infrastructure projects."[38] Regarding the experiences of some African and Caribbean countries that have CDF schemes, Baskin stated that "CDF[s] [are] a politicized form of spending."[39] The common factor of these definitions of CDFs is that they are public funds given to MPs.

As shown in the literature from African, Caribbean and Asian countries, CDFs have various purposes ranging from infrastructure development, poverty alleviation and local development to political purposes. Generally, the purposes of CDFs vary in different countries. Using examples from Bhutan, Kenya and India, where policies and laws regulating CDFs clearly state that they are to be used for infrastructure development and poverty alleviation, Baskin argues that, generally, "the funds are designed to fill holes in development and service delivery."[40] Baskin also argues that CDFs have the potential to "help fill in the important gaps in

[33] Ibid.
[34] Ministry of Rural Development, "Solomon Islands Constituency Development Policy 2023 - 2032," (Honiara: Solomon Islands Government, 2023), 11.
[35] Karelle AY Samuda, "The Political Economy of the Constituency Development Fund in Kenya and Jamaica" (PhD Thesis, George Mason University, 2018), 17.
[36] Policy Forum and Research for Poverty Alleviation (REPOA), "Review of the Governance Effectiveness of the Constituency Development Catalyst Fund in Tanzania," 1.
[37] Asunka, "Non-Discretionary Resources Allocation as Political Investment: Evidence from Ghana," 30.
[38] Zyl, "What Is Wrong with the Constituency Development Funds?."
[39] Baskin, "Introduction: Are Constituency Development Funds a Policy Tool?," 1.
[40] Ibid., 6.

government services in constituencies that have not been addressed in the government's larger, comprehensive policy programs."[41] In Tanzania, two NGOs, Policy Forum and Policy Forum and Research for Poverty Alleviation (REPOA), highlight that the CDCF intends "to provide people with an opportunity to make local development expenditure choices."[42] Further, these NGOs state that the establishment of the CDCF is:

> for the purposes of development projects in every electoral constituency. Driven by long-standing concerns over slow and uncertain flow of fiscal transfer to the lower levels of government for development projects, the CDCF was expected to ensure that funds are made available on time to facilitate implementation of development projects at the grassroots level.[43]

According to the report by the Tanzanian NGOs, "institutionally, the CDCF has been designed to help the MPs address their constituencies' development needs."[44] This is also the case in Kenya, where Samwel Arya and Peter Oino argue that:

> The fund aims to control imbalances in regional development brought about by partisan politics. It targets all Constituency level development projects, particularly those aiming to combat poverty at the grassroots and to relieve members of parliament from heavy demands of fund-raising for projects which ought to be financed through the Consolidated Fund.[45]

In India, the Members of Parliament Local Area Development Scheme (MPLADS):

> provides a mechanism for the members of parliament to recommend works of development nature for creation of durable community assets and for provision of basic facilities including community infrastructure, based on locally felt needs.[46]

It permits projects in water, healthcare, infrastructure, sanitation, and emergency assistance but not education.

Zyl highlighted that CDFs could address several development and governance challenges many countries face because they:

[41] Ibid.
[42] Policy Forum and Research for Poverty Alleviation (REPOA), "Review of the Governance Effectiveness of the Constituency Development Catalyst Fund in Tanzania," 1.
[43] Ibid.
[44] Ibid.
[45] Samwel Auya and Peter Oino, "The Role of Constituency Development Fund in Rural Development: Experiences from North Mugirango Constituency, Kenya," *International Journal of Science and Research* 2, no. 6 (2013): 307.
[46] Baskin, "Introduction: Are Constituency Development Funds a Policy Tool?," 6; Blair, "Constituency Needs, Constitutional Propriety and Clientelist Patronage: Constituency Development Funds in India," 167 - 99.
[46] Zyl, "What Is Wrong with the Constituency Development Funds?."

- ensure project delivery in the face of ineffective and corrupt local government structures;
- bypass central bureaucracies and channel funding directly to community level;
- enable the participation of the local population in the choice of which local infrastructure is delivered;
- empower the legislature by allowing them to allocate and spend money independently of the executive; and
- allow MPs to respond directly to concrete demands from their constituents, something that they may not be powerful enough to make the executive do.[47]

In Tanzania, the purposes of CDFs are clearly stated by law. For instance, section 4(1) of Tanzania's Constituencies Development Catalyst Fund Act states that CDFs are for development projects in the constituencies. The purposes CDFs are used for are also restricted in certain countries. For instance, in Kenya, section 25(3) of its National Government Constituencies Development Act states that CDFs are not to be used for supporting political or religious bodies. Samuda, in her PhD thesis on the political economy of CDFs in Kenya and Jamaica, highlights several purposes and visions of CDF programs. She notes that Kenya's vision for its CDF program is similar to those of India, Zambia and Jamaica, where equitable socio-economic development is seen as central to CDF schemes.[48] As noted previously, this is the same for many countries with CDFs.

Studies have also shown that many of the countries that have introduced CDFs have a Westminster system of government and have adopted the first-past-the-post voting system,[49] including Solomon Islands. Arguably, an explanation for this similarity is that these countries are characterised by similar political economies. A standard defining feature of all mentioned countries with CDFs schemes is the influence of legislators in the governance of the CDFs. For instance, in a recent study on CDFs in Kenya, Andrew Harris and Daniel Posner found that apart from the fact that the poor rural people are underserved with CDFs because they are challenging to reach, a principal challenge in regulating CDFs is that politicians lack incentives to target constituencies.[50] Within the Westminster system of government, MPs are

[47] Ibid.
[48] Samuda, "The Political Economy of the Constituency Development Fund in Kenya and Jamaica," 18.
[49] Baskin, "Introduction: Are Constituency Development Funds a Policy Tool?," 5-6.
[50] J. Andrew Harris and Daniel N. Posner, "Does Decentralization Encourage Pro-Poor Targeting? Evidence from Kenya's Constituencies Development Fund," *World Development* 155 (2022): 9.

at the centre of discussions on issues relating to CDFs, mainly because of the MPs' power and discretion over the use of CDFs—which will be discussed in detail in later chapters.

In general there are several definitions and purposes of CDFs. CDFs are public funds over which MPs have discretion and they are used for socio-economic and political purposes within and outside of the MP's constituencies. CDFs can be used to address governance and development challenges, but their regulation is problematic because of MPs' discretion on CDFs' use, among other issues which will be discussed later in the thesis. But what are the main narratives about how CDFs are regulated?

1.5.2 Literature on Regulating CDFs?

Literature on CDFs shows a mixture of narratives about how CDFs are regulated. I use weak state and political settlement frames (which I will define in greater detail in chapter 3) to examine the international literature on CDFs. Weak state and political settlement are conceptual frameworks that privilege discussions about how the state and state leaders regulate and govern based on state-based laws and their powers. State actors that regulate CDFs include MPs, government departments, state institutions (laws and policies) and integrity institutions like the auditor general and ombudsman. As will be shown in chapters two and four, the narratives largely revolve around the state and how ineffective state actors (government ministries and politicians), institutions and power relations are in regulating CDFs. In other words, the narratives about CDF governance from other countries are mainly about government ministries and departments and how these state institutions and politicians respond to weak states and weak power relations. Thus, these institutions and relations fail to fulfil their Westphalian state functions, that is, to ensure CDFs are used for public benefit. The discussions on the regulation of CDFs raise issues about separation of powers, corruption, political clientelism, rule of law, limited transparency and participation and the politics of service delivery. These issues and how state actors in Africa and the Caribbean regulate CDFs are the focus of chapter four.

1.5.3 Solomon Islands Context

CDFs in Solomon Islands, like those in other countries in Africa, are public funds given to politicians. The Solomon Islands CDF Act 2013 was gazetted but it was not given a commencement date as revealed by an officer from the Solomon Islands Attorney General Chambers. This means it is not currently in force. In order for it to come into force the CDF Act needs to be given a commencement date in the gazette—the fact is that the CDF Act

needs to be commenced by way of notice before it is applied or given force of law. The CDF Act will be discussed in detail in Chapter 6. The CDF Act does not clearly define CDFs, but highlights that CDFs are "funds allocated to constituencies."[51] Wiltshire and Batley summarised CDFs in Solomon Islands as "[p]ublic funds directly allocated to elected officials for use in their electorates."[52] The Public Financial Management Act (PFMA) 2013 (Solomon Islands) defines public funds as "any money raised, received or held on behalf of the Government, including any money required by this Act or any law to be paid into or form part of the consolidated fund." Article 100(1) of the Solomon Islands Constitution 1978 defines the consolidated fund as "[a]ll revenues or other moneys raised or received by or for the purposes of the Government." CDFs in Solomon Islands come from consolidated funds which includes some funds from donors, i.e., Taiwan and now People's Republic of China (PRC).

In Solomon Islands, there is a wide variety of opinions about the purposes of CDFs. In a tok stori with John Moffat Fugui—who was a senior officer at the Office of the Prime Minister and Cabinet when then Prime Minister Solomon Mamaloni devised the CDFs said:

> The principal philosophy behind CDF was to bridge the gap between the governors and the governed. It was devised circa the Mamaloni epoch. This was to facilitate project implementation. It was also to annul even assuage people complaining of their MPs of not governing. It was not meant to be a governance miracle. But it was purposed!

Former MP for East Are'Are the late Edward Huni'ehu, while speaking in parliament on a motion to regulate CDFs in 2003, stated that "[t]he Rural Constituency Development Fund [as they were then known] has been set up for very good reasons, and I believe the scheme has assisted many rural constituencies and communities."[53] In practice, the purpose of CDFs can include any undertakings the MP deems fit and proper, such as socio-cultural obligations like deaths, marriages and reconciliation ceremonies. Assistance for constituents in relation to such socio-cultural activities is mostly based on the MP's discretion. Scholars have highlighted that CDFs can be used to support political undertakings not least in the context of national general elections.[54] As civil society commentators and informants highlighted, due to the

[51] Section 2 *Constituency Development Funds Act 2013 (Solomon Islands)*, (23 May 2013).
[52] Colin Wiltshire and James Batley, "Research into Constituency Development Funds in Solomon Islands," in *In Brief* (Canberra: Department of Pacific Affairs, The Australian National University, 2018), 1.
[53] See statement by Edward Huniehu'u in National Parliament of Solomon Islands, "Motion No 2 of 11 July 2003," ed. Hanzard (Honiara: National Parliament of Solomon Islands 2003), 114.
[54] Julien Barbara, "Governance and Political Adaptation: Constituency Development Funds in Solomon Islands and the Construction of a Melanesian State," in *Governance and Political Adaptation in Fragile States*, ed. John Idriss Lahai, et al. (Switzerland: Palgrave Macmillan, 2019), 273-99. Tarcisius Kabutaulaka to Tutuvatu, 12 April, 2020, http://tutuvatu.blogspot.com/2020/04/pause-learn-from-virus.html. (Accessed 20 December 2022). Colin Wiltshire et al., "2019 Solomon Islands National General Elections Observation Report: Observation Report," (Canberra: Department of Pacific Affairs, The Australia National University, 2019).

nature of the electoral system, among other factors, CDFs are used to target constituents who voted the MP into power rather than the whole constituency. Australian National University (ANU) scholars at the Department of Pacific Affairs who conducted observations of the 2019 national general elections stated that the 2019 national elections revealed that "more than half of those surveyed believed that the way CDFs were spent would influence the decisions of most voters at the polling booth."[55] As the aforementioned interpretations demonstrate, understandings of the purposes or intentions underlying CDFs vary.

In reading the definition of CDFs in section 4 of the Solomon Islands CDF Act, one may infer that they are basically for "constituency development purposes."[56] A similar but more elaborative purpose is articulated by the Solomon Islands Government through the Ministry of Rural Development (MRD) policy document *Constituency Development Funds: Operations Manual (Guidelines and Processes)* on CDFs. It states that:

> [t]he Constituency Development Fund was designed purposely to support the delivery of socio-economic development projects within the fifty (50) constituencies in Solomon Islands. The main objectives of the Constituency Development Fund are:
>
> - To provide the means by which the disadvantage, remote and inadequately served communities, groups, families and individuals can have access to rural development funds to help them participate in revenue generating projects,
>
> - To assist individuals, families and community based organizations to participate in socio-economic developments to help alleviate poverty within the rural areas, and
>
> - To help address the problem of unemployment within the constituencies by involving people into meaningful income-generating projects.[57]

Central to these objectives is assistance from the state to help rural and urban people engage in socio-economic activities that will generate financial resources to improve their livelihoods. It is against that backdrop that Jeremiah Manele, a former Solomon Islands Minister for Development Planning and Aid Coordination and the current Minister of Foreign Affairs and External Trade, said that it is not a surprise that a large portion of the 2018 development budget

[55] Colin Wiltshire et al., "Constituency Development Funds and Electoral Politics in Solomon Islands: Part Two," (Canberra: Australian National University, 2020), 2. Wiltshire et al., "2019 Solomon Islands National General Elections Observation Report: Observation Report," xiv.
[56] *Constituency Development Act 2013 (Solomon Islands)*, (23 May 2013).
[57] Solomon Islands Government, "Constituency Development Funds: Operations Manual (Guidelines & Processes)," (Honiara: Ministry of Rural Development, 2013), 1.

was allocated to the MRD for 50 constituencies in Solomon Islands. Manele held that this budgetary allocation is perfectly justified and strategic since 80 per cent of Solomon Islanders live in rural areas.[58] Manele further states that:

> the use and impact of CDFs are also cross-sectoral. That is, CDFs have been used to address a number of sectors in the rural areas including infrastructure development, transport, health, education, housing, lightening, water sanitation, women initiatives, micro income projects, youth and churches.[59]

The MP for West Makira constituency—Derrick Manu'uari highlighted that he used CDFs to help schools within his constituencies by providing building materials to renovate existing classrooms and build new classrooms.[60] The MP for East Kwara'ae constituency, Manasseh Maelanga, and the MP for East Guadalcanal constituency, Bradley Tovosia, used CDFs to build and repair existing roads in their constituencies.[61]

The aforementioned debates, documents and examples highlight the various rationales for which CDFs are used. Also, the rationales and some of the uses of CDFs extend beyond the state-based definitions, purposes and scope. In other words, some of the rationales extend to political undertakings influenced by MPs. The uses, purposes and intentions of CDFs mentioned highlight the roles CDFs play in the lives of people in Solomon Islands which to an extent helps to explain its increase from a mere thousand dollars in 1989 to millions of dollars over the last three decades. Such perspective has potential implications for state formation. At this stage, it is worth noting the argument by Kerryn Baker that the expansion of CDFs has shaped the political economy of Solomon Islands in profound ways.[62] She agreed with Julien Barbara that the increase in CDFs prompted the emergence of a new form of statehood.[63]

So, what are some of the problems of this new form of statehood perpetuated by the increase in CDFs? Put another way, what are some of the problems with regulating CDFs in Solomon Islands?

[58] John Laungi Aatai, "Manele Says CDF Reaches Rural Populace," *Solomon Star*, 24 April 2018, [4]. (Accessed 20 September 2022)
[59] Ibid., [5].
[60] Manu'uari, "Manu'uari Interview."
[61] Transparency Solomon Islands, "TSI Hails MPs Who Develop Their Constituency," *Solomon Star*, 8 August 2018.
[62] Kerryn Baker, "'Copper and Solar': The Gendered Politics of Service Delivery in Solomon Islands," *Third World Quarterly* 43, no. 4 (2022): 11.
[63] Ibid., 2.

1.5.4 Problems with Regulating CDFs in Solomon Islands

Julien Barbara argues that the introduction of CDFs has changed the nature of the state in Solomon Islands and that the increase in CDFs has given rise to a Melanesian state – arguably, a state that politically adapts to the interest of powerful elites like MPs and their cronies for the purposes of governance.[64] This, according to Barbara, manifests in various ways. First, Barbara is of the view that CDFs impact key accountability mechanisms, affecting the separation of powers by undermining the budgetary power of the executive government and conferring it on the legislature.[65] Second, he notes that CDFs divert funds from mainline ministries to MPs, who have discretion over CDFs.[66] Third, he stresses that CDFs legitimise what Fraenkel referred to as "personalisation of the state."[67] Fourth, Barbara highlights that given the limited impact of the state in rural areas, MPs, through the use of CDFs, become personal agents of rural development.[68] Fifth, in light of assertions that provincial governments are defunct in the provision of development, CDFs are funded through the national budget and have emerged as a new tier of government competing with provincial governments in the provision of constituency development.[69] Barbara, therefore, concludes that:

> CDFs have arguably undermined key liberal democratic norms by strengthening clientelist dynamics, weakening national government accountabilities, and enabling forms of corruption and moneyed politics. They have forestalled the deepening of citizen and the idea of communal claims to the state by personalising the idea of social contract which is vested in the person of the local MP. CDFs have also increased state fragilities by simultaneously limiting prospects for state-led investments in public goods and national development and increasing dependence on foreign aid and co-production.[70]

Much of the literature on CDFs focuses on the political state and the bureaucratic state in terms of how these state actors regulate CDFs. The state actors are seen and articulated as problematic because they fail to properly execute the delivery of political and public good to their citizens. Barbara situated his narrative about CDFs using the conceptual framing of political adaptation. Like political settlement framing which I will elaborate further in chapter two, this framework revolves around how Melanesian states operate in practice. However, a problem with political adaptation framing is that it does not include non-state actors. The role

[64] Barbara, "Governance and Political Adaptation: Constituency Development Funds in Solomon Islands and the Construction of a Melanesian State," 285.
[65] Ibid.
[66] Ibid.
[67] Ibid., 286.
[68] Ibid.
[69] Ibid., 287.
[70] Ibid., 296.

of non-state actors in CDF governance is not clearly featured or articulated within these framings—a regulatory actor/mechanism that I will detail in chapters seven and eight.

The introduction of CDFs in the early 1990s brought with it many regulatory challenges. According to an audit report on CDFs from 2009 to 2012 by the Solomon Islands Office of the Auditor General, the actors and institutions who manage CDFs both face and display problems. Some of the identified problems relating to the governance of CDFs include:[71]

- failure to account for funds
- spending on improper items
- lack of constituency development plans
- lack of project committee
- failure to understand project application process
- failure to produce progress report
- failure to monitor RCDF
- lack of awareness of funds at community level
- problems with poor quality records in MRD
- lack of control of large tangible assets
- lack of clear guidelines as to ownership of community assets
- lack of certification of allocation
- appointment of a family as constituency project officer
- failure to implement projects
- bulk purchases with no listing of recipients
- funding of personal business entity
- using funds improperly.

[71] Office of the Auditor General, "Audit Report Rural Constituency Development Funds (2009 to 2012)," (Honiara: Solomon Islands Government, 2018), 13-15.

In part, the problems highlighted by the Solomon Islands auditor general's report illustrate the weaknesses of the state in administering CDFs. Many of those interviewed for this study noted that these problems portray the way the state handles CDFs—meaning state actors, its institutions and political state actors are ineffective in dealing with CDFs. MPs, responsible ministries such as the Ministry of Finance and Treasury (MoFT) and MRD, constituency development officers (CDOs) and constituency project officers (CPOs) are in one way or another connected to some of the problems described by the auditor general's report. As a way forward, the auditor general's report highlighted the need to ensure the strengthening of state institutions by passing the CDF Act 2013 and giving effect to the Rural Constituency Development Funds Operational Guidelines and Procedures as subsidiary legislation.[72]

Issues of regulation of CDFs include the potential influence of CDFs on national general elections in Solomon Islands. It is a significant factor underlying some of the narratives concerning the problems with CDFs. Kerryn Baker argues that the results of the 2019 national general elections in Solomon Islands indicated that CDFs influenced the election and that "the rise of CDFs has consequently strengthened the positions of incumbent MPs."[73] This argument reinforces the contention that CDFs are used as political capital by incumbent MPs to ensure re-election. The political use of CDFs by incumbent MPs has the potential, as Baker states, to marginalise women from politics, though that may not be the intention underlying the political system.[74] Referring to how the wives of some former MPs got into parliament, in particular the current MP for Gizo/Kolombangara constituency (GKC), Baker observed that "women who have gained entry to the political sphere appear to benefit from this trend as much as their male counterparts do."[75] Among other issues, Baker's overarching argument points to MPs as state leaders using CDFs as political capital to strengthen their positions.

Further, Jon Fraenkel describes CDFs in Solomon Islands as "slush funds" sometimes referred to as "political funds" by political commentators.[76] Tony Hughes and NGOs like Transparency Solomon Islands (TSI) shared the same view.[77] Fraenkel outlined the cases for and against CDFs and further argued that CDFs are political funds that could be used to hold a ruling

[72] Ibid., 17.
[73] Baker, "'Copper and Solar': The Gendered Politics of Service Delivery in Solomon Islands," 868.
[74] Ibid., 864-78.
[75] Ibid., 874.
[76] Jon Fraenkel, "The Atrophied State: A Supply-Side Perspective on Politician "Slush Funds"," in *The Political Economy of Economic Reform in the Pacific*, ed. Ron Duncan (Mandaluyong City, Philippines: Asian Development Bank, 2011), 303-26.
[77] Tony Hughes, "Against Public Objection Solomons MPs Give Themselves Bigger Slush Funds," in *Devpolicyblog* (Australian National University: Development Policy Centre, 2013). "The Vote for Me Funds Bill," *Solomon Star*, 25 March 2013, 5. Transparency Solomon Islands, "The Anatomy of CDF Corruption," ibid., 22 March, 7. "The CDF Battle Goes On," *Solomon Star*, 29 March 2013, 7.

government together to avoid political instability.[78] He also says that MPs manage CDFs in a way that revolves around the "pervasive personalization of the management of state finances."[79] According to Fraenkel, reasons that encourage such personalisation of state funds and the use of CDFs by politicians include difficulties building effective states, reliance on subsistence agriculture and the state's narrow tax base. He argues that the personalisation of state funds in the form of CDFs could lead to stagnation of government service delivery.[80] This is because windfalls from extractive industries and aid donors are spent on rural areas that do not generate incomes or economic activities.[81] He identifies that continuous support for CDFs legalised corruption, siphoned state funds and cements patronage-based relationships.[82] Further, Fraenkel mentions that politically allocated expenditures like CDFs might damage the nation-state and nation-building because the functions of the government are fused, revenues are diverted and central planning is duly undermined.[83]

Furthermore, another common discussion about CDFs revolves around their impact on economic development in Solomon Islands. Tarcisius Kabutaulaka observes that despite the huge amount of government funding of CDFs, such arrangements have failed to broaden and diversify Solomon Islands' economic base.[84] Kabutaulaka argues that CDFs fail to ensure that Solomon Islanders extensively participate in economic development, thus, they lack any substantial benefit from the use of CDFs.[85] This argument is shared by the late John Roughan. Commenting as far back as 2008, Roughan—the head of a local nongovernmental organisation who was described by former Solomon Islands ambassador to the United States and United Nations (UN) Rex Horoi as "[t]he living example of our nation's motto 'To lead is to serve'. 'Man talem, duim' [he who says it must do it] and John did both"[86]—said that despite the increase in CDFs through MPs, people continued to complain because minimal development was found in their constituencies.[87] Such arguments are based on the premise that state institutions—policies, laws and the political state, bureaucratic state and integrity state—are weak in their roles ensuring the proper management of CDFs for development purposes.

[78] Fraenkel, "The Atrophied State: A Supply-Side Perspective on Politician "Slush Funds"," 306.
[79] Ibid., 305.
[80] Ibid.
[81] Ibid.
[82] Ibid., 306.
[83] Ibid.
[84] Kabutaulaka Lessons from the Virus.
[85] Ibid.
[86] Christopher Chevalier, "John Roughan," *The Journal of Pacific History* 50, no. 4 (2015): 533.
[87] Radio New Zealand, "Solomon Islands MPs Continue to Mis-Use Rural Constituency Funds – Commentator," *Radio New Zealand*, 18 June 2008

In summary, there are many problems with the regulation of CDFs. It is clear there are real concerns about how CDFs are regulated and governed. The introduction of CDFs influences the nature of the state. Also, state inefficiency and weakness are among the major challenges of CDF regulation. Much of the discussions and analyses to date concerning CDFs have been framed conceptually in a state-centred manner. Through such a framing, the problem with CDFs is the lack of state oversight and good governance institutions, and the response is to seek to strengthen these state-based regulatory mechanisms. Politicians, some senior public servants and some interviewees from BAC and GKC in Solomon Islands have argued that CDFs were created because of failures of bureaucratic state structures like the ministries to appropriately manage public funds. In other words, CDFs are a result of state failure. This argument is usually contrasted or made alongside with another explanation that CDFs were created deliberately to bypass state structures and have actually contributed to state failure; that is, they are a cause of state failure rather than a consequence. Both arguments therefore, reinforce the idea that reliance upon those same structures to prevent exploitation and manipulation of public funds is unlikely to be successful. This observation is supported by the failure to legally commence and hence legally bring into effect the CDF Act 2013 and its regulations as recommended by the Solomon Islands auditor general's office. Also, the nature of Melanesian politics[88]—where complex state–society relations are intertwined in that "[t]he skilful distribution of resources and manipulation of relations by modern politicians is reminiscent of older Melanesian leadership strategies"[89]—provides many political reasons that mitigate the adoption and support of bureaucratic frameworks to control public funds.

So, what are the weak state and state-in-society framings? What other frameworks will this study use to tell the stories of CDFs in Solomon Islands?

1.6 From Weak State via Political Settlement and State-in-Society to Nodal Governance

Scholars studying developing countries' political economy use various frames to explain and understand the relationship between state and society, which has ramifications for regulation

[88] Jeffrey S Steeves, "Unbounded Politics in the Solomon Islands: Leadership and Party Alignments," *Pacific Studies* 19, no. 1 (1996): 115-38. John Cox, "The Politics of Distribution in Solomon Islands: North Vella Lavella Constituency," in *State, Society and Governance in Melanesia* (Canberra: Australian National University, 2015). Dinnen, "The Solomon Islands Intervention and and the Instabilities of the Post-Colonial State," 339-55. Tarcisius Tara Kabutaulaka, "Parties, Constitutional Engineering and Governance in the Solomon Islands," in *Political Parties in the Pacific Islands*, ed. Roland Rich (Canberra: Pandanus Books, 2008), 103-16.
[89] Sinclair Dinnen, "State-Building in a Post-Colonial Society: The Case of Solomon Islands," *Chicago Journal of International Law* 9, no. 1 (2008): 57.

and governance. This section introduces four conceptual frames I use to tell the stories of CDFs in Solomon Islands.

The first is the weak state framing, which argues that state actors dealing with CDFs are weak in the governance of CDFs in Solomon Islands from an administrative and legal standpoint. The weak state frame is based on the definition of state by Weber :"a multifaceted organisation with a legitimate monopoly over the use of violence."[90] With this definition as a basis, Sinclair Dinnen argues that the "weakness of states is usually expressed in terms of a serious lack of administrative or institutional capacity."[91] He highlights that "this deficiency is likely to include a mixture of a lack of organizational cohesion; inadequate coordination, management, and planning; and a shortage of skilled personnel and financial resources."[92] A weak state conceptual framing also encompasses the Westphalian idea of the state as the centre of regulation and governance and thus the most powerful actor. Consequently, if one were to use the weak state frame, then one would argue that the failures of CDFs to deliver development outcomes is due largely to the weaknesses and ineffectiveness in CDF governance.

Another conceptual framing used in this thesis is political settlement. While it has various meanings, this thesis agrees with Sue Ingram's broad categorisation of political settlement "as the interdependent arrangement of political power and institutions on which a regime is based."[93] The three core elements of political settlement revolve around the interrelationships between elites, power, and institutions. This framing argues that really understanding institutions—laws, policies, organisations (for instance, the bureaucracy)—requires them to be analysed within their social contexts. In that regard, I use the political settlement framing to partly analyse the background against which CDFs are situated in Solomon Islands. Also, using political settlement, this thesis argues that CDFs are a political response by elites (political state actors, politicians) to the weakness of the state.

The third conceptual framework is the state-in-society approach advanced by Joel Migdal. He initially corresponded his definition of the state to the Weberian frame.[94] The state-in-society

[90] See Peter Dauvergne, "Weak States, Strong States: A State-in-Society Perspective," in *Weak and Strong States in Asia-Pacific Societies*, ed. Peter Dauvergne (Canberra: Allen & Unwin Australia Pty Ltd and Australian National University, 1998), 2.
[91] Sinclair Dinnen, "Introduction," in *Law and Order in a Weak State: Crime and Politics in Papua New Guinea*, Pacific Islands Monograph Series 17 (Honolulu: University of Hawai'i Press), 5.
[92] Ibid.
[93] Sue Ingram, "Political Settlements: The History of an Idea in Policy and Theory," in *SSGM Discussion Paper series*, State, Society & Governance in Melanesia (Canberra: ANU, 2014), 5.
[94] Joel S. Migdal, "A Model of State-Society Relations," in *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World* (New Jersey: Princeton University Press, 1988), 19. Also refer to note 2 of prologue page xiii of Joel S. Midgal's book.

framing includes the interactions between society and the state and their impacts on one another. Christopher Bickerton asserted that “Migdal argues that Third World societies are made up of overlapping webs, with multiple sources of value production. His point is that in governing such societies, states run up against multiple sources of resistance.”[95] Dinnen draws from Migdal’s notion of state-in-society and argues that “the state … does not operate in a social vacuum, nor is it an organic, undifferentiated entity … States and their actions must be evaluated in terms of their relationship with a range of domestic and international actors.”[96] The idea of state-in-society assumes that a state is weak or strong vis-à-vis other social forces. In the context of CDFs, this thesis argues that the roles of state actors are influenced by society or social forces and vice versa, thus having ramifications for CDF governance in Solomon Islands. The state-in-society framing has the potential to reveal the ramifications of society on the state and vice-versa in CDF governance. In that way, this state-centred frame remains very useful.[97]

These three state-centred framings are supplemented by a fourth, namely nodal governance, that de-centres the state. It articulates the idea of hybrid governance and hinges on concepts such as polycentric/decentred regulation, multiple scales, networks, and capillary power – all these concepts will be explained in detail in chapter 2. Polycentric/decentred regulation refers to a form of regulation that has multiple decision makers. Multiple scales denote that regulation/governance takes place in or is influenced by various spaces—local, national, and international levels. Networks involve complex interactions in various spaces between different actors, mechanisms and principles in regulation and governance. Capillary power encompasses the idea that power is multidimensional and ubiquitous. Through such lenses, nodal governance encompasses insights about how to make use of the strengths of existing regulatory structures both below and above the state, which may provide new insights into how CDFs are and may be regulated. As such, this study builds on the weak state, political settlement and state-in-society frameworks, then uses insights from nodal governance to situate the stories about CDFs.[98] In other words, it emphasises that governance needs to move within, across, beyond and beneath the state by enrolling, co-constituting and interacting with

[95] Christopher Bickerton, "From Nation-States to Member States: State-Society Relations and State Transformation in Contemporary Europe," in *Weak States, Strong Societies: Power and Authority in the New World Order*, ed. Amin Saikal (London: I.B. Tauris, 2016), 25.
[96] Dinnen, "Introduction," 6.
[97] Bickerton, "From Nation-States to Member States: State-Society Relations and State Transformation in Contemporary Europe," 24.
[98] Clifford Shearing and Jennifer Wood, "From State to Nodal Governance," in *Imagining Security* (United Kingdom: Willan Publishing, 2007), 12-34. Cameron Holley and Clifford Shearing, "A Nodal Perspective of Governance: Advances in Nodal Governance Thinking," in *Regulatory Theory: Foundations and Applications*, ed. Peter Drahos (Australian Capital Territory: Australian National University Press, 2017), 163-80.

other non-state actors or powerbases given that they provide insights for the potential effective regulation of CDFs in Solomon Islands.

This study builds on the concepts of weak state, political settlement, state-in-society and nodal governance to examine the governance of CDFs in Solomon Islands. A detailed analysis of these concepts is the focus of chapter two.

But why is studying the governance of CDFs in Solomon Islands important?

1.7 Importance of the Topic

This section provides three reasons the study CDFs is important. I argue that while CDFs are now part of the political economy of Solomon Islands, there is very limited literature on or studies of CDFs in the Solomon Islands context.

1.7.1 Entrenched Part of the Political Economy

Julien Barbara and Kerryn Baker argue that CDFs have now become part of the political economy of Solomon Islands.[99] According to Solomon Islands' *National Development Strategy 2016 to 2035,* spending on rural development (mostly via CDFs) constitutes 30 per cent of the total government's development expenditure.[100] This is high when compared to other sectors such as infrastructure (20 per cent), education (less than 10 per cent), health (less than 5 per cent) and the economic and productive sectors (20 per cent).[101] Over the years, the allocation of funds to CDFs in the national development budget has steadily increased with slight variations. There has been a precipitous increase in CDFs since their inception by Solomon Mamaloni in 1989. Since then, as noted previously, academics like Barbara, Dinnen and Fraenkel have argued that the CDFs impact politics, power structures, national general elections, *kastom* (way of belief or behaviour rooted in the traditions of Solomon Islanders), public finance and law.[102] Consequently, it has been clearly articulated by certain senior public servants and prominent MPs that, in the long run, CDFs cannot be removed from the Solomon

[99] Barbara, "Governance and Political Adaptation: Constituency Development Funds in Solomon Islands and the Construction of a Melanesian State," 273-99. Baker, "'Copper and Solar': The Gendered Politics of Service Delivery in Solomon Islands," 864-78.
[100] Solomon Islands Government, "National Development Strategy 2016 to 2035: Improving the Social and Economic Livelihoods of All Solomon Islanders," ed. Ministry of Development Planning and Aid Coordination (Honiara, Solomon Islands: Ministry of Development Planning and Aid Coordination, 2016), 52.
[101] Ibid.
[102] Barbara, "Governance and Political Adaptation: Constituency Development Funds in Solomon Islands and the Construction of a Melanesian State," 273-99. Dinnen and Allen, "State Absence and State Formation in Solomon Islands: Reflections on Agency, Scale and Hybridity," 1-22. Fraenkel, "The Atrophied State: A Supply-Side Perspective on Politician "Slush Funds"," 303-26.

Islands Government (SIG) budget by politicians. Such a standpoint was confirmed by the current Prime Minister of Solomon Islands, the Honourable Manasseh Sogavare, who stated that "CDFs are here to stay."[103] Sogavare also stated that "any attempt to remove CDFs would be a hill to climb."[104] Despite the legal and political controversies around CDFs, as highlighted by nongovernmental organisations in Solomon Islands such as Transparency Solomon Islands (TSI), social media commentators, academics and related stakeholders, CDFs seem to be rooted in the political economy of Solomon Islands. Close studies of CDFs are therefore critical.

1.7.2 Solomon Islands' Version of CDFs

My second argument is that the story of CDFs in Solomon Islands, though not unique, is different from those of other jurisdictions in Africa, Asia, and the Caribbean. In other countries, the stories of CDFs revolve around the various actors within the state that deal with CDFs. But the story of CDFs in Solomon Islands encompasses multiple actors, mechanisms, and principles. The position of these factors ranges from the local, constituency, provincial, national, and international levels. Similarly, internal and external processes affect the regulation of CDFs. Central to the internal factors are state–society relations. External factors include the involvement of Australia, Taiwan and now the People's Republic of China (PRC) in relation to the funding of CDFs and, recently, the impacts of COVID-19 and its associated challenges. The relationships formed by the actors, mechanisms and principles concerning the regulation of CDFs bring to light not only legal issues but a variety and range of regulatory issues with implications for governance and regulation, broadly. The nature and roles of these multiple factors make the story of CDFs in Solomon Islands a unique, dynamic, and challenging topic worth examining.

1.7.3 Sparse Literature about CDFs in Solomon Islands

Writing in 2014, Malcom Russell-Einhorn, Director of the State University of New York's Centre for International Development, Rockefeller College of Public Affairs and Policy at the University of Albany, said that:

> Upon investigation, we learned that very little space in the academic or development literatures had been devoted to exploring both the possibilities and challenges of CDFs. The emerging and interesting critical literature on CDFs among civil society organizations (CSOs) did not reflect a broader

[103] Manasseh Sogavare, interview by Derek Futaiasi, 2 August, 2019, Office of Prime Minister, Honiara.
[104] Ibid.

> program of research or other activities on this type of distributive spending in practice.[105]

At that material time, the global literature on CDFs was scant. That has changed given the growing literature on CDFs from African countries. However, compared to Africa, Asia and the Caribbean, research and literature on CDFs in the Pacific, in particular Solomon Islands, is limited. Literature on CDFs in Solomon Islands is narrow and dominated by discussions of weak state.[106] Issues about regulation of the funds have been largely unexamined. Some institutions that have done or are currently doing research on CDFs are Transparency Solomon Islands and the Department of Pacific Affairs at Australian National University.[107] Coupled with the weak state framing of CDFs, other studies have hinged on political economy conceptual framings like political settlement and political adaptation to situate the stories of CDFs, though very briefly.[108]

My project adds to these existing studies and is situated within post-regulatory state theory, which is characterised by the following features: "(i) The capacity of law to exert control is limited; (ii) Control based on law is marginal to contemporary processes of ordering; (iii) State law is only likely to be effective when linked to other ordering processes."[109] An example of a post-regulatory theory is nodal governance. Within post-regulatory theoretical spaces, little has been written about CDFs in the Solomon Islands context. In that regard, this study aspires to contribute to the existing lacuna of literature on CDFs.

1.8 Contributions to Understandings of CDFs and Broader Literature

This thesis complements the contributions of other scholars who have written about CDFs. The contribution of this study is exemplified through its analysis of the roles of state actors,

[105] Malcolm Russell-Einhorn, "Preface," in *Distributive Politics in Developing Countries: Almost Pork*, ed. Mark Baskin and Michael L Mezey (London: Lexington Books, 2014), vii-viii.
[106] Barbara, "Governance and Political Adaptation: Constituency Development Funds in Solomon Islands and the Construction of a Melanesian State," 273-99; David Craig and Doug Porter, "Post-Conflict Pacts and Inclusive Political Settlements: Institutional Perspectives from Solomon Islands," in *ESID Working Paper* (Manchester, UK: University of Manchester, 2014).
[107] Ruth Liloqula, interview by Derek Futaiasi, 3 September, 2019, Office of Transparency Solomon Islands, Honiara.
[108] David Craig and Doug Porter, "Political Settlement in Solomon Islands: A Political Economic Basis for Stability after RAMSI?," in *In Brief 2014/12* (ANU: State, Society and Governance in Melanesia 2014); ibid.; Barbara, "Governance and Political Adaptation: Constituency Development Funds in Solomon Islands and the Construction of a Melanesian State," 273-99.
[109] Colin Scott, "Regulation in the Age of Governance: The Rise of the Post-Regulatory State," in *The Politics of Regulation: Institutions and and Regulatory Reforms for the Age of Governance*, ed. Jacint Jordana and David Levi-Faur (Cheltenham, UK: Edward Elgar, 2004), 150. "Regulatory State and Beyond," in *Regulatory Theory: Foundations and Applications*, ed. Peter Drahos (Australian Capital Terriotry Australian National University Press, 2017), 265-87.

non-state actors and international actors. Also, this thesis contributes to the understanding of CDFs by showing their implications for governance and regulation, generally.

1.8.1 Addition To Existing Literature—The Role of State and Non-state Actors

I argue that this research is an essential contribution to the study of a Melanesian state, particularly, how the state actors merge with and influence non-state actors and vice-versa. Many times, there is an assumption that developing countries like Solomon Islands need to learn from outside discourses and institutions to invigorate its state institutions on issues of governance and regulation. Many local, educated elites and outsiders share this perception. I do not dispute such an assumption. However, the idea of the state as introduced in countries like Solomon Islands during the colonial era has undergone substantial development since the 1800s. I hold that the state in Solomon Islands has been influenced by the local environment which is different from the European context where the idea of the state was founded. Arguably, if this experience is something to learn from, then how the state functions in Solomon Islands is very different from those in the European context. The socio-economic, political, historical, and legal experiences grounded within the modern Solomon Islands state speak of substantial differences with its European ancestor. In particular, this thesis draws out an appreciation of the idea of collective regulation based on relationality between various actors, principles and mechanisms, which is seen to be a potential strength, even though in some respects such relationships may also exemplify weaknesses in governance and regulation.

1.8.2 Role of Members of Parliament

Given the limited existing literature on the roles of MPs, this thesis also makes an essential contribution to the understanding of the MPs' roles in Solomon Islands. The appropriate role of politicians within the state has been a contested issue since political independence (1978). Machiko Tsubura highlighted that "[w]hile '[t]here is no statutory job description for MPs' … legislatures and MPs in democratic systems have four generic functions: representation, lawmaking, oversight and constituency service."[110] Solomon Islands' Constitution clearly states that the parliament is a law-making body, and is independent from the judiciary and the executive government. However, MPs in Solomon Islands are also state actors who play a crucial role in the regulation of CDFs. The undertaking of this role by MPs has been heavily criticised. Some scholars have argued that constituency service is beyond the scope of MPs'

[110] Machiko Tsubura, "Accountability and Clientelism in Dominant Party Politics: The Case of a Constituency Development Fund in Tanzania" (PhD Thesis, University of Sussex, 2014), 14.

duties.[111] Some commentators have argued that central to the role of MPs is that they are benefactors.[112] The benefactor role means that MPs help people in need.[113] When measured against the political economy of Solomon Islands, the benefactor role is important from a socio-cultural context. This study contributes to the discussions regarding these roles as they play out in Solomon Islands. In summary, an essential contribution of this project relates to the roles of MPs and how politicians behave concerning the governance of CDFs, most of which was previously undocumented.

1.8.3 The Roles of International Regulatory Actors

A dominant tenant of the weak state discourse is that it revolves around the national space and the mechanisms, principles, and actors operated within and by the state. This study of CDF regulation moves beyond the state to include transnational regulatory orders. It extends its scope to trans-regulatory orders, which influence the regulation of CDFs in Solomon Islands. This study briefly features the roles of international diplomatic partners such as Taiwan, the People's Republic of China (PRC), Australia and the United Nations Development Programme (UNDP) concerning the regulation of CDFs. Transnational regulatory actors, principles, and mechanisms have been missing from existing discussions of CDFs; thus, this thesis makes an essential contribution to the literature on the regulation of CDFs in Solomon Islands.

1.8.4 Implications for Regulation and Governance

This thesis contributes to the broader literature on governance and regulation by building from the weak state, political settlement, and state-in-society framings and drawing on theories of collective regulation, particularly nodal governance. According to nodal governance, many actors have the power to regulate in many different ways. Central to collective governance is the concept that regulation is characterised by plurality. At the core of nodal governance is the idea that the relationships between the actors are dynamic, interactive, mutually constitutive, and mutually dependent.[114] Underpinning nodal regulation are the notions of polycentricity, relationality, power, networking and state-decentring. It is in this regard that this study has implications for regulation and governance in Solomon Islands and potentially other

[111] Christina Murray, "Constituency Development Funds: Are They Constitutional?," in *Budget Brief* (International Budget Partnership, 2011), 4.
[112] Tsubura, "Accountability and Clientelism in Dominant Party Politics: The Case of a Constituency Development Fund in Tanzania," 16.
[113] Ibid.
[114] Miranda Forsyth, "Should the Concept of Hybridity Be Used Normatively as Well as Descriptively?," in *Hybridity on the Ground in Peacebuilding and Development: Critical Conversations*, ed. Joanne Wallis, et al. (Australian Capital Territory: Australian National University Press, 2018), 68.

postcolonial states in Melanesia. Put another way, this study is located at the intersection between state and non-state actors, including other relevant actors, mechanisms, and principles. This thesis therefore opens alternative thinking about governance that posits that these state actors, non-state actors and relevant actors continue to relate, blend and bleed into each other and transform into a network of interactions across various scales.

1.9 Structure of Thesis

This thesis is divided into nine chapters. After this introduction, which provided the definition of CDFs and some background literature on international CDFs before narrowing the focus to Solomon Islands, chapter two examines the conceptual frameworks this thesis uses to situate the multiple narratives of CDFs. These framings include weak state, political settlement, state-in-society and nodal governance. Conceptually, I show how these theoretical frames provide valuable insights and alternative approaches to understanding governance. Building on the other conceptual framings, I maintain that nodal governance is a valuable framing because of its focus on plurality, decentred regulation, scale, power relations, and networking—useful concepts for approaching governance in developing countries like Solomon Islands.

Chapter three outlines and explains the methodology used in this thesis. It explains that the methodological approaches were chosen to be consistent with the conceptual framework, meaning there was a need to consider all the actors, principles, and mechanisms in the regulation of CDFs. To that extent, my qualitative approaches included *tok stori*, semi-structured interviews and document analysis. I also used a case study approach to examine how CDFs are regulated in two constituencies in Solomon Islands. In terms of data analysis, I used a combination of pre-existing theories and concepts generated from the data to inform my analysis. Chapter three also encompasses the challenges of doing fieldwork in Solomon Islands.

Chapter four provides narratives of CDFs from other countries by focusing on a few countries in Africa, Asia and the Pacific region. It outlines how CDFs are regulated in other countries from a legal standpoint. I also explain some of the regulatory challenges of CDFs and some responses by states towards ensuring effective CDF regulatory systems. The main argumentation in chapter four is that the narrative of CDFs is characterised by weak state and political settlement framings where the focus of the discussion revolves around state actors and elites.

Chapter five looks at the political economy of the Solomon Islands. I examine the main features of the economy, governance system and legal system. Such context is essential to understanding and appreciating the socio-economic contexts, political seascape, and legal terrains CDFs are situated within. I use the weak state, political settlement, and state-in-society frameworks to understand the socio-economic, political, and legal contexts of Solomon Islands.

Chapter six is an empirical account of the roles of state actors in regulating CDFs in Solomon Islands. I argue that the state's regulatory role is played by three different state coalitions that I term the bureaucratic state, the political state, and the integrity state actors. I discuss their roles via the key state institutions—such as the relevant government ministries, MPs, the Caucus, the Cabinet and integrity institutions like the Solomon Islands courts (magistrate court and the high court), Leadership Code Commission, Office of the Ombudsman and Office of the Auditor General—and how these state actors relate to the regulation of CDFs. I also examine the legal framework in which CDFs are situated, other factors that affect how state actors regulate CDFs and some of the challenges and contests around the state regulation of CDFs. I argue that the state's role is essential but that it is ineffective because of, among other factors, unbalanced power relations between state actors and the influence of society on state actors.

Chapters seven and eight provide empirical accounts of the roles and regulatory approaches of non-state actors in the governance of CDFs. Chapter seven is based around a case study of Gizo/Kolombangara constituency (GKC). I examine the reasons for the involvement of these non-state actors, the regulatory systems in the governance of CDFs and the impacts these non-state actors have on regulating CDFs. I also discuss the challenges these non-state actors face in their approaches to regulating CDFs. I argue that non-state actors are embedded within their societies and are 'middle field players' in CDF regulation, though their involvement and the relationships with the state actors is messy. I further argue that the power of non-state actors is contingent or provisional.

Chapter eight continues the discussion of the roles of non-state actors through a case study of Baegu/Asifola constituency (BAC). Many of the non-state actors responsible for regulation at the constituency level are political and typified by a close relationship with the office of the BAC. The roles of non-state actors are discussed to show how international actors work with constituency offices, MPs and non-state actors. I argue that CDFs are regulated by various local, national and international actors. The elites seem to be more prominent in regulation,

rendering an imbalance in power relations and the influence of social forces within society, all of which have negative ramifications for effective CDF governance.

Chapter nine brings the whole thesis together. I highlight and analyse the lessons learnt from this project. This chapter shows that CDFs in Solomon Islands are regulated to varying degrees of effectiveness by the state and a range of non-state and transnational actors, networks, and mechanisms. In some areas, these combined regulatory systems are an effective means of enhancing the impact, responsiveness, and accountability of CDFs as a development tool, but in many, they are not. There is a huge variation across the country in terms of the way that regulation occurs, and this is a key insight of this thesis. I also examine some potential recommendations to improve CDF governance in Solomon Islands. Further, I discuss some implications of regulation and governance for Melanesian countries more broadly. This chapter includes some thoughts on areas for further research to build upon where this study ends.

1.10 Conclusion

This thesis examines the regulation and governance of CDFs in Solomon Islands. It seeks to uncover whether expanding the focus of regulation and governance beyond state regulation to nodal governance would provide fresh opportunities to overcome the regulatory problems that plague CDFs in Solomon Islands. As such, the main question underpinning this thesis is whether there are sources of regulation outside the state that, together with the state, can exert meaningful networked regulatory pressure to ensure those using CDFs are accountable and transparent. However, this thesis has its limitations. As stated, it is limited to two constituencies: Gizo/Kolombangara and Baegu/Asifola in Solomon Islands.

Chapter 2
Interweaving Weak State, Political Settlement, State-in-Society and Nodal Governance

2.1 Introduction

Scholars on constituency development funds (CDFs) use various conceptual frames to structure the narratives of CDFs in Solomon Islands. These frames include weak state, political settlement, and state-in-society. The common underlying theme of these frames is the privileging of the Weberian form of state. However, they differ in how they view regulation and governance by the state. The weak state presupposes a proper way for the state to function, making assumptions about how states and bureaucracies ought to work and identifying those that fall short as deficient. In contrast, political settlement and state-in-society frames focus more on how the state actually works and why it works that way. However, political settlement and state-in-society are also largely state-centred and, as far as Solomon Islands literature on CDFs is concerned, limited in their scope to capture the roles of non-state actors in governance and regulation. Because of this limitation, this thesis uses the concept of nodal governance to complement insights from the weak state, political settlement, and state-in-society frameworks. Nodal governance builds on these state-centred frames. It captures the roles of non-state actors, mechanisms, and principles in the governance and regulation of CDFs and the power relationships that connect them. Nodal governance draws attention to governance and regulation as performed by a plurality of actors, mechanisms and principles across various networks, relationships, and scales. This thesis weaves together these different frames into the conceptual framework it uses to tell its story of CDFs.

2.2 Weak State

2.2.1 The Focus of Weak State

In academic and policy discussions, the concept of a weak state is a prominent subject. Generally, the weak state theoretical framing privileges narratives about how public administration of the state (bureaucratic state) is malfunctioning.[115] In this section, I associate the weak state framing closely with the function and operation of the bureaucratic state which encompasses government departments and ministries as opposed to the MPs. It falls within the neo-Weberian approach to state analysis. It is called neo-Weberian because this framework builds on Max Weber's definition of the state as "a multifaceted organisation with a

[115] See Christian Lund, "Rule and Rupture: State Formation through the Production of Property and Citizenship," *Development and Change* 47, no. 6 (2016): 1199.

legitimate monopoly over the use of violence."[116] Central to the neo-Weberian approach is that it views state capacity, generally defined by Francis Fukuyama as "the ability of states to plan and execute policies and to enforce laws cleanly and effectively,"[117] as deriving from bureaucratic competence and territorial reach.[118] Therefore, in contrast, a weak state is one where bureaucracy is limited in its administrative and financial resources, lacks geographical reach/scope and is unable to plan appropriately, execute its policies or enforce them effectively and efficiently. Jasmin Lorch states:

> According to functional or service delivery-oriented approaches, state weakness finds its expression in the inability of the state to perform its functions concerning the provision of security, civil rights, welfare services and other political goods.[119]

Generally, when a bureaucratic/administrative state is unable to properly plan policies, efficiently execute them or effectively enforce them, it gives rise to a bureaucratic weak state.

2.2.2 Understanding the creation of CDFs in the first place through Weak State

The weak state framing explains the regulation of CDFs by highlighting the consistent incapacity of the bureaucratic state to implement its functions, such as the proper and efficient delivery of public goods to its citizens. Karelle Samuda argues that it is weak administrative state capacity that leads to the creation of CDFs.[120] In other words, poor performances by state actors—government ministries—create dissatisfaction among constituents—hence, constituents' demand for CDFs. For instance, in Kenya, weak administrative capacity was responsible for pushing constituents to demand CDFs.[121] Similarly, in Tanzania, due to a lack

[116] Karl Dusza, "Max Weber's Conception of the State," *International Journal of Politics, Culture, and Society* 3, no. 1 (Fall 1989): 75. Also see Dauvergne, "Weak States, Strong States: A State-in-Society Perspective," 2. For other commentaries on Weber's definition of the state see Philipp Lottholz and Nicolas Lemay-Hébert, "Re-Reading Weber, Re-Conceptualizing State- Building: From Neo-Weberian to Post-Weberian Approaches to State, Legitimacy and State-Building," *Cambridge Review of International Affairs* 29, no. 4 (2016): 1467-85. For other useful discussions of the state, see Bob Jessop, "The Concept of the State," in *The State: Past, Present, Future* (Cambridge: Polity Press, 2016), 15-52; "Putting States in Their Place: Once More on Capitalist States and Capitalist Societies," in *State Theory: Putting the Capitalist State in Its Place* (Cambridge: Polity Press and Basil Blackwell, 1990), 339-69; Nicolas Lemay-Hébert, "Rethinking Weberian Approaches to Statebuilding," in *The Routledge Handbook of International Statebuilding*, ed. David Chandler and Timothy D. Sisk (New York: Routledge, 2013), 3-14; Bob Jessop, "The State and State-Building," in *The Oxford Handbook of Political Institutions*, ed. R. A. W. Rhodes, Sarah A. Binder, and Bert A. Rockman (Oxford: Oxford University Press, 2006), 111-30; Theda Skocpol, "The Potential Autonomy of the State," in *States and Social Revolutions: A Comparative Analysis of France, Russia and China* (Cambridge: Cambridge University Press, 1979), 24-33.
[117] Francis Fukuyama, "The Missing Dimensions of Stateness," in *State-Building: Governance and World Order in the 21st Century* (New York: Cornell University Press, 2004), 7.
[118] Matthias Vom Hau, "State Theory: Four Analytical Traditions," in *Oxford Handbook of Transformations of the State*, ed. Stephan Leibfried, et al. (Oxford, United Kingdom: Oxford University Press, 2015).
[119] Jasmin Lorch, "Introduction," in *Civil Society and Mirror Images of Weak States: Bangladesh and the Philippines*, Governance and Limited Statehood (London, United Kingdom: Palgrave Macmillan, 2017), 10.
[120] Samuda, "The Political Economy of the Constituency Development Fund in Kenya and Jamaica."
[121] Ken Ochieng' Opalo, "Formalizing Clientelism in Kenya: From Harambee to the Constituency Development Fund," *World Development* 152 (2022): 1-10.

of service delivery by a dominant political party, the ruling political party put a proposal to the legislature for MPs to have access to CDFs for service delivery to their constituents.[122] Although in the case of Solomon Islands, the initial establishment of CDFs was not due to constituent demands, the above examples show how the administrative/bureaucratic state actors are weak in delivering services with public funds which creates a diversion of policy for MPs to deliver services.

Second, the weak state framing focuses on the problems and challenges facing the bureaucratic state from a Eurocentric perspective. Most discussions of weak state examine the regulation of CDFs against the background of good governance principles and state laws. Poor performances by state actors and institutions are dominated by allegations of corruption.[123] For instance, most of the narratives around CDFs highlight corrupt state actors, typifying state actors as appropriating public funds and resources for private gain.[124] Ndii highlighted that in Kenya, “corruption regarding CDFs exists in many forms, at different levels and involves many stakeholders.”[125] In Uganda, Kasfir and Twebaze mentioned that although CDFs are a tiny component of the national budget, they are “often misdirected to campaign or personal accounts … and rarely accounted for.”[126] The aforementioned literature highlights that one of the recurrent regulatory challenges underlying CDFs in many jurisdictions in Africa, the Caribbean and the Pacific region is corruption by state actors in terms of their management and use of CDFs.

In Solomon Islands, nongovernmental organisations (NGOs) such as Transparency Solomon Islands (TSI), the World Bank and academics describe the governance of CDFs as inefficient and lacking transparency and accountability.[127] Even certain MPs attest to the weakness of

[122] Tsubura, "Accountability and Clientelism in Dominant Party Politics: The Case of a Constituency Development Fund in Tanzania."
[123] Bartilow, "Drugs Dons and Development of Executive Driven Bi-Partisan Constituency Development Funds in Jamaica," 143-66; Ndii, "Money for Small Things: Experience and Lessons of Kenya’s Constituency Development Funds," 49-82. Policy Forum and Research for Poverty Alleviation (REPOA), "Review of the Governance Effectiveness of the Constituency Development Catalyst Fund in Tanzania."; Tsubura, "Accountability and Clientelism in Dominant Party Politics: The Case of a Constituency Development Fund in Tanzania."; Samuda, "The Political Economy of the Constituency Development Fund in Kenya and Jamaica."
[124] Francis Fukuyama, "Corruption," in *Political Order and Political Decay* (United States of America: Profile Books, 2015), 82.
[125] Ndii, "Money for Small Things: Experience and Lessons of Kenya’s Constituency Development Funds," 72.
[126] Nelson Kasfir and Steven Hippo Twebaze, "In Name Only: Uganda’s Constituency Development Fund," in *Distributive Politics in Development Countries: Almost Pork*, ed. Mark Baskin and Michael L Mezey (London: Lexington Books, 2014), 83.
[127] Transparency Solomon Islands and United Nations Democracy Fund, "CDF Community Audit," (Honiara: Transparency Solomon Islands, 2018); "Constituency Development Fund (CDF) Community Consultation & Assessment Workshop," (Honiara: Transparency Solomon Islands, 2018). *Constituency Development Fund (CDF) Community Consultation & Assessment Workshop* (Honiara: Transparency Solomon Islands, 2018); World Bank Group, "Solomon Islands: Towards Better Investment in Rural Communities," (Washington DC: World Bank Group, 2014).

the system governing CDFs. For instance, in 2003, the MP for East Are'Are constituency, the late Edward Huni'ehu, introduced a motion to properly regulate CDFs. He stated that since the introduction of CDFs in 1992, the involvement of state was heavily criticised and "[t]hese criticisms have revolved around the lack of sound administration of the fund, the need to be more transparent, accountable, minimize the level of politicization and productive utilization of the fund."[128] This is similar to the findings of a study done by the World Bank on the Rural Constituency Livelihood Fund (RCLF), one of the projects funded by CDF and administered through the Ministry of Rural Development (MRD). The World Bank study showed that the RCLF had a minimal planning process and that allocations were largely at the discretion of the MPs and their constituency development officers (CDOs).[129] In relation to transparency and accountability, the RCLF had no mechanism for reporting progress to government stakeholders except through audits by the Office of the Auditor General. These were ad hoc, and there was little information on how they were used.[130] The World Bank report also found that in terms of efficiency and effectiveness, the RCLF lacked procedural guidance for its activities and that there were "limited-to-no accountability mechanisms" for monitoring CDF projects once they were in progress or completed.[131] This view was shared by John Cox, who said that CDFs "are disbursed at the discretion of the MP with little accountability for how the money is spent."[132] An affirmation of how the relevant government ministry lacks power and mandate over the use of CDFs by MPs .

The World Bank and International Monetary Fund (IMF) have also advocated the need to strengthen the state. A recent study by the IMF highlights that poor governance in Solomon Islands stems from, among other factors, "a lack of transparency including in Constituency Development Funds … and weak public financial management."[133] Against that backdrop, the IMF highlights that going forward, there is a need for greater transparency of CDFs. The IMF states that:

> the review of the CDF Act should be completed quickly with the supporting regulations developed and implemented. Citizen participation in CDF allocation, transparency in use of CDF resources, procurement rules, regular monitoring and reporting, and clarity on asset ownership would promote discipline in the use of CDF funds. To demonstrate that CDF spending is in

[128] See Edward Huniehu's statement in National Parliament of Solomon Islands, "Motion No 2 of 11 July 2003," 113-14.
[129] World Bank Group, "Solomon Islands: Towards Better Investment in Rural Communities," xi.
[130] Ibid., xv.
[131] Ibid.
[132] Cox, "The Politics of Distribution in Solomon Islands: North Vella Lavella Constituency," 1.
[133] International Monetary Fund (Asia and Pacific Dept), "Solomon Islands: 2019 Article Iv Consultation-Press Release; Staff Report; and Statement by the Executive Director for the Solomon Islands," in *IMF Staff Country Reports* (Washington, D.C.: International Monetary Fund, 2020), 4.

> line with the National Development Strategy, the Budget should report on the extent to which CDF spending is promoting the main social development areas. Capacity issues at the constituency level also need to be addressed.[134]

These recommendations by the IMF—which are also shared by the World Bank and state institutions in Solomon Islands like the MRD, as stipulated in its *Corporate Plan 2020–2023*—are geared towards the state institutions dealing with CDFs. That is, the state needs to strengthen its enforcement of governance standards, improve transparency, and advance an anti-corruption agenda. This discussion is focused on improving the state's capacity to regulate CDFs.

An advantage of the weak state conceptual framework is that it brings to the fore some of the main challenges state institutions in developing countries are grappling with, such as corruption, ineffective management of public funds, inefficiency in policy formulation and implementation and bureaucratic deficiencies.[135] In this context, the state is weak and fragile. But how appropriate are these state-centric analysis and policy prescriptions to the context of Solomon Islands?

2.2.3 Limitations of Weak State

There are, however, limitations of the weak state framing. Hank Nelson, for example, argues that in Melanesian context descriptions such as fragile and weak "remain imprecise [and] have little explanatory value."[136] He says that descriptions such as 'weak state',

> have generally originated elsewhere and are of doubtful descriptive value when applied to the diversity within all Melanesian states. There is simply no uniform "weakness" or "risk" or "failure" across government departments, levels of government or regions. Even where quantitative measures have been introduced into the definitions, they remain arbitrary … The most significant failure of these labels is that while they attempt to describe a stage reached in a process, they say nothing about what that process is, what causes it and what forces might accelerate it, slow it down or reverse it.[137]

These limitations mean the weak state framing paints only a partial picture of the state and how it works in the least developing countries. Part of the reason is that the weak state frame

[134] Ibid., 10-11.
[135] For more insights into weak states see Robert I. Rotberg, ed. *Failed States, Collapsed States, Weak States: Causes and Indicators* (Washington D.C.: Brookings Institution Press, 2003).
[136] Hank Nelson, "Governments, States and Labels," in *State, Society and Governance in Melanesia* (The Australian National University: Research School of Pacific and Asian Studies, 2006), 1.
[137] Ibid.

limits its scope by excluding social forces outside of the state that, in many ways, also influence state regulation and governance.

Thomas Risse, an international relations scholar, highlights that much of the literature on "failed, failing and fragile states centre[s] on state building as the main remedy for establishing or restoring political and social order."[138] In other words, the weak/failed state narrative only privileges the state and marginalises the roles of non-state actors in governance and regulation. As a result, the recommended regulatory remedies to ensure effective regulation revolve around the state, leading to a regulatory conundrum. Nicolas Lemay-Hebert further notes this standpoint that

> equating state fragility or failure with the lack of state capacity … is increasingly considered as outdated and unhelpful, notably because it excludes crucial non-state actors and how they can perform functions associated with the state in the Western world.[139]

Another limitation is that the literature on the weak or failed state highlighted by Risse uses the Weberian state context as the basis of its conceptualisation of the state. Using such a Eurocentric state conceptualisation as a benchmark is problematic for developing countries, partly from a normative and analytical point of view.[140] Risse explained the deficiency of the Eurocentric state conceptualisation when he said:

> The literature on statehood and its transformations, including the one on failing and failed states … usually takes Western modern and consolidated statehood as the "normal" point of departure and diagnoses multiple deficits when classifying developing countries in the Global South. As postcolonial studies remind us, this Western or Euro-centric bias overlooks the reality of governance under conditions of limited statehood.[141]

In effect, using the Weberian-state discourse as the yardstick for states in developing countries partially undermines how governance in many such developing countries operate in practice. This discourse often ignores the strengths, practices, bodies or societies embedded within grass-roots level governance.[142] Much of the focus of the weak state framework revolves

[138] Thomas Risse, "Governance in Areas of Limited Statehood: Introduction and Overview," in *Governance without a State? Policies and Politics in Areas of Limited Statehood*, ed. Thomas Risse (New York: Columbia University Press, 2011), 2.
[139] Nicolas Lemay-Hébert, "From Saving Failed States to Managing Risks: Reinterpreting Fragility through Resilence," in *Governance & Political Adaptation in Fragile States*, ed. John Idriss Lahai, et al. (Switzerland: Palgrave Macmillan, 2019), 82.
[140] Thomas Risse, "Limited Statehood: A Critical Perspective," in *The Oxford Handbook of Transformations of the State*, ed. Stephan Leibfried, et al. (Oxford: Oxford University Press, 2015), 152-68. Also see "Governance in Areas of Limited Statehood: Introduction and Overview," 1-35.
[141] Risse, "Limited Statehood: A Critical Perspective," 154.
[142] Volker Boege, M Anne Brown, and Kevin P Clements, "Hybrid Political Orders, Not Fragile States," *Peace Review: A Journal of Social Justice* 21, no. 1 (2009): 13.

around “deficiencies and shortcomings of governance in so-called fragile states.”[143] Such deficiencies are more institution related and encompass the minimal presence of the state in rural areas and failure by the state to ensure effective policy implementation and service delivery, thus limiting the focus to approaches to governance. In weak state analyses, power relations between state institutions and the social context, defined broadly, in which these relations exist—which influence state governance and regulation—do not take centre stage.

2.3 Political Settlement

In Solomon Islands, in an attempt to address the deficiencies of the weak bureaucratic state and improve the relationship between MPs and their constituencies, MPs have asserted themselves as the appropriate connection between the bureaucratic state and society.[144] This claim has led to the establishment of an approach where the bureaucratic state’s implementation role is partially bypassed in the delivery of public services and MPs assumed the role of service delivery.[145] The next section uses the political settlement lens to situate this approach. Political settlement as a concept has several definitions.[146] In this thesis, I rely on that of the political economy scholar Mushtaq Khan.

2.3.1 The Focus of Political Settlement

Khan argues that institutions are central to explaining state governance and performance but insufficient to elucidate institutional (state) effectiveness—thus the need for the inclusion of power relations or “balance of power.”[147] Khan claims that:

> the institutional structure which is best for a particular society depends on its political settlement. Responding to institutional failures requires not just an understanding of the balance of power but also requires us to take political positions.[148]

[143] Ibid.
[144] Fono, "A Perspective on Constitutency Development in Solomon Islands," 127-30.
[145] Ibid.
[146] Pritish Behuria, Lars Buur, and Hazel Gray, "Studying Political Settlements in Africa," *African Affairs* 116, no. 464 (2017): 508–25. Hazel Gray, "Political Settlements and Economic Transformation," in *Turbulence and Order in Economic Development: Economic Transformation in Tanzania and Vietnam* (United Kingdom: Oxford University Press, 2018), 55–76. Ingram, "Political Settlements: The History of an Idea in Policy and Theory," 1-16; Lindsay Whitfield et al., "Elaborated Political Settlements Theory and Clientelism in Africa," in *The Politics of African Industrial Policy: A Comparative Perspective* (New York: Cambridge University Press, 2015), 87-111.
[147] Mushtaq Khan, "State Failure in Weak States: A Critique of New Institutionalist Explanations," in *The New Institutional Economics and Third World Development*, ed. John Harriss, Janet Hunter, and Colin Lewis (London: Routledge, 1995), 71.
[148] Ibid.

Hence, political settlement is, in part, a response to a weak state framework. I focus on the definition of political settlement resulting from Khan's work.[149] It appears more regularly in scholarship on African countries[150] and has been used in various ways in the social sciences.[151] Often, political settlement is "used in an intuitive sense to refer to the prevailing political order."[152] Khan defined political settlement as "the distribution of organizational power."[153]

The concept of political settlement also means "a combination of power and institutions that is mutually compatible and also sustainable in terms of economic and political viability."[154] Khan also highlights the emergence of other definitions of political settlement. An example Khan singled out is the defining of political settlement as "common understandings or agreements amongst elites, about how resources are distributed, and power is exercised."[155] Although these definitions have differences, they are both characterised by the inclusion of elites, power, and institutions as overarching concepts. This resonates with Barbara and Connell's assertion that, "a political settlement lens brings with it a distinctive focus on three key elements of democratic governance—elites, power, and institutions and institutional performance."[156] The interrelations of these factors partially help explain the regulation of CDFs in Solomon Islands.

Noting the importance of elites, Barbara and Connell contend that,

> A focus on elites is useful because it directly considers power, interests and mobilisation strategies, which have been largely overlooked. It, therefore, provides a useful way of thinking about political "stakeholders" and potentially new entry points for donor support.[157]

In terms of leadership, elites operate at a level in society above commoners. Elites are leaders who hold privileged positions within their settings and thus on issues of governance and regulation as well. In Solomon Islands, visible state elites in the regulation of CDFs are MPs. Informal non-state elites are village leaders, women leaders, big-men, chiefs, and tribal leaders

[149] Ibid., 71-86.
[150] Behuria, Buur, and Gray, "Studying Political Settlements in Africa," 508.
[151] See Hazel Gray, *Turbulence and Order in Economic Development: Institutions and Economic Transformation in Tanzania and Vietnam* (Oxford: Oxford University Press, 2018). Sue Ingram, "The Concept of Political Settlement in Development Policy and Why Its Useful - Political Settlement: Part 1," in *In Brief 2014/10* (Canberra: The Australian National University, 2014). "Political Settlements: The History of an Idea in Policy and Theory."
[152] Behuria, Buur, and Gray, "Studying Political Settlements in Africa," 508.
[153] Mushtaq H. Khan, "Political Settlements and the Analysis of Institutions," ibid.117, no. 469: 637. Khan, "State Failure in Weak States: A Critique of New Institutionalist Explanations," 71, 77.
[154] Mushtaq H. Khan, *Political Settlements and the Governance of Growth-Enhancing Institutions* (London: Mimeo, SOAS, 2010), 4.
[155] Khan, "Political Settlements and the Analysis of Institutions," 652.
[156] Julien Barbara and Warwick Connell, "Political Settlements and Effective Democratic Governance Programming in Melanesia - Political Settlement: Part 2," (Canberra: Australian National University, 2014), 1.
[157] Ibid.

although there are questions around their involvement and participation in the regulation of CDFs. Nevertheless, even those who use political settlement in their discussions of CDFs tend to focus more on state officials and MPs rather than informal elites and their problems.[158]

Power is another element of governance central to the concept of political settlement. Khan argued that an entity (in this context, elites) has "holding power" when it can:

> deploy more resources to influence governments or other organizations, or inflict greater costs on them, or hold out for longer because they can absorb more pain till others give in. Powerful organizations are therefore more likely to win, and other organizations are more likely to exit or compromise. Thus, the holding power of organizations is not just based on economic capabilities, or on whether they include 'elites' (something that we discuss later), but primarily on their organizational capabilities, the capacity of their leadership to mobilize and enthuse, and their skill in identifying and rewarding the right people through formal or informal networks.[159]

Khan's description of power resonates with that of Robert Dhal: "A has power over B to the extent that he (A) can get B to do something that B would not otherwise do."[160] This definition is narrow in terms of addressing issues of power relations.[161] This narrow scope revolves around the various strategies elites use to maintain power. Drawing on the work of Khan, Hirvi and Whitfield argued that "[t]he distribution of power [between these elites] shapes how ruling elites act and the policies they pursue."[162] In Solomon Islands, elites like MPs are powerful leaders. Thus, in Solomon Islands, like in other Pacific Island countries, although there are several layers of power structures situated within scales such as wards, constituency, provincial and national contexts, MPs have more power to influence other actors, mechanisms, and principles within these scales. However, the power relations between these scales are sometimes complex and messy, in part because different sources of laws and different social factors govern their establishment and operations. The various power structures among the different scales in Solomon Islands have the potential to impact the regulation of CDFs as we will see in chapters six, seven and eight. These power interrelations have been partly missing from the narratives about CDFs in Solomon Islands.[163]

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[158] Craig and Porter, "Political Settlement in Solomon Islands: A Political Economic Basis for Stability after RAMSI?," 1-2. "Post-Conflict Pacts and Inclusive Political Settlements: Institutional Perspectives from Solomon Islands," 1-39.
[159] Khan, "Political Settlements and the Analysis of Institutions," 640.
[160] Robert A. Dahl, "The Concept of Power," *Behavioral Science* 2, no. 3 (1957): 202-03.
[161] Steven Lukes, "Robert Dahl on Power," *Journal of Political Power* 8, no. 2 (2015): 261-71.
[162] Marja Hirvi and Lindsay Whitfield, "Public-Service Provision in Clientelist Political Settlements: Lessons from Ghana's Urban Water Sector," *Development Policy Review* 33, no. 2 (2015): 139.
[163] Craig and Porter, "Political Settlement in Solomon Islands: A Political Economic Basis for Stability after RAMSI?."; "Post-Conflict Pacts and Inclusive Political Settlements: Institutional Perspectives from Solomon Islands."

Institutions and institutional performance are also key aspects of political settlement. Institutions can be formal or informal[164] and underpin a political system.[165] Institutions can be rules and organisations.[166] They regulate social interactions and determine how resources are disbursed by elites to various groups within a society.[167] In Solomon Islands, formal institutions include state laws such as the Public Finance and Management Act (PFMA), related subsidiary legislation, the *Constituency Development Funds: Operations Manual (Guidelines and Processes)* and constituency development plans. Informal institutions include *kastom* and churches. These institutions have the potential to influence the governance of CDFs. However, as far as narratives of CDFs in Solomon Islands using political settlement are concerned, there seems to be little discussion about the presence, roles, and dynamics of informal institutions vis-à-vis CDFs.

In sum, political settlement, like the state-in-society framework (which will be discussed later), is less about divergences from an idealised view of how states ought to work (e.g., the deficit lens) and focuses more on how the state in Solomon Islands actually works and why it works in that way. Political settlement assumes that the socio-economic context is an influential factor that impacts institutions. In the next section (2.3.2), apart from highlighting that political settlement demonstrates that CDFs as a transformed political order, I also demonstrate below (2.3.2) that political settlement hinges on the socio-economic context of society as an essential lens to understand some of the aspects of the political economy of Solomon Islands – similar ideas that underpin the state-in-society frames.

2.3.2 Understanding CDFs through a Political Settlement Lens

Seen through a political settlement lens, CDFs are a transformed political order formed as a result of the failure of the bureaucratic state to implement policies, limited bureaucratic state presence as opposed to political state actors like MPs and their constituency officers in rural areas and a weak cash-based rural economy. Partly situating themselves within the political settlement framework, Craig and Porter stated that in Solomon Islands, CDFs are indicative of a fundamental reordering of power, given that they are the “most significant institutional

[164] Ingram, "The Concept of Political Settlement in Development Policy and Why Its Useful - Political Settlement: Part 1," 1.
[165] Khan, "Political Settlements and the Analysis of Institutions," 638-40.
[166] Ibid., 638-39.
[167] Hazel Gray and Lindsay Whitfield, "Reframing African Political Economy: Clientelism, Rents and Accumulation as Drivers of Capitalist Transformation," in *Working paper Series*, Department of International Development (London: London School of Economics and Political Science, 2014), 13.

realignment" since independence in 1978.[168] Both scholars arrived at this observation by using the political settlement conceptual framing borrowed from Khan, namely, that it is:

> social order based on political compromises between powerful groups in society that sets the context for institutional and other policies … more precisely [it is] a combination of power and institutions that is mutually compatible and also sustainable in terms of economic and political viability.[169]

Against that context, Craig and Porter argued that:

> direct, short-term and questionably sustainable provisioning has become much more important to pact formation and institution building. Politicians have expanded constituency development funds (CDFs) … These funds "grasp" resources out of mainstream line ministry budgets and into provisioning arrangements with national members of parliament who insist they are better placed to 'reach' down to provision local communities.[170]

This conclusion by Craig and Porter reflects Khan's political settlement framing and draws from Dan Slater's work on "protection" and "provision."[171]

The concept of political settlement emerged as a reaction to the need to understand the effectiveness of institutions against the backgrounds of the socio-economic contexts in which they are situated.[172] Like state-in-society frame such standpoint helps explain the political economy of Solomon Islands, as its focus on the politics of clientelism takes into account the socio-economic and political contexts of Solomon Islands as opposed to the neo-Weberian explanations of clientelism. Whitfield et al. argue that an important "point of political settlements theory is that the economic structures of developing countries create strong incentives for clientelist politics."[173] Whitfield et al. further demonstrate that "Neo-Weberian theories describe the pervasiveness of clientelist politics in developing countries as neopatrimonialism and argue that it is the cause of underdevelopment."[174] Drawing from the work of Khan, Whitfield et al. posit that, in contrast, the theory of political settlement argues that "clientelist politics are a

[168] Craig and Porter, "Political Settlement in Solomon Islands: A Political Economic Basis for Stability after RAMSI?," 1.
[169] Ibid.
[170] Ibid., 2.
[171] For further details see Dan Slater, *Ordering Power: Contentious Politics and Authoritarian Leviathans in Southeast Asia* (New York: Cambridge University Press, 2010).
[172] Khan, "Political Settlements and the Analysis of Institutions," 638.
[173] Whitfield et al., "Elaborated Political Settlements Theory and Clientelism in Africa," 87.
[174] Ibid.

consequence of underdevelopment (and not its cause), and thus clientelism writ large cannot be the explanation for lack of progress with capitalist economic transformation."[175] As such:

> political settlement theory emphasises that patron–client relations are driven by structural factors—the economic structures of developing countries—and thus democratisation does not necessarily weaken clientelist politics and can even reinforce it.[176]

Hirvi and Whitfield argue that:

> [i]t is because the capitalist means of production is not dominant in the economy, and thus capitalists are not large in size and importance to the economy, that ruling elites mobilise supporters or incorporate powerful groups based on exchange, and not on class interest or party manifestos.[177]

Hence, political settlement helps explain the background against which CDFs are regulated. In addition to *kastom* giving rise to patron–client relations, CDFs—which are seen as patron–client relations—are also a ramification of the weak economic structures of the poor rural societies of Solomon Islands in general.

2.3.3 Limitations of Political Settlement

Writing in 2014, Dressel and Dinnen highlighted that although political settlement "holds considerable potential," it is conceptually confusing, elite focused and lacking empirical work, and its context and extension to Melanesia may lack local variables.[178] As a frame, it seems elusive.[179] Conceptually, although political settlement uses socio-economic context as an important backdrop to analyse the effectiveness of institutions, discussions using political settlement to situate CDFs in Solomon Islands do not clearly articulate the role of society and its impacts on and relationships with the state actors. Political settlement is characterised by many of the same limitations as weak state framing, and political settlement narratives in Solomon Islands seem to privilege formal elites such as MPs. This raises the question of whether other conceptual frameworks better harness the relationships between state and society to situate the story of CDFs in Solomon Islands.

[175] Ibid.
[176] Hirvi and Whitfield, "Public-Service Provision in Clientelist Political Settlements: Lessons from Ghana's Urban Water Sector," 140.
[177] Ibid.
[178] Björn Dressel and Sinclair Dinnen, "Political Settlements Old Wine in New Bottles?," in *Policy Brief 9* (Canberra: Development Policy Centre, Crawford School of Public Policy, College of Asia and the Pacific, Australian National University, 2014).
[179] Ibid. Also see Ingram, "Political Settlements: The History of an Idea in Policy and Theory," 1, 11-12.

2.4 State-in-Society

2.4.1 Focus of State-in-Society

Adopting Max Weber's definition of the state, Migdal defines the state as:

> an organisation, composed of numerous agencies led and coordinated by the state's leadership (executive authority) that has the ability or authority to make and implement the binding rules for all the people as well as the parameters of rulemaking for other social organisations in a given territory, using force if necessary to have its way.[180]

Society, on the other hand, is defined by Migdal as a "melange of social organizations."[181] "Society" also encompasses social forces such as the economic structure of society, cultural tradition, and colonial history.[182] Social forces include norms, rules and social formations that are outside the domain of the state.[183] In his introduction to *State Power and Social Forces*, Migdal argues that:

> [w]e need to break down the undifferentiated concepts of state … also of society—to understand how different elements in each pull in different directions, leading to unanticipated patterns of domination and transformation.[184]

In his book *Strong Societies and Weak States: State–Society Relations and State Capabilities in the Third World*, Migdal provides an insightful lens to critique the state. His central argument is that:

> the capacity of the states (or incapacity, as the case may be), especially the ability to implement social policies and to mobilize the public, relates to the structure of society. The ineffectiveness of state leaders who have faced impenetrable barriers to state predominance has stemmed from the nature of society they have confronted—from resistance posted by chiefs, landlords, bosses, rich peasants, clan leaders … through their various social organizations.[185]

[180] Migdal, "A Model of State-Society Relations," 18.
[181] Ibid., 28.
[182] Dauvergne, "Weak States, Strong States: A State-in-Society Perspective," 2.
[183] Joel S. Migdal, "A Model of State-Society Relations," in *State in Society: Studying How States and Societies Transform and Constitute One Another* (Cambridge: Cambridge University Press, 2001), 42-57.
[184] Joel S. Migdal, Atul Kohli, and Vivienne Shue, eds, "Introduction: Developing a State-in-Society Perspective," in *State Power and Social Forces: Domination and Transformation in the Third World* ed. J Migdal, A. Kohli, and V. Shue (Cambridge: Cambridge University Press, 1994), 8.
[185] Migdal, "A Model of State-Society Relations," 33.

The underlying focus of the state-in-society framing is the interaction between the state and social forces in society, which then determines the weakness and strength of both society and the state.

2.4.2 Understanding CDFs through a State-in-Society Approach

The state-in-society framing helps explain the regulation of CDFs by encompassing the dynamic relationship between the state and society. The significant argument of this conceptual framework is that states are not weak (or strong) independent of the societies they spring from; rather, their weakness (or strength) is a function of and must be understood in the context of the social groups and forces that operate in society. According to Migdal, "[s]tates are parts of societies. States may help mold, but they are also continually molded by, the societies within which they are embedded."[186] Migdal argues that the more society affects the state, the more it gives rise to a weak state. Peter Dauvergne posits that "strength or weakness [of the state or society] is seen as arising from how all levels of the state interact with various social groups [or social forces]."[187] For instance, taking Midgal's weak state framing into account in many Melanesian countries, the general position is that the state is weak because of the influence of social forces, among other factors, such as the *wantok* (people of same group/line) system, clan relationships and the big-man system, which have the potential to undermine how the state functions and operates.

The *wantok* system, clan relationships and the big-man system are the cardinal social forces rooted within the *custom* systems of many societies in Solomon Islands. These social forces typify societies in rural areas as different from the state. They have the potential to influence state actors, state processes, and political processes. For instance, in Solomon Islands, political behaviour and governance is influenced by socio-cultural factors rooted in and influenced by *custom*. According to David Gegeo, *custom* is what typifies Solomon Islanders or culturally distinct groups within Solomon Islands from other people.[188] Hence, it is often inbuilt and characterises the worldviews and perceptions of many Solomon Islanders. The *wantok* system and big-man system—traditional Solomon Islands systems—are still alive and continue to influence modern socio-political systems in Solomon Islands. For instance, big-man leadership is a type of leadership common in Melanesian countries wherein leaders are

[186] Joel S. Migdal, Atul Kohli, and Vivienne Shue, eds, "Introduction: Developing a State-in-Society Perspective," 2.
[187] Dauvergne, "Weak States, Strong States: A State-in-Society Perspective," 2.
[188] David Welshman Gegeo, "Kastom Nao Stretem Iumi: Views from Kwara'ae on Cultural Policy in Melanesia," in *Custom, Culture, Tradition: Developing Cultural Policy in Melanesia*, ed. Lamont Lindstrom and Geoffrey M White (Suva: East West Centre and University of the South Pacific, 1994), 43-54.

respected because of their services and knowledge rendered to their societies and people.[189] A big-man is someone who gain and sustain a wide following through his accumulation and demonstration of wealth.[190] Central to big-man leadership is a positive relationship between people of the same language group or close blood lines, or between voters and their political leader. In a big-man leadership system, a leader fulfils the wishes of his people or *wantoks* through his contributions, foresight, and insights to deal with their needs and wants. These leaders are characterised by virtues such as charisma. The *2019 Solomon Islands National General Elections Observation Report* highlights that "voters commonly assessed candidates on their ability to support the community."[191] The report clearly states that "the two most important qualities voters said they wanted in a candidate were accessibility to community and the ability to look after the community."[192] In terms of big-man politics or the big-man system, these attributes are central to how big-men conduct themselves in public life or leadership. According to the *2019 Solomon Islands National General Elections Observation Report*, these two attributes are more important than policies or party affiliation to potential voters. The big-man system is rooted in *custom*, which continues to influence political behaviour. Thus, it is an important backdrop against which CDFs are situated.

Kabutaulaka demonstrates the complex interrelationships between state and society in Solomon Islands, as well as other Melanesian countries:

> For politicians, what is regarded as corruption in the conventional sense is, in fact, the essence of survival. In a society where a Bigman's wealth is measured, not so much in what he accumulates as in what he distributes, it is important that a Bigman finds a means of acquiring wealth for distribution. Logging provides that means. A politician needs the logging money in order to stay in power. This is because of the nature of patron/client relationships that characterise our traditional culture—a norm that has suddenly been labelled as corruption.[193]

The relationship between the state and society and how society influences, dominates, and transforms the state is central to the state-in-society conceptual framing articulated by Migdal.

[189] For an example of big-man in Kwaio, Malaita province, Solomon Islands, see Elota and Roger M Keesing, *Elota's Story: The Life and Times of a Solomon Islands Big Man* (St. Lucia, Queensland: University of Queensland Press, 1978).
[190] Judith A Bennett, *Wealth of the Solomons: A History of a Pacific Archipelago, 1800-1978* (Honolulu: University of Hawaii Press, 1987), 14.
[191] Wiltshire et al., "2019 Solomon Islands National General Elections Observation Report: Observation Report," 61.
[192] Ibid.
[193] Tarcisius Tara Kabutaulaka, "Rumble in the Jungle: Land, Culture and (Un)Sustainable Logging in Solomon Islands," in *Culture and Sustainable Development in the Pacific*, ed. Antony Hooper (Canberra: ANU E Press and Asia Pacific Press, 2000), 95.

I contend that the governance of CDFs in Solomon Islands is influenced by both state and society and their interrelationships and intersections.

The state-in-society framing represents a more subtle approach than the weak state framing. It recognises that the influence of society is premised on historical, socio-economic and political factors and processes of state regulation and governance. Dauvergne outlines the subtleness of the state-in-society framing:

> By focusing on how states are woven into society—and how each continually reshapes the other—[those who used the state-in-society approach] are able to move beyond facile assessments of state strengths and weaknesses and ask probing questions about why so many inefficient and ineffective states stay intact, why apparently strong states are sometimes surprisingly weak, and why seemingly weak states can be remarkably resilient.[194]

Dauvergne further stresses the advantage of using the state-in-society approach:

> States attempt to develop and impose uniform rules and norms. Societies are the arenas in which states and non-state organisations contest these rules and norms. Embedding the analysis in this perspective simultaneously adds a deeper and more sophisticated understanding of the concepts of weak and strong states as well as state-in-society approaches.[195]

Thus, using the state-in-society framing to understand CDFs gives a comprehensive scope of state–society interrelations and how each entity influences the other to stay intact or resilient. But what are its limitations?

2.4.3 Limitations of State-in-Society

The state-in-society approach influenced by Midgal highlights the importance of seeking to unpack the relationships between state and society in order to contextualize state power.[196] This seems to suggest that it is important to look outside the formal state for sources of strength and resilience as well as for negative influence in terms of governance and regulation. However, state-in-society does not provide a framework for doing so that is targeted towards regulation. According to Shahar Hameiri, the state-in-society approach still focuses much of

[194] Peter Dauvergne, "Weak and Strong States in the Societies of the Asia Pacific," *Pacific Economic Bulletin* 13, no. 1 (1998): 131. Also see Joel S. Migdal, "Why Do So Many States Stay Intact?," in *Weak and Strong States in Asia-Pacific Societies*, ed. Peter Dauvergne (Canberra: Allen & Unwin Australia Pty Ltd and ANU, 1998).
[195] Dauvergne, "Weak States, Strong States: A State-in-Society Perspective," 124.
[196] Shahar Hameiri, "The Trouble with RAMSI: Reexamining the Roots of Conflict in Solomon Islands," *The Contemporary Pacific* 19, no. 2 (2007): 415.

its attention on the state's weaknesses (or strengths) and is preoccupied with state capacity as the primary object of study and analysis.[197]

2.5 Nodal Governance

2.5.1 Focus of Nodal Governance

There is consensus from regulatory scholars that nodal governance builds its foundation from and owes its intellectual debts to contemporary network theory, systems theory, and the work of Friedrich Hayek[198] and Michel Foucault.[199] The gist of nodal governance is that:

> in practice [it] is not a single mode of governance, but a complex of hybrid arrangements and practices in which different mentalities of governance as well as different sets of institutional arrangements coexist … It is a complex set of relationships in which "steerers" and "rowers" constitute relationships and align their interest.[200]

In other words, as Shearing and Wood neatly recapitulate, "nodal governance is characterised by institutional hybridity as well as hybridity in ways of thinking and acting."[201] Hence, the narrative in which nodal governance situates is one of hybridity.[202] Shearing and Wood's description and definition of nodal governance briefly highlight the core lenses of nodal governance. But what are the main concepts underlying nodal governance central to studying the governance and regulation of CDFs in Solomon Islands? I drew on the work of regulatory scholars like Jennifer Wood, Clifford Shearing and Julie Berg, to name a few, regarding nodal governance.[203]

An important concept underpinning nodal governance is the recognition that there is a plurality of actors in governance and that, conceptually, all of them should be treated prima facie as

[197] Ibid., 412, 15.
[198] Scott Burris, Peter Drahos, and Clifford Shearing, "Nodal Governance," *Australian Journal of Legal Philosophy* 30 (2005): 30-58.
[199] Clifford Shearing, "Reflections on the Refusal to Acknowledge Private Governments," in *Democracy, Society and the Governance of Security*, ed. Jennifer Wood and Benoît Dupont (Cambridge: Cambridge University Press, 2006), 32.
[200] Shearing and Wood, "From State to Nodal Governance," 21.
[201] Ibid.
[202] Ibid., 12.
[203] Shearing, "Reflections on the Refusal to Acknowledge Private Governments," 11–32; C Shearing and J Wood, "Governing Security for Common Goods," *International Journal of the Sociology of Law* 31, no. 3 (2003): 205-25; Shearing, "Reflections on the Refusal to Acknowledge Private Governments," 11-32; Holley and Shearing, "A Nodal Perspective of Governance: Advances in Nodal Governance Thinking," 163-72; Burris, Drahos, and Shearing, "Nodal Governance," 30-58; Julie Berg and Shearing Clifford, "Polycentric Security Governance and Sustainable Development in the Global South," in *The Emerald Handbook of Crime, Justice and Sustainable Development*, ed. Jarrett Blaustein, et al. (UK: Emerald, 2020), 153-73; Keith Carlisle and Rebecca L. Gruby, "Polycentric Systems of Governance: A Theoretical Model for the Commons," *Policy Studies Journal* 47, no. 4 (2019): 927-52.

being on equal footing. Les Johnston emphasises that "[t]he [nodal] model refuses to give conceptual priority to any particular locus of power, seeing governance as a relationship contained within a shifting network of alliances rather than a product of the realization of governing interests."[204] Within nodal governance conceptualisation, according to Shearing and Wood, "the exact nature of governance and the contribution of the various nodes to it are regarded as empirically open questions."[205] Jennifer Wood re-emphasises this essential insight about nodal governance when she says that "the nodal view assumes that governance is never fully actualized by a single node, even though some nodes may indeed be hegemonic."[206] Therefore, nodal governance posits that there is a need to look outside the state to capture important insights into how governance and regulation work in practice and how they can be enabled through notions like relationships and informality. This scholarship has particular relevance for weak states, as it looks at how weak states can use their existing structures to improve the regulation and governance of public goods and services for their citizens, as well as showing how non-state regulatory structures can undermine the operation of the state.

Another backdrop against which nodal governance is situated is its treatment of the Weberian state. Although the state is acknowledged as an actor, it is not a privileged actor, meaning that it is not assumed to be the most important or legitimate, although it may well be in many contexts. As highlighted previously, the state is one of the many actors involved in governance and regulation. In other words, while state-centred theoretical frameworks focus heavily on the state, nodal governance decentres the state. According to Julia Black, this means, in part:

> the de-apexing of the state: the move from a hierarchical relationship of state–society to a heterarchical one. That shift from hierarchies to heterarchies implies a different role for the state, one of mediator, facilitator, enabler, and for the skills of diplomats rather than bureaucrats.[207]

In that regard, many regulatory scholars believe that the state is not the sole auspice of governance but still an important actor. Shearing made this point when he said that "despite

[204] Les Johnston, "Transnational Security Governance," in *Democracy, Society and the Governance of Security*, ed. Jennifer Wood and Benoît Dupont (Cambridge: Cambridge University Press, 2006), 34.
[205] Clifford Shearing and Jennifer Wood, "Nodal Governance, Democracy, and the New 'Denizens'," *Journal of Law and Society* 30, no. 3 (2003): 403.
[206] Jennifer Wood, "Research and Innovation in the Field of Security: A Nodal Governance View," in *Democracy, Society and the Governance of Security*, ed. Jennifer Wood and Benoît Dupont (Cambridge: Cambridge University Press, 2006), 2019-220; Carlisle and Gruby, "Polycentric Systems of Governance: A Theoretical Model for the Commons," 927-52.
[207] Julia Black, "Decentring Regulation: Understanding the Role of Regulation and Self-Regulation in a 'Post-Regulatory' World," *Current Legal Problems* 54, no. 1 (2001): 147.

refusing to prioritize any single source of power, it [nodal governance] does not deny the state's role as a crucial site of governance."[208] Put another way:

> In a nodally governed world, states may have unique characteristics, but they occupy no special analytic space: they govern and are governed like other nodes. It follows, however, that non-government nodes do not occupy a space that is defined as different in relation to government.[209]

Conceptually and normatively, the decentring of the state by nodal governance scholars provides a space for other nodes or sites of governance outside the state or non-state platforms to situate. Such a standpoint is vital, because in many rural areas in Solomon Islands, the state is frequently absent or operates from a distance; hence, its visibility is often blurred or not felt within the many rural areas that make up Solomon Islands. The state is floating—it is not rooted within many rural areas.

Nodal governance further recognises that governance and regulation are multi-scalar/level in scope and extent. Generally, multilevel governance refers to managing the course of events at local/grassroot, national and international levels.[210] An example of the application of the nodal governance approach is Kauffman's analysis of the governance/management of local watersheds in Ecuador. Kauffman's analysis examines the roles of various actors from the international, national and local/grassroots levels. He argues that nodal governance encompasses the "intersection of top-down and bottom-up processes to show how global and local governance arrangements are co-constituted at the grassroots level."[211] Regarding multi-scalar/level governance, Kauffman explains:

> Multilevel governance does not simply mean that actors at all levels—local, national, and international—are involved in managing … problems. It also means there are complex interactions among these actors and that influence is multidirectional in these exchanges. Research on norm diffusion reveals a complex network of pathways that combines top-down and bottom-up processes … At the intersection of these processes lie local political struggles and learning processes that are rarely analyzed, but which fuel a dynamic process of normative and institutional development at both the local and global levels.[212]

[208] Johnston, "Transnational Security Governance," 34.
[209] Burris, Drahos, and Shearing, "Nodal Governance," 56.
[210] Craig M. Kauffman, "The Nexus between Global and Local Governance," in *Grassroots Global Governance: Local Watershed Management Experiments and the Evolution of Sustainable Development* (New York: Oxford University Press, 2017), 5.
[211] Ibid.
[212] Ibid.

These complex interactions mean that governance operates at different levels characterised and influenced by socio-economic and political factors. In part, these interactions are influenced by the nature and locations of the multiple nodes involved in governance and regulation. Nodal governance recognises the complexity of governing any public good through various dynamic interactions and interrelationships by nodes that originate from the rural, provincial, national, and international levels. These scales are characterised by multiple actors that need resources to implement or regulate a particular public good/service. As demonstrated in chapter eight by a case study of CDF regulation from Baegu/Asifola, the story of the governance of CDFs is multi-scalar in its nature because of the involvement of various actors, principles, and mechanisms from the international, national, provincial, and local levels and the interactions between them.

Another important dimension of nodal governance is how power is understood. One critical feature of understanding and working with nodal governance is viewing power dynamics as capillary. Nodal governance rejects the Hobbesian-Weberian position often used by state-centred frameworks that "sees governance/[power] as necessarily having a centre, a government, from which rule emanates."[213] Nodal governance finds agreement with Michel Foucault's idea of power, namely, that it is everywhere because it comes from everywhere.[214] Burris, Drahos and Shearing forcefully argue that "[n]odal governance is ubiquitous."[215] They continue: "Nodal governance as a description of how management is organized in a system is a useful tool for seeing who has power, how power flows through a system, and how power in a system can be reconfigured."[216] Such a backdrop is essential to frame and show how the various powers of social and regulatory forces, actors, principles, and mechanisms influence and interact with the governance of CDFs in Solomon Islands. In that way, nodal governance is conscious of the imbalances and inequities in the distribution and exercise of power.

Nodal governance also encompasses the idea of networks. This thesis adopts the definition of network by Christopher Ansell: "A network is a set of relationships between individuals, groups, or organizations."[217] This tends to "presume positive relationships [but] it is not always necessary to assume that networks are solidaristic. Networks may be merely patterns of

[213] Shearing, "Reflections on the Refusal to Acknowledge Private Governments," 32.
[214] Ibid.
[215] Burris, Drahos, and Shearing, "Nodal Governance," 55.
[216] Scott Burris, "Governance, Microgoverance and Health," *Temple Law Review* 77, no. 2 (2004): 345.
[217] Christopher Ansell, "Network Institutionalism," in *The Oxford Handbooks of Political Institutions*, ed. R. A. W. Rhodes, Sarah A. Binder, and Bert A. Rockman (Oxford: Oxford University Press, 2006), 76.

interaction or connection."[218] Building from this standpoint, another tenet of relationships this thesis situates is that:

> such relationships do not necessarily produce social solidarity and may be rife with conflict. But they imply the possibility that these connections are conduits, even if inadvertent, for information, ideas, or resources.[219]

In these patterns of interactions, the idea of interdependence is central to the concept of networks. Ansell articulates that:

> interdependence offers a third way to interpret networks. For example, one lobbyist might have information that another lobbyist needs or two nations might have extensive trading relations. This interdependence may motivate them to engage in exchange relationships with each other. Successful exchange can, in turn, generate strong norms of mutual obligation and reciprocity.[220]

In sum, networks as an important principle of nodal governance encompasses positive relations, conflict, conduits for the transfer of information, ideas and resources and the notion of interdependence.

So, we have seen that nodal governance is underpinned by plurality, state decentring, multi-scalar governance, ubiquitous power relations, and networks. But how is nodal governance relevant for studying CDFs in Solomon Islands?

2.5.2 Understanding CDFs through a Nodal Governance Lens

A nodal governance approach to the question of CDFs allows a holistic look at how CDFs are regulated in Solomon Islands. Such an approach does not dismiss the state's role (on the contrary). It seeks to understand the roles that state and non-state actors have in regulating CDFs and how these groups interact, intertwine, intersect, interplay, and influence each other across various scales. There is a strong potential that situating the multiple narratives of CDFs in Solomon Islands using nodal governance may provide new insights into how CDFs are regulated. For instance, Julie Berg and Clifford Shearing, acknowledging that non-state actors and plurality have been problematic, non-inclusive, and undemocratic in the developing world, recognised that such a reality is complex and proceeded to look at the positive features of plurality and non-state using a nodal governance framework to determine and contextualise

[218] Ibid., 77.
[219] Ibid.
[220] Ibid.

how these features can be harnessed to provide more inclusive forms of governance.[221] Based on their study on polycentric governance in the South African security context, Berg and Shearing highlighted conditions that have the potential to invigorate polycentric governance, such as the need to ensure proper coordination and accountability relations and the desire for legitimacy.[222] There are, however, some critiques of nodal governance as well.

2.5.3 Limitations of Nodal Governance

Like other theoretical frames, nodal governance has certain limitations.[223] As a frame, it has not been used in the governance of state finances. Put another way, the "nodal governance paradigm emerged in the 1990s in papers published by Bayley (1994), Bayley and Shearing (1996), Wood (2000), Johnston (2003), Dupont (2006), and others"[224] that lack state finance as their narrative. Holley and Shearing affirm this:

> Given the history of nodal governance thinking, many of the scholars who have used it have done so within the fields of policing and security, and it is here that much of the debate over its value as an analytical framework has taken place.[225]

This PhD study attempts to move beyond a policing and security-related focus and extend the scope of nodal governance to how public funds from the state are regulated or governed by both the state and non-state actors in a Melanesian country in the Western Pacific region.

Critiques of nodal governance also argue that its emphasis on plural locations of power and legitimacy risks denying the need for strong state institutions.[226] In other words, a critical argumentation by critics relates to the undertreatment of the state as a node. Within the nodal approach, which has been clearly articulated, some regulatory scholars argue that the state is downplayed. These regulatory scholars have gone as far as to say that nodal governance scholars see the state as an "idiot."[227] Loader and Walker, for example, argue that the state is portrayed by nodal governance scholars as an idiot, typified by too much bureaucracy,

[221] Berg and Clifford, "Polycentric Security Governance and Sustainable Development in the Global South," 153-73.
[222] Ibid.
[223] See other shortfalls of post-regulatory state theory as stated in Lorraine Cherney and Adrian Cherney, "Regulation Beyond the State: The Role of Non-State Actors," in *Criminal Justice and Regulation Revisited: Essays in Honour of Peter Grabosky*, ed. Lennon Y. C Chang and Russel Brewer (New York: Routledge Taylor & Francis Group, 2018), 21-22.
[224] Yann-Cédric Quéro and Benoît Dupont, "Nodal Governance: Toward a Better Understanding of Node Relationships in Local Security Governance," *Policing and Society* 29, no. 3 (2019): 283.
[225] Holley and Shearing, "A Nodal Perspective of Governance: Advances in Nodal Governance Thinking," 170.
[226] Ibid., 171.
[227] Ian Loader and Neil Walker, "Necessary Virtues: The Legitimate Place of the State in the Production of Security," in *Democracy, Society and the Governance of Security*, ed. Jennifer Wood and Benoˆıt Dupont (Cambridge: Cambridge University Press, 2006), 175-80.

incapacity, a lack of situational knowledge and being the last resort for the implementation of policy/public good. Loader and Walker argue that this argument is an empirical oversimplification, or rather an exaggeration, of the state. In rebutting such criticism, regulatory scholars and proponents of nodal governance Shearing and Wood argue that conceptually:

> the shift to a nodal governance perspective … does not assume a decline in state authority and power. Indeed, one could argue that state power is now more even diffuse and pervasive through the ways it governs through knowledge, capacity and resources of others. The conceptual shift is simply one that recognizes the diversity of entities … that function as auspices or providers of [public goods].[228]

This study, while acknowledging the criticisms made by Loader and Walker, agrees with Shearing and Wood that pushing the state aside provides a basis for recognising the diversity of actors in a regulatory spectrum as more persuasive. However, conceptually and empirically, the state is still an essential node in governance, among other actors.

2.6 Conclusion

The weak state, political settlement, state-in-society, and nodal governance framings provide important insights into the nature and dynamics of the state, regulation, and governance in the developing countries like Solomon Islands. Generally, I conceive of the weak state theoretical framing as privileging stories about how the state's public administration is functioning improperly. It presupposes a proper way for the state to operate—for example, by situating assumptions about how states and bureaucracies ought to work. Similarly, it promotes a deficit framing of states and bureaucracies that do not work that way. In responding to the deficiencies of the weak state, political settlement hinges on how institutions, power, and elites relate to CDF governance. It shows how MPs use their power relations to regulate CDFs. The state-in-society framing goes a step further by focusing on the relationship between the state and society—how they interpenetrate and constitute each other—to unearth the strengths and weaknesses of both the state and society. It shows how the state is one of the many vital actors within society in terms of governance and regulation. As opposed to weak state, political settlement and state-in-society framings focus more on how the state actually works and why it works that way. However, as explored, there are limitations in relying solely on these framings. These state-centred framings privilege the bureaucratic state as the centre of regulation and at times seem to overlook the roles of other actors. As a result, the proposed remedies to ensure effective regulation revolve around the state, leading to a regulatory

[228] Shearing and Wood, "From State to Nodal Governance," 34.

conundrum: the strengthening of state regulation is dependent upon strengthening state regulation and state-building. This chapter proposes drawing on the theory of nodal governance to add to the insights and possibilities identified by the weak state, political settlement, and state-in-society theoretical frameworks. Nodal governance decentres the state and views multiple actors as regulators. It is concerned with how these actors, mechanisms and principles relate, interact, entwine, and influence each other in terms of governance and regulation.

Chapter 3
Methodology: Traversing the Contours of Rural–Urban Spaces

3.1 Introduction

Concepts underpinning nodal governance also influence the methodological approaches adopted in this thesis. Through the nodal governance lens, regulation and governance are influenced by and delivered through various actors, principles and mechanisms operating at different scales. I agree with technoscience, inequality and regulatory scholar Kathryn Henne, who says that:

> [r]esearchers therefore should be attuned to localised concerns as well as to globalised shifts that inform their studies. Accordingly, carrying out field research on regulation requires careful consideration of how global, national and transnational systems and discourses inform what we observe as researchers.[229]

Thus, research methods and techniques must use various methods to capture the different state actors, non-state actors and other regulatory mechanisms and principles that influence or are influenced by the regulation of CDFs. As Henne explains: "Qualitative studies of regulation are thus keenly attuned to how multiple instruments and techniques of regulation interact when mobilised."[230] Regulatory methodology, therefore, does not privilege any actor, principle or mechanism dealing with regulation; all are treated equally for the purposes of data collection.

Using the aforementioned lens from nodal governance framing, I conducted a desktop study by reviewing the literature to ascertain the key actors, principles and mechanisms in CDF regulation. I then formulated a tentative map showing their various polycentric relationships. Then, equipped with background information drawn from library research and ethics approval from the ANU Human Research Ethics Committee, including a research permit from the Solomon Islands Ministry of Education and Human Resources Development (MEHRD), I proceeded to engage in fieldwork in Solomon Islands. I spent four months conducting fieldwork in Honiara (2019), then later spent another six months conducting fieldwork in the Gizo/Kolombangara Constituency (GKC) and the Baegu/Asifola Constituency (BAC) from October 2020 to March 2021. Subsequently, I engaged in semi-structured interviews, *tok storis* and document analysis with the purpose of establishing a firmer and more informed insight

[229] Kathryn Henne, "Multi-Sited Fieldwork in Regulatory Studies," in *Regulatory Theory Foundations and Applications*, ed. Peter Drahos (Canberra: Australia National University Press, 2017), 98.
[230] Ibid., 101.

into the contexts of the various actors, principles and mechanisms relating to regulation of constituency development funds (CDFs) in GKC and BAC.

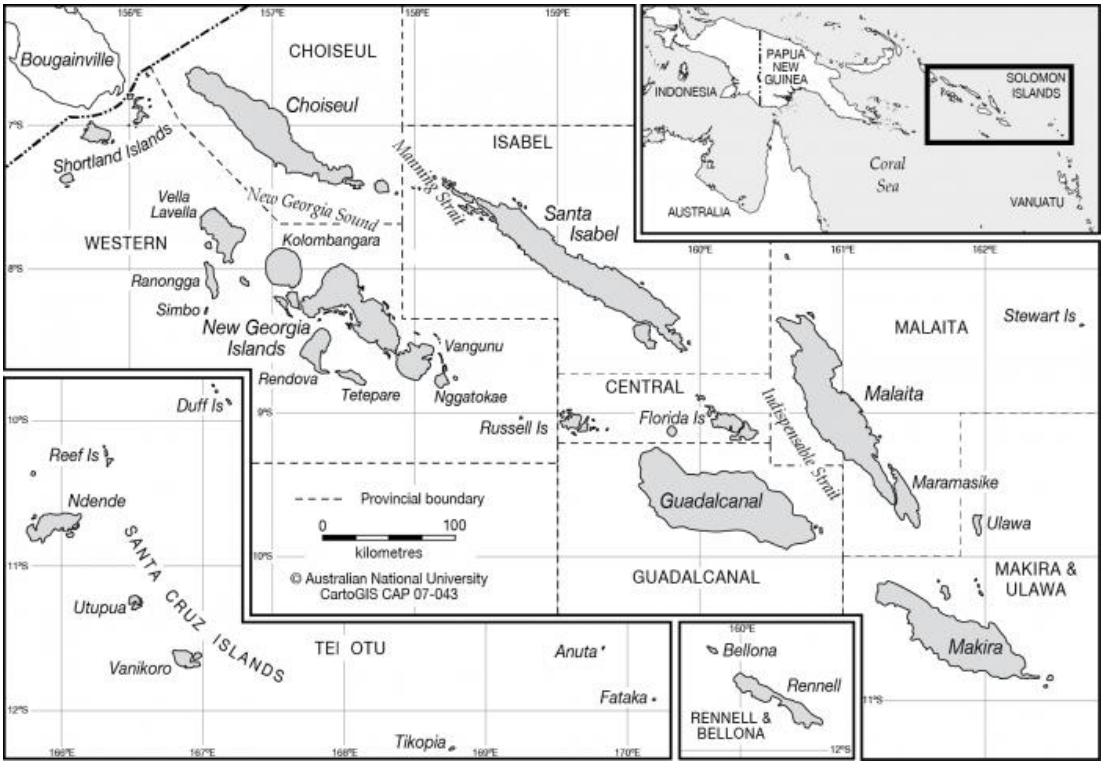

Figure 1: Map of Solomon Islands.

This chapter has seven parts. The first outlines the timelines of my fieldwork in Solomon Islands. The second describes the case studies in GKC and BAC and why these constituencies were selected. The fourth part highlights the research techniques used followed by the fifth part which is a description of my data analysis and procedures. The sixth looks at my ethical considerations, and the seventh part outlines the fieldwork challenges followed by a conclusion.

3.2 Fieldwork: From Honiara to GKC and BAC

My first round of fieldwork was in Honiara and took four months, from the beginning of June to the end of October 2019. I targeted state actors such as Members of Parliament (MPs), permanent secretaries and officers within relevant government ministries. I conducted a total of 16 long and often multi-day interviews with state officials. It was also during this period that I made arrangements for traveling into the two constituencies identified as field sites for my anticipated second round of fieldwork. During the first round of fieldwork, I engaged in *tok stori*

with and interviewed a total of 35 people from various sectors of society. After the first round of fieldwork, I transcribed my interview data; a minimal amount of audio interviews in Honiara and the rest at the Australian National University (ANU) in Canberra after my return.

The second round of fieldwork was conducted during the period of the COVID-19 crisis from late October 2020 to end of March 2021, after which communication with some of the main informants continued to July 2022. From the last week of October to the third week of December 2020, I was in Gizo/Kolombangara constituency (GKC). I spent two weeks in Gizo and then several weeks in Kolombangara, with occasional movements between the Gizo and Kolombangara. From the last week of December 2020 to the end of March 2021, I conducted interviews in Baegu/Asifola constituency (BAC). During my second round of fieldwork, I interviewed 50 participants (35 men, 15 women) in GKC. In BAC, I interviewed 40 participants (35 men, 5 women). Many women approached for interviews highlighted that CDFs are a controversial issue, hence, their reluctance to involve in interview or *tok-storis*. I also managed to interview three MPs during my second round of fieldwork. For the second round of fieldwork, some transcription and note-taking, including certain observations, were done in in GKC and BAC during the night, but much of the transcriptions were done in Honiara. This demonstrates that after the interviews, I transcribed some of the interviews, coupled with note-taking regarding observations, as soon as possible in the constituencies and Honiara while my memories of the interviews were fresh.

3.3 Case Study

3.3.1 Introduction

The focus of my data collection mainly revolves around two out of 50 constituencies in Solomon Islands. These two constituencies are my case studies. John Creswell said that unlike the ethnographic approach, case study research involves the study of a case (or cases) within a real-life, contemporary context or setting.[231] Creswell defines case study research:

> as a qualitative approach in which the investigator explores a real-life, contemporary bounded system (a case) or multiple bounded systems (cases) over time, through detailed, in-depth data collection involving multiple sources of information … and reports a case description and case themes.[232]

[231] John W. Creswell, "Case Study Research," in *Qualitative Inquiry & Research Design: Choosing among Five Approaches* (London: SAGE Publications, 2007), 73.
[232] Ibid.

The object of my study was constituencies. Given that I chose two constituencies, this project employed a type of case study referred to as a collective case study. The aim of selecting two constituencies in Solomon Islands was to explore different perspectives, governance structures, mechanisms, and principles of the regulation of CDFs.

3.3.2 Field Sites and Their Importance

Site selection within the constituencies was informed by several socio-cultural and economic factors, including their urban and rural contexts. I wanted to identify the different regulatory features present in the different spaces. I considered that the impacts of CDFs in urban areas would likely be less visible than in rural areas. I also wanted to generate an expansive understanding of the different types of regulatory mechanisms, and these are likely to be different in urban and rural areas owing to the greater presence of the state and less homogenous communities in urban areas. I also wanted to conduct case studies in constituencies characterised by church affiliations, political support and different systems of traditional leadership, given that some constituencies have chiefs while others have big-men.[233] Lastly, the multi-cultural or race composition of a constituency was a crucial factor. This was essential because I am of the view that such complexities possibly give rise to the emergence of different groups and leadership structures.

Gizo/Kolombangara was chosen for several reasons. The first factor was gender. In Solomon Islands, of the 50 currently elected MPs, three are women. The MP for Gizo/Kolombangara constituency (GKC) is one of them. Second, my preliminary enquiry showed that in GKC, women leaders spearhead some of the zone committees that deal with CDF regulation. Another reason was the zone committees or networks that have been established to help the MP with her constituency roles. The former MP for GKC, Jimson Tanangada, established these zone committees prior to his election. Third, GKC is a mixture of both urban and rural spaces. Gizo is more urban while Kolombangara is basically rural but with a plantation economy.[234] Coupled with the Melanesian race, GKC also harbours people from Polynesians from Kiribati who migrated to Gizo when Solomon Islands was a British Protectorate.[235] The current MP is a second-time MP. In general, GKC was a site that captured many actors, mechanisms and principles that have the potential to influence the regulatory framework of CDFs.

[233] I will discuss chiefs and big-men and their importance and roles in later chapters on the political economy of Solomon Islands and in the case studies on CDFs.
[234] Ian Alexander Scales, "The Social Forest: Landowners, Development Conflict and the State in Solomon Islands" (PhD Thesis, The Australian National University, 2003).
[235] Tammy Tabe, "Ngaira Kain Tari-We Are People of the Sea: A Study of the Gilbertese Resettlement to Solomon Islands" (PhD Thesis, University of Bergen, 2016).

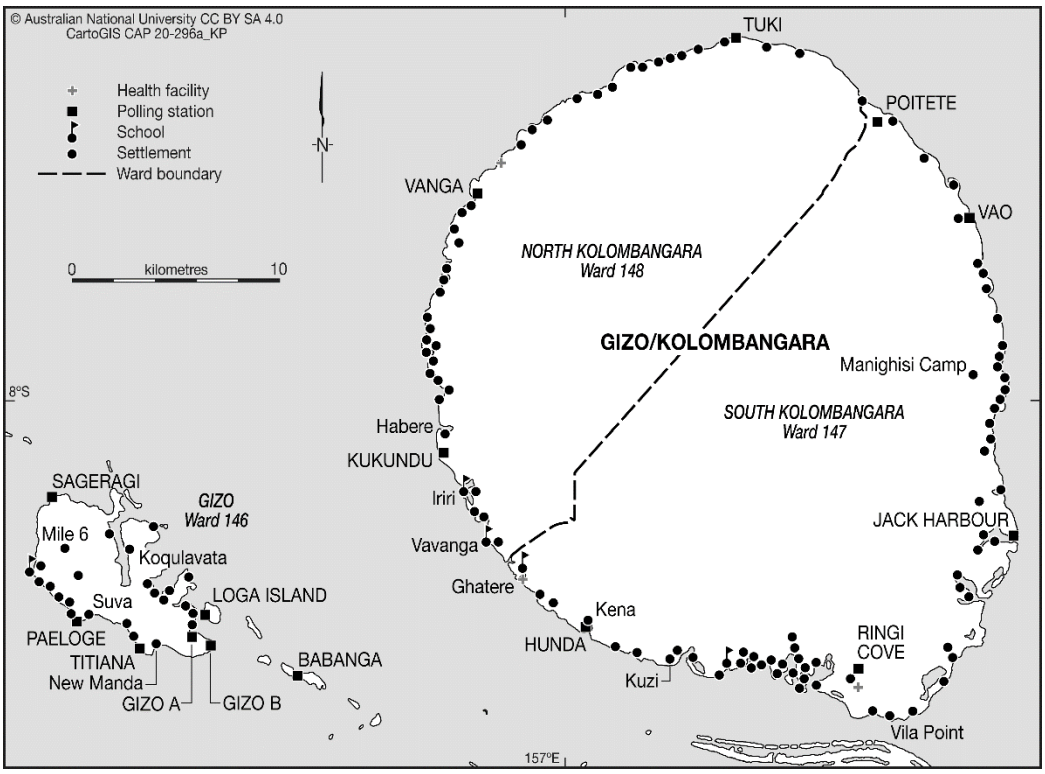

Figure 2: Map of Gizo-Kolombangara, Western Province, Solomon Islands.

Baegu/Asifola is located between Fataleka and Baelelea within Malaita Province. It is rural in nature and composed of both salt water (*asi*) people and bush (*tolo*) people.[236] The coastal people are referred to as being from *Asifola'a* (clear sea). The *tolo* people are referred to as those who lived within Baegu (mainland). This characteristic partly differentiates Baegu/Asifola from GKC given the clear demarcation between the coastal and inland people. The current MP for BAC is a first time MP. He is a lawyer and practicing law prior to being elected. He is therefore well-educated in the Solomon Islands context and grounded with values in kastom. In terms of religious affiliations, BAC is mainly composed of the Church of Melanesia (Anglicans), the South Seas Evangelical Church, the Roman Catholic Church and other minor religious sects. Unlike GKC, there are also a minority of constituents who continue to adhere to traditional religion. Another factor in choosing BAC was that preliminary enquiry showed a rooted blood relationship between the MP and leading officers within the constituency office (constituency development officer, constituency project officer and constituency accountant officer), raising the question of whether tribal relationships is a cardinal factor in the regulation

[236] Walter G Ivens, *The Island Builders of the Pacific* (London: Seeley, Service & Co. Limited, 1930). Harold M. Ross, *Baegu: Social and Economic Organization in Malaita, Solomon Islands* (Chicago: University of Illois Press, 1973).

of CDFs. Also, my preliminary finding regarding this constituency was that it also has committees at the rural level organised around election campaigns to help the winning candidate. Like in Gizo/Kolombangara, this later translated into a body that bridges the gap between the MP and their constituency. More significantly, the constituency office is characterised by tribal affiliation—an aspect of governance often downplayed in governance literature.

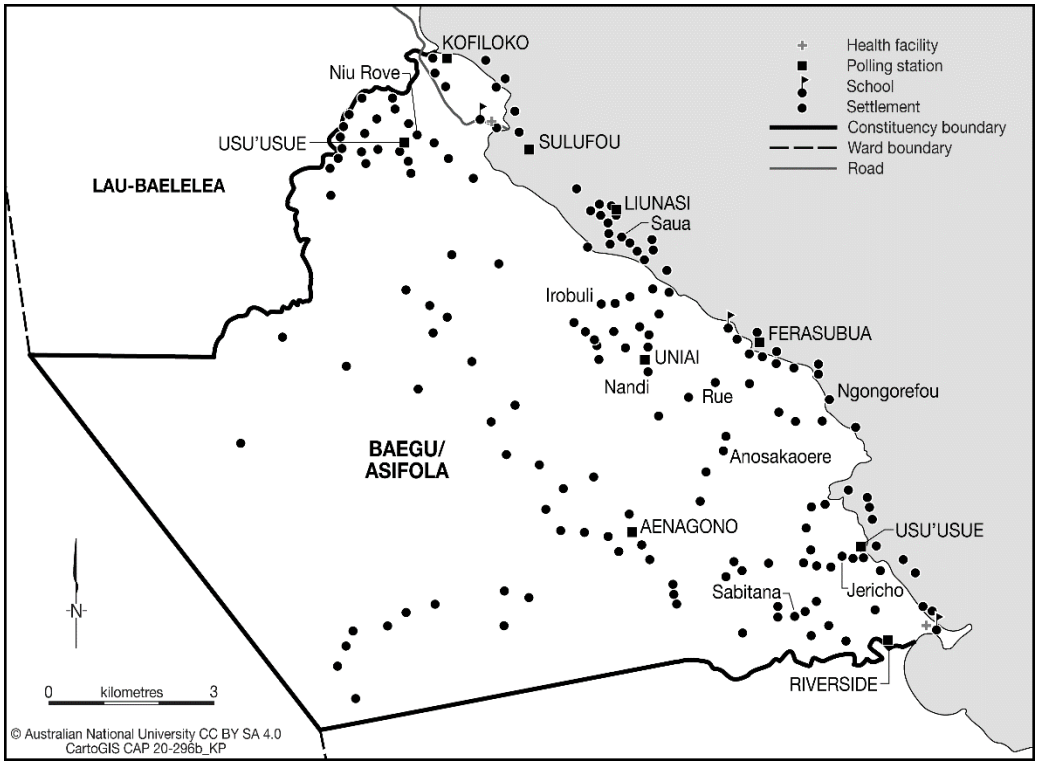

Figure 3: Map of Baegu/Asifola Constituency, Malaita Province, Solomon Islands.

3.4 Research Methods

This section describes the main data collection methods used: *tok stori* and semi-structured interviews. I argue that *tok stori* is conducive for rural/constituency informants because of its informal context, while semi-structured interviews are best for government officials, MPs, and other state actors. Other methods used were the analysis of official documents and social media posts especially Facebook.

3.4.1 Tok stori

I used *tok stori* (or *tok storis*) as a key research method in my fieldwork. Tok storis are recorded via a recorder/iPhone recorder and through note taking during and after the *tok storis* took place. *Tok stori* is a novel method because of its flexibility—hence its importance and relevance for data collection in my field sites. *Tok stori* can be referred to as a discourse or ongoing conversation.[237] In the context of Solomon Islands, it may be referred to as "a cultural and accepted method of sharing information."[238] *Tok stori* like *talanoa* (a Polynesian research method) is starting to find its place in Pacific research methodology.[239] *Tok stori* proved to be an important method of data collection for this study.[240] It has several meanings in various contexts.[241] Sanga et al. stated that "*tok stori* as practiced in villages and towns in Melanesia is an everyday occurrence."[242] In a recent article, Kabini Sanga et al. noted that an advantage of *tok stori* is that, "it offers opportunities for researchers and others to follow a relational path in their investigations, one which recognises the connectedness of humanity."[243] In the rural areas, the targeted groups in *tok stori* were chiefs, traditional leaders, community leaders, church leaders, and members of village committees.

A Solomon Islander academic who used *tok stori* as a data collection method for his PhD thesis, Joseph Foukona, stated that *tok stori* is a "Solomon Islands Pijin expression for a flexible and informal conversation".[244] Some elements of *tok stori* include (1) an invitation by the researcher to the informants, (2) an explanation of why the locality was selected as a research site, (3) a two-way process where the researcher and informant must mutually benefit from each other in terms of their knowledge sharing (4) a researcher well grounded in the socio-economic, political and legal issues and challenges facing the home country (5) timing and space characterised by an informal gathering and the sharing of food (6) consent and (7) follow-up.[245] My approaches to the *tok stori* method were informed by most of the elements described by Foukona.

[237] Tarcisius Kabutaulaka, "Re-Presenting Melanesia: Ignoble Savages and Melanesian Altet-Natives," *The Contemporary Pacific* 27, no. 1 (2015): 127, 35.
[238] Louise Vella and Jack Maebuta, "Building National Unity, Reconciliation and Peace in the Solomon Islands: The Missing Link," in *Reconciliation in Conflict-Affected Communities: Practices and Insights from the Asia-Pacific*, ed. Bert Jenkin, D. B Subedi, and Kathy Jenkin (Singapore: Springer, 2018), 66.
[239] For further insights about talanoa see Arcia Tecun (Daniel Hernandez) et al., "Talanoa: Tongan Epistemology and Indigenous Research Method," *AlterNative* 14, no. 2 (2018): 156–63.
[240] Kabini Sanga et al., "A Tok Stori About Tok Stori: Melanesian Relationality in Action as Research, Leadership and Scholarship," *Global Comparative Education: Journal of WCCES* 2, no. 1 (2018): 3-19.
[241] Ibid., 7.
[242] Ibid., 8.
[243] Ibid., 5.
[244] Foukona, "Land, Law and History: Actors, Networks and Land Reform in Solomon Islands," 39.
[245] Ibid.

Prior to these informal conversations, I established an environment that was conducive for my interviewees by highlighting issues they were familiar with. For example, I sometimes started by discussing their environment and stressing some of the challenges Solomon Islands is facing as a country to establish a common understanding of issues needing attention and/or effective national responses before proceeding into questions central to my study. In other places, we first had food or shared betel nut and cigarettes before stories took their initial shape. It was during these introductory undertakings that people asked questions about my research project, which then became the starting point for our conversations. This platform provided an inroad for me to introduce myself, the importance of the topic, why I chose the constituency as a fieldwork site and the need for their consent to use their stories for my project. During our informal conversations, I attempted to ensure that the conduct of our *tok stori* was a two-way process and everyone was equally involved. I encouraged interviewees to ask questions or raise issues that need further clarification.

After engaging in *tok storis* that focused on my study, many of the informants from the constituencies proceeded to ask questions about the current legal and political issues faced by the Sogavare-led Solomon Islands Government (SIG). I attempted to answer the questions about the issues with which I am well versed, not those of which I have limited knowledge. This was important to ensure that while I obtained the information I needed from them, they also benefited from me in terms of understanding some of the issues around law, politics and the SIG I know about. During my interviews, I also tried to be informal when I saw the need for my informants to have a break for a smoke or betel; in many cases, I also partially met expenses for such items—a legitimate expectation from most of my interviewees. This created spaces for ongoing and healthy conversations. In all of these interactions, I sought interviewees' consent and related confidential issues regarding the research before I proceeded with our *tok stori*. *Tok storis* were mainly conducted in Solomon Islands Pijin and, to a lesser extent, the Lau language of Baegu/Asifola in BAC.

3.4.2 Semi-structured Interviews

Semi-structured interviews were another useful method of data collection. The questions were based on my main research questions and ensured I had control over the conversations. This method was chosen because I had a set of pre-prepared questions. Semi-structured interviews were used to get primary information on how CDFs are regulated by MPs, their constituency officers, and other knowledgeable actors central to and concerned with regulating CDFs in Solomon Islands. The semi-structured interviews allowed me to have some control over the line of questioning, which was helpful when participants could not be directly observed.

In Honiara, I wrote letters briefly explaining my status and topic and requesting interviews. For those with access to email, I sent the letter as an email attachment. Once they replied and confirmed a date for the interview, when they were subsequently interviewed. Most of the government officers and MPs I emailed responded, although most amended the interview date initially agreed on. These changes extended my time in Honiara and the duration of my research. Before all of the interviews, I explained the essential ethical and confidentiality matters. Most importantly, I explained the issue of consent and then sought their consent before proceeding with the interview. I also sought their consent before recording with my iPhone or recorder or taking notes if they preferred that instead of audio recording. Most of the semi-structured interviews were conducted in both Pijin (*lingua franca* of Solomon Islands)[246] and English and took on average 40 minutes. I carried out interviews in my Lau language (my mother tongue) from Malaita with those who spoke that language. Almost 90 percent of the informants had received basic education at the primary level.

Getting information from big-men and MPs was not easy. They were usually busy and finding time when they were available was extremely difficult. Our scheduled meetings were often rescheduled because they suddenly became busy with unforeseen commitments. Moreover, I found it difficult to interview certain former politicians. It was hard to get beyond surface-level explanations or verify information. CDFs are a controversial issue. Disclosure of the ways CDFs operate in practice were hard to pin down. The mode of meeting with big-men and MPs was challenging as well. A 40-minute meeting was not enough. Interruptions from other people and other interests usually obscured and obstructed the interviews. Sometimes, I had to stop the interviews and continued at another time and venue possible. For MPs, permanent secretaries and relevant government officials, the interviews were held in their offices during official working hours or before six o'clock in the evening.

3.4.3 Archival Research and Analysis

This study also used archival research and analysis as vital methods of data collection. Archival researches were carried out on government and non-government records and reports, media reports and libraries. According to Strauss and Glaser, documentary materials "are as potentially valuable for generating theory as our observations and interviews."[247] Several main types of documents were analysed for this study, including:

[246] For insights about Solomon Islands pidgin see Christine Jourdan, "Nativization and Anglicization in Solomon Islands Pijin," *World Englishes* 8, no. 1 (1989): 25-35.
[247] Barney G. Glaser and Anslem L. Strauss, "New Sources of Data," in *The Discovery of Grounded Theory: Strategies for Qualitative Research* (London: AldineTransaction, 1967), 163.

- newspapers, in particular *Solomon Star*, *Island Sun*, *Solomon Times* (online), and local magazines, such as *Solomon Business Magazine*, to analyse the public's views on CDF-related issues;

- legislation and case laws to analyse the relevant statutes and subsidiary legislation relating to CDFs;

- government reports to examine CDFs in the government budget, policies on CDFs and the views of government-established committees or bodies/offices regarding CDFs; and

- non-government reports to analyse the issues and concerns these bodies have regarding CDFs in Solomon Islands and other countries.

Most of my secondary materials, particularly books, reports, and journal articles, were taken from libraries at ANU. This included a review of the literature on CDFs and similar arrangements in other countries, which helped in the comparisons with Solomon Islands. However, like all other sources, accuracy and neutrality were concerns raised against documentary analysis. To minimise such problems, I also relied on my *tok storis* and semi-structured interviews, affirming the importance of triangulation.

Some attempts to get documents such as reports, project proposals and letters from specific constituencies were unsuccessful. This may have been because of the confidentiality attached to them. I also made unsuccessful attempts to look at the files of relevant government ministries. However, I was able to search files at the Office of Prime Minister and Cabinet (OPMC) after I wrote a formal letter to the secretary to the prime minister. In the letter, I highlighted that one of my research methods was document analysis—hence the need to search files within the OPMC regarding CDFs. I was then given permission to search the files on CDFs and permitted to use a space within the OPMC to read and work. Permission was also given to photocopy certain documents. Due to the confidentiality of other documents, I was only allowed to copy them by writing down relevant information in my notebook.

I encountered several problems with the CDF files within the OPMC filing system. First, many of the files on CDFs had been misplaced or were fragmented. I only managed to find one acquittal report on CDFs from Taiwan in the CDF filing cabinet, but it was damaged. This illustrates the fragmentation of record keeping. Certain CDF-related documents that were usually sent to the OPMC for filing purposes were missing pages, while others were spoilt and

could not be traced. Further, some of the information concerning CDFs at the OPMC, Ministry of Finance and Treasury (MoFT) and Ministry of Rural Development (MRD) was confidential. These were Cabinet documents and thus unavailable to researchers.

Initially, document review was impossible in government ministries like the MRD, although I had written to them of my need to access CDF-related documents. In my initial attempts at the MRD, I only had a short talk with the permanent secretary, who promised that he would email the permanent secretary for the MoFT to request that I get access to the latest SIG documents regarding CDFs. However, the response from the MoFT was that these promised documents were confidential. Because these documents were in their preliminary stages, they were unavailable to the public and researchers. This message was relayed to me by the permanent secretary for the MRD after several emails to him. Given this untimely response by the MRD permanent secretary, during my second round of fieldwork, I sent letters to the deputy secretary of the MRD, who responded positively. I then met with him and two senior MRD staff; it was then that I had the opportunity to talk with them about my need to access some documents from the two constituencies under study as well as other government documents relating to CDFs in Solomon Islands. Consequently, after a year, the MRD allowed me to view some annual reports from the two constituencies.

3.4.4 Facebook and Messenger

Facebook was also used as a method to ascertain connections and gather background information to inform discussions prior to and during interviews. It was not initially part of the project's methodology, though in a way, I used it as a medium to connect with relevant people in Honiara and provincial centres. Also, I used Facebook and messenger to make arrangements for meetings or proposed interviews. For instance, prior to the COVID-19 outbreak in 2020, I used Facebook to contact a friend based in Gizo, Western Province, who works for the MoFT. I asked if he would gather the contact details of some village leaders in Gizo. He agreed to help me and proceeded to ascertain leaders within some of the villages in Gizo I could contact once I was there. I told him this undertaking was important because once he ascertained them, I would have to write them a letter asking to talk to them for the purposes of my fieldwork.

Also, many times I used Facebook to follow-up with potential interviewees in urban areas to whom I had sent letters via email; the purpose was to ascertain whether they had received and read my letter inviting them for an interview. For informants in Honiara or other urban centres,

there was a tendency for them to respond to me more quickly via Facebook compared to when I contacted them via email or hard-copy letter delivered to their offices.[248]

Further, as Facebook provides a platform where groups of like-minded citizens can intermingle, it is used by an emergent class of Solomon Islanders to discuss views and issues about the state/government in Solomon Islands and how it operates, as well as other socio-economic and political issues. Facebook provides a space for Solomon Islanders to create constituency development forums for constituents (among others) to discuss issues regarding development in their constituencies and highlight the roles of MPs, how MPs regulate CDFs and other rural-related issues. For instance, Baegu/Asifola and Gizo/Kolombangara have several Facebook pages where constituency development matters are discussed, critiqued, and evaluated. Given that many of the issues discussed are current and raised by people from these constituencies, I used some of these issues as bases for some of my main questions when I undertook *tok storis* and interviews with concerned stakeholders.

3.5 Data Analysis Procedures

For data analysis purposes, I applied Derek Layder's position of using pre-existing theory and theory generated from data.[249] Thus, this study used the adaptive theory developed by Layder, which "endeavours to combine the use of pre-existing theory and theory generated from data analysis in the formulation and actual conduct of empirical research."[250] An advantage of the adaptive theory is that it rectifies the gap between social theory and empirical research in data collection. According to Layder, the concept of adaptive theory:

> is meant to convey that the theory both adapts to, or is shaped by, incoming evidence while the data itself is simultaneously filtered through, and is thus adapted by, the prior theoretical materials (frameworks, concepts, ideas) that are relevant to their analysis.[251]

This means that adaptive theory is sensitive to empirical phenomena and recognises the relevant theory that existed before the collection of research data. Layder stated that the scope of adaptive theory "is shaped by the empirical data that emerges from research. It allows the

[248] Facebook provides mechanisms to ascertain if informants are currently online and whether they have seen one's message to them. This potentially helped them to reply my Facebook messages quickly compared to messages/invitations for interviews sent via email.
[249] Derek Layder, *Sociological Practice: Linking Theory and Social Research* (London: SAGE Publications Ltd, 1998).
[250] Ibid., 1.
[251] Ibid., 5.

dual influence of extant theory (theoretical models) as well as those that unfold from (and are enfolded in) the research."[252]

Influenced by insights from adaptive theory, and after transcribing the interviews and field notes, I began coding. Coupled with my conceptual and theoretical frameworks, this critical step enabled me to pick out the general ideas, concepts, themes, words, and tone encapsulated within the data. First, I employed open coding, wherein I used either notes or colours/highlights to organise my data around specific themes and ensure the flow of theoretical thinking. Coding and labelling data were influenced by memo writing to bring out the theory from the collected data. As Layder articulates:

> memo writing is about making notes, primarily for oneself, which ask questions, pose problems, suggest connections, and so on about how the properties of concepts or categories are revealed, exemplified or contradicted in some way by the incoming data and the process of coding.[253]

Memo writing, therefore, generated discussion and self-dialogue, the effects of which were the shaping of concepts and issues that revolved around the collection of data and my analysis. In other words, using memos, I developed discussions of essential concepts and ideas on regulatory approaches and challenges and the roles of state and non-state actors. This was an ongoing process from the data collection stage through to the write-up as the emergent data and extant theory continued to influence each other. This process was developed and fortified in discussion with my supervisors during our fortnightly meetings and discussions.

Adopting Layder's adaptive theory enabled the extant theory and the emergent data to either criss-cross or flow into each other. This was done by writing the main ideas, themes, and concepts on the margins of the transcriptions and using different highlighters to characterise similar themes and issues. I also correlated this data to some of the themes and issues emanating from the relevant books, journal articles and secondary sources I read before fieldwork and during the course of this research project. Similarly, this process was applied to my brief notes and some observation field notes, and I proceeded to record general thoughts about the data. To ensure my understanding of the data was not biased, I contacted some of my informants to seek further clarification through *tok stori*. I also emailed some of the informants who had access to emails regarding any views I did not understand or that needed

[252] Ibid., 133.
[253] Ibid., 58-57.

clarification. Hence, reverting to certain informants for clarification was an essential part of the data analysis.

3.6 Ethical Considerations

All relevant ethical considerations were met before I started my data collection. Before undertaking research in Solomon Islands, I submitted a research application to the Australian National University (ANU) Ethics Committee. The Ethics Committee raised several issues. I responded to these issues and was later given approval to conduct research in Solomon Islands. I submitted the SIG research permit with my ANU ethics application for consideration by the ANU Ethics Committee. Before that, I had filled out a research application with all the relevant documentation. After being duly checked by my supervisors, it was sent to the Ministry of Education and Human Resources Development (MEHRD). It went through the ministry's processes and, fortunately, after a few weeks, I received approval from the MEHRD to conduct research in Solomon Islands. I also paid the relevant fees at the MoFT, and the receipt was then taken by my elder sister to the MEHRD for verification before the official permit was released to me via my ANU student email. Therefore, as a researcher, I ensured I met all the relevant legal/policy requirements imposed by ANU and the MEHRD before I began my research project in Solomon Islands. Approval from the provincial secretaries from Malaita Province and Western Province was sought before I started my fieldwork in the two constituencies within those provinces.

All interviewees' or participants' consent was taken before I conducted data collection. When asked whether they wanted to give verbal or written consent, many informants preferred or were comfortable with verbal consent. One factor that influenced many rural informants' preference for verbal consent was that they had very basic formal education. I reinforced to participants that they could remain anonymous if they felt that some of the issues they raised during the interview might negatively affect their professional status or livelihood. Many (80 per cent) did not consent for their names to be used.

3.7 Fieldwork Challenges and Limitations of Study

I argue that my experiences as an insider doing research in Honiara, Gizo/Kolombangara and Baegu/Asifola resembled those of other Pacific Islanders who have undertaken fieldwork in their countries and villages. Insiders (Pacific Islanders) who have undertaken research within

their localities have encountered enormous hardships.[254] An insider doing research inside in their locality simultaneously equates one to both an insider and an outsider.[255] This section highlights some of the challenges relating to this insider/outsider status.

First, being an insider prevented some important public servants from talking to me, because the issues relating to CDFs are controversial. A such, they were unwilling to provide vital information for this project. For instance, a former senior public servant who served the SIG for about 30 years declined my invitation to interview him because of the sensitivity around CDFs. To mitigate that loss, I asked him to give my invitation to the most relevant person within his office so we could talk about CDFs. A second challenge was meeting social and cultural obligations against my commitment to furthering my research. My tribal affiliation and the need to meet expenses concerning tribal commitments were unavoidable. However, on many occasions, to mitigate such challenges, I explained my position as a student and that my contributions would reflect that status of a student and limited financial capability.

The political events leading to the diplomatic shift by the SIG led by Prime Minister Manasseh Sogavare from the ROC to the PRC, which took place after the national general elections in 2019, also affected my fieldwork from June to September 2019. This complicated and cut my proposed interviews with the ROC office in Honiara. Attempts to talk with ROC officials were impossible, given that they were occupied with the political issues associated with the diplomatic switch. In effect, the diplomatic switch from the ROC to the PRC by Solomon Islands made it impossible to verbally interview any Taiwanese officials, as the official Taiwanese delegation in Honiara left Solomon Islands immediately after the announcement of the diplomatic switch. Attempted engagements were futile, although I tried to contact one of their officers in Taipei. This was a research challenge that was beyond my capability to handle and that I was unable to deal with.

The COVID-19 crisis was also a limiting factor and affected my anticipated second round of fieldwork in Solomon Islands. I had intended to go to the selected constituencies for fieldwork from April to May 2020. However, restrictions were put on international flights at that time. Both Solomon Islands and Australia closed their national borders. The closure of the borders made it difficult to travel to Solomon Islands from Australia to undertake my second round of fieldwork

[254] James Perez Viernes, "Manning Up: On Being a Chamorro Researcher with a Home Court (Dis)Advantage on Guam," in *At Home and in the Field: Ethnographic Encounters in Asia and the Pacific Islands*, ed. Suzanne S. Finney, et al. (Honolulu: University of Hawai'i Press, 2015), 118-23. Also see Edward Ademolu, "Birds of a Feather (Don't Always) Flock Together: Critical Reflexivity of 'Outsiderness' as an 'Insider' Doing Qualitative Research with One's 'Own People'," *Qualitative Research* 0, no. 0 (2023): 1-23.
[255] Viernes, "Manning Up: On Being a Chamorro Researcher with a Home Court (Dis)Advantage on Guam," 120.

as planned. COVID-19 also impacted ANU's research approval. The fact was that at that time, if I left for fieldwork, the possibility of coming back to ANU was slim. This challenge put the second round of fieldwork in suspense. To mitigate the effects of this challenge, I proceeded to connect with constituents via Facebook and used my social networks to connect with people in rural areas by telephone, which was unproductive in the long run. Despite the challenges that came with the COVID-19 crisis, I made it to Honiara, Solomon Islands, on the last week of September 2020, quarantined for a month and then went to Gizo/Kolombangara on the last week of October 2020.

A limitation of this research is that it focuses on the CDFs under the scope of the MRD and MPs' discretionary funds. It does not encompass other CDFs that are factored into the national budget of the SIG or reflected in the budgets of other line ministries. This means that the CDFs factored into the budgets of and administered by the Ministry of Forestry and Research, the Ministry of Tourism and Culture, the Ministry of Mines, Minerals and Rural Electrification, the Ministry of Fisheries and the Ministry of Development Planning and Aid Coordination (MDPAC) are not discussed or examined. I refer to them in limited circumstances, but they were not the focus of this research.

The fifth limitation of this study is that it only covered two constituencies: Baegu/Asifola and Gizo/Kolombangara. The number of sites covered within these constituencies varied, as it was difficult to visit every village within their wards. The number of constituencies studied, and sites, villages and wards therein visited depended on several factors. One determining factor was the availability of financial resources. Another associated factor was the geographical location of the constituencies or sites within those constituencies. The time I had to undertake the fieldwork was a related and influential factor. Given these factors, the constituencies close to the seashores and easily accessible by boat or truck were the ones visited. Those sites farther inland were problematic given that logistics, transportation, and the unpredictability of weather patterns in Solomon Islands acted as obstacles.

3.8 Conclusion

This thesis engages in cross-disciplinary and regulatory study concerning the governance of CDFs in Solomon Islands. The methodology was informed by the nodal governance lens. The methodology was largely anchored in *tok stori*, semi-structured interviews, document analysis and Facebook conversations. Against these methods, data analysis was informed by Layder's adaptive theory. Official and formal research protocols were sought and given approval by ANU and the Solomon Islands Ministry of Education and Human Resources Development prior

to my research journeys in Solomon Islands. Approval to conduct fieldwork was also sought from and given by the respective provincial secretaries of Malaita and Western provinces. Fieldwork sites were chosen considering several factors, including whether the constituencies had non-state actors within their zones, the influence of non-state processes like *custom*, gender and the rural and non-rural contexts of the constituencies. Undertaking fieldwork as both an insider and an outsider had advantages and disadvantages. As an insider, the ease of access to certain informants was a strength. But, in some instances, being an insider stopped important informants from talking to me about CDFs given the controversial nature of the topic. Additionally, as insider, my existing relationships with informants in the provinces provided an important social license into the rural areas, however these relationships were sometimes expensive for a researcher. Other factors that substantially affected my fieldwork plans and hence the data for this study were the ROC-PRC diplomatic shift and the COVID-19 crisis. Lastly, the focus of this study was restricted to two constituencies, and not all the villages within these constituencies were visited for data collection.

Chapter 4
CDFs in Other Countries: Regulatory Challenges and Responses

4.1 Introduction

This chapter reviews the current literature concerning CDFs in countries in Africa, Asia, the Caribbean, and the Pacific. A major finding is that this literature focuses on bureaucratic and political state actors and the relationships between them. I found that most of the existing literature uses insights from weak state and political settlement framings to analyse CDFs. Discussions of the weak state narrative encompass state laws and state institutions. This chapter argues that the weak state narrative privileges the state as the main locale of the CDF narrative. The chapter has two main parts. The first explains some of the challenges faced by state actors in regulating CDFs as identified in the literature, including the separation of powers, corruption, minimal accountability or transparency, limited participation by non-state actors despite it being prescribed by law, weak service delivery by state actors and clientelism—all of which have the potential to undermine the rule of law. These regulatory challenges characterise much of the literature on CDFs. The second part highlights some of the legal/policy responses by state and international actors to these regulatory challenges using examples from African countries in particular.

This chapter uses examples from Africa (Kenya, Zambia, Tanzania), the Caribbean (Jamaica), Asia (India) and the Pacific (Papua New Guinea (PNG)). These countries were chosen for a number of reasons. First, all of these countries were once colonies of Great Britain, and therefore share similar colonial histories with Solomon Islands. Great Britain and other colonial powers once ruled all of the countries as either colonies or protectorates; all of them are still part of Commonwealth. Similarly, like Solomon Islands, these countries are postcolonial, developing countries characterised by weak states; hence, they share some of their socio-economic and political experiences with Solomon Islands. Additionally, their legal and political systems are characterised by the common law and features of the Westminster system of government. Further, Kenya, Tanzania and Zambia have statutes regulating CDFs and thus illustrate attempts to regulate CDFs through the operation of the law and the state.

4.2 Regulatory Challenges

CDFs exist around the world. The literature shows that the challenges involved in CDF regulation are the separation of powers, corruption, clientelism, minimal participation and

accountability, minimal transparency, weak rule of law and weak service delivery. These regulatory challenges capture the main themes characterising the narratives of CDFs.

4.2.1 Separation of Powers

A common regulatory challenge relating to CDFs concerns the way it impedes the separation of powers between the parliament and the executive government. The separation of power, has been a critical feature of government since the time of Montesquieu.[256] The basic idea of this separation of powers is that MPs are legislators, and the executive government implements government policy. Many countries worldwide enshrine this separation of powers within their constitutions.

According to Baskin, "[t]he involvement of MPs in the implementation of policy, it is held, blurs important and constitutionally defined distinctions among different actors in government and opens up [an] avenue for ineffective and corrupt governance."[257] Of Kenya in 2014, David Ndii said:

> Critics … contend that CDFs breached the separation of powers between the legislature and executive arms of the government and encroach on the executive's capacity for service delivery to citizens. This blurring of distinctions, it is argued, adversely affects the performance of both [the] legislature and the executive. It diverts the focus of MPs from their core functions of representation, legislating and oversight, which do not directly benefit constituents and which distorts the relationship between MPs and their constituents.[258]

Because of such legal complications, nongovernmental organisations (NGOs) in Kenya challenged the legality of CDFs in court. Court challenges on whether there was a breach of the separation of powers between MPs and the executive government were successful. In 2015 Kenya's High Court found that the introduction of CDFs, whereby MPs are involved in service delivery, contradicted the separation of powers between the executive government and the parliament.[259] The Kenyan High Court ruled that, "[b]y involving members of parliament in the planning, approval and implementation of the CDF projects, the CDF Act violates the doctrine of separation of powers between the executive and legislative functions."[260] This decision was supported and upheld by the Court of Appeal and the Supreme Court of Kenya

[256] Christoph Möllers, *The Three Branches: A Comparative Model of Separation of Powers* (Oxford: Oxford University Press, 2013), 111.
[257] Baskin, "Introduction: Are Constituency Development Funds a Policy Tool?," 10.
[258] Ndii, "Money for Small Things: Experience and Lessons of Kenya's Constituency Development Funds," 49-50.
[259] *Institute of Social Accountability & Another V National Assembly & 4 Others*, Petition No 71 of 2013, High Court of Kenya (Unreported) 1-37 (2015).
[260] Ibid., 42-43.

as well.[261] Similarly, in Mongolia, CDFs added to the national budget by the legislature were found to be unconstitutional because Mongolia's constitution does not empower the legislature to determine the budget. Instead, the legislature is mandated to approve the budget.[262] Put another way, the involvement of MPs in CDFs undermined the executive functions of government ministries, thus having the potential to undermine good governance and the development of democracy.[263]

In Solomon Islands, issues around separation of powers between the executive government and the MPs are also raised in relation to the CDF Act 2013. The report by the Solomon Islands Parliament on the CDF Act raises that one of the legal issues inherent in the CDF Act 2013 is its potential breaching of the separation of power between the MPs and the government ministries responsible for policy implementation.[264] This issue is also raised by the Solomon Islands Auditor General report on CDFs' audit.[265]

4.2.2 Corruption

The most conspicuous regulatory challenge regarding CDFs in many jurisdictions is allegations of corruption. In developing countries with CDF structures, the abuse and use of CDFs remains a regulatory concern.[266] However, as Peter Larmour stated, the challenge is that "[c]orruption is hard to pin down, in principle and practice."[267] According to Francis Fukuyama, "most definitions of corruption centre around the appropriation of public resources for private gain."[268] The nature and types of corruption vary. Broadly, in the context of CDFs, corruption is seen as the use of public office or public resources for private gain.[269] In Kenya, for instance, the National Anti-Corruption Campaign Steering Committee stated that "corruption regarding CDFs exists in many forms, at different levels and involves many stakeholders, and bribery was found to be extensive, especially in an attempt to secure

[261] *The National Assembly of Kenya & Another V Institute for Social Accountability and 6 Others*, 92 of 2015, Kenya Court of Appeal, (Unreported) 1-35 (2017). *Institute for Social Accountability & Another V National Assembly & 3 Others & 5 Others*, Petition 1 of 2018, Supreme Court of Kenya (Unreported) 1- 56 (2022).
[262] Murray, "Constituency Development Funds: Are They Constitutional?," 5.
[263] Ndii, "Money for Small Things: Experience and Lessons of Kenya's Constituency Development Funds," 49-50.
[264] National Parliament of Solomon Islands, "Report on the Constituency Development Funds Bill 2013," (Honiara: Bills and Legislation Committee, 2013).
[265] Office of the Auditor General, "Audit Report Rural Constituency Development Funds (2009 to 2012)."
[266] Bartilow, "Drugs Dons and Development of Executive Driven Bi-Partisan Constituency Development Funds in Jamaica," 143-66; Ketan, "The Use and Abuse of Electoral Development Funds and Their Impact on Electoral Politics and Governance in Papua New Guinea," 1-55. Ndii, "Money for Small Things: Experience and Lessons of Kenya's Constituency Development Funds," 49-50. ibid., 49-82.
[267] Peter Larmour, "Corruption and Governance in the South Pacific," (Australian National University: State, Society and Governance in Melanesia, 1997), 1.
[268] Fukuyama, "Corruption," 82.
[269] Larmour, "Corruption and Governance in the South Pacific," 1.

contracts."[270] Writing in 2014, Kasfir and Twebaze reported that CDFs in Uganda were a tiny slice of the national budget but were often used by MPs for personal interests or election campaigns.[271] Further, Uganda's parliament never passed a law to legitimise the use and spending of CDFs,[272] thus raising the issue of illegal CDF use. Also in Uganda, MPs went as far as to use their power to select committee members who were their cronies and then influence these committee members to use CDFs for election-related undertakings.[273] In Jamaica, there is a public perception that "CDF[s] [are] simply another form of government corruption."[274] In the case of Kenya Ndii states:

> MPs are routinely accused of abusing power in that these MPs often rewarded their supporters and cronies with positions on the constituency committees, influencing the award of tenders and choice of projects to achieve their political objectives and outright theft of CDF funds.[275]

Horace Bartilow states that "[p]erceptions of corruption raise questions about the effectiveness of the state's delivery of services."[276] Misuse of CDFs, therefore, has negative consequences for development. Corruption can be a significant impediment to the economic growth of developing countries.[277] It also can be very damaging to political orders.[278] According to Fukuyama, "perceptions that officials and politicians are corrupt reduces the legitimacy of the government in the eyes of ordinary people and undermines the sense of trust that is critical to the smooth operations of the state."[279]

In Solomon Islands as was stated earlier in Chapter 2 and will be raised in Chapter 5, allegations of corruption are a prominent issue in relation to the management and allocation of CDFs by the MPs and his constituency office.

4.2.3 Minimal Participation

Minimal constituency participation remains a major challenge in CDF regulation in African countries. Against this background, Mallya and Kessy, who studied CDFs and their relationship to local governance in Tanzania, note that "[t]he introduction of CDF programs is often justified

[270] Ndii, "Money for Small Things: Experience and Lessons of Kenya's Constituency Development Funds," 72.
[271] Kasfir and Twebaze, "In Name Only: Uganda's Constituency Development Fund," 83.
[272] Ibid.
[273] Ibid., 94.
[274] Bartilow, "Drugs Dons and Development of Executive Driven Bi-Partisan Constituency Development Funds in Jamaica," 158.
[275] Ndii, "Money for Small Things: Experience and Lessons of Kenya's Constituency Development Funds," 71.
[276] Bartilow, "Drugs Dons and Development of Executive Driven Bi-Partisan Constituency Development Funds in Jamaica," 159.
[277] Fukuyama, "Corruption," 82.
[278] Ibid.
[279] Ibid.

on the grounds that it will incorporate local participation in the development progress."[280] I borrow the definition of participation from Mallya and Kessy, which "is concerned with how power and responsibility are shared among the state and the different social groups and classes in the development process."[281] The study by Mally and Kessy found that in the two constituencies they studied in Tanzania, participation by citizens in the decision-making processes and running of the Constituency Development Catalyst Fund (CDCF) was low. Participation was negatively affected by a lack of information and inactive citizenship.[282] Mally and Kessy highlight that although structures such as councils, ward committees and village assemblies were available to ensure citizen participation in discussions on development programs, participation was complicated and affected by a lack of resources. In particular, there was lack of "information and qualities of competent citizens."[283] The study by Mallya and Kessy attest to the fact even with the establishment of bodies by state laws to deal with the regulation of CDFs, regulation can be ineffective or participation can be a challenge when these institutional structures are not properly resourced to carry out their regulatory roles.

The case of Solomon Islands regarding constituency participation in CDF regulation and governance differs throughout the 50 constituencies. The two case studies in chapters seven and eight will reveal that while there is some form of participation by actors within the constituencies, the issue of power relations between the constituency office, the MP and constituencies actors is unbalanced with more power with the scope and functions of the MP in particular.

4.2.4 Minimal Accountability

Minimal, or a lack of, accountability is one of the central regulatory challenges regarding CDFs. Jerry L. Mashaw describes accountability as a protean concept, by which I understand him to mean that it can be changed frequently and easily .[284] It is also relational.[285] According to John Braithwaite, accountability in its "classical conception" is "simply a requirement of giving a public account."[286] Edward Rubin, in his chapter regarding non-bureaucratic accountability and

[280] Ernest T Mallya and Glora Lucas Kessy, "Governance, Local Governments and the Constituency Development Catalyst Fund in Tanzania," *Journal of Poverty Alleviation and International Development* 4, no. 2 (2013): 31.
[281] Ibid., 25.
[282] Ibid., 48.
[283] Ibid.
[284] Jerry L Mashaw, "Accountability and Institutional Design: Some Thoughts on the Grammer of Governance," in *Public Accountability: Designs, Dilemmas and Experience*, ed. Michael W Dowdle (Cambridge: Cambridge University Press, 2006), 115.
[285] Ibid., 117.
[286] John Braithwaite, "Accountability and Responsibility through Restorative Justice," in *Public Accountability: Designs, Delimmas and Experience*, ed. Michael W Dowdle (Cambridge: Cambridge University Press, 2006), 45.

anti-administrative impulse, roughly defines accountability as “the ability of one actor to demand an explanation or justification of another actor for its actions, and to reward or punish that second actor [based on] its performance or its explanation.”[287] Contextualising accountability in terms of the regulation of CDFs, Baskin defined accountability as “the extent to which funds are subject to reporting, oversight and audits.”[288]

According to the International Budget Partnership (IBP), “CDFs have a negative impact on accountability.”[289] The IBP further states that CDFs have put unwelcome pressure on accountability systems in countries where these systems are already weak.[290] In Tanzania, a study conducted by Policy Forum and Research for Poverty Alleviation (REPOA) that defines accountability as “measures focus[ed] on transparent public financial management, including openness in allocations, transfer and expenditures” found that there was ineffectiveness of accountability in CDCF implementation.[291] Policy Forum and REPOA state that this pointed “to low possibilities for citizens to question the use of the CDCF or for the CDC committee to provide citizens with justification on the use of the CDCF.”[292] Similar findings were observed in Kenya, where Ndii, quoting from the *Institute of Social Accountability Report* (2010), reports:

> that in many constituencies, there were no open discussions about activities and usage of CDF money and in others, mystery surrounds the CDF and its activities at the grassroots level. The implementers are rarely willing to discuss CDF activities freely with beneficiaries. This created a feeling that there are underhand activities.[293]

Underhanded activities by CDF regulators are a potential effect of minimal, or a lack of, accountability, hence the suspicion of abuse. The foregoing examples highlight how certain state institutions exhibit limited accountability in the way they handle CDFs. The above regulatory challenge resembles the context in the governance of CDFs in Solomon Islands as well.

[287] Edward Rubin, "The Myth of Non-Bureaucratic Accountability and the Anti-Administrative Impluse," in *Public Accountability: Designs, Dilemmas and Experiences*, ed. Michael W Dowdle (Cambridge: Cambridge University Press, 2006), 52.
[288] Baskin, "Introduction: Are Constituency Development Funds a Policy Tool?," 13.
[289] Zyl, "What Is Wrong with the Constituency Development Funds?."
[290] Ibid., 8.
[291] Policy Forum and Research for Poverty Alleviation (REPOA), "Review of the Governance Effectiveness of the Constituency Development Catalyst Fund in Tanzania," 7.
[292] Ibid.
[293] Ndii, "Money for Small Things: Experience and Lessons of Kenya’s Constituency Development Funds," 73.

4.2.5 Minimal Transparency

Minimal, or a lack of, transparency is another huge regulatory challenge facing CDFs. Transparency, like other elements of good governance, can be sliced in different ways.[294] Its meaning varies between users and contexts.[295] In their article on governance, local governments and the CDCF in Tanzania, Mallya and Kessy articulate that "transparency, as it is used in governance literature, implies, among other things, watching the government from the outside."[296] Both authors concur with other commentators that a common element of transparency is that it refers to "the extent to which an organization reveals relevant information about decision processes, procedures, functioning and performance."[297] Mallya and Kessy state that "the general transparency of local public institutions refers to three key elements: openness towards citizens, decisional transparency towards citizens, and mechanisms of accountability and responsibility."[298] Mallya and Kessy find that many people in Tanzania did not know about the existence of the CDCF Committee, the statutory body established by the CDCF Act to oversee the implementation of CDCF projects.[299] Their study find that only seven per cent of respondents knew of the CDCF Committee's existence. The authors argue that this low percentage meant that the CDCF Committee was ineffective at being open to the public about its structure, functions and fiscal policy intentions and did not provide reliable information to the public about its activities.[300] This lack of openness, coupled with the few opportunities provided by the CDCF Committee for people to understand its operations, amounted to minimal decisional transparency.[301] In arriving at that conclusion, Mallya and Kessy use a case study approach where two constituencies were chosen based on background factors such as rural/urban, access to resources, distance from the national capital and political composition. A lack of transparency by state actors dealing with CDFs is a common challenge in many developing countries with CDF structures.

Minimal transparency as has been shown in chapter two remains a regulatory challenge in the governance of CDFs in Solomon Islands. The World Bank in its 2014 report on rural investment

[294] Jens Forssbæck and Lars Oxelheim, "The Multifaceted Concept of Transparency," in *The Oxford Handbook of Economic and Institutional Transparency*, ed. Jens Forssbæck and Lars Oxelheim (Oxford: University of Oxford, 2015), 5.
[295] Ibid., 24.
[296] Mallya and Kessy, "Governance, Local Governments and the Constituency Development Catalyst Fund in Tanzania," 28.
[297] Ibid.
[298] Ibid.
[299] Ibid., 39.
[300] Ibid.
[301] Ibid.

in Solomon Islands confirms that the rural development project – Constituency Livelihood Fund administered by the Ministry of Rural Development – lacks transparency.

4.2.6 Weak Service Delivery

A prominent regulatory challenge concerning CDFs relates to the power of MPs and its relationship to service delivery. In PNG, examples of CDFs are District and Provincial Support Grants and the District Services Improvement Program (DSIP).[302] The DSIP began in 1984.[303] An institution with the power to regulate these CDFs is the District Development Authority (DDA), the chairpersons of which are the open MPs.[304] The DDA, according to Wiltshire, "gives MPs considerable control over increasing funding allocations, service delivery priorities and the public service for their respective electorates and district administrations."[305] Also according to Wiltshire, in the context of PNG, such formalisation has significant implications for the delivery of public services and state formation.[306] Wiltshire and Oppermann observe that in 2015, instead of making allocations for drought relief, the PNG Government allowed DDAs to use Kina $2 million from existing allocations to provide relief.[307] Wiltshire and Oppermann further observe that "[t]he appeal of such a response, other than cost savings, is that districts represent the lowest level of bureaucracy in most provinces and should best understand the communities impacted by the drought."[308] However, both argue that the DSIP is controlled by DDAs and appointments to its board are often political to give MPs more power over the allocation of development projects.[309]

Wiltshire and Oppermann unearth that district administrators, who are responsible for implementing the decisions of the DDA, are also increasingly becoming political appointees.[310] They argue that:

> based on recent fieldwork, it appears doubtful whether respective DDAs can remain politically impartial in their implementation of assistance efforts. Our main finding is that communities that support their local MP have high

[302] Matthew G. Allen, "Rural Development: Back on the Agenda in the Western Pacific?," in *Politics, Development and Security in Oceania*, ed. David Hegarty and Darrell Tryon, Studies in State and Society in the Pacific (Canberra: Australian National University E Press, 2013), 170.
[303] Maholopa Laveil and Terence Wood, "Do Dsip Funds Help Png MPs Win?," Crawford School of Public Policy (Canberra.: Crawford School of Public Policy, The Australian National University, 2022), 6.
[304] Chris Banga, "Is the District Development Authority an Effective Decentralised Government Mechanism to Improve Service Delivery," in *Discussion Paper* (Papua New Guinea: The National Research Institute, 2018).
[305] Colin Wiltshire, "Public Expenditure, Decentralisation and Service Delivery in Papua New Guinea: Tracking Budgets to Health Clinics" (PhD Thesis, The Australian National University, 2016), 13.
[306] Ibid., 306.
[307] Colin Wiltshire and Thiago Cintra Oppermann, "Politicising Drought Relief in Papua New Guinea," in *IN BRIEF 2015/66* (The Australian National University: The State, Society & Governance in Melanesia Program, 2015), 1-2.
[308] Ibid., 1.
[309] Ibid.
[310] Ibid.

> expectations that they are due to receive DSIP projects based on their political support, whereas other communities, that did not support the MP, conceded that they fared little chance. This accurate assessment of preferential distribution of services was also made of disaster relief.[311]

The capacity of the DDAs to ensure proper and effective delivery or assistance remains a challenge. According to research undertaken by Wiltshire:

> even if DDAs receive their full DSIP allocations, the capacity of districts to effectively deliver assistance is doubtful. Our research revealed that incomplete projects are becoming the norm. In particular, lack of contractor management raises serious issues about the effectiveness of DSIP expenditure. These findings are similar to previous reports from the PNG Auditor-General's Office (AGO 2014), which were highly critical of the DSIP and called for it to be abolished. The final report of the Promoting Effective Public Expenditure Project (Howes et al. 2014) also found many cases of incomplete projects and perceptions of unfair allocations at health clinics and schools.[312]

Concerning the delivery of public services by MPs through the DDA, Wiltshire concluded that such politicised governance arrangements "cast doubts" on the success of essential service delivery.[313]

In Solomon Islands as has been partly revealed in chapters one and two and will be detailed in chapters five and six, state delivery is ineffective and expensive.

4.2.7 Clientelism

Clientelism is another regulatory challenge central to discussions of CDFs in Africa, the Caribbean, Asia, and the Pacific. In many developing countries, CDFs are seen as embodiments of clientelism. In the case of Kenya, Ken Opalo argues that CDFs are an institutionalised form of clientelism.[314] Narratives about clientelism in developing countries are closely associated with CDFs and political leadership. In simple terms, clientelism "refers to the practice of providing personal favours—jobs, contracts, welfare support, money, and so forth—in exchange for electoral support."[315] The fact is that voters in many electoral democracies in developing countries expect politicians to fulfil the promises made during their

[311] Ibid.
[312] Ibid., 2.
[313] Wiltshire, "Public Expenditure, Decentralisation and Service Delivery in Papua New Guinea: Tracking Budgets to Health Clinics," 304-06.
[314] Opalo, "Formalizing Clientelism in Kenya: From Harambee to the Constituency Development Fund," 1-11. Philip Keefer and Stuti Khemani, "When Do Legislators Pass on Pork? The Role of Political Parties in Determining Legislator Effort," *American Political Science Review* 103, no. 1 (2009): 99.
[315] Ward Berenschot, "The Political Economy of Clientelism: A Comparative Study of Indonesia's Patronage Democracy," *Comparative Political Studies* 51, no. 12 (2018): 1564.

campaigns.[316] Electoral politics in many of these developing countries are "clientelistic and politicians are expected to maintain and rely on extensive patronage networks for electoral support."[317] As may be the case in many developing countries, Nicholas van de Walle highlights that in Africa, some of the characteristics of political clientelism were that it was dominated by the executive branch of government, downplaying the role of the legislature; it favoured ring-fenced supporters and was "rarely economically redistributive in a meaningful sense;" and it has the potential to lead to illegal and corrupt acts.[318] Generally, the problem with clientelism is that it obfuscates democratisation and hinders economic development by limiting the provision of public goods.[319]

Opalo highlights that the persistence of clientelism through CDFs can be attributed to several institutional factors and structural conditions. Opalo argues, with *harambees* (gatherings to raise funds) and CDFs as cases in point, that:

> clientelism persists in Kenya's legislative elections due to the weight of historical experience with a weak legislature, gaps in state bureaucratic and fiscal capacity that fueled a reliance on community self-help in funding local development projects (the *Harambee* Movement), and candidate-centric politics in the absence of strong party machines.[320]

He further articulates that:

> legislators' inability to compel executive agencies to action through legislation and oversight may prompt legislators to look for alternative (often direct/informal) means of meeting constituents' needs. If party machines exist, legislators are likely to resort to promises that are deliverable through party networks. In contexts where both parties and states are weak and have limited reach outside of capitals—like in many low-income countries—legislators may be forced to take matters in their own hands and directly provide attributable benefits to their constituents.[321]

Opalo's study reinforces the idea of weak state capacity, which pushes MPs to engage in the provision of services to their supporters and constituents via CDFs. Hence, Opalo concludes that:

> clientelistic practices such as vote buying are not a matter of personal attitudes or unilateral discretion on the part of voters and politicians. Instead,

[316] Opalo, "Formalizing Clientelism in Kenya: From Harambee to the Constituency Development Fund," 1-11.
[317] Elena Gadjanova, "Electoral Clientelism as Status Affirmation in Africa: Evidence from Ghana," *Journal of Modern African Studies* 55, no. 4 (2017): 593.
[318] Nicolas van de Walle, "The Democratization of Clientelism in Sub-Saharan Africa," in *Paper Presented at the 3rd European Conference on African Studies, Leipzig, Germany* (New York: Cornell University, 2009).
[319] Gadjanova, "Electoral Clientelism as Status Affirmation in Africa: Evidence from Ghana," 593.
[320] Opalo, "Formalizing Clientelism in Kenya: From Harambee to the Constituency Development Fund," 2.
[321] Ibid., 3.

> the persistence of clientelism is often due to structural conditions that make it the most credible currency in the political market.[322]

A recent study on patronage in India shows that not all political leaders perform their roles as distribution agents of public/state resources and political representatives in a partisan or clientelist manner.[323] Bussell argue that in India, high-level politicians (MPs and members of the Legislative Assembly) ubiquitously provided constituency service for citizens who requested small, inexpensive services.[324] Such responses by high-level politicians happened when local politicians ignored citizens' request based on partisan or ethnic affiliations.[325] Priyadarshini Singh, who reviewed Bussell's book, articulates that "Bussell's analysis is not naïve and she highlights that politicians very much have an electoral motive for constituency service. It helps them tap into unattached voters, ones which aren't catered to by local politicians and can be converted into future supporters."[326]

Issues of clientelism also characterise the governance of CDFs in Solomon Islands—an issue I will turn to in later chapters.

4.2.8 Concluding Remarks

This section has discussed the problematic ways that CDFs affect the separation of powers, corruption, minimal participation, lack of accountability, minimal transparency, weak service delivery and clientelism. These problematic issues show that CDFs have the potential to undermine the rule of law. Iutisone Salevao states that "the rule of law is a complex phenomenon combining different legal, moral and ethical, political and democratic principles."[327] Murray highlights that the rule of law is at stake because CDFs "allow for self-interested decision-making and thus conflicts of interest … and lack credible accountability mechanisms."[328] All of these challenges are evident in the governance of CDFs in Solomon Islands as well as has been briefly shown in Chapters one and two and will be the focus of Chapters seven and eight.

[322] Ibid., 10.
[323] For more insights see Jennifer Bussell, *Clients and Constituents: Political Responsiveness in Patronage Democracies* (Oxford: Oxford University Press, 2019).
[324] Ibid.
[325] Ibid.
[326] Priyadarshini Singh, "Book Reviews," *Studies in Indian Politics* 9, no. 1 (2021): 132.
[327] Iutisone Salevao, *Rule of Law, Legitimate Governance & Development in the Pacific* (Canberra: ANU Press, 2005), 8.
[328] Murray, "Constituency Development Funds: Are They Constitutional?," 4.

Considering these regulatory challenges of CDFs, what have been some of the regulatory responses?

4.3 Responses to Regulatory Challenges

Overall, the regulatory responses to the challenges of regulating CDFs have been geared towards strengthening state actors and state laws in dealing with CDF regulation. The responses outlined in this section are the introduction of legislation to regulate CDFs, court challenges by aggrieved parties on the constitutionality of the separation of powers between executive government and parliament; the investigation and prosecution of MPs; and policy/advocacy work by nongovernmental organisations (NGOs).

4.3.1 Legislation

The use of legislation has been a common response to the regulatory challenges discussed in the previous section. Such legislation has established oversight mechanisms, administrative structures, and procedures to regulate CDFs. In this part, I discuss institutional mechanisms established by statutes to regulate CDFs in certain African countries.

First, in Kenya, a new CDF Act came into effect in 2015. Several institutions deal with this CDF. At the peak of its governance structure is the National Assembly Select Committee established by the National Assembly. The National Assembly Select Committee has three main functions: overseeing implementation of the CDF Act; overseeing the policy framework and legislative matters regarding the fund; and reviewing the framework set out for the efficient delivery of development programs financed through the CDF.[329] It also receives and considers a quarterly report from the National Government Constituencies Development Fund (NGCDF) Board on CDF projects and disbursements, among other issues, then tables a report to the National Assembly.[330] The NGCDF Board is another mandated body that comprises the principal secretaries for national economic policy, finance and education and the Attorney General along with other members, all of whom the Cabinet Secretary appoints with approval from the National Assembly.[331] The NGCDF Act empowers the NGCDF Board to ensure, among other functions, the timely and efficient disbursement and management of CDFs, consider proposals to approve funding and send CDFs to the respective accounts of the constituencies. The NGCDF Board also coordinates the implementation of approved CDF

[329] See sections 50(1) and 50(5)(a) – (d) of *The National Government Constituencies Development Fund Act (Kenya)*.
[330] See sections 51(1)–51(2), ibid.
[331] See section 14 and 15(1)–(3), ibid.

projects and receives complaints from the public on the implementation of the CDF Act, among other functions. The third administrative body regarding the administration of CDFs, established in every constituency in Kenya, is the National Government Development Fund Committee. Its functions, among others, encompass project monitoring, evaluation and coordination and the proper keeping of CDF records. In that regard, the committee can engage knowledgeable people to help with its monitoring and evaluation functions.[332] Central to the function of National Government Development Fund Committee is the responsibility to consult with government departments to ensure that the costs of CDF projects are realistic. It then ranks these projects according to national priorities. The National Government Development Fund Committee comprises a variety of stakeholders from within the constituency, including youths, women, disability groups and government representatives.

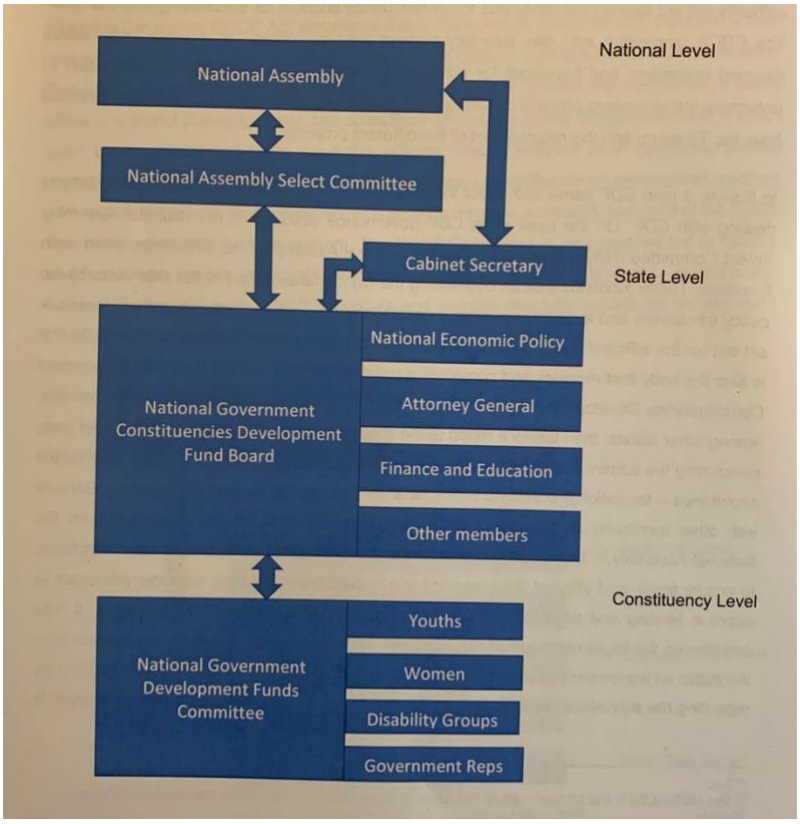

Figure 4: CDF Structure in Kenya.

Second, in Zambia, unlike in Kenya and Tanzania, CDFs are established by article 162(1) of its Constitution. Article 162(2) empowers the parliament to prescribe the management,

[332] See sections 45(1)–(2), ibid.

disbursement, utilisation, and accountability of the CDFs. Central to the administration of CDFs is a minister whose role, among others, is to ensure the management and utilisation of CDFs adheres to principles of transparency, accountability, and equity.[333] Another role of the minister is to review and approve project lists from CDF committees and ensure the compilation of proper records, returns and reports from constituencies.[334] The CDF committee is another crucial management body that regulates CDFs. Its composition includes part-time members, state actors—including the MP—and non-state actors from civil society and religious organisations.

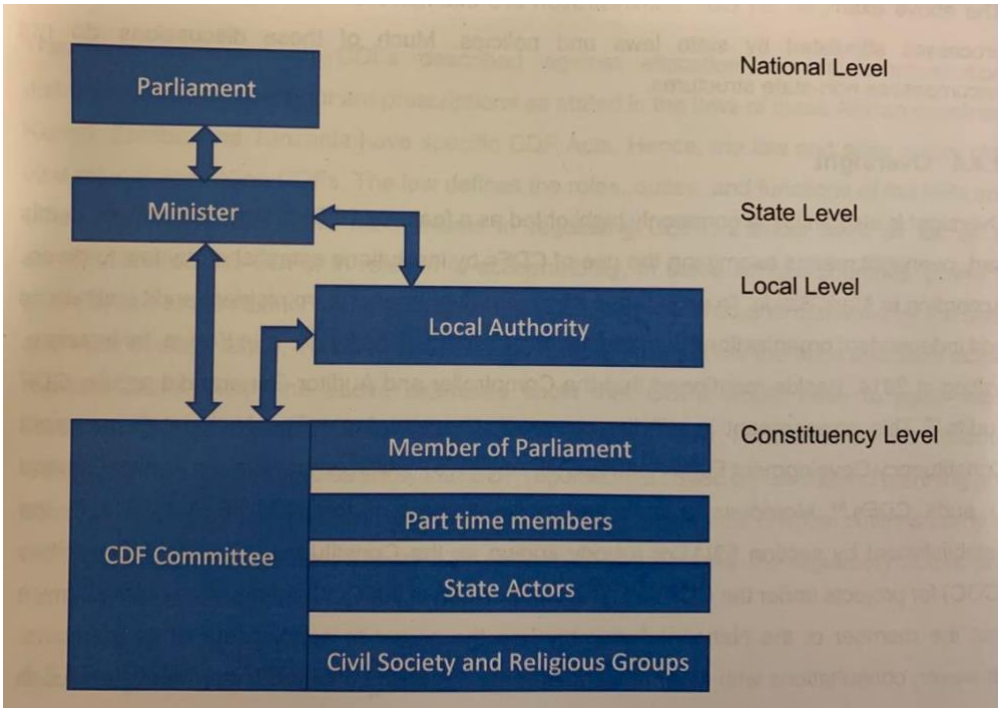

Figure 5: CDF structure in Zambia.

In Zambia, CDF committee members are appointed by a minister. Every constituency has a CDF committee.[335] Its functions, among others, are to ensure the compilation of proper records, returns and reports; to receive annual reports from constituencies; and to deliberate on project proposals. In order to carry out these functions, CDF committees are supported with secretarial and accounting services by state actors such as the directorates of finance and national planning. These CDF committees have constituency accounts that are opened,

[333] Article 3 of Constituency Development Fund Act (Zambia).
[334] Article 4(c)–(d), ibid.
[335] Section 5, ibid.

managed and maintained by a third relevant administrative body, a local authority.[336] The local authority is also the link between the CDF committee and the responsible minister, as it is the spending agency responsible for the disbursement of funds to the constituency account and is empowered to "submit a record of the amounts received by a constituency and a record of expenditure of the amounts so received to the Minister."[337]

The statutes of Kenya, Zambia and Tanzania also give powers to oversight state mechanisms to regulate CDFs. Oversight is another issue commonly highlighted as a feature of CDFs' legal framework. In this part, oversight means examining the use of CDFs by institutions established by law to do so. According to Mark Baskin, "a wide range of government agencies, ministries, audit institutions and independent organizations oversee the employment of the funds."[338] In Kenya, for instance, Baskin, writing in 2014, mentioned that the comptroller and auditor general conducted regular CDF audits.[339] This arrangement is still the case under the new Act, the National Government Constituencies Development Fund (NGCDF) Act 2015, which empowers the auditor general to audit CDFs.[340] Moreover, a new feature of the NGCDF Act 2015 is the establishment by section 53(1) of a body known as the Constituency Oversight Committee for projects under the CDF Act. The composition of the Constituency Oversight Committee seems to be political, given that a member of the National Assembly has the power to appoint four of its members. However, appointments require consultations with other stakeholders. As an oversight body, the Constituency Oversight Committee's leading role is to convene public meetings; mobilise and sensitise respective target groups on matters relating to CDFs; and solicit views, opinions, and proposals from the public regarding CDFs. These public meetings provide an avenue for the public to raise concerns about how the constituency committee (National Government Development Fund committee) is implementing CDF projects, to witness disbursement by the constituency committee and to express their views on the implementation of the CDFs.[341] In Zambia, section 3 of its CDF Act 2018 gives power to the auditor general or an auditor appointed by the auditor general to audit the CDFs.[342] In Jamaica, the Office of the Contractor General is responsible for monitoring and auditing CDF projects and the agencies that administer CDF resources.[343] In Tanzania, section 9 of its

[336] Section 8, ibid.
[337] Section 9(2)–9(5), ibid.
[338] Baskin, "Introduction: Are Constituency Development Funds a Policy Tool?," 9.
[339] Ibid.
[340] See section 11 of *The National Government Constituencies Development Fund Act (Kenya)*.
[341] See section 53(4)(a)–(c), ibid.
[342] Constituency Development Fund Act (Zambia).
[343] Bartilow, "Drugs Dons and Development of Executive Driven Bi-Partisan Constituency Development Funds in Jamaica," 153.

Constituencies Development Catalyst Fund Act gives power to the National Audit Office to undertake audits of CDFs.[344]

In Solomon Islands, its CDF Act 2015 also has provisions relating to auditing of CDFs by the Office of the Auditor General. However, as alluded to earlier, the CDF Act 2013 was passed in parliament and gazetted but it has not been brought into force and therefore lacks any substantial legal effect. Currently, starting in late December 2022, the CDF Act is again under review in a process that has seen consultations undertaken in most of the provinces in Solomon Islands.

The aforementioned are state-centred examples of bodies with the legal mandate to oversee the management and administration of CDFs by MPs and other state actors. Although many of these bodies do not encompass non-state structures, several of them clearly mandate the inclusion of non-state actors in regulation of CDFs.

4.3.2 Separation of Powers and Legal Principles Challenged in Court

Another response to the regulatory challenges facing CDFs is challenging the legality of the CDF Act in the courts of law. Kenya and India are examples of countries in which cases on CDFs were taken to courts by interested aggrieved parties (mainly non-government organisations representing public interest) to test CDFs' constitutionality or legality. This section uses examples of constitutional cases on CDFs from Kenya and India.

In Kenya, in the case of *Institute of Social Accountability & Another v National Assembly & 4 Others*, the CDF Act and its 2013 amendment raised several legal and constitutional issues central to the relationship between the Constitution of Kenya and other relevant laws. One issue was whether the CDF Act 2013 offended the separation of powers between the executive government and the parliament. In its judgement, the High Court of Kenya held that the CDF Act 2013 offended the principle of separation of powers between the executive and legislative functions. It did so by involving the MPs in the planning, approval and implementation of projects.[345] Although the High Court held that the CDF Act 2013 was unconstitutional,[346] it said that it was "conscious of the fact that CDF has been important in addressing development at the grassroots level and has in the past been one of the most significant steps to alleviate

[344] See Constituency Development Catalyst Fund Act (Tanzania).
[345] *Institute of Social Accountability & Another V National Assembly & 4 Others*, 33.
[346] Ibid.

poverty and ensure community empowerment."[347] This obiter dicta aside, the full judgement of the High Court was appealed in the Court of Appeal of Kenya.

In the Court of Appeal of Kenya, the separation of powers was challenged based on two grounds. The first was that the High Court erred in taking a restrictive, impractical view of the separation of powers.[348] In other words, the appeal was submitted on the basis that there is no absolute separation of powers.[349] The appellants submitted that:

> the Constitution does not prescribe a pure separation of powers; that it would not be unconstitutional for members of parliament to play a role in implementing Constituency Development Funds Act (CDFA); that members of parliament do not play an executive role but merely play their role as representations of the people.[350]

The Court of Appeal, as an obiter dictum, says which is worth noting:

> In relation to the facts of this case, there is nothing in the Constitution or in Leadership and Integrity Act which restricts a member of parliament from involvement in development activities in his constituency. The member of parliament is a leader in his own right and represents the constituents both inside and outside Parliament.[351]

However, the Court of Appeal held that "[w]hat the Court characterised as unconstitutional is the involvement of members of parliament in the planning, approval and implementation of CDF projects."[352] The Court of Appeal was of the view that the CDF Act 2013 breached the separation of powers because an MP appoints eight of the ten members of the CDF committee and is also a member of the committee, which is responsible for initiating the process of identification and prioritisation of the projects; the employment of staff; the allocation of funds to projects; the tabling of reports; and monitoring the implementation of the projects. The Court of Appeal concluded that "it is evident that it is the MP who controls the Committee and therefore influences the selection, prioritisation of the projects, allocation of funds and also monitors the implementation of the project. Those are no doubt executive duties."[353] In that regard, the CDF Act contravenes the separation of powers as envisaged in the Constitution of Kenya (2010). The Supreme Court of Kenya affirmed the decisions of both the High Court and the Court of Appeal. However, it was reported that MPs are of the view that it was the 2013

[347] Ibid.
[348] *The National Assembly of Kenya & Another V Institute for Social Accountability and 6 Others*.,[56].
[349] Ibid.,[56].
[350] Ibid.,[56].
[351] Ibid.,[62].
[352] Ibid.,[62].
[353] Ibid.,[63].

CDF Act that was unconstitutional and that the decisions do not affect the new National Government Constituencies Development Fund Act 2015.[354]

In India, the outcome of whether CDFs contravene the separation of powers was different from that in Kenya.[355] The issue before the Supreme Court of India was whether the CDF—called the Members of Parliament Local Area Development Scheme (MPLADS)—was ultra vires of the Constitution of India.[356] In other words, whether the MPLADS violated the constitutional separation of powers between the executive government and parliament.[357] Before arriving at its decisions, the Supreme Court of India adumbrates:

> The aim of Separation of Powers is to achieve the maximum extent of accountability of each branch of the Government … While understanding this concept, two aspects must be borne in mind. One, that Separation of Powers is an essential feature of the Constitution. Two, that in modern governance, a strict separation is neither possible, nor desirable. Nevertheless, till this principle of accountability is preserved, there is no violation of separation of powers …The Constitution does not prohibit overlap of functions, but in fact provides for some overlap as a Parliamentary democracy. But what it prohibits is such exercise of function of the other branch which results in wrestling away of the regime of constitutional accountability.[358]

Against these legal bases, the Supreme Court of India held that CDFs do not contravene the separation of powers. The Supreme Court stated that "the role of the MP in MPLADS is merely recommendatory in nature and the entire execution has been entrusted to the District/Municipal Authority which belongs to the executive organ."[359] Hence, the Supreme Court held that the constitutional principle of separation of power was not violated because the MPs did not take over the function of the executive.[360] This judgement was criticised by a commentator who said:

> The MPLAD scheme has been dogged by controversy since its inception. By putting its weight behind the scheme, the Supreme Court has simply

[354] Francis Gachuri, "Is CDF in Existence or Not? MPs, Katiba Institute Clash as Eyes Turn to High Court," news release, 10 September, 2022, https://www.citizen.digital/news/is-cdf-in-existence-or-not-mps-katiba-institute-clash-as-eyes-turn-to-high-court-n305446.
[355] *Bhim Singh V Union of India & Ors*, Supreme Court of India, Civil Original Jurisdiction, Writ Petition (Civil) No. 21 of 1999 1-85 (2010).
[356] Ibid.,[1].
[357] Ibid.,[9].
[358] Ibid.,[58-59].
[359] Ibid.,[70].
[360] Ibid.,[75(5)].

> given legitimacy to a scheme that is fundamentally unconstitutional and this is a real blow to democracy.[361]

The similarity underlying both constitutional cases is that the separation of powers is entrenched within the constitutions of both countries. The difference, as seen from the cases, is the extent of MP involvement in CDF regulation. Unlike in India, MPs in Kenya are directly involved in CDF regulation. Another difference lies in the way the courts interpreted the separation of power. In Kenya, the courts tended to use the strict interpretation of the separation of powers as in Australia and the United States, while in India, the Supreme Court allowed some flexibility in its interpretation. Against this backdrop, to date, the nongovernmental organisations (NGOs) in Solomon Islands show no sign of initiating a court challenge on CDFs because the CDF Act 2013 has not commenced thus their fear that such court challenge may lack any legal standing in a court of competent jurisdiction, although NGOs like Transparency Solomon Islands (TSI) have been vocal on social media, and in the print media in particular, about the challenges facing CDFs' governance in Solomon Islands.

4.3.3 Investigation and Prosecution for Corruption

Another typical state-based response to the regulatory challenges of CDFs is the prosecution of MPs by the courts or tribunals for corruption-related offences. The crime most MPs have been prosecuted for is an abuse of office contrary to the country's criminal and administrative laws. In Papua New Guinea (PNG), its constitution provides for the establishment of an ombudsman office, the role of which is to investigate corruption-related offences committed by MPs and then refer them to the public prosecutor, who undertakes prosecution before a leadership tribunal.[362] Joseph Ketan, in his paper on the use and abuse of electoral development funds in PNG, documented 41 cases relating to the abuse of electoral development funds whereby the prosecutions of MPs and governors were successful.[363] In the context of PNG, the challenge with such an approach is that "while numerous MPs have been investigated for misuse of these funds, many more are believed to have escaped punishment"[364] due to a lack of evidence. Such difficulty also may be true for other countries in Africa, Asia, the Caribbean and Pacific region. In Solomon Islands, state-based interviewees mentioned a similar trend, wherein lack of evidence hinders the successful prosecution of MPs and related state actors. Certainly there have been some acquittals. An example of such a

[361] Yamini Aiyar, "SC Upholds the MPLADs Scheme: A Questionable Judgement?," in *Accountability Initiative* (2010).,[8], https://accountabilityindia.in/blog/sc-upholds-the-mplads-scheme-a-questionable-judgement/.
[362] See section 29(1) of the Constitution of the Independent State of Papua New Guinea.
[363] Ketan, "The Use and Abuse of Electoral Development Funds and Their Impact on Electoral Politics and Governance in Papua New Guinea," 3.
[364] Ibid., 9.

case was the acquittal of the former MP for Baegu/Asifola constituency by the Central Magistrate's Court in Honiara, charged for misappropriation of public funds.[365] In Solomon Islands, successful trials regarding the misuse of CDFs by MPs are few.[366]

4.3.4 Responses by Non-government Organisations: State-based

Donor agencies, multilateral agencies and good governance non-for-profit organisations offer policy directions for the effective regulation of CDFs. These international actors are generally sceptical about CDFs.[367] Baskin reported that the view of observers in the international governance sector is that "CDFs as manifestations of undemocratic politics, clientelism, cronyism, corruption, inefficiency in developing and providing services to communities."[368] Hence, in Solomon Islands, CDFs have not received must support from donors as seen by the fact that 80 percent of CDFs are funded by the Solomon Islands Government. It is reasonable to say that the responses by aid donors are characterised by the fact that they:

> spend a large amount of aid on "software" projects, including on democracy promotion and good governance programs, attaching conditionalities to promote accountability and transparency in decision-making, and preferring aid to be delivered through programs rather than projects.[369]

Although that maybe a one-sided and partial view of what western donors do, what such responses mean in practice is that a substantial amount of aid has been geared towards building up state institutions such as the police, judiciary, government ministries and relevant state actors to improve their capacities to deal effectively with public service-related roles and combat corruption.[370]

In some countries in Africa, aid has been used by donors to help international and local NGOs and universities undertake desktop studies geared towards supporting advocacy work in relation to understanding the operation of CDFs and policy papers comparing the governance structures and challenges of CDFs.[371] According to Machiko Tsubura, such studies by NGOs constitute a category of studies on CDFs she called "fact-finding and comparative studies on

[365] *Regina V David Tome*, Criminal Case Number 334/2017 Central Magistrate Court of Solomon Islands, (Unreported) (2018).
[366] I will turn to some court cases (criminal) dealing with constituency development funds in chapter six of this thesis.
[367] Baskin, "Introduction: Are Constituency Development Funds a Policy Tool?," 1-26.
[368] Ibid., 4.
[369] Denghua Zhang, "Introduction," in *A Cautious New Approach: China's Growing Trilateral Aid Cooperation* (ACT: ANU Press, 2020), 14.
[370] For further details see Toby Carroll and Shahar Hameiri, "Good Governance and Security: The Limits of Australia's New Aid Programme," *Journal of contemporary Asia* 37, no. 4 (2007): 410-30.
[371] Policy Forum and Research for Poverty Alleviation (REPOA), "Review of the Governance Effectiveness of the Constituency Development Catalyst Fund in Tanzania."

CDFs worldwide."[372] She mentioned that these studies "effectively elucidate various dimensions of different forms of CDFs, including policymaking processes and fund management."[373] For instance, a program on CDFs from an academic and policy research perspective was conducted by the State University of New York's Center for International Development. This program compared CDFs to ascertain their viability and provide policy directions for the improvement of governance structures around CDFs. This program resulted in several publications, one of which is the *Handbook on Constituency Development Funds: Principles and Tools for Parliamentarians* (2016), an outcome of a partnership between the Commonwealth Parliamentary Association and the State University of New York's Center for International Development.[374]

Another stakeholder doing policy advocacy regarding CDFs is the International Budget Partnership (IBP), which is supported by donors such as the European Commission, the French Ministry of Foreign Affairs, the United Kingdom Department for International Development, the United States Agency for International Development, the United States Department of State and the World Bank, to name a few. [375] IBP has published online briefs on the challenges central to the legal aspects of CDFs against the backdrop of scoping studies. An example of such a study is the piece by Christina Murray, which highlighted that CDFs breach constitutional principles pertaining to the rule of law. Budget-monitoring civil society organisations have heavily criticised CDFs as a mechanism that reduces government capacity by misdirecting funding and weaken the oversight capacity of legislatures.[376] However, these civil society organisations also suggested some ways forward in dealing with the governance of CDFs. For instance, writing in 2010 for IBP, Alison Hickey Tshangana argued that best practices from countries in Africa and Asia with CDF schemes reveal that it is possible to build safeguards into CDF frameworks to ensure transparency, promote public participation and substantially curb corruption. Tshangana highlighted the following recommendations:

1. The existence of a legislative and regulatory framework which:

[372] Machiko Tsubura, "The Politics of Constituency Development Funds (CDFs) in Comparative Perspective," *APSA 2013 Annual Meeting Paper; American Political Science Association 2013 Annual Meeting* (2013): 3.
[373] Ibid., 4.
[374] Centre for International Development (SUNY) and Commonwealth Parliamentary Association, "Handbook on Constituency Development Funds (CDFs): Principles and Tools for Parliamentarians," (London: Commonwealth Parliamentary Association Publications, 2016).
[375] International Budget Partnership, "Donors," news release, 2022, https://www.internationalbudget.org/about-ibp/donors/.
[376] Albert Van Zyl, "Constituency Development Funds Are a Massive Misunderstanding," news release, 24 February, 2014 https://internationalbudget.org/2014/02/constituency-development-funds-are-a-massive-misunderstanding/.

- Promotes and protects public participation processes in project prioritization and identification
- Provides for a body—apart from Parliament—which is empowered to manage and conduct oversight
- Establishes funding flows and disbursement procedures which remain in control of government officials, as opposed to MPs
- Ensures representativity of CDF committee at local level
- Requires CDF project and budget information to be publicly available.

2. Allocation formula which prioritizes poorer constituencies.[377]

The success of CDF schemes, Tshangana suggests, depends on the implementation of these recommendations, as shown from the experiences of countries in Africa and Asia. These recommendations are geared toward ensuring governance of CDFs by state-based and non-state actors. Solomon Islands can earn from these recommendations by ensuring that its regulatory system entails substantial involvement of local actors in project prioritisation, identification and provide for more transparency around information relating to CDF projects and budget information.

International support by IBP is also geared towards supporting the research and advocacy work of in-country non-state actors like NGOs. Such donor support is usually in the form of aid for advocacy work and research on CDFs and the challenges associated with them on a local level. An example is the funding and technical support by IBP for communities in Kenya to understand the processes underpinning CDFs and their implementation.[378] The outcomes of these types of funding include research papers, social audit reports and policy papers highlighting the strengths, weaknesses, and policy directions regarding CDFs. For instance, the IBP provided technical support to Muslims for Human Rights, a Mombasa-based NGO working to promote human rights, in relation to their project monitoring the expenditures under the CDF in Kenya's Coast Province.[379] The IBP provided technical expertise in deconstructing key processes in the CDFs for the purpose of a social audit guide/handbook on CDFs for communities in Mombasa.[380] In Tanzania, the NGO Policy Forum is supported by Norwegian

[377] Alison Hickey Tshangana, "Constituency Development Funds: Scoping Paper," (International Budget Partnership, 2010), 20.
[378] Wanjiru Gikonyo, *The CDF Social Audit Guide: A Handbook for Communities* (Nairobi, Kenya: Open Society Initiative for East Africa, 2008).
[379] Ibid.
[380] Ibid.

People's Aid and Oxfam Great Britain to carry out studies on the effectiveness and transparency of CDFs.

The aforementioned narrative provides important insights and recommendations about CDFs in other countries. Central to the recommendations by NGOs is the need to strengthen state laws and state capacity to ensure good governance of CDFs and to mandate the involvement of non-state actors in CDF regulation. The need to ensure substantial involvement of non-state actors in CDF governance is an important recommendation for the case of Solomon Islands as it is vital that such roles be given proper recognition. Also, the Solomon Islands context needs to ensure more public and transparent information dissemination regarding CDF projects.

4.4 Conclusion

This chapter uses the weak state lens, political settlement and state-in-society framing to inform the narrative of CDFs. These frames focus on the role of state actors in dealing with CDFs and their associated challenges. Through these lens the regulation of CDFs is characterised by challenges—such as encroachment of separation of powers by the legislature on the executive government; corruption; lack of transparency and accountability; and limited participation by non-state actors—that seem to undermine the rule of law. State actors, MPs and institutions are characterised as problematic, inefficient, and weak. The studies discussed provide insights into how states regulate CDFs. In response to the aforementioned challenges, state-based approaches were invoked by the state. For instance, legislatures in Kenya, Zambia and Tanzania introduced legislation to regulate CDFs. The state also prosecuted criminal cases against MPs, and civil cases were taken to courts by NGOs to challenge the constitutionality of the separation of powers between the executive and the legislature. Thus, the literature encompasses narratives about state intervention in the regulation of CDFs and partially on the NGOs' roles through advocacy work and court challenges on CDFs (particularly in Kenya).

Considering the above, the Solomon Islands experience with CDFs is not that different from other countries in Africa, Asia, and the Caribbean. All these regulatory challenges also typify the regulation of CDFs in Solomon Islands. The bureaucratic state actors are weak in service delivery. The political state (particularly the MPs) are powerful regulators and in part the society's influence on the state give rise to a problematic regulatory order. However, certain non-state actors like Transparency Solomon Islands in their advocacy roles about the challenges of CDF governance revolve around the main-stream media and platforms like

Facebook. In comparison to NGOs in Kenya, the NGOs in Solomon Islands are weak and have not attempted any legal challenge in the courts concerning the constitutionality of CDFs. With these backgrounds in hindsight, I will move onto locate CDFs within the Solomon Islands political economy.

Chapter 5
Solomon Islands' Political Economy: Locating the Place of CDFs

5.1 Introduction

This chapter describes the broader socio-economic, political, and legal contexts of CDFs and argues this is critical for understanding the relevant regulatory environment. In particular it focuses on the roles CDFs play in economic development and the contestation that exists around them. The chapter uses insights from the state-in-society and political settlement frameworks to locate the background context of CDFs in Solomon Islands. Like other Melanesian countries, Solomon Islands is often characterised by scholars, journalists, and policy commentators as a weak state[381] and an aid-dependent, weak capitalist economy that relies heavily on primary resource extraction, in particular problematic extractive industries (logging and mining) controlled by foreign capital. Similarly, the actors within the private sector see the public sector as weak and ineffective. The private sector is not robust and is dominated by foreigners. Solomon Islands also lacks a significant middle class. These features of the economy explain the importance of the public sector for Solomon Islanders in accessing capital. Further, state absenteeism in rural areas and the lack of a robust cash-based livelihood in the rural areas and amongst rural people – many of whom are voters – sometimes exert pressure on MPs to provide the capital necessary to support rural populace livelihoods through public funds.

There are three levels of government: national, provincial and ward. The relationships between these levels are set out by laws that accord them different powers and duties. Contestation between these levels of governance has long been a feature of Solomon Islands politics. The rise of CDFs has complicated this picture because they cut across, as well as aggravate, this pre-existing contestation. Perhaps paradoxically, CDFs are both decentralising (by directing resources to the subnational, constituency level) and centralising (by concentrating the control of state resources in the hands of national MPs and bypassing both national line ministries and provincial governments). This chapter sets out the state legal frameworks and the official positions of the different levels of government, a picture that is then complicated in later chapters.

[381] See Nelson, "Governments, States and Labels," 1-20.

5.2 Snapshots from the Protectorate, Ethnic Tension and Governance

Solomon Islands was a British protectorate from 1893 to 1978. The declaration of the British Solomon Islands Protectorate took place from 1893 to 1898.[382] According to Kenneth Roberts-Wray, "the formalities were carried out by officers of the Royal Navy, who hoisted the flag and read Proclamations on [the] islands."[383] As a British protectorate, other European powers would not interfere with the affairs of Solomon Islands.[384] Basically, there was a lack of "obligation to govern or develop [the islands]."[385] In a personal conversation with the author, a senior government official says:

> If one diligently studies governance in Solomon Islands, what would patently transpire is what some political scientists called "governance of neglect." For a long time, Solomon was a mere British backwater protectorate. We were doing and addressing British agendas. Not Solomon Islands issues. For instance, unlike Vanuatu [a country with similar socio-cultural context as Solomon Islands], there was no recognition of our traditional leaders in the independence constitution.[386]

Against that background, when Solomon Islands gained political independence from Great Britain in 1978, it was bestowed a platform of a weak state although literature on the state in Solomon Islands has shown that the term and its designation on Solomon Islands did not come until after independence. Wainwright rightly observes this when she says:

> Solomon Islands became a British Protectorate in the late nineteenth century, but the British colonial presence was not as engaged in Solomon Islands as it was elsewhere. As a result, the institutions of statehood in Solomon Islands never firmly took root, even after decolonisation on 7 July 1978. A question therefore exists as to whether Solomon Islands was ever a properly functioning state. There remained an ill-fitting overlay of state institutions with traditional structures, and the traditional structures proved to be enduring. This contributed to the weakness of the state.[387]

Arguably Wainwright's statement was made in retrospect. According to Hameiri, the standpoint explicated by Wainwright "was made worse because the state had to compete for legitimacy with powerful and well-entrenched premodern traditional institutions."[388] This complicated

[382] Kenneth Roberts-Wray, *Commonwealth and Colonial Law* (London: Stevens, 1966), 897.
[383] Ibid.
[384] Ibid.
[385] A. M. Healy, "Administration in the British Solomon Islands," *Journal of Administration Overseas* (1966): 196.
[386] FM, 1 September 2022.
[387] Elsina Wainwright, "Responding to State Failure—the Case of Australia and Solomon Islands," *Australian Journal of International Affairs* 57, no. 3 (2003): 488; "Our Failing Neighbour: Australia and the Future of Solomon Islands. Canberra," (Canberra: Australian Strategic Policy Institute, 2003).
[388] Hameiri, "The Trouble with RAMSI: Reexamining the Roots of Conflict in Solomon Islands," 412.

state–society relationship and the effects of weak colonial policies were partially responsible for the ethnic tension that ravaged Solomon Islands.[389]

The ethnic conflict between some factions from Malaita Province (Malaita Eagle Force) and Guadalcanal Province (Guadalcanal Revolutionary Army and Isatabu Freedom Fighters) took place from late 1998 to 2003.[390] Most of the conflict took place in Guadalcanal. It is estimated that the social conflict resulted in the displacement of around 35,000 Solomon Islanders and the deaths of about 200.[391] As a student from St. Joseph's Catholic Secondary School living in Honiara at that time, I witnessed that law and order was at its lowest—the police force was crippled. The state apparatus could not operate effectively. Public servants could not be paid on time because of the government's cashflow problem. The conflict also crippled the economy, which saw the gross domestic product of Solomon Islands reduced by 14 percent in 2000 and by nine per cent in 2001.[392] Some scholars described the state in Solomon Islands as "failing" and "failed".[393]

Scholars and observers have highlighted various causes of the conflict, such as a lack of good governance by the state and state leaders.[394] According to Hameiri:

> [t]he persistence of poor governance in Solomon Islands is often explained as an outcome of the clash between strong premodern Melanesian institutions—embodying traditional values—and weaker modern state institutions, representing legal-rational modes of governance, in Max Weber's formulation.[395]

However, Hameiri goes on to explain the causes of the conflict by analysing the relationships between the conflict, capitalist development and state power using social conflict theory.[396] He argues that central to the causes of the tension in Solomon Islands was the:

> growing marginalization of key interests in Solomon Islands society, resulting from a number of systemic challenges to the complex and dense patronage

[389] Wainwright, "Our Failing Neighbour: Australia and the Future of Solomon Islands. Canberra."; "Responding to State Failure—the Case of Australia and Solomon Islands."
[390] Matthew G Allen, *Greed and Grievance: Ex-Militants' Perspectives on the Conflict in Solomon Islands, 1998-2003*, ed. Brij Lal (Honolulu: University of Hawai'i Press, 2013). Clive Moore, "The Misappropriation of Malaitan Labour: Historical Origins of the Recent Solomon Islands Crisis," *The Journal of Pacific History* 42, no. 2 (2007): 211 - 32. *Happy Isles in Crisis: The Historical Causes for a Failing State in Solomon Islands, 1998-2004* (Canberra: Asia Pacific Press, 2004).
[391] Hameiri, "The Trouble with RAMSI: Reexamining the Roots of Conflict in Solomon Islands," 410.
[392] Ibid.
[393] Benjamin Reilly, "State Functioning and State Failure in the South Pacific," *Australian Journal of International Affairs* 58, no. 4 (December 2004): 479–93. Wainwright, "Responding to State Failure—the Case of Australia and Solomon Islands," 485-98. "Our Failing Neighbour: Australia and the Future of Solomon Islands. Canberra."
[394] Hameiri, "The Trouble with RAMSI: Reexamining the Roots of Conflict in Solomon Islands," 411.
[395] Ibid., 411-12.
[396] Ibid., 413.

> networks that hitherto worked to mitigate the effects of highly uneven economic development.[397]

Put another way, a cause of the conflict was the marginalisation of the development aspirations of Solomon Islanders by state leaders due to patronage politics, the desire to maintain political power and state policies such as public service reform programs that society was not receptive to.[398] The social, political and economic conditions of Solomon Islands are also important factors in explaining the conflict.

Before the intervention by Regional Assistance Mission to Solomon Islands (RAMSI) in Honiara, Solomon Islands showed many features of state failure.[399] RAMSI intervened in 2003 after the National Parliament of Solomon Islands passed an Act to legalise RAMSI's entry.[400] RAMSI was dubbed a partnership between Solomon Islands, Australia and 14 other Pacific Island countries that are members of the Pacific Islands Forum.[401] On 22 April 2003, the then Prime Minister of Solomon Islands, Allen Kemakeza, wrote a letter to Australia's Prime Minister John Howard requesting an international assistance mission.[402] The Pacific Islands Forum responded by using the Biketawa Declaration of 2000[403] to enable an international mission to intervene in Solomon Islands. Australia agreed to lead and fund the international mission; hence, in July 2003, a treaty was signed.[404] RAMSI helped restore law and order, restabilise the economy and rebuild state institutions.[405] It also demobilised the militants, stabilised government finances and delivered crucial public services.[406] Peace was restored in Solomon Islands because of RAMSI's intervention.[407] RAMSI remained in Solomon Islands from 2003 to 2017.

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[397] Ibid.
[398] Ibid., 409-41.
[399] Wainwright, "Responding to State Failure—the Case of Australia and Solomon Islands," 487.
[400] *Facilitation of International Assistance Act 2003 (Solomon Islands)*, (23 July 2003).
[401] For a comprehensive history of the Regional Assistance Mission to Solomon Islands see Michael Wesley, *Helpem Fren: Australia and the Regional Assistance Mission to Solomon Islands 2003–2017* (Victoria: Melbourne University Press, 2023).
[402] Letter by the Solomon Islands Prime Mminister (Allen Kemakeza) to Australia's Prime Minister (John Howard) in possession of the author.
[403] *Biketawa Declaration*, (28 October 2000).
[404] *Agreement between Solomon Islands, Australia, New Zealand, Fiji, Papua New Guinea, Samoa and Tonga Concerning the Operations and Status of the Police and Armed Forces and Other Personnel Deployed to Solomon Islands to Assist in the Restoration of Law and Order and Security*, (24 July 2003). Tarcisius Tara Kabutaulaka, "Australian Foreign Policy and the RAMSI Intervention in Solomon Islands," *The Contemporary Pacific* 17, no. 2 (2005): 283–308.
[405] Judy Putt et al., "The RAMSI Legacy for Policing in the Pacific Region," (Canberra: Department of Pacific Affairs, Australian National University, 2018).
[406] Jeni Whalan, "Ramsi's First Phase—Early Effectiveness in 2003–2004," in *How Peace Operations Work: Power, Legitimacy, and Effectiveness* (Oxford: Oxford University Press, 2013), 148–71.
[407] For commentaries about RAMSI see Julien Barbara, "From Intervention to Partnership – Prospects for Development Partnership in Solomon Islands after the RAMSI," *Asia & The Pacific Policy Studies* 1, no. 2 (2014): 395 – 408; Craig and Porter, "Political Settlement in Solomon Islands: A Political Economic Basis for Stability after

Although RAMSI opened a new door for a better Solomon Islands, national-level governance challenges persist. For instance, political instability, threats of government change and social uprisings continue to feature prominently in national politics. Similarly, the parliamentarians, executive government and formal state apparatus are mostly seen as self-serving and corrupt, hence reducing public confidence in them.[408] Some scholars have argue that the riots in 2006 referred to as Black Tuesday by Transform Aqorau, which saw the burning of Chinatown in Honiara, affirmed society's lack of confidence in the executive government, MPs and state.[409] Similarly, Tarcisius Kabutaulaka argues that the 2006 riots were a reflection of the problems of the Westminster system of government in Solomon Islands, in particular, its lack of representative government and lack of a proper mechanism to regulate how political power is played out in practice.[410] The 2021 Honiara riots, which I personally witnessed, and which devasted crucial shopping centres and important business houses, demonstrated the continuing wide gap and weak relationships between the state apparatus and society.

5.3 A Narrow and Poor Economic Footing

In this section, I argue that the economy of Solomon Islands is narrow-based, fragile with a small private sector and a weak public sector. It is aid dependent and lacks a cohesive middle class.

5.3.1 Solomon Islands' Capitalist Economy: Narrow and Fragile

The Solomon Islands economy is both narrow-based and fragile. Such fragility, scholars have argued, was inherited from the colonial period.[411] Solomon Islands was exposed to the global cash economy long before World War II (WWII) with the establishment of plantations and the recruitment of Solomon Islanders.[412] WWII and the post-ward period intensified it. Despite exposure to the global cash economy, the Solomon Islands economy like other economies of Pacific Island Countries "focused largely on meeting the costs of the colonial administration

RAMSI?."; Sinclair Dinnen and Allen Matthew, "Sustaining the Gains in Post-RAMSI Solomon Islands," In Brief, *State, Society & Governance in Melanesia* (2015); Hameiri, "The Trouble with RAMSI: Reexamining the Roots of Conflict in Solomon Islands," 409-41; Jenny Hayward-Jones, "Australia's Costly Investment in Solomon Islands: The Lessons of RAMSI," (Sydney: Lowy Institute for International Policy, 2014); Kabutaulaka, "Australian Foreign Policy and the RAMSI Intervention in Solomon Islands," 283–308; Clive Moore, "Pacific View: The Meaning of Governance and Politics in the Solomon Islands," *Australian Journal of International Affairs* 62, no. 3 (2008): 386-407.

[408] Matthew Allen, "Politics of Disorder: The Social Unrest in Honiara," in *Politics and State Building in Solomon Islands*, ed. Sinclair Dinnen and Stewart Firth (Canberra: Asia Pacific Press, 2008), 39-63.

[409] Ibid.

[410] Tarcisius Tara Kabutaulaka, "Westminster Meets Solomons in the Honiara Riots," in *Politics and State Building in Solomon Islands*, ed. Sinclair Dinnen and Stewart Firth (Canberra: ANU Press, 2008), 96-118.

[411] Tarcisius Kabutaulaka, "Covid-19 and Re-Storying Economic Development in Oceania," *Oceania* 90 (2020): 48.

[412] Bennett, *Wealth of the Solomons: A History of a Pacific Archipelago, 1800-1978*.

and facilitating the exploitation of natural resources."[413] This economic trend continues in the postcolonial period. The Solomon Islands economy is dependent largely on natural resource extraction from logging, agriculture and fishing.[414] In the past few decades, logging has been the mainstay of the economy.[415] The Central Bank of Solomon Islands reported in 2019 that one of the largest contributors to rural incomes is forestry.[416] However, logging is unsustainable.[417] This is also the case with the mining industry.[418] Given the economy's narrow base, the tax base of the state is mainly limited to the extractive industries to keep the state machinery effective and functioning. This limited lifeline of the state coupled with concerns that the extractive industries, in particular logging and mining, have not been adequately managed by the relevant state apparatus pose development challenges.

Coupled with the weak capitalist economy, in Solomon Islands, 80 per cent of the population live in rural areas. In the main, the livelihood of the rural population is based on subsistence agriculture and fishing. According to Tarcisius Kabutaulaka:

> the subsistence sector is not accounted for in the economic data, or measurements of livelihood. Over time, the subsistence sector dwindled, partly because of a growing population and limited land, but also because of a system that values and rewards participation in the cash economy.[419]

Local participation in large-scale economic ventures is minimal and economic returns to customary landowners are insignificant.[420] For instance, before the ethnic tension in 1998, the British Commonwealth Development Corporation (CDC), according to the shareholder arrangement of the Solomon Islands Plantation Limited, owned 68 per cent of the total revenue shares from the palm oil plantation situated in Guadalcanal plains, the Solomon Islands Government (SIG) owned 30 per cent and customary landowners only two percent.[421] A similar

[413] Kabutaulaka, "Covid-19 and Re-Storying Economic Development in Oceania," 48.
[414] Central Bank of Solomon Islands, "2016 CBSI Annual Report," (Honiara: Central Bank of Solomon Islands, 2017), 3-4.
[415] Judith A. Bennett, *Pacific Forest : A History of Resource Control and Contest in Solomon Islands, C. 1800-1997* (Cambridge: White Horse Press, 2000).
[416] Central Bank of Solomon Islands, "2019 CBSI Annual Report," (Honiara, Solomon Islands: Central Bank of Solomon Islands, 2020), 3.
[417] Bennett, *Pacific Forest : A History of Resource Control and Contest in Solomon Islands, C. 1800-1997*.; Doug Porter and Matthew Allen, "The Political Economy of the Transition from Logging to Mining in Solomon Islands," in *State, Society & Governance in Melanesia Discussion Paper* (Canberra: Department of Pacific Affairs, The Australian National University, 2015).
[418] Porter and Allen, "The Political Economy of the Transition from Logging to Mining in Solomon Islands."
[419] Kabutaulaka, "Covid-19 and Re-Storying Economic Development in Oceania," 48.
[420] For examples of how land groups respond to economic development projects see "Land Groups, Land Registration, and Economic Development Projects on Guadalcanal, Solomon Islands," *Pacific Studies* 42, no. 3 (2019): 107-38.
[421] Hameiri, "The Trouble with RAMSI: Reexamining the Roots of Conflict in Solomon Islands," 420. For further analysis see Lincy Pendeverana, "Pursuing Livelihoods and Re-Imagining Development in the Oil Palm Regions of the Guadalcanal Plains, Solomon Islands" (PhD, The Australian National University, 2020).

framework exists in the logging industry: local people receive minimal monetary shares compared to brokers, logging companies and the state where the standard logging agreement provides for the fact that 60% goes to loggers, 25% to the state and customary landowners only gets 15%.[422] Among other factors, the argument is that the limited shares and ownership by local primary owners is a ramification of the introduced economic modal. Put another way, a negative consequence of the capitalist economy is that it marginalises local people and local actors. Against this background, most Solomon Islanders live in villages. They depend most of the time on a barter system characterised by *custom* as an essential mode of exchange. *Custom* also regulates the *customary* (original) land on which people live. Tribes and clans own *customary* land, not individuals. Clan ownership of *customary* land comes with challenges in that it complicates the development of *customary* land. This is further complicated by *customary* land disputes, which negatively affect development in rural areas. Thus, although rural people entangled in the cash economy and that there is nothing such as a purely subsistence sector in Solomon Islands, the rural economy is not a vibrant economic platform for rural populace and there is limited circulation of the cash economy.

The narrow base of the economy and the fact that 80 per cent of the population survives on subsistence agriculture partially explain why Solomon Islanders tend to lack clear cash-based livelihoods. Nanette Tutua, a Solomon Islands businesswoman and senior public servant, describes the effect of this: “Because we do not have a clear cash-based livelihood, we kept going to the politicians for help.”[423] This means that the weak capitalist economy has ramifications for political clientelism. Put another way, CDFs as patron-client relations are driven by structural factors within and from the economy. From an economic standpoint, in the rural areas or constituency level, the means of capitalist production is not dominant—subsistence economy is more prevalent. In response to such minimal dominance of the capitalist economy, MPs mobilise support that is based on exchange. Due to weak capitalist economy in rural areas, political elites like MPs use exchange as a form of regulatory order vis-à-vis power relations. Hence, one way around such exchange which is complex and messy at times is the use of CDFs (state resources) by MPs for holding power. Structural economic factors (coupled with social factors like custom) therefore influence the emergence of CDFs in Solomon Islands.

[422] Tarcisius Tara Kabutaulaka, "Paths in the Jungle: Landowners and the Struggle for Control of Solomon Islands' Logging Industry" (PhD Thesis, Australian National University, 2001).
[423] Nanette Tutua, "Empowering Women in Business and Politics," in *Looking Beyond RAMSI: Solomon Islanders' Perspectives on Their Future*, ed. Clive Moore (Honiara: Regional Assistance Mission to Solomon Islands, 2013).

5.3.2 Aid Dependency

Solomon Islands is an aid-dependent country. Research by the ANU's Development Policy Centre showed that in the period from 2000 to 2002, Solomon Islands was the 35th most aid-dependent country globally.[424] However, by the period 2009 to 2011, Solomon Islands had become the second most aid-dependent country in the world.[425] From 2011 to 2016, Solomon Islands main donors were Australia, New Zealand, Japan and Taiwan.[426] According to the data of the Lowy Institute's Pacific Aid Map, in 2020 the top three donors are Australia, the World Bank and the People's Republic of China (PRC).[427] Australia is the biggest aid donor to Solomon Islands, providing an estimated AU$161 million in Official Development Assistance in 2021–22,[428] but its contribution to CDFs is minimal.

The impacts of aid in Solomon Islands are complex. A positive impact of aid is that it ensures the state continues to function and is responsible for infrastructure development in rural areas. For instance, the Central Bank of Solomon Islands reported in 2017 that: "Donor support was also a major contributor to growth through the donor funded capital projects that were built across the country."[429] However, one of its negative impacts concerns the way national leaders govern. According to a senior government officer who heads one of the ministries in Solomon Islands, "donors are displacing the government from meeting its obligations on infrastructure and giving opportunity for the government to put more money (loads of it) to CDFs."[430] This may resonate with the African context, wherein Dambisa Moyo argues that:

> aid engenders laziness on the part of the African policymakers. This may in part explain why, among many African leaders, there prevails a kind of insouciance, a lack of urgency, in remedying Africa's critical woes. Because aid flows are viewed (rightly so) as permanent income, policymakers have no incentive to look for other, better ways of financing their country's longer-term development … Large sums of aid, and a culture of aid-dependency,

[424] Hayward-Jones, "Australia's Costly Investment in Solomon Islands: The Lessons of RAMSI," 6.
[425] Ibid.
[426] Lowy Institute, "Solomon Islands," in Lowy Institute Pacific Aid Map.
[427] Ibid.
[428] Australian Government, "Solomon Islands Country Brief," ed. Department of Foreign Affairs and Trade (Australia: Department of Foreign Affairs and Trade, 2022). https://www.dfat.gov.au/geo/solomon-islands/solomon-islands-country-brief#:~:text=Australia%20is%20Solomon%20Islands'%20main,growth%20and%20enhancing%20human%20development; Hayward-Jones, "Australia's Costly Investment in Solomon Islands: The Lessons of RAMSI," 2.
[429] Central Bank of Solomon Islands, "2016 CBSI Annual Report," 4. For further insights about the impacts of aid see Paul Collier, "Aid to the Rescue?," in *The Bottom Billion: Why the Poorest Countries Are Failing and What Can Be Done About It* (Great Britain: Oxford University Press, 2008), 79-123.
[430] Public Servant A, 9 February 2022.

> also encourage governments to support large, unwieldy and often unproductive public sectors—just another way to reward their cronies.[431]

Debatably, Solomon Islands' dependence on donors, in particular Taiwan, for CDFs had ramifications for the diplomatic switch by Honiara from Taipei to Beijing in 2019. When Honiara had a diplomatic relationship with Taipei, CDFs were partly funded by the aid money from Taiwan, which constituted about 20 per cent of the total CDFs factored into the national budget. The remaining 80 per cent were from the SIG. Solomon Islands' dependence on aid for service delivery helps explain in part the diplomatic switch from Taiwan to PRC. As Zhang and Futaiasi argue that:

> central to the CDFs was the role and contribution of Taiwan—and now China … Taiwan had held onto a relationship with Solomon Islands while having only limited resources at its disposal. Yet pressure on CDFs continued to grow, as national leaders sought to deliver development and services while also using the funds to cultivate a political power base. As a consequence, Taiwan could not handle the pressures that related to the politics of CDFs. This political dynamic stemming from the desire to grow the funds available for infrastructure and other spending appeared to be the subtext of the recommendation to switch to China.[432]

PRC like Taiwan through aid (CDFs) assist in service delivery. It is reasonable to say that reliance on aid will be an enduring feature of the economy of Solomon Islands into the foreseeable future.

5.3.3 Small Private Sector

In Solomon Islands, the private sector is dominated by foreign capital and foreign businesses rather than indigenous businesses. Against that backdrop, the private sector environment is shaped by several natural factors as well as the public sector. First, Solomon Islands is a dispersed archipelagic state susceptible to natural hazards such as cyclones. Second, the growth of the private sector is hampered by the public sector and is thus at the mercy of external pressures. Commentators have said that the public sector acts as a significant barrier to private sector development in that "the state is a major manufacturer of inequity."[433] An Asian Development Bank (ADB) report states that some of the barriers exerted by the public sector on the private sector are high tax rates, weak public administration, poor provision of services

[431] Dambisa Moyo, "The Silent Killer of Growth," in *Dead Aid: Why Aid Is Not Working and How There Is Another Way for Africa* (London: Penguin Groups, 2009), 66.
[432] Denghua Zhang and Derek Futaiasi, "China Has Honiara Onside but Hasn't yet Won over Solomon Islands," *The Interpreter*, 23 January 2020.
[433] Jean-Francois Bayart, "The Unequal State: 'Little Men' and 'Big Men'," in *The State in Africa: The Politics of the Belly* (Cambridge: Polity Press, 2009), 60.

by state-owned enterprises, slow court processes and endemic corrupt practices within the civil services.[434] These geographical, state-centred and public sector factors have negative impacts on the private sector. An outstanding effect, according to the latest economic rankings by the World Bank, is that Solomon Islands ranked 136 among 190 economies for ease of business.[435] This rank had deteriorated from 115 in 2018.[436] Similarly, in 2005 the ADB found that the cost of doing business in Solomon Islands was very high compared to other Pacific Island countries.[437] This, among other factors, helps explain the limited engagement in the private sector by companies and potential investors, hence its narrow scope. Consequently, private sector investment plays a minimal role in impacting and driving economic growth. Arguably, a weak private sector is a basis for clientelism to flourish.

5.3.4 Weak Public Sector

The public sector in Solomon Islands also plays an important role in the national economy, but it is weak in its implementation of policies and delivery of services. The public sector forms a large part of the economy. It is controlled and dominated by the state and those who exercise power and authority to implement public policy.[438] In Solomon Islands, the government is the single largest employer. In terms of public service, the ministries responsible for its governance and management are the OPMC, the Public Service Commission and the Ministry of Public Service. The ministries central to fiscal allocation and control are the MoFT and the MDPAC.[439] With the OPMC and across all the ministries, the scope of their roles includes policy development and coordination. Against that backdrop, the 2016 *Solomon Islands Public Sector Satisfaction Survey* highlights that 84 per cent of public servants seem to have a good understanding of their roles and responsibilities, including knowledge about their ministries' responsibilities and how their work impacts service delivery and contributes to national development.[440]

However, the public sector in Solomon Islands faces many socio-institutional challenges, including problematic service delivery, public inefficiency, and corruption. These may be the

[434] Paul Holden and Sarah Holden, "Private Sector Assessment for Solomon Islands," (Sydney: Asian Development Bank, 2005), 22-24.
[435] World Bank, "Economy Profile - Solomon Islands: Doing Business 2020," (Washing DC: World Bank Group, 2020). Also see "Doing Business 2020," (Washington DC: World Bank, 2020), 4. (Accessed 23 August 2020).
[436] "Doing Business 2020."; "Economy Profile - Solomon Islands: Doing Business 2020."
[437] Asian Development Bank, "Continuing Reforms to Stimulate Private Sector Investment: A Private Sector Assessment for Solomon Islands," (Manila, Philippines: Asian Development Bank, 2016).
[438] Solomon Islands Government, "Solomon Islands Government: The Cabinet Handbook," ed. Office of the Prime Minister and Cabinet (Honiara, Solomon Islands: Pacific Printers Limited, 2010).
[439] The MDPAC is now referred to as the Ministry of National Planning and Development Coordination.
[440] Jenny Povey, Stephanie Cook, and Bernard Baffour, "Solomon Islands Government - Solomon Islands Public Sector Satisfaction Survey," (Queensland: Institute for Social Science Research, The University of Queensland, 2016), 8.

effects of specific institutional workplace challenges, such as relatively low levels of remuneration and financial benefits across the public service awarded to public officials.[441] Another institutional challenge is insufficient resources for public servants to undertake their jobs.[442] For instance, a senior public servant at the Ministry of Public Service said that some argue that the exponential growth of CDFs is responsible for limiting the functions of the public service by shrinking the funds available to them for service delivery.[443] However, the fact is that for many years major ministries such as Ministry of Health and Medical Services and Ministry of Education and Human Resources have failed to spend the Development Budget funds that are allocated to them. Among other arguments, this standpoint suggests that the problem lies not so much in the availability of funds, as in the other areas, such as the ability to design capital spending programs, to procure goods and services and related procurement issues.

Other challenges include uncomfortable working conditions, reductions in resources without reductions in workload, too many approval points, unreasonable deadlines and a lack of strategic foresight by permanent secretaries.[444] Similarly, there is minimal coordination and a lack of a whole-of-government approach in that "horizontal coordination to ensure that all ministries align their work with the policy goals and priorities of the government remains weak."[445] Other challenges affecting public servants are political in context. Fluid and unstable politics in Solomon Islands influence or affect the implementation of public service policy.[446] These institutional and political challenges have characterised the Solomon Islands public service since independence in 1978.

However, the roles of the public service are also influenced by certain socio-cultural factors. Situating my discussions within the state-in-society framing, I argue that state weakness can be explained by the relationship between the state and society. This relationship seems to affirm that society exerts more influence over the state than vice versa; hence, the state is weak compared to society. For example, according to the 2016 *Solomon Islands Public Sector Satisfaction Survey*, one of the social-cultural factors that impacts service delivery across all government ministries and agencies is *wantokism*.[447] In this context, *wantokism* refers to the

[441] Devesi, "The Solomon Islands Public Service: Organisations, Challenges and Reform," 241.
[442] Povey, Cook, and Baffour, "Solomon Islands Government - Solomon Islands Public Sector Satisfaction Survey," 47.
[443] Devesi, "The Solomon Islands Public Service: Organisations, Challenges and Reform."
[444] Povey, Cook, and Baffour, "Solomon Islands Government - Solomon Islands Public Sector Satisfaction Survey," 47.
[445] Devesi, "The Solomon Islands Public Service: Organisations, Challenges and Reform," 241.
[446] Ibid.
[447] Povey, Cook, and Baffour, "Solomon Islands Government - Solomon Islands Public Sector Satisfaction Survey," 45.

notion of favouring close relatives and people of the same language group.[448] Dauvernge highlights that state capacity is weakened by "competing identities and loyalties."[449] He notes that "many state officials identify more with family, kin, tribe, or *wantok* groups … than with the state." He explains that "for this reason, state officials will sacrifice state goals and revenue to support their kin, tribe or *wantok* group."[450] The 2016 *Solomon Islands Public Sector Satisfaction Survey* further highlights that "*wantokism* and its effect on transparency and accountability … [culminated] in its undue influence on decision making and informed policy planning."[451] Similarly, Dauvernge notes that "state administrative capacity is further undercut by strong cultural pressure on … bureaucrats."[452] Further, "informal and semi-traditional power relations that involve exchange or redistribution of material goods by state members to societal supports also contribute to distorted policies, lower state revenues, and weak enforcement."[453] Generally, the impact of society on the state is overwhelming, thus leading to a problematic state that is weak in terms of service delivery and the implementation of public good and infrastructure. The influence of society takes various shapes. In part, social forces have negative ramifications on state capacity to effectively implement policies and deliver public infrastructure. Thus, in the context of public service in Solomon Islands, the state is seen as weak.

5.3.5 Absence of a Middle Class

The definition of a middle class varies across different countries. Barbara, Cox, and Leach described the middle class of Solomon Islands as "small, precarious and implicated in a local political economy which militates against liberal political participation."[454] I argue that Solomon Islands has an emerging middle class that, given its infant state, is less powerful in advocacy and political participation. As such, it lacks a substantial impact on government policy implementation and service delivery. My definition means that the middle class is either part

[448] For further insights on wantok system see Gordon Leua Nanau, "Wantoks and Kastom," in *Global Encyclopaedia of Informality: Towards Understanding of Social and Cultural Complexity*, ed. Alena Ledeneva (London: University College London Press, 2018), 244-48. "The Wantok System as a Socio-Economic and Political Network in Melanesia," *OMNES: The Journal of Multicultural Society* 2, no. 1 (2011): 31-55.
[449] Dauvergne, "Weak States and the Environment in Indonesia and the Solomon Islands," 143.
[450] Ibid.
[451] Povey, Cook, and Baffour, "Solomon Islands Government - Solomon Islands Public Sector Satisfaction Survey," 47.
[452] Dauvergne, "Weak States and the Environment in Indonesia and the Solomon Islands," 143.
[453] Ibid.
[454] Julien Barbara, John Cox, and James Leach, "The Emergent Middle Classes in Timor-Leste and Melanesia: Conceptual Issues and Developmental Significance," in *State Society and Governance in Melanesia Discussion Paper* (Canberra: The Australian National University, 2015), 14. For more insights about middle class in Honiara see Rachael Jane Sara Gooberman-Hill, "Constraints of "Feeling Free": Becoming Middle Class in Honiara (Solomon Islands)" (PhD Thesis, The University of Edinburgh, 1999). For narratives on anthropological version of urban Melanesian class formation see Lorena Gibson, "Class, Labour and Consumption in Urban Melanesia," in *The Melanesian World*, ed. Eric Hirsch and Will Rollason (Routledge, 2019), 164-79.

of the government (politicians/public servants) or dependent on government monies/contracts to survive and prosper. The structural basis for the emergence of a viable middle class in Solomon Islands is weak. Barbara, Cox and Leach posits that this weakness is perpetuated by socio-economic challenges, including that the country is economically underdeveloped; that it is a post-conflict country still trying to rebuild its fractured nation-state; and that 80 per cent of its population, whose livelihoods are based on subsistence agriculture and fishing, live in rural areas.[455] These scholars argue that these factors, among others, militate against a viable emergent middle class.

However, Barbara, Cox and Leach suggest that by taking a broad definition of middle class characterised by socio-economic and political measures, "it is possible to discern the basis of an emergent middle class".[456] Some factors that provide the basis for such an emergence are resource or aid-driven economic growth, regional integration and the impact of social media.[457] Shahar Hameiri notes a small but influential "intermediary class" composed mainly of overseas educated professionals whose work intertwines with that of the state, donors and logging economies and can support a middle-class lifestyle.[458] The public service can be a potential conduit for a middle class as well. However, "many public service jobs are low skilled and it is at the higher end of the public service where public servants can be considered middle class."[459] The challenges these public servants face are that they constitute a very minimal portion of the population that lives in Honiara, are excluded from engaging in politics and are dependent on the state for employment.

Social media, in particular Facebook, also has given a platform for Solomon Islanders to create an emerging middle class. Transform Aqorau recognises this point when he said:

> Social media has facilitated a level of discourse never seen before in the Pacific Islands region … I am sure that every country has one devoted to critiquing national developments in their countries, not to mention their national leaders. Social media is truly transformative and is giving a voice to many who would otherwise remain silent.[460]

[455] Barbara, Cox, and Leach, "The Emergent Middle Classes in Timor-Leste and Melanesia: Conceptual Issues and Developmental Significance," 14.
[456] Ibid., 15.
[457] Ibid.
[458] Ibid., 13.
[459] Ibid.
[460] Transform Aqorau, "Choosing Our Leaders: Western Electoral Systems Versus Traditional Leadership Selection in the Pacific Islands — a Personal Perspective," in *State, Society & Governance in Melanesia*, State, Society & Governance in Melanesia (Canberra: The Australian National University, 2017).

Social media helps to harness and give democratic spaces for a variety of actors and networks to voice their concerns on issues of governance and regulation in Solomon Islands. However, the rural areas where 90 percent of Solomon Islanders live are yet to harness this opportunity.

Hence, a feature of the political economy of Solomon Islands is minimal pressure from a robust middle class to influence government policy for the advancement of public interest and development. A weak middle class is also related to a weak and disconnected governance system structure in Solomon Islands—the focus of the next section.

5.4 A Weak and Disconnected Governance Structure

The narrow and poor economic footing of Solomon Islands is characterised by a weak and disconnected governance structure that revolves around three layers: the national, provincial, and local. As I detail in this section, the power dynamics between these levels are at times messy. The national and provincial political structures are weak and disconnected from the local level.

5.4.1 Overview of Political Structures

Solomon Islands inherited a Westminster system of government from its time as a British protectorate. The Westminster system in Solomon Islands includes an executive branch made up of legislature members. The executive government, headed by the prime minister, is responsible to the legislature. There also exists a parliamentary opposition, political parties, and a ceremonial head of state (the governor general) who is different from the head of government (prime minister). There are currently two levels of government in Solomon Islands: the national government and the provincial government. A third tier, area councils, was abandoned between 1997 and 1998.[461] Generally, as will be depicted in the section 5.3.4, the formal state apparatus in Solomon Islands is weak and its presence in rural areas is minimal. However, at the local level, MPs, chiefs, traditional leaders, churches, and community governance structures continue to play pivotal roles in terms of governance. The following section highlights various bureaucratic and political structures in Solomon Islands and some of the contestations, problems and challenges that characterise them.

[461] Hameiri, "The Trouble with RAMSI: Reexamining the Roots of Conflict in Solomon Islands," 423.

5.4.2 National Level

Various sites of power exist at the national level. These institutions include the parliament, executive government, and the Caucus. The role of parliament is to pass legislation.[462] The role of the executive government (Cabinet) is to ensure, through its ministries, policy implementation and evaluation.[463] The Caucus, consists of Cabinet ministers and other MPs on the government side, also has a significant role in policy implementation because it can influence, and at times dictate, the Cabinet's decisions on issues concerning policy. The divide between these power sites is sometimes blurred because a decision by the Caucus is a decision of the Cabinet. Also, contestations between these power sites may arise concerning policies and their implementation. At times, such contestations can promote the healthy exchange of ideas and transparency. However, interviewees highlighted that there are times when contestations between these different sites of power—characterised by patronage networks and resource distribution—are minimised or downplayed to gain and consolidate power, undermine effective governance, waste public resources, and ensure corruption flourishes, thus damaging public confidence. Sinclair Dinnen and Matthew Allen observe that:

> These dynamics have been institutionalized through ever-expanding discretionary funds and the corrosive nexus between politicians and the logging industry. Set against these 'rules of the game', leaders have demonstrated little interest in extending the capabilities or reach of [public services/goods].[464]

Against this background, state leaders, in particular MPs, are also influenced by social forces from society.

5.4.3 Provincial Level

Solomon Islands is a constitutional monarchy, wherein the constitution is supreme, as opposed to the supremacy of parliament.[465] The provincial government system in Solomon Islands is a creature of the 1978 constitution, which stated in its preamble the necessity for a certain devolution of powers to provinces and mandated the parliament divide Solomon Islands into provinces in order to consider the role of traditional leaders in governance.[466] Thus, in 1981,

[462] Section 59(1) *Solomon Islands Constitution 1978 (Solomon Islands)*, (7 July 1978).
[463] Sections 35 and 36 ibid.
[464] Dinnen and Allen, "State Absence and State Formation in Solomon Islands: Reflections on Agency, Scale and Hybridity," 10.
[465] For further commentaries on the constitution and its development see Francis Saemala, "Constitutional Development," in *Solomon Islands Politics*, ed. Peter Larmour and Sue Tarua (Suva: Institute of Pacific Studies of the University of the South Pacific, 1983), 1-8. Yash Ghai, "The Making of Independence Constitution," ibid. (Institute of Pacific Studies of University of the South Pacific), 9-52.
[466] See section 114(2) Constitution 1978 (Solomon Islands).

the parliament passed the Provincial Government Act (PGA), which provided for the creation of provincial assemblies. The 1981 PGA was repealed in 1996 by the PGA 1996, which provided for both elected and appointed members (traditional leaders). However, the 1981 PGA was then reinstated as the 1997 PGA, thus denying the role of traditional leadership systems within the formal government system.[467] Hence, in terms of formal leadership and governance, the state apparatuses legally remain what Paul Mae called the "legitimate conduits"[468] for service delivery.

The PGA 1997 regulates the provincial government system and establishes provincial assemblies. A provincial assembly is composed of ward members who elect the provincial premier.[469] The premier has the power to choose an executive—both of whom are appointed by the minister for the Ministry of Provincial Government and Institutional Strengthening (MPGIS). The administrative arm of the executive is headed by a provincial secretary accountable to the executive. The executive is accountable to the provincial assembly. The provincial assembly, among other roles, has power to make ordinances to raise revenues and fees for the province, codify and register customary land rights, operate shipping services, improve infrastructure, ensure proper planning for its administrative headquarter and establish statutory bodies for provincial services, including economic activity.[470] It also has the power to appropriate funds and borrow money from government lenders to manage the province's socio-economic and administrative affairs.[471] It is often suggested that the provincial government is an agent of the national government. First, such agency relations mean that the "Minister [responsible for the MPGIS] may with the consent of the Cabinet and in consultation with the Provincial Assembly" amend the roles of the provincial assembly.[472] Second, the agency role means, in part, that the national government has the power to make provisions for the provincial government in terms of budgetary allocation and controls. For instance, the PGA 1997 clearly articulates that the minister responsible for the MPGIS has the power to approve provincial budgets, allocate revenues and even pass provincial ordinances.[473] This means that the provincial governments are at the mercy of the national government for public funds to

[467] Jennifer Corrin Care, "The Search for a More Appropriate Form of Government in Solomon Islands," in *Unfinished Constitutional Business?: Rethinking Indigenous Self-Determination*, ed. Barbara Hocking (Canberra, Australia: Aboriginal Studies Press, 2005), 159 - 69. Jennifer Corrin, "Breaking the Mould: Constitutional Review in Solomon Islands," *Revue juridique polynésienne* 13, no. 1 (2007): 143-68. Jennifer Corrin Care, "'Off the Peg'or 'Made to Measure' Is the Westminster System of Government Appropriate in Solomon Islands?," *Alternative Law Journal* 27, no. 5 (2002): 207-08.
[468] Paul Malai Mae, "Solomon Islands' Constitutional Dilemma: Local Participation, Customary Law and Traditional Institutions of Governance" (PhD Thesis, The University of Queensland, 2016), 101.
[469] In Solomon Islands constituencies are made up of wards.
[470] See schedule 3 *Provincial Government Act (Solomon Islands)*, (15 December 1997).
[471] Section 40 ibid.
[472] Section 26(2) ibid.
[473] See sections 38-39 ibid.

provide services or carry out its functions.[474] This context highlights that inherent in the relationship is the fact that power is centralised—a feature of power relations inherited from the protectorate period. This context also has implications for political power, executive and legislative control, and the management of public financial resources in a top-down way.

The provincial government has several roles. But due to weak representation exacerbated by infrastructure difficulties and the way the provincial government system through the law is framed, the provincial government has a marginal role in service delivery, a low capacity for law/policy making[475] and foreign relations. In terms of foreign relations, the provincial executive does not have the power to form any diplomatic ties with another country, although economic ties are allowed.[476] Economic relations with foreign countries are subject to approval by the minister for the MPGIS after consultation with the Cabinet.[477] Further, the involvement of provincial governments in decision-making concerning international arrangements by the national government is mainly by minimal consultation; hence, its views are primarily advisory. Recently, the Solomon Islands' switch of diplomatic allegiance from ROC to PRC became an issue of contention.[478] This contention later influenced how CDFs were regulated in Malaita Province, bringing to light the issue of power relations and how they affected the delivery of specific CDF-related projects involving People's Republic of China (PRC) in the BAC—an issue I turn to in chapter 8.

Against this messy legal background, the provincial governments continue to face socio-economic development challenges. Melanie Phillips, a former legal advisor to the MPGIS in Solomon Islands, observed that corruption is another problem facing provincial governments.[479] This observation is not new. Corruption is a recurring problem experienced

[474] Gordon Leua Nanau, "Solomon Islands," in *Pacific Ways: Government and Politics in the Pacific Islands*, ed. Stephen Levine (Wellington: Victoria University Press, 2016), 296.
[475] UNDP, Solomon Islands Government, and UNODF, "National Provincial Governance Strengthening Programme," (Honiara: Ministry of Provincial Government and Institutional Strengthening, 2008), 5.
[476] Section 33(4)(a) *Provincial Government Act (Solomon Islands)*. The provincial executive/government does not have power to form diplomatic relations with other countries, although members of the provincial government are selected by people within their wards and have responsibility to provide services to their rural populace and respond to their needs.
[477] Section 33(4)(b) ibid.
[478] Transform Aqorau to Devpolicy Blog, 25 November 2021, https://devpolicy.org/solomon-islands-slippery-slide-to-self-implosion-20211125/. Solomon Islands Government, "Assessment Paper by Ministry of Foreign Affairs and External Trade on the "Question of China"," ed. Ministry of Foreign Affairs and External Trade (Honiara: Ministry of Foreign Affairs and External Trade, 2019).
[479] Melanie Phillips, "What We Can Learn from Provincial Governments in Solomon Islands: A Personal Perspective - Part 1: Local Recruitment," in *Department of Pacific Affairs In Brief 2020/13*, Department of Pacific Affairs (Canberra: The Australian National University, 2020), 1. For other challenges facing the provincial government system in Solomon Islands see Gordon Nanau, "Decentralisation Reform in Solomon Islands," in *Governance and Reform in the South Pacific*, ed. Peter Larmour (Canberra: Australian National Unversity Press, 1998), 183-99. For a study of the provincial government system in Solomon Islands see Gordon Leua Nanau, "Decentralization, Development and Popular Participation in the Solomon Islands: A Study of the Provincial Government System" (MA Thesis, USP, 1995).

by many provincial governments. For instance, the mismanagement of public funds by provincial governments prior to the abolition of ward councils in 1998 was evident in the administration of public funds known as Small Island Communities Projects Special Assistance (SICOPSA). A study showed that there were several factors constraining the successful administration of these funds, which have since been abandoned:

- insufficient systems, and procedures that are ineffective in controlling the misuse and abuse of funds;
- little control over the appraisal and approval of applications;
- no measures of success;
- no monitoring and evaluation; and
- lack of a framework of national and provincial development plans.[480]

In addition to these problems, Shirley Randell, the lead consultant of a 1999 technical report entitled *Towards Quality Governance in Solomon Islands*, stresses some of the weaknesses of the provincial government system, including, among others:

- Sandwiched between the people and the national government, provincial government lacks the confidence and respect of the people.
- Provincial governments have limited scope for revenue generation.
- Management is subject to political manipulation in the use of funds.
- Provincial governments are financially ineffective.
- Provincial governments are unable to deliver services effectively.
- Provincial government bureaucracy is expensive and unresponsive to the real needs of rural people.
- Government grants are absorbed into financing the administrative machine rather than development of the rural sector.

[480] Shirley Randell, "Quality Governance in Solomon Islands," (Honiara: Government of Solomon Islands and Asian Development Bank, 1999), 75.

> • With no effective facilities for the inclusion of chiefs, provincial government is far removed from resources and finds it difficult to enter into resource development.[481]

Although these problems were highlighted in *Provincial Government Review: White Paper* of 1988, some still characterise the existing provincial government system.

Among other factors, these institutional problems partially influenced the national government to halt the SICOPSA, a grant that was an outcome of the rural development policy of the People's Alliance Party led by then prime minister Solomon Mamaloni.[482] Patteson Oti states that "[t]he creation of the SICOPSA funding was purposely aimed at enabling rural communities to be economically vibrant and self-sustaining [in order to be] self-financing."[483] Edward Huni'ehu, a former MP for East Are'Are constituency, says that SICOPSA was disbursed from the national government through area councils and later by the MPGIS from 1990 to 1993.[484] However, according to Huni'ehu, SICOPSA was curtailed in 1994 after allegations they were being abused by area councils.[485] Later, when the MPGIS managed SICOPSA, the same problem occurred. Huni'ehu says: "At one stage … it was controlled by the Ministry of Provincial Government. But when projects were allocated to constituencies, the public servants diverted them to different projects."[486] Interviewees highlighted that the removal of SICOSPA from both the budgets of the provincial governments and the Ministry of Provincial Government helps explain why CDFs were and are given to MPs, thus bypassing the provincial government.

But the rise of CDFs has complicated this picture by cutting across, as well as aggravating, this pre-existing contestation. Perhaps paradoxically, they are both decentralising (by directing resources to the subnational, constituency level) and centralising (by concentrating the control of state resources in the hands of national MPs, bypassing both national ministries and provincial governments).

The discussion in this section shows some problems experienced by the provincial governments and provides examples that highlight the challenges associated with the weak

[481] Ibid., 74. Also see Solomon Islands Government, "Provincial Government Review: White Paper," ed. Ministry of Home Affairs & Provincial Government, (Honiara, Solomon Islands: Ministry of Home Affairs & Provincial Government, 12 February 1988), 15.
[482] See Paterson Oti's statement - National Parliament of Solomon Islands, "Motion No. 5 of 29 August 2008," ed. Hanzard (Honiara: National Parliament of Solomon Islands, 2008), 4-5.
[483] Ibid.
[484] See Edward Huniehu's statement ibid., 14.
[485] Ibid.
[486] National Parliament of Solomon Islands, "Motion No. 5 of 29 August 2008," 14.

relationship between the national government and the provincial governments as well as the complexity of their bureaucratic relationships.

5.4.4 Local Level

Various clusters of power also exist at the local level, many of which are discussed in chapters six and seven. These actors include chiefs/traditional leaders,[487] MPs, ward members, constituency committees, ward committees, zone committees and kinship/tribal network groups. For instance, depending on the cultural context, a village has either a chief or big-man who has overall leadership in a village. In some parts of Solomon Islands, chiefs gain power and authority from hereditary processes, while a big-man's power stems from his wealth and generosity.[488] In some provinces like Isabel, the chief's role is so powerful that it is included in the provincial government system as an advisory body.[489] In other places, the power to influence is exercised by multiple actors embedded in village discourse. For instance, in certain parts of Solomon Islands, the major roles of chief and big-man are shared among several persons. One chief or big-man may be knowledgeable in genealogy, while another may be a chief or big-man concerning land and land rights and someone else may be a chief or big-man from a religious perspective. The roles and powers of these bodies sometimes overlap, creating uncertainty in terms of the application of their rules/principles and potentially generating conflict with state systems.

Churches also play a vital role in sharing power between *custom*-based actors and in activities concerning social service provisions at the local and village levels.[490] Concerning the importance of the roles of *custom*-based actors (non-state actors), Aqorau highlights:

> These structures or what could also be described as local, community, village-level governance arrangements coexist with the churches whose influence on the day-to-day lives of ordinary people cannot be

[487] Hilda Kii et al., "Hem Nao, Solomon Islands, Tis Taem: Report of the Csp Community Snapshot," ed. David Lawrence and Matthew Allen (Honiara: Community Sector Program, 2006), 83.
[488] Raymond Firth, Richard Feinberg, and Karen Ann Watson-Gegeo, *Leadership and Change in the Western Pacific: Essays Presented to Sir Raymond Firth on the Occasion of His Ninetieth Birthday*, vol. 66 (Berg Publishers, 1996). David Welchman Gegeo and Karen Ann Watson-Gegeo, "Priest and Prince: Integrating Kastom, Christianity and Modernization in Kwara'ae Leadership," in *Leadership and Change in the Western Pacific: Essays Presented to Sir Raymond Firth on the Occasion of His Ninetieth Birthday*, ed. Raymond Firth, Richard Feinberg, and Karen Ann Watson-Gegeo, London School of Economics Monographs on Social Anthropology (London: Athlone Press, 1996), 298-342. Elota and Keesing, *Elota's Story: The Life and Times of a Solomon Islands Big Man*.
[489] Graham Baines, "Beneath the State: Chiefs of Santa Isabel, Solomon Islands, Coping and Adapting," in *State Society & Governance in Melanesia Working Paper Series*, State Society & Governance in Melanesia (Canberra: The Australian National University, 2014), 3. Geoffrey White, "Chiefs, Church, and State in Santa Isabel, Solomon Islands," in *Christian Politics in Oceania*, ed. Matt Tomlinson and Debra McDougall (New York: Berghahn Books, 2012), 171-97.
[490] "Chiefs, Church, and State in Santa Isabel, Solomon Islands," 171-97.

> underestimated. It could be argued that, at the village level, it is the confluence of the church and the various village governance arrangements that often coagulate around selected elders, youth and women leaders that has the most influence on the day-to-day affairs and welfare of communities. While it is not the case everywhere, in some countries these coordinated arrangements and the nexus between church and community are very strong and, indeed, are stronger as you move further away from urban areas.[491]

In addition to the interaction between churches and other non-state governance structures at the local community and village level, churches' roles in health and education services are also profound. Churches operate secondary schools, vocational schools, and hospitals. These service provisions are not new; they have been churches' cardinal activities since the protectorate days.[492] Graham Hassall argued that Christian missions have intentionally and unintentionally contributed to state formation in many Melanesian states.[493] For instance, some well-known church-based secondary schools are Selwyn College, Betikama Adventist College and Goldie College. In Malaita, the Seventh Day Adventist Church operates the Atoifi Adventist Hospital. In Western Province, the Catholic Church runs a vocational school in Vanga, Kolombangara. In these ways, churches are filling in the roles of the state at the provincial and local levels. At the village level, churches, among other actors, provide the foundation for stability and order. Although an introduced entity, churches, or Christianity, play an important role in provincial/village governance and have provided critical educational and health services for people in Solomon Islands since the protectorate era.

Against the aforementioned background, a conspicuous feature of many rural areas is the minimal, or lack of, state presence. Basic infrastructure like schools, hospitals, roads, and wharves are minimal or, at worst, lacking because, among other factors, the state lacks the capacity to bring the socio-economic development to rural areas and villages need to improve their livelihoods. The state's incapability or lack of "infrastructural power", to use the words of sociologist Michael Mann, makes its development role questionable for many rural people. This incapability was also the case during and after 1978.[494] Consequently, Sir Peter Kenilorea, Solomon Islands' first prime minister, observes in his autobiography: "The much-desired equal

[491] Aqorau, "Choosing Our Leaders: Western Electoral Systems Versus Traditional Leadership Selection in the Pacific Islands — a Personal Perspective," 1.
[492] Graham Hassall, "Faith-Based Organisations and Social Policy in Melanesia," *Australian Journal of Social Issues* 47, no. 3 (2012): 389 - 406. "Religion and Nation-State Formation in Melanesia: 1945 to Independence" (PhD Thesis, The Australian National University, 1990).
[493] Hassall, "Religion and Nation-State Formation in Melanesia: 1945 to Independence."
[494] See Matthew G. Allen, "Post-World War II Development Planning, Enclave Development, and Labor Migration," in *Greed and Grievance*, ed. Brij Lal (Honolulu: University of Hawai'i, 2013), 86-96.

distribution of development throughout the country has yet to be achieved."[495] Similarly, the World Bank and certain scholars have argued that the development pattern is unequal in Solomon Islands.[496] Kenilorea notes that "[i]t would appear [that] constraining factors include the problem of traditional land tenure … and meaningless politicising of priorities in development locations."[497] The lack of state presence is visible in many of the rural areas of Solomon Islands.

While some academics broadly highlight that state withdrawal or state absence from rural areas is evident in Solomon Islands, others disagree. Dinnen and Allen observe that in the postcolonial period, the government has, to some extent, provided development in areas such as health and education.[498] They also observed that nowadays, the "exponential expansion" of the CDFs given to MPs is evidence of state delivery of resources to rural people.[499] Dinnen and Allen further note that "the state has withdrawn its support for local *custom* authorities."[500] Therefore, they argue that while the state is absent in many areas, its provisions continue to fund other sectors like education and health. While this argument by Dinnen and Allen holds a few drops of water, Solomon Islands generally has enclave development,[501] and growth is more concentrated in urban areas with minimal rural development and profound state absence in many rural areas.

5.5 A Plural and Confusing Legal System

The weak and disconnected governance system described in section 5.4 is characterised by a pluralistic and at times confusing legal system. One of the challenges of plural legal systems is that they contain different sources of laws. Plurality, therefore, can breed ambiguity and inconsistency in the application of laws, which at times influences decision-making by the political state to consider context, space and place[502] rather than the black letter law.

[495] Peter Kenilorea, "The First Prime Minister, 1978-1981," in *Tell It as It Is: Autobiograpy of Rt. Hon. Sir Peter Kenilorea*, ed. Clive Moore (Taipei: Centre for Asia-Pacific Area Studies, Research Center for Humanities & Social Science, Academia Sinica, 2008), 249.
[496] World Bank, International Finance Corporation, and Multilateral Investment Guarantee Agency, "Solomon Islands: Systematic Country Diagnostic Priorities for Supporting Poverty Reduction & Promoting Shared Properity," (Washington, DC: World Bank, 2017), 74-75.
[497] Kenilorea, "The First Prime Minister, 1978-1981," 249.
[498] Dinnen and Allen, "State Absence and State Formation in Solomon Islands: Reflections on Agency, Scale and Hybridity," 3.
[499] Ibid.
[500] Ibid.
[501] See World Bank, International Finance Corporation, and Multilateral Investment Guarantee Agency, "Solomon Islands: Systematic Country Diagnostic Priorities for Supporting Poverty Reduction & Promoting Shared Properity," 74.
[502] For a comprehensive explanation of place see Kate Higgins, "A Nation of Villages? Exploring Governance in Melanesia" (PhD Thesis, The University of Queensland, 2018).

5.5.1 Overview

The main legal systems in Solomon Islands are the state legal system introduced during the time of British rule from 1893 to 1977 (commonly referred to as the protectorate period) and the *custom* system. The state legal system encompasses the common law legal system wherein the courts interpret the laws, and the legislature passes new laws and statutes for society. The divide between the courts and the legislature is governed by the principle of the separation of powers. The court system has various layers. In order of hierarchy, it consists of higher and lower courts: the Court of Appeal, High Court, Magistrates Court, Customary Land Appeal Court (in relation to customary land disputes), local court and chiefs'/traditional leaders' settlements (mainly customary land disputes). These courts are characterised by their different jurisdictions as stated by the laws that establish them.[503] Decisions of higher courts bind those of the lower courts.

However, the national level courts of Solomon Islands, like those of many other Pacific Island countries, are slow to develop their jurisprudence. They frequently rely on English common law and thus give little attention to ensuring the development of local jurisprudence.[504] Common concerns about the court system revolved around limited court officers in provincial centres, disrupted court circuits, the expensive nature of litigation and the limited reach of the courts in rural areas.[505] Dinnen and Allen argue that these challenges were an outcome:

> of long-standing neglect of justice services by successive Solomon Islands' governments, as well as the state's severely limited fiscal capacity. Law and justice have never been a priority in domestic policy-making or in the allocation of public resources. This has resulted in a chronic underfunding of the justice sector, which is especially apparent outside of the urban centres.[506]

As a result, the courts in many parts of Solomon Islands have been poorly resourced, and as observed by Dinnen and Allen, the state has long withdrawn its support for the justice sector.[507]

5.5.2 Different Sources of Laws

Like other Melanesian countries, Solomon Islands has a legal system that recognises different laws, norms and institutions, hence its description by scholars of legal pluralism as a legally

[503] See Jennifer Corrin Care, "Courts in Solomon Islands," *LAWASIA Journal* (1999): 98–113.
[504] Jennifer Corrin, "Moving Beyond the Hierarchical Approach to Legal Pluralism in the South Pacific," *Journal of Legal Pluralism and Unofficial Law* 59 (2009): 31.
[505] Dinnen and Allen, "State Absence and State Formation in Solomon Islands: Reflections on Agency, Scale and Hybridity," 10.
[506] Ibid.
[507] Ibid., 3.

pluralist jurisdiction. An essential feature of the legal system is the various sources of laws recognised by the Constitution of 1978. The sources of laws articulated under schedule 2 of the Solomon Islands Constitution are the constitution, legislation (Acts of parliament, local/adopted/introduced legislation), subsidiary legislation (local/adopted/introduced), custom, common law and equity.[508] In general, various sources of laws exist in more than one social space. In terms of the relationships between these laws, the Constitution is the supreme law; thus, any other source of laws inconsistent with the Constitution is considered void and of no effect. Generally, legislation or Acts of Parliament overrides custom, as well as common law and equity in the event of inconsistency. As far as common law and equity are concerned, their application is determined by whether the context and circumstances deem it fit and proper. International law is also an essential source of laws, but it does not automatically become part of the domestic (national) law, except for customary international law. After the accession or ratification of a treaty or convention, parliament must domesticate the treaty/convention by reference and incorporation before it becomes a valid part of the legal system. Although the relationships between these various sources of laws are clearly articulated by the Constitution, in practice, such relationships are contested when *custom* as a source of law is inconsistent with other state laws.

5.5.3 Custom

The *custom* legal systems remain an integral part of the lives of many Solomon Islands. Jennifer Corrin stresses that “it [*custom* legal systems were] in force prior to colonisation and co-existed during the colonial period with the acquiescence of authorities.”[509] In many rural areas, where 80 per cent of the population resides on customary land, *custom* is the main source of law. It regulates customary land tenure, leadership positions, dispute resolution, marriage, politics and social gatherings like feasting, deaths, and adoption, to name a few. Among other regulatory actors within the village, *custom* is an important principle that binds many rural villages. Hence, many rural villages are regulated according to *custom*. People organise themselves and live according to *custom*. As articulated by David Gegeo, *kastom (custom)* is what distinguishes Solomon Islanders from outsiders.[510] Moreover, *custom* often dictates peoples’ world views. Central to this is the way Solomon Islanders understand the role of their leaders as big-men and chiefs.

[508] For a general discussion see Jennifer Corrin and Don Paterson, "State Laws," in *Introduction to South Pacific Law* (United Kingdom: Routledge-Cavendish, 2007), 1-44.
[509] Corrin, "Moving Beyond the Hierarchical Approach to Legal Pluralism in the South Pacific," 31.
[510] Gegeo, "Kastom Nao Stretem Iumi: Views from Kwara’ae on Cultural Policy in Melanesia," 43-54.

Custom systems vary throughout the country. In many parts of Solomon Islands, *custom* systems have not been codified. In terms of criminal law, case-law position is that *custom* is applicable only as a mitigating factor in criminal cases.[511] Further, the Constitution recognises *custom* as a source of law, but *custom* is subjected to other Acts of Parliament and other state laws.[512] Acts of Parliament also recognise *custom* and its institutions. An example includes the Local Courts Act, which recognises the power of chiefs and traditional leaders to deal with customary land disputes. The Solomon Islands National Provident Fund Act also recognises *custom* concerning the determination of beneficiaries if a person who saved money with the Solomon Islands National Provident Fund Bank dies. The recent Anti-Corruption Act 2018 recognises *custom* as a defence against corruption offences. The aforementioned Acts demonstrate an increasing recognition and role of *custom* being articulated in some of the legislation, signifying its importance and the interrelationships between socio-cultural contexts and contemporary society.

5.5.4 Legal Pluralism

Legal pluralism is a defining feature of legal systems in many developing countries. Brian Tamanaha described legal pluralism as "the co-existence of different laws, norms and institutions in a given space."[513] Against this backdrop, Solomon Islands form of legal pluralism is characterised by state laws, custom, tradition, religion, and state actors operating side by side. At times, the complications that come with legal pluralism can be a source of conflict. Sometimes, the aforementioned sources of laws, norms and institutions contradict each other. For instance, according to Corrin, the relationship between *custom* and common law and equity is in doubt, although it is clearly articulated in the Constitution that *custom* overrides common law and equity; in practice, the courts hardly apply that.[514] Further, the relationships between *custom* and constitutionally entrenched fundamental rights are often ambiguous.[515] Similarly, the emphasis on positivist legal pluralism places the state and state law above other

[511] See *R V Nelson Funifaka & Others*, Criminal Case No. 33 of 1996, High Court of Solomon Islands, (Unreported) (1996).
[512] For commentaries on the relationship between kastom and other state laws see: Kenneth Brown, *Reconciling Customary Law and Received Law in Melanesia: The Post-Independence Experience in Solomon Islands and Vanuatu* (Charles Darwin University Press, 2005); Kenneth Brown and Jennifer Corrin Care, "More on Democratic Fundamentals in Solomon Islands: Minister for Provincial Government V. Guadalcanal Provincial Assembly," *Victoria University of Wellington Law Review* 32, no. 3 (2001); "Putting Asunder: Divorce and Financial Relief in Solomon Islands," *Oxford University Commonwealth Law Journal* 5, no. 1 (2005); Jennifer Corrin Care and Kenneth Brown, "Marit Long Kastom: Marriage in the Solomon Islands," *International Journal of Law, Policy and the Family* 18, no. 1 (2004).
[513] Brian Z Tamanaha, "The Rule of Law and Legal Pluralism in Development," *Hague Journal on the Rule of Law* 3 (2011): 2.
[514] Corrin, "Moving Beyond the Hierarchical Approach to Legal Pluralism in the South Pacific," 31-32.
[515] Ibid., 32.

laws, creating an imbalance that at times does not reflect the socio-economic context of Solomon Islanders.

5.6 A Personalised and Untidy Political Environment

The narrow economic footing, disconnected governance system and pluralistic nature of the legal system are further characterised by an untidy political environment. Electoral politics in Solomon Islands is messy and personal.[516] It is partly influenced by clientelism, big-man politics and a lack of voter interest in state policies—which does not impact how people vote for candidates.

5.6.1 Politics of Elections and Clientelism

National and provincial elections are an important component of the political system and have their basis in the Constitution and relevant legislation. Solomon Islands adopts a first-past-the-post electoral system. National general elections to elect representatives to the parliament are held every four years.[517] According to Aqorau, "the typical [MP] is elected with just over a third of the votes, meaning the majority of the electors did not, in fact, choose the winning candidate to represent them."[518] Election periods are a time of political havoc. The situation leading to the voting date is sometimes hostile and "political ramblings" for favour and power are usually undertaken, at times behind "backdoors". The backdrop against which national general elections are held was partly explained by Aqorau:

> Getting into parliament is an expensive exercise: at the baseline there is the geographic dispersal of the islands, isolation of the villages and distances that have to be covered to campaign. Then food that has to be bought to feed people during political rallies and meetings and on top of that, voters use the occasion to extract whatever support they can by way of funding from the candidates. One prospective candidate had, by June 2018, received requests for up to 40 laptop computers, a 23-foot ray boat and a 40-horse power engine—and had to borrow SB$40,000. Prospective candidates are already getting invoices for school fees, requests for support to transport dead relatives' bodies back to the villages, even diapers![519]

[516] For further discussion see Terence Wood, "Can Solomon Islands Escape Its Clientelist Trap?," in *Governance and Democracy in the Asia-Pacific Political and Civil Society*, ed. Stephen McCarthy and Mark R. Thompson (New York: Routledge, 2020), 107-24.
[517] This year (2022) the Solomon Islands National Parliament amended the Constitution to extend the life of parliament from four to five years specifically for the current parliament. For comments regarding this, see Joseph D. Foukona, "Extending Parliament's Life in Solomon Islands: A Potential Pretext for Bad Precedent," news release, 28 April, 2022, https://constitutionnet.org/news/extending-parliaments-life-solomon-islands-potential-pretext-bad-precedent.
[518] Transform Aqorau, "The 2019 National General Election in Solomon Islands — a Personal Perspective: Navigating a Maze of Challenges," *In Brief*, no. 5 (2019).
[519] Ibid.

Such socio-cultural practices occur close to election periods and are now embedded in the political cultures of many, if not all, the constituencies in Solomon Islands. Put another way, petty disbursements by politicians to their supporters and constituents before, during and after national general elections are now a cardinal part of the political culture of Solomon Islands.[520] Such a backdrop is also characterised by clientelism, which generally "refers to the practice of providing personal favours—jobs, contracts, welfare support, money, and so forth—in exchange for electoral support."[521] Political clientelism is a contested process as it involves, but is not limited to, the relationship between the state, politicians, *custom*, public money and voters.

Terence Wood argue that clientelism in Solomon Islands and PNG is a central feature of governance in that it is both a cause and effect of governance and development.[522] Taking into account current political science literature on clientelism, Wood identifies its two main elements: contingent exchange and particularism.[523] According to Wood, "in a democracy, [a] contingent exchange involves voters providing electoral support for candidates, and in return [they are] provided with material benefits."[524] Wood notes that particularism entails a restricted provision of benefits to voters by politicians along family or *wantok* lines.[525] Like in PNG, these central aspects of clientelism are present in Solomon Islands, according to Wood. Clientelism is evident during election times when voters consider candidates based on, among other factors, personal or localised benefit. Moreover, politicians usually focus their delivery, whether it be of goods or services, on their supporters and families, largely to the exclusion of other constituents.

There are several explanations for the emergence of clientelism. It is often argued that clientelism is a legacy or part of the traditional cultural heritage.[526] However, Wouter Veenendaal and Jack Corbett, in their examination of the influence of state size on the

[520] Cox, "The Politics of Distribution in Solomon Islands: North Vella Lavella Constituency," 2.
[521] Berenschot, "The Political Economy of Clientelism: A Comparative Study of Indonesia's Patronage Democracy," 1564.
[522] Terence Wood, "Is Culture the Cause? Choices, Expectations, and Electoral Politics in Solomon Islands and Papua New Guinea," *Pacific Affairs* 89, no. 1 (2016); "The Clientelism Trap in Solomon Islands and Papua New Guinea, and Its Impact on Aid Policy," *Asia & the Pacific Policy Studies* (2018); "Understanding Electoral Politics in Solomon Islands," in *Centre for Democratic Institutions Discussion Paper* (Canberra: Australian National University., 2014); to Devpolicy Blog, 27 August, 2012, http://www.devpolicy.org/poor-political-governance-in-solomon-islands-what-can-donors-do20120827/.
[523] Wood, "The Clientelism Trap in Solomon Islands and Papua New Guinea, and Its Impact on Aid Policy," 482-83.
[524] Ibid., 482.
[525] Ibid.
[526] Wouter Veenendaal and Jack Corbett, "Clientelism in Small States: How Smallness Influences Patron–Client Networks in the Caribbean and the Pacific," *Democratization* 27, no. 1 (2020): 75.

characteristics and effects of clientelistic linkages, argue that the smallness of the state contributes to the prevalence of clientelistic relations:

> Firstly, direct connections between citizens and politicians limit the need for brokers or complex and hierarchical party "machines", because most of the exchanges occur on a very personal, face-to-face level. Second, the power of clients vis-à-vis patrons seems to be enhanced by smallness, as politicians are electorally dependent on a smaller number of voters. Caribbean and Pacific citizens can exert enormous pressure on politicians to provide them with goods and services, meaning that particularistic exchanges appear to be as much client- as patron-driven. Finally, due to the closeness, social intimacy, and lack of political anonymity, options for controlling and monitoring clientelistic exchanges are enhanced, giving both patrons and clients greater opportunities to monitor whether their counterpart(s) actually fulfil their clientelistic commitments.[527]

Drawing on the aforementioned factors, Veenendaal and Corbett, in their study of clientelism in the Caribbean and Pacific, are correct in their observation that:

> [i]n comparison to other countries and world regions in which patron–client linkages are commonplace, small Caribbean and Pacific societies produce a form of clientelism that has a very direct and personal character.*528*

The prevalence of clientelism has long been at the core of Solomon Islands politics. It is against such a backdrop that the governance of CDFs is situated.

5.6.2 The Politics of the Relationship between Rural People and the State

Another noticeable but dynamic feature of the politics of elections is the lack of a strong relationship between the socio-economic policies advocated by contestants and the needs of the local populace. In other words, there is a lack of positive proximity between these socio-economic policies and the people, a fact that revolves around the existence of weak political parties in Solomon Islands.[529] During election periods, voters give little regard to these policies. Hence, socio-economic policies are not a vital factor influencing how people vote, and it is reasonable to say that the impact of policies on voting choices is minimal to non-existent. Aqorau rightly observes that:

> unfortunately, elections are never about policies that will build the economy, improve health and education standards and services and, notwithstanding

[527] Ibid.
[528] Ibid., 74.
[529] See Wesley, *Helpem Fren: Australia and the Regional Assistance Mission to Solomon Islands 2003–2017*, 33. Wesley highlights that in Solomon Islands "politics has become an all-or-nothing contest, which was fought for electoral survival and access to wealth rather than for policy goals or ideological convictions."

> the attractive-looking spiral-bound party manifestos, most rural voters are not really interested in their contents.[530]

He further eloquently explains that:

> there are various reasons for this apathy, not least that "governance" and "governing" in the Western sense remain a work in progress. In a country that has only been independent for 40 years, we are working through a complex system of government (that has taken hundreds of years to mature in Western democracies) against a backdrop of longstanding customs, norms, traditions and beliefs. Fundamentally, most Solomon Islanders, particularly the large majority who live in the rural areas, feel alienated from the government and are disinterested in policy discussions during election campaigns. It could be argued, therefore, that by implication, there is little political justification for the policy proposals of the various political parties, as these are not debated and voted on by the people, weakening the links between the people, their needs and those who are eventually elected.[531]

Therefore, one can deduce that the relationships between the state, its policies through its leaders and society, in particular the rural populace, are still a work in progress. As explained in this chapter, it is against such a backdrop, among other contexts, that CDF governance situates.

5.7 Conclusion

Solomon Islands is a postcolonial nation-state with enormous socio-economic and political challenges that experienced a social conflict from 1998 to 2003. Solomon Islands, like other Melanesian countries, is characterised by an aid-dependent fragile economy. The economy relies heavily on primary resource extraction, in particular problematic extractive industries (logging) controlled by foreign capital. It has a weak private sector dominated by foreigners and lacks a robust middle class. Arguably, these features of the political economy explain the importance of the public sector for Solomon Islanders in accessing capital.

Solomon Islands has various scales of governance at the international, national, provincial, and local levels. Factors such as state absenteeism, a weak capitalist economy and a lack of cash-based livelihoods on the part of the majority of the rural populace (voters) lead MPs and voters to influence each other for the capital necessary to support the livelihoods of the rural populace. This has given rise to the entrenchment of clientelism in the political culture of Solomon Islands. Therefore, understanding some of the features of the political economy of

[530] Aqorau, "The 2019 National General Election in Solomon Islands — a Personal Perspective: Navigating a Maze of Challenges". 2.
[531] Ibid.

Solomon Islands, including the various governance scales, the pluralistic legal framework and the dynamic nature of local politics, helps to locate the background against which CDFs situate. These contexts are critical to understanding the role played by CDFs in rural development and the contestations over them.

Chapter 6
The Regulation of CDFs within "a Flotation State"

6.1 Introduction

This chapter discusses the role state actors play in the regulatory framework of CDFs in Solomon Islands. I categorise state actors into three groups: political state actors, bureaucratic state actors and integrity state actors. The political state actors are MPs, the Caucus and the executive government (Cabinet). These political state actors are law/policy crafters and decisionmakers. The bureaucratic state actors are government ministries, including their policy responses to the regulation of CDFs. They implement government policies and laws. The integrity state actors are the Office of the Auditor General, the Office of the Ombudsman, the Leadership Code Commission (LCC) and the courts. Apart from the courts, which interpret the laws, the other integrity state actors are quasi-judicial bodies empowered by statues to interpret the law concerning government administration. All of these state actors are creatures of state laws and policies. Their roles differ, and the relationships between them are partially set by the separation of powers entrenched in the 1978 Solomon Islands Constitution. I argue that the bureaucratic state actors are weak in regulating CDFs. A long-serving public servant described the state in Solomon Islands as "a hanging state for the lack of a better word—the state is hanging—or a state with flotation—it floats, it is not rooted within society, in Solomon Islands." This chapter endeavours to show this nature of the state actors and demonstrate "the crisis of the state in Solomon Islands," to use Dinnen's phrase,[532] as measured against the role of the state in the regulation of CDFs.

This chapter looks at CDFs through weak state, political settlement and state-in-society lenses. I use the weak state lens to look at the state's incapacity to handle rural development, which provides the platform for the use of the political settlement lens. Using the political settlement lens, I argue that CDFs are a political response by MPs to a weak state. This chapter then uses the state-in-society lens to explain how the roles of both the political state and the bureaucratic state are influenced by society and to demonstrate the challenges both the political state actors and the bureaucratic state actors face when regulating CDFs.

I begin this chapter with the legal framework of public finance in Solomon Islands and then highlight the backdrop of the weak state against which the legal framework is situated. Thereafter, this chapter provides an empirical description of the ways in which various state actors currently regulate CDFs. I show that a complex regulatory landscape has been

[532] Dinnen, "The Crisis of State in Solomon Islands," 70-78.

developed that brings together state bureaucratic structures and deeper customary regulatory structures such as “wantokism” – preferential treatment based on blood relationships. Information in this chapter is largely taken from several interviews with state officials; for confidentiality reasons, I have not used their names. This chapter builds from the chapter on international CDF literature to show the state’s role in the national context. Further, it connects to subsequent chapters by highlighting the involvement of multiple state actors in the regulation of CDFs in Solomon Islands.

6.2 Legal Framework

The legal framework of CDFs in Solomon Islands encompasses the Constitution, the Appropriation Act and the Public Financial Management Act (PFMA) 2013. These state laws focus on the roles of the state actors and the relationships between these state actors.

6.2.1 Constitution

One of the essential laws dealing with public funds is the Solomon Islands Constitution (1978)—the supreme law of the land. Section 100(1) of the Constitution states that “[a]ll revenues or other moneys raised or received by or for the purposes of the Government … shall be paid into and form one consolidated fund.” The consolidated fund is called the treasury fund or government account in other Pacific Island countries.[533] The Constitution gives the power to the minister responsible for finance and requires them to table a national budget in parliament, including an estimate of the legislature’s revenue and expenses for approval. From that national budget presented by the minister, the parliament passed a law called the Appropriation Act.

6.2.2 Appropriation Act

Public funds are legally allocated to be spent by the state or responsible government ministries when appropriated by parliament through the Appropriation Act. The development budget encompasses expenses relating to government reform programs and more appropriately about capital investment (as distinct from recurrent expenditure), while the recurrent budget entails expenses like salaries for public servants. For instance, the Ministry of Rural Development (MRD) was given SB$342,000,000 from the development expenditure in the 2021 Appropriation Act, and its recurrent expenditure amounts to SB$18,448,643. CDFs are factored into the national budget under the MRD and other line ministries. Generally, if the

[533] Jennifer Corrin Care, Tess Newton, and Don Paterson, "Constitutional Law," in *Introduction to South Pacific Law* (Sydney: Cavendish Publishing Limited, 2000), 103.

expenditure has been authorised for the financial year, payments from the consolidated fund are authorised by a warrant from the minister responsible for finance.

6.2.3 Public Financial Management Act

Central to the administration and management of public money is the Public Financial Management Act (PFMA) 2013 (formerly known as the Public Finance and Audit Act). The PFMA defines public monies as "money raised, received or held on behalf of the Government, including any money required by this Act or another law to be paid into or form part of the Consolidated Fund or any special fund."[534] Within this definition, CDFs are public money. An essential purpose of the PFMA is to provide a framework for the government to exercise sound management of public financial resources to enhance transparency and accountability. The PFMA empowers certain state actors, including the minister responsible for the Ministry of Finance and Treasury (MoFT), accountable officers and accounting officers to manage public monies. The roles of the minister responsible for the MoFT are to promote sound fiscal and macroeconomic policies, ensure appropriate final approval of funds, establish standards of good governance and establish internal controls and mechanisms to ensure proper financial management. The PFMA also mandates the accountant general to help the permanent secretary for the MoFT manage public funds.

The PFMA gives managerial powers to bureaucratic state actors called accountable officers. The PFMA defines an accountable officer as "a permanent secretary of a ministry or a person appointed to act for the permanent secretary."[535] An accountable officer can also be "a person in charge of the day-to-day operation of a government agency."[536] These accountable officers are usually the administrative heads of government ministries or the chief advisors to their ministers. The primary responsibility of these accountable officers is to ensure the proper management and control of expenditures. In carrying out this responsibility, the accountable officers are assisted by accounting officers and financial controllers. When the parliament appropriates public funds for spending by the government, it gives power to the accountable officers and its accounting officers to manage the funds. Any other laws or regulations dealing with public finance must be consistent with the letter and spirit of the PFMA. Informants from the Ministry of Rural Development states that as far as the current Solomon Islands CDF Act 2013 is concerned it is inconsistent with the PFMA because it undermines the roles of the

[534] Section 2 *Public Financial Management Act 2013 (Solomon Islands)*, (10 October 2013).
[535] Section 2 ibid.
[536] Section 2 ibid.

accountable and accounting officers by giving the power of the accounting and accountable officers to the MPs and its constituency officers.

6.3 A Weak State

Within the public finance framework of Solomon Islands, state capacity is weak, as shown in chapter five. As articulated previously, in Solomon Islands, the bureaucratic state comprises government ministries that implement government policies to ensure the advancement of public goods and services. Rural development has been a critical goal of many governments since 1978. However, as shown in chapter five and as Kabutaulaka observes:

> [t]he state has been unable to maintain social control, ensure societal compliance with official laws, preserve stability and cohesion, encourage societal participation in state institutions, provide basic services, manage and control the national economy, and retain legitimacy.[537]

Similar observations were made by Dauvergne, who compared the Indonesian state and the state in Solomon Islands, saying: "Solomon Islands is a far weaker administrative state."[538] Sinclair Dinnen argues that "independence confirmed the existence of a state without a nation rather than the emergence of a modern nation-state. This absence of nation has had significant ramifications for the development of the postcolonial state in Solomon Islands."[539] He further observes that "[s]tate agencies had a limited presence in many parts of the country and were simply incapable of delivering basic services, like education, to all eligible citizens."[540] This weakness of the bureaucratic state means that the governance of CDFs by the state is problematic and ineffective, hence, the need to look outside of the state for other regulatory actors to ensure effective regulation of CDFs.

So, what have political state actors been doing to address the state's weak service delivery and presence in rural areas? Have there been responses from state leaders? What is the relationship between state leaders and bureaucratic institutions? What influences the roles of state leaders, bureaucratic state institutions and political state actors in CDF governance and regulation?

[537] Tarcisius Tara Kabutaulaka, "Weak State and Peace Building Process in Solomon Islands," in *Pacific Islands Development Series* (University of Hawaii at Manoa: East-West Center and Center for Pacific Islands Studies, 2002), 3.
[538] Dauvergne, "Weak States and the Environment in Indonesia and the Solomon Islands," 142.
[539] Dinnen, "The Crisis of State in Solomon Islands," 72-73.
[540] Ibid., 72.

6.4 Responses by Political State Actors

As stated in chapter five, Solomon Islands has adopted a Westminster system of government. R.A.W. Rhodes argues that the "Westminster" system is "remarkably diffuse," and is commonly referred to as a family of ideas and includes, among other actors, majority party control of the executive.[541] This includes the Cabinet and the Caucus. This section shows that as a political response to weak state capacity, political state actors moved public funds to MPs to deliver services to their constituents, established a government ministry called the Ministry of Rural Development and passed a flawed CDF Act in 2013. However, the MPs and their responses to regulate CDFs have also been influenced by institutional weakness and social forces that negatively impact how CDFs are regulated.

6.4.1 Members of Parliament

Members of parliament (MPs) are at the pinnacle of the CDF structure and instrumental in regulating CDFs. As far as CDF structure is concerned, the MPs are the overall head of their constituencies. They have the power to oversee the management of CDFs. They have oversight of CDFs when deposited and withdrawn from constituency accounts—without the MP's signature on the withdrawal bank slip CDFs cannot be withdrawn from the bank. The MPs have discretion over CDFs as well. Moreover, within the constituency office framework, MPs are the final decision makers on issues concerning CDFs. In a tok-stori with John Moffat Fugui a former MP for Central Honiara constituency he said:

> As for CDFs per se, it is axiomatic that elected leaders have the mandate to rule. They also have the electors' mandate to govern through resource allocation. They have rules, regulations, processes and procedures to follow, when they allocate CDFs. The existence of MRD [Ministry of Rural Development] is a testament of this. MRD is the ministry established to govern and direct the use of CDFs and other funds.

With the MRD, MPs perform several roles in the governance of CDFs. This section discusses these roles and how they are impacted and influenced by other social forces in the governance of CDFs.

MPs have several roles. Under the law, MPs are the constituency's representative—hence, the constituency's voice in parliament. MPs are also legislators; they are lawmakers. They enact laws for the good government of the people of Solomon Islands. In addition to their

[541] R. A. W. Rhodes, "Executives in Parliamentary Government," in *The Oxford Handbook of Political Institutions*, ed. R. A. W. Rhodes, Sarah A. Binder, and Bert A. Rockman (Oxford: Oxford University Press, 2006), 324-25.

legislative roles, Solomon Islands MPs are policy implementers and benefactors. The introduction of CDFs has, over time, clearly articulated the role of MPs as service deliverers and providers of the socio-cultural needs of society or their supporters—hence the common labelling of MPs in Solomon Islands as "automatic teller machines—ATMs." The benefactor's role of MPs was clearly stated by the late Fred Fono (MP for Central Kwara'ae constituency):

> In 1989, under the leadership of the late Hon. Solomon Mamaloni, the government devised a system known as the Rural Constituency Development Fund (RCDF). The rationale behind this system of service delivery was that MPs should not only talk on the floor of parliament, but they must be seen as directly responsible for delivering services to their people.[542]

This reflects the fact that for the people, the MP is the embodiment of the government within their villages.[543] Rick Hou – a current MP for Small Malaita constituency and a former Prime Minister of Solomon Islands taking his own experience as a politician highlights three important roles of MP as legislator, member of parliamentary committees, and as an institution for meeting social obligations of constituents. Coupled with these roles is the MP's constituency undertakings which include constituency visit to sign memorandum of understanding between landowners and constituency office and land consultation regarding road projects and attended church anniversary celebrations. Against this background and taking in account his own experience as an MP, Hou argues that the constituency with proper institutional mechanisms like proper development plans is a conduit for service delivery and development assistance.[544]

According to a long-time public servant, the importance of service delivery by MPs is a subtext of broad governance issues with roots in colonialism, state formation and statecraft. In a personal conversation with the author, a senior Solomon Islands Government official says:

> Many of our received institutions and practices are left unreviewed and undeconstructed. That is why, now, we encounter so many problems. Even the courts do not escape this syndrome. Many of these institutions have failed to provide what we would have expected. Also, conditions have changed. Environments altered. These [state/introduced] institutions par governance systems are yesterday's contrivances. They were borrowed and implanted in indigenous organic institutions that have never been partially, if not fully, integrated in our governance system. For us, polycentrism is the name of the game. Diversity, in other words. Multiple languages. 76 cultures. Manifold practices. Did the colonial government incorporate these in our

[542] Fono, "A Perspective on Constitutency Development in Solomon Islands," 128.
[543] Rick Hou, "A Day in the Life of a Member of Parliament in Solomon Islands," (State, Society and Governance in Melanesia, Coral Bell School of Asia Pacific Affairs, ANU College of Asia and the Pacific, the Australian National University, 2016).
[544] Ibid., 14.

> governance system? At least to lend them legitimacy? No! A resounding no! In fact, that is one of their main complaints! ... Not a single DO [District Officer] or DC [District Commissioner] learned any Malaita language. Too many languages! Too many cultures! ... They—these resources if language and cultures are understood as cultural capitals—impede law-making. And, of course, governance.

Some scholars have argued that Britain imposed the government/state system and that the involvement of local people in the creation of the system was minimal. Local and overseas consultations about the system's design were rushed. Arguably, it was not home-grown because "it was not rooted in indigenous concepts of power, authority and decision making."[545] The senior SIG official connected this history of colonial neglect of indigenous institutions to CDFs. He goes on to say:

> In view of RCDF [rural constituency development fund], the conditions then have compelled the initiators to devise the system. The government is there. The people are there. But the nodal connections are not there. Therefore, the need to "bridge gaps" necessitated RCDF. What was lacking was the necessary civic education; the required time to sink these ideas in the cognition of our people; and the indigenization of the process, system, so that they reflect us—and not necessarily the state. This is especially in the villages/communities which are almost auto-legitimated.

Thus, the fact that "[t]he origins of the modern state … lie in the very recent colonial past"[546] created the conditions that gave rise to the emergence of CDFs. Hence, the introduction of CDFs can be seen as a political response to a weak state—a state imposed through the colonial period and emulated post-independence.

MPs are key regulatory agents of CDFs and work together with a great variety of state and non-state actors. The constituency office, which consists of the constituency development officer (CDO), constituency project officer (CPO), constituency accountant officer (CAO) and other auxiliary staff, is subordinate to the MP. Non-state actors dealing with CDFs are also subordinate to the MP because, as my interviewees stated, final authorisation for the involvement of non-state actors in the regulation of CDFs is within the discretionary power of the MP. Like the constituency office, there are times when these non-state actors connect directly with the MP. But the MP also depends on the constituency office and non-state actors to make informed decisions about regulating CDFs. Similarly, although the MP has the final

[545] Ghai, "The Making of Independence Constitution," 52. Dinnen, "The Crisis of State in Solomon Islands," 70-78.
[546] "The Crisis of State in Solomon Islands," 71.

say on CDF disbursement and distribution to constituents, the role of the MPs is significantly influenced by the constituency office and non-state actors.

According to my interviewees, the bureaucratic state's weak administrative capacity also influences how MPs regulate CDFs. For instance, during the debate of the CDF Bill 2013, the then MP for Central Honiara constituency, John Moffat Fugui, gave a practical scenario:

> The education grant is not available; I do not know whether it is available because it still does not come into our accounts. Some of us, how do you deal with that? How do you deal with that kind of practical problem? Some of us have accessed funds from other project heads to address school fees. That is the reality of it. When the education grant becomes available, these projects will be reimbursed. Legally wrong but practically conducive, expedient, realistic … How does the ministry deal with such eventualities in your wisdom?[547]

The use of discretion by MPs to divert funds from one head of expense to another to meet pressing needs and insurmountable pressures from constituents and later reimburse them may be legally questionable, but it is justified by MPs as a way to deal with and solve real issues as they arise. The slowness of the bureaucratic state combined with the real needs of MPs' constituents shape how MPs regulate CDFs. This argument is also supported by interviewees from Baegu/Asifola constituency and Gizo/Kolombangara constituency.

Using such strategies shows that as much as MPs embody the state apparatus, their constituencies' socio-cultural needs also influence them to perform in ways not prescribed by state law. The former MP for Central Honiara constituency states in a personal conversation via email:

> As soon as an individual [MP] is elected, he/she is fixed in a bind. The bind is a multi-layered one. The MP becomes a leader. But one who, concurrently, panders immediately to the demands of constituents. To ignore your constituents is to face the contention (even the wrath) of constituents … In other words, the MP plans and rules from a state point of view. But the constituents also plan and influence you from the point of view of the hoi polloi [the masses; the common people].[548]

Constituents pressure their MP and the constituency office because, according to many of my informants, constituents believe that CDFs belong to them; CDFs are their entitlement from the government for development purposes and socio-economic and personal upkeep. Such pressure is a regular occurrence that forces MPs to act according to the intentions of their

[547] Solomon Islands National Parliament, Hansard Meeting 2013 (Honiara, Tuesday 26 March 2013): 57.
[548] John Moffat Fugui, 2018.

constituents. In part, responding to such pressure from constituents or supporters is usually harnessed into political capital for the next national general elections. These factors have the potential to influence the way MPs regulate CDFs.

One socio-political factor MPs consider regarding how they regulate CDFs is the politics of *custom* as seen from the standpoint of the big-man system. In Solomon Islands context, the big-man system is, in many ways, an important part of leadership. When debating the CDF Bill, John Maneniaru, MP for West Are'Are in Malaita, puts it this way:

> It is a fact that when our relatives [face] problems such as death at the hospital, they would normally come to us … The president of the Ma'asina Forum puts it this way: we are regarded by our people as their fathers and are looked upon as chiefs, unfortunately, so they would come to us for assistance. In recognition of that, we put aside some funds because of the cultural norms which are a reality in our country.[549]

The power of close relationships rooted in *custom* exists between people in rural areas and MPs in times of need and also influences the allocation of CDFs. Many MPs give these *custom*-related social issues priority. For instance, according to Baegu/Asifola constituency's 2020 annual report, such expenses were categorised under two main sectors: general and medical/death. The general sector cost about SB$1,316,679, which included expenses such as marriages, compensation claims to settle feuds between tribes and the personal needs of constituents. The medical/death sector cost about SB$88,250, which included expenses for medical attention in urban centres and funeral costs. These provisions were funds taken from the SIG and the People's Republic of China (PRC) and constituted 20.5 per cent of the actual spending on CDFs, which was third to spending on infrastructure (22.9 per cent) and education (25 per cent). Therefore, socio-economic and cultural considerations push MPs to factor these needs within constituency plans and budgets.

We have seen that MPs and constituency offices implement government policy on rural development and as such are service providers. Put another way, MPs are displacing the bureaucratic state as a service provider, which raises two issues. First, constituents interviewed who did not vote for the MP often complained that MPs have used their power to prioritise their supporters, leaving the supporters of losing candidates out of CDF allocations. Second, the MP is seen as the embodiment of development in rural areas because financial resources reach rural areas more quickly through CDFs than the bureaucratic state. This has

[549] Solomon Islands National Parliament, Hansard Report (Honiara, Tuesday 26 March 2013): 42.

given rise to what Julien Barbara called a "Melanesian state,"[550] meaning that Melanesian values influence how the bureaucratic state works. An interviewee from the public service in Solomon Islands seems to agree, saying that:

> CDF has not only created a distinct Melanesian form of statehood. But it has buttressed governance in the Solomon Islands. Before CDF, MPs were not physically involved in project and development implementation. Now, even if MPs are not physically present in their constituency, what they support vis-à-vis CDF speaks their presence and contribution.[551]

The *wantok* system also influences the regulation of CDFs by MPs. *Wantokism* has different meanings depending on the scale—local, provincial, national, regional or international.[552] I use *wantok* as it relates to the local level, wherein it denotes close relations between people of the same family and clans. According to many interviewees from Baegu/Asifola constituency and Gizo/Kolombangara constituency, the *wantok* system often influences the disbursement of funds to constituents. During national general elections, opponents of the incumbent MPs often raise the argument that MPs and constituency offices only support their close relatives and supporters. In many ways, relatives and supporters are the ones prioritised compared to other constituents. I found much evidence to support such claims. The constituency office in one constituency prioritised voters from a list taken illegally from the Solomon Islands Electoral Commission and *tok stori* with the MP's networks. During the CDF Bill debate in 2013, the MP for West Are'Are constituency concurred with the MP for East Choiseul constituency when he says, "[s]ome [people/constituents] are … complaining and the point mentioned by [the MP for] East Choiseul [constituency] today is true that even in our constituency there can be *wantok* system as well; we only look for our voters. That is still in existence."[553] This reality of the *wantok* system displayed within the CDF structure is a known characteristic of regulating CDFs.

On the other hand, the *wantok* system also helps MPs and constituency offices deal with CDF-related projects that are impossible for the bureaucratic state. The *wantok* system provides an entrenched social license to deal with village people and get their consent for resources or development projects. The construction of the road from Fataleka to Baegu is an example of how the *wantok* system works in practice. It is characterised by a close relationship between constituents and the constituency office. Such a relationship would be more challenging and

[550] Barbara, "Governance and Political Adaptation: Constituency Development Funds in Solomon Islands and the Construction of a Melanesian State."
[551] Interview with a former member of parliament who wants to remain anonymous.
[552] Nanau, "The Wantok System as a Socio-Economic and Political Network in Melanesia," 31-55. "Wantoks and Kastom," 244-48.
[553] Solomon Islands National Parliament, Hansard Report (Honiara, Tuesday 26 March 2013): 43-44.

costly between constituents and bureaucratic state actors because of the likely expenses associated with long time frames for the implementation of projects. The BAC's MP believes that if the bureaucratic state was at the fore of this project, it will take more than 60 years to finish it. Such slow implementation has been seen with other projects in Malaita Province. One example is the Bina Harbour fisheries project, which was discussed and negotiated around the 1960s but is yet to see the sunlight. The BAC MP mentioned that the BAC road project was effective in its implementation partially because of the genealogical links, close tribal affiliations and interconnectedness of the tribes. In this context, one highly respected big-man says: "If you say, *wantok* (at home, signifying *futala* [blood relationships and tribal interconnections]), our people can understand this. They have explanations for such words/terms."[554] Hence, according to the BAC office, the strength of the *wantok* system helps them to engage with local landowners quickly and move along construction of the road. Such relationships minimise expenses for both the MP and the state. There would have been more socio-economic repercussions like goodwill payments and expensive ground-breaking ceremonies if the ministries (bureaucratic state) had led the project. Interviewees articulated that there is high potential that bureaucratic state-led projects would give rise to many socio-economic demands and a minefield of community problems. Hence, the *wantok* system can be a double-edged sword.

The COVID-19 crisis that ravaged the world also influenced the MPs' power regarding the governance of CDFs. The ramifications of the COVID-19 crisis forced many governments throughout the world to reprioritise their policies with funds to help stabilise their economies. Solomon Islands is not an exception.[555] The national government led by Prime Minister Sogavare had to reprioritise its national budget. Among other areas, it gave financial resources directly to the MPs through their constituency bank accounts. Each constituency was given SB$500,000 through their MP to support constituents with certain socio-economic hardships like disruptions to business activities, food insecurity and transportation difficulties from urban to rural areas imposed by the COVID-19 crisis. Against this backdrop, the COVID-19 crisis increased the amount of CDFs given to MPs for constituency-related issues. However, despite this increase in funds, the COVID-19 crisis negatively impacted the implementation of CDF projects. For instance, in Baegu/Asifola, the COVID-19 crisis slowed down the implementation of its constituency development plans because the national government redirected the funds to deal with COVID-related issues. In GKC, transportation difficulties exacerbated by the

[554] Interview with a former member of parliament who wants to remain anonymous.
[555] Central Bank of Solomon Islands, "Impact of Covid 19 on the Solomon Islands Economy – Revised," news release, 8 April, 2020, http://www.cbsi.com.sb/wp-content/uploads/2020/04/CBSI-PR07.2020_08.04.2020_Impact-of-COVID-19-on-SI-Economy_Revised.pdf.

COVID-19 crisis slowed down the transportation of materials from Honiara to Kolombangara/Gizo for the implementation of infrastructure projects like water supplies and individual support for constituents. In general, this shows that mechanisms from the international scale have the potential to impact governance and regulation at the constituency level impacting how MPs exercise their discretion as seen from this example.

6.4.2 Ministry of Rural Development

One of the responses by the political state to regulate CDFs was the establishment of the the Ministry of Rural Development (MRD). Put another way, the political state's response to the weakness of the bureaucratic state was so strong that it was able to create an institution (MRD) that entrenches CDFs in the bureaucratic state. However, as this section shows, despite this strong response initiated politically by the MPs, the MRD is insufficiently resourced to perform its roles adequately.

Initially known as the Ministry of Rural Development and Indigenous Affairs, the MRD was established in September 2007.[556] Like other ministries, the MRD derives its legal mandate from the power conferred on the Governor-General under section 37 of the Solomon Islands Constitution. The original mandates of the MRD, as stipulated by Legal Notice 164 dated 28 September 2007, were: rural development, the People First Network (stations for internet access in rural areas), constituency development offices, CDFs and Indigenous affairs. The MRD's core functions initially revolved around coordinating the work of 50 constituency development programs geared towards rural development and growth. Sogavare says the establishment of the MRD is "specifically to coordinate the delivery of projects in the rural areas [50 constituencies]."[557]

Interviews with prominent public figures highlighted several reasons for the establishment of the MRD. Broadly, these reasons can be categorised into political and policy contexts. Sogavare says:

> I established that ministry [MRD] in 2006 … to look at the Indigenous affairs of our people that have been marginalised for a long time since we become a nation. The fact is that the focus has been on Honiara, which has been seen as the hub of the formal sector. The consequence is that we have failed to develop the needs of our people … So, we need to look at that and formally bring it up to the ministerial level so that it becomes a permanent

[556] Solomon Islands Government, "Ministry of Rural Development Corporate Plan 2020-2023," ed. Ministry of Rural Development (Honiara, Solomon Islands: Ministry of Rural Development, 2020), 10.
[557] Solomon Times, "Government Creates Three New Ministries," *Solomon Times*, 27 August 2007.

> policy agenda of the government supported by a full line ministry. So, we establish this Ministry of Rural Development and Indigenous Affairs.[558]

Although the establishment of MRD was a response to the government's policies of the day, interviews with senior public servants highlighted that it was also a political undertaking of the Sogavare government to hold the government at that time together. It was a strategic reaction to the political climate at that time and an attempt to create political stability. Liloqula, who at that time was a senior public servant, says, "it was [the Sogavare-led government] that put up the Ministry of Rural Development, for political reasons—to appease for ministerial portfolios … So, it is a political thing."[559] Liloqula's comments demonstrate that, in addition to the policy basis, the political climate at the time was an influential force in the establishment of the MRD.

Like all ministries, legally and administratively, the permanent secretary heads the MRD. Their superior is the minister responsible for rural development, who is accountable to the executive government. The Public Service Commission appoints the permanent secretary with the concurrence of the prime minister. The permanent secretary is the accountable officer responsible for the MRD. Power is vested in the permanent secretary to administer and manage the CDFs. The MRD also has a technical deputy secretary and a corporate service deputy secretary, both subordinate to the permanent secretary. Other members of the executive management team of MRD are a financial controller, a human resources manager and a director of the Rural Development Division. The Constituency Development Officers (CDOs), Constituency Project Officers (CPOs) and Constituency Accountant Officers (CAOs) sit under the director of rural development, whose immediate superior is a deputy secretary dealing with the technical mandates of the MRD. Two of the most paramount overall responsibilities of the MRD's senior executive team are: taking charge of legislative and policy matters that influence the MRD's work and ensuring compliance with legal requirements; and providing financial oversight to ensure budget resources are appropriately used, managed, and accounted for. Other roles of the MRD include setting up a project management monitoring and evaluation framework, developing templates for annual work plans/annual reports, exploring options for each constituency's four-year development plan and reviewing the CDF Act and its regulation.[560]

[558]Sogavare, "Sogavare Interview."
[559] Liloqula, "Liloqula Interview ".
[560] Office of the Prime Minister and Cabinet, "Democratic Coalition Government for Advancement: First One Hundred Days Policy Priority," (Honiara, Solomon Islands: Solomon Islands Government, 2019), 61.

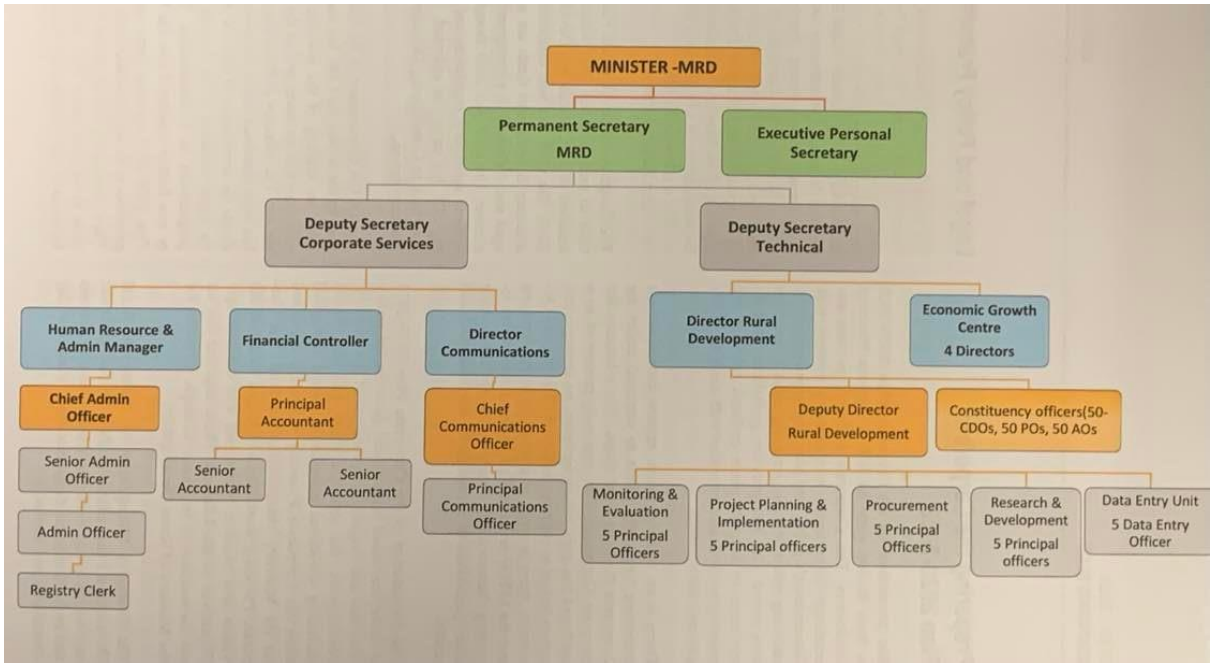

Figure 6: Ministry of Rural Development Organisational Structure.[561]

The MRD manages CDFs funded by the Solomon Islands Government (SIG) and other funders such as Taiwan (previously) and the People's Republic of China (PRC). CDFs from the SIG constitute almost 80 per cent of total CDFs. They are channelled through the MRD and administered through invoices. This administrative arrangement means that constituency offices do not handle CDFs directly; instead, the MRD and Ministry of Finance and Treasury (MoFT) administer the funds. For constituents (applicants for CDFs) to access projects, they must submit proforma invoices (taken from service providers) or project proposals via the constituency office with approval from the MP. The constituency office then submits the project proposals to the MRD, which forwards them to the MoFT to facilitate payment. The CDOs and CPOs from the 50 constituencies support the MRD in these processes.

A challenge facing the MRD is its capacity to ensure proper planning for policy implementation. Policy planning and implementation are often affected by limited financial and human resources. For instance, during the initial stages of the establishment of the MRD, financial resources to help begin the MRD and implement its mandate were lacking. In an interview, a former public servant who once served in the Ministry of Development Planning and Aid Coordination (MDPAC) and for a short period was a consultant for the MRD mentions that similar problems persist. He highlights that at one point, the recurrent MRD budget for

[561] As taken from Solomon Islands Government, "Ministry of Rural Development Corporate Plan 2020-2023," 9.

evaluation and monitoring officers (EMOs) was only SB$30,000. According to this interviewee, that budget allocation was insufficient given the geography of Solomon Islands' constituencies. The permanent secretary for the MRD is mindful of such challenges: "The [MRD] is precautious (sic) about its limited technical capacity and resource constraints to effectively coordinate development efforts across the country in the 50 constituencies."[562] This challenge is also one of the focal findings of the CDF evaluation report by the MDPAC.[563] The limited financial resources and minimal capacity of the MRD, among other factors, undermine the mandate of the bureaucratic state to undertake its roles and hold those responsible for the overall regulation of CDFs in Solomon Islands accountable.

Political influences from the Caucus/Cabinet and a lack of scrutiny from parliament also affect the allocation of resources for the MRD's annual work. The MRD officials interviewed highlighted that there is strong potential for these state bodies/actors to be weak and unwilling to ensure more resources are budgeted for the purposes of overseeing and monitoring CDFs in the constituencies. In an interview with several MRD officials, they highlight a pressing challenge related to the minimal financial resources allocated for the MRD's scope of activities central to monitoring and evaluating CDFs across the 50 constituencies. Such financial resources have been inadequate in the MRD's budget since its establishment. The lack of human resources is another challenge which is simply a reflection of the weakness of government ministries across the board. According to interviewees from the MRD, there is a lack of technical people within the MRD to ensure effective monitoring and evaluation. They say that such limitations in the MRD's budgetary allocations are usually the result of political influence. Similarly, these MRD officials say that parliament's role is weak in terms of ensuring enough resources are factored into the MRD's budget to carry out their constituency duties effectively. The minimal allocation of resources for monitoring and assessment prior to 2021 and the lack of proper staffing have severely affected the MRD's roles and mandates because of the minimal political willingness by political state actors to ensure proper monitoring.

In an interview with MRD officials in 2021, participants say there has been an increase in the MRD budget's financial allocation for monitoring and evaluation, which amounted to a few

[562] Ibid., 7.
[563] Ministry of Development Planning and Aid Coordination, "The Evaluation Report: The Constituency Development Fund Program 2015-18," (Honiara: Ministry of Development Planning and Aid Coordination - Solomon Islands Government, 2018), 23.

million dollars.[564] The MRD highlights in a press release that the objectives of monitoring and evaluating CDF projects are:

- to verify the implementation status of projects funded by CDF program in the constituency in 2020.
- to establish community participation in the CDF funded projects in the constituency.
- to investigate the level of awareness of CDF among community members.
- to determine the level of satisfaction of community members in CDF funded projects.[565]

As a result of the need to properly conduct monitoring and evaluation of CDF projects, by late 2021 and early 2022, the MRD had begun such monitoring and evaluation projects in selected constituencies.[566] Some of the constituencies visited were Central Honiara,[567] Gao/Bugotu,[568] Nggela[569] and Gizo/Kolombangara.

Certain senior MRD officials stated there were times when political state actors pressured them to fast-track and facilitate administrative procedures to release CDFs. A senior MRD officer mention:

> For a short time I have been working here, there are instances where I also receive pressure from the bosses [political state actors] … I receive pressure when [we] do not regularly update Caucus regarding the status of funding or minimum requirements that they need to comply with and submit to our office, the status of their applications for funding, appraisals and some of the issues and challenges concerning those applications. These kinds of bits of information, if they are not regularly updated for the permanent secretary for him to update the minister responsible for a general update at the Caucus, we [MRD] will certainly receive pressures from [political state actors].

[564] Ministry of Rural Development Officials, interview by Derek Futaiasi, 2 August, 2021, Ministry of Rural Development, Honiara.
[565] Solomon Islands Government, "MRD Successfully Concludes Gao/Bugotu Constituency M&E Tour," news release, 9 December, 2021, https://solomons.gov.sb/mrd-me-team-successfully-conclude-gao-bugotu-constituency-tour/.
[566] "MRD Commences Monitoring of CDF Support," news release, 11 November, 2021, https://solomons.gov.sb/mrd-commences-monitoring-of-cdf-support/.
[567] "CDF Funded Projects in Central Honiara Constituency Monitored," news release, 4 January, 2022, https://solomons.gov.sb/cdf-funded-projects-in-central-honiara-constituency-monitored/.
[568] "MRD Successfully Concludes Gao/Bugotu Constituency M&E Tour."
[569] "Ngella Constituency Delivers, Improve Constituent's Livelihood through CDF," news release, 1 April, 2022, https://solomons.gov.sb/ngella-constituency-delivers-improve-constituents-livelihood-through-cdf/.

A different MRD officer say explicitly that the MRD has felt pressure from political state actors on occasions when it has raised concerns about compliance with minimum standards. He says:

> Although we [MRD] have a manual and guidelines on CDFs, the bosses [political state authorities] sometimes override these CDF guidelines. At times, some of their decisions were questionable. So, when it comes to compliance, we try as much as possible to put some measures—these are basic good governance practices. For instance, any project application or proposal has a certain structure and important guidelines to satisfy to ensure MRD clearly articulates it for further processing. But there were times when we [MRD] received political pressures because we tried to implement these minimum standards or requirements.

The interviewed MRD officials also state that the lack of proper standard reporting format guidelines for documents such as annual constituency plans, constituency development plans and related documents put substantial pressure on the MRD. Aligning the development priorities captured in many of the constituency development plans to the objectives of the national development strategy also seems to be a challenge. MRD officials say that the disconnect between constituency development plans and the national development strategy affects the work of MRD. But in many ways it may be unrealistic to expect individual constituency strategies to conform to a central pattern—bottom-up development is seldom uniform and differentiation is necessary.

Further, the centralisation of state infrastructure and power in urban centres, in particular Honiara, is a dominant characteristic of the state that has ramifications for CDF governance. The main bases of the bureaucratic state are its urban centres: Honiara and provincial headquarters. The administrative frontier and expansion of the state are minimal or, as Dinnen highlight, “incremental and intermittent.”[570] The MRD, like other government ministries, is based in Honiara; hence, ministerial monitoring is weak—there is minimal monitoring of CDF projects in rural areas. Given the centralisation of development mainly in urban areas, many rural areas lack the basic infrastructure to ensure constituency connectivity. For instance, in comparative terms, Baegu/Asifola constituency (BAC) is more disadvantaged than Gizo/Kolombangara constituency because significant infrastructure such as bridges and wharves are virtually non-existent in BAC. There is no major road connecting the whole BAC, only old and confusing bush tracks. In BAC, one telecommunications tower provides much-needed communication to the whole area. There are two rundown clinics and six dilapidated primary/community schools, but these are the only government services. This situation is

[570] Dinnen, "The Crisis of State in Solomon Islands," 72.

typical of many constituencies in Solomon Islands, particularly Makira, Temotu, Choiseul and Rennell and Bellona, which are far from the urban centres. This centralisation of administration and power in urban centres partly helps to explain uneven development and minimal service provision to rural areas.[571] These challenges have ramifications for CDF governance.

Another challenge is the lack of enforcement by bureaucratic state actors like the MRD to ensure the state retains ownership of certain properties purchased with CDFs. This is acute in terms of heavy plant machines purchased by MPs and their constituency offices with CDFs. The current Attorney General of Solomon Islands—John Muria says that the properties belong to the constituencies and the state.[572] The basis for that claim is that the properties were purchased with public money. However, my research finds that many of these heavy machines are owned personally by the MPs once they leave parliament. My research unearths that state institutions, in particular the MRD, are unable to prevent or investigate such issues with relevant state authorities or enforce state laws. This example demonstrates that the lack of enforcement of state laws and policies by the MRD leaves state properties open to capture or claim by MPs after their terms elapse.

6.4.3 Constituency Offices

Constituency offices play an important role in regulating CDFs because they connect the MPs and the constituents. A constituency office is made up of constituency development officers (CDOs), constituency project officers (CPOs) and constituency accountant officers (CAOs). There are a total of 150 constituency officers employed by the Ministry of Rural Development (MRD). These constituency officers are appointed by the Public Service Commission based on the advice of the MRD. This process is unpopular with MPs because it can impede their ability to establish what they see as “a political working relationship” between themselves and the constituency officers. Interviewees tell me that as a result, MPs consult “off the record” with the MRD via a “backdoor” regarding the appointments. Thus, as stated by my interviewees, over time, the constituency officers have become political appointees wearing public servants’ hats. Their endorsement by the MP is seen as political and characterised by relationships between the MP and the CDO and CPO or congruence with the MP’s political motives.

CDOs are often closely related to MPs via blood connection, marriage, networks due to election-related undertakings, strong political support or church affiliation. For instance, the current CDO in Gizo/Kolombangara constituency (GKC) is closely related by blood to the

[571] Ibid., 73.
[572] John Jr Muria, interview by Derek Futaiasi, 22 October, 2019, Attorney General’s Office, Honiara.

husband of the current MP. The CDO for Baegu/Asifoloa constituency (BAC) is one of the biological brothers of the MP. In Solomon Islands, such connectivity between CDOs and MPs is seen as vital because working relationships are rooted in trust characterised by connectivity and blood relations.[573] Thus, although MPs do not chair selection panels, they are influential in recommending constituency officers to the Public Service Commission via the MRD. It is reasonable to say that MPs have unofficial veto power if the Public Service Commission selects a person for a constituency office post who is outside an MP's liking. Such a process is done off the record through conversations between the MP and the MRD. The MRD then advises the Public Service Commission of the desired candidate for the constituency office.

CDOs, according to the MRD officials interviewed, and as clearly articulated in CDOs' contracts with the MRD, have several important roles, all mainly concerned with assisting the MP. First, one important role is to prepare constituency documents such as the constituency strategic plan and constituency annual work program. Second, CDOs are mandated to assist the MPs in preparing project proposals and acquittals for all funds utilised in the constituency. Third, CDOs must support the MPs in linking the MRD with the constituency through an effective communication system. Fourth, CDOs assist the MPs in all project material delivery in constituencies and help communities source technical support for the implementation of their projects. A general role of CDOs is to undertake any other duties as reasonably required by the MP; thus, a close relationship between the CDO and MP is paramount.

The second actor in constituency offices is the constituency project officer (CPO). The MRD employs 50 CPOs. Like CDOs, CPOs are public servants appointed by the Public Service Commission on the advice of the MRD. As with CDOs, these appointments, while public offices, have an endorsement process characterised by the political connections and networks of sitting MPs. For instance, according to an informant, a factor that influenced the MP from GKC to choose the current CPO was that he is from a village in Gizo that is a stronghold of the MP during the national general elections. CPOs report to the CDOs and supervise the CAOs. For most constituencies, their CPOs reside in urban centres. For instance, the current CPO for GKC resides in Gizo, the headquarter of Western Province, while the CPO for BAC resides in Honiara. Both travel to the rural areas based on assignments, tours relating to the disbursement of school funds and other constituency duties.

[573] For further insights about how brokers worked for candidates at election time and on what basis MPs could trust them see Terence Wood, "Ties That Unbind? Ethnic Identity, Social Rules and Electorial Politics in Solomon Islands" (PhD Thesis, The Australian National University, 2014).

The key duties of CPOs as articulated in their job description from the MRD are:[574]

> (1) Assist CDO and MP towards the preparations of constituency strategic development plan and constituency annual work program.
>
> (2) Assist CDO in preparing project proposals and acquittals for all funds utilised in the constituency.
>
> (3) Support the CDO in linking the ministry with the constituency through an effective communication system to share information.
>
> (4) Assist the CDO [and] MP in all project material delivery in constituencies.
>
> (5) Support the communities in sourcing technical support for projects implemented in communities.
>
> (6) Undertake any other duties as reasonably required to directed by the CDO or MP.

These roles are also partly played by the CAOs, who most of the time deal with the financial issues of the constituency and assist the CPOs with constituency-related issues. The CDO, CPO and CAO—who perform the administrative functions of the constituency office—also perform several crossover functions for the political state, bureaucratic state and non-state actors. CDOs, CPOs and CAOs are part of rural-based church committees. Some are leaders within their tribes/clans while at the same time serving as the political connection between the MP and their supporters. For instance, the CDO from BAC plays various roles: the connection between the MP and his constituents, the link between non-state actors and the constituency office, a village big-man, a tribal leader, a lead political campaigner and a member of the Baegu Council of Chiefs. Such cross-fertilisation of roles and affiliations mean that these state actors potentially have roles that underpin or even undermine each other. Thus, a feature of these state regulatory actors is that a number of them wear many different hats.

In GKC and BAC, CDOs, CPOs and CAOs have attempted to regulate CDFs according to constituency development plans. Their 2019 and 2020 annual reports to the MRD highlighted how CDFs were being used and what areas were prioritised for their constituencies. The constituency officers alleged that the priorities outlined in these documents were based on consultations with constituents. However, several informants, in particular those who are not the political supporters of the existing MPs, are of the view that very little consultation took place for the production of these annual plans. If it did, it was mainly restricted to the supporters

[574] Copy of the template of the contract signed by CPOs and the MRD in possession of the author, provided by the MRD.

of the MPs. In opposition to such arguments, supporters of the MPs said that given that politics can act as a divider in Solomon Islands, non-supporters of the MPs might not have been interested in attending or were reluctant to participate. Sogavare articulates:

> When the ward committees want to hold meetings, there is some political influences or factors affecting their attendance; so, they might not want to come. This sometimes arises in the village level or ward level because they were supporters of my political opponents. Sometimes it's because the constituency representatives were my supporters so they would not like or be willing to include others who did not vote for me. This relates to their development plans or their actual presence for the purpose of them being heard. That is a challenge given that not all are thinking and represented as a group in relation to the submissions that are presented to the committees either at the ward or constituency level. So there is a structure or set up in order for people's views in relation to their development aspirations to be heard, but sometimes it is characterised by human weakness. That stops or at sometimes did not accommodate the wishes of the people to be factored within the committee meetings; consequently, full stories sometimes cannot be heard.[575]

Among other factors, the political affiliation of constituents negatively impacts their participation in the consultation and implementation stages of constituency development plans undertaken by the constituency office.

The constituencies that are the focus of my study have constituency offices both in the constituencies and in Honiara. The offices at the constituency level (in rural areas) are situated and resourced in an ad hoc manner. For BAC, the rural office is located in the village of Kaliana in Baegu, Malaita province. GKC's rural office is in a suburban centre in Kolombangara. Staff are usually provided to these rural offices when CDF projects or materials are ready for distribution or roofing irons are ready for collection by constituents. However, most of the administrative undertakings concerning CDFs are done in Honiara. For instance, the BAC has its main constituency office in Chinatown, Honiara, in the Solomon Islands Development Trust Building. The office comprises an office manager and an office assistant. These wages of these additional staff are paid for by the BAC office using CDFs. These additional staffs are subject to the CAO and the CPO. Thus, the constituency office establishes offices in both Honiara and rural areas. This set-up means that, compared to other bureaucratic state actors, the constituency office headed by the MP is closer to the people in the rural areas compared to the bureaucratic state actors/offices/ministries.

[575] Sogavare, "Sogavare Interview."

6.4.4 CDF Act 2013

The CDF Act 2013 is another political attempt by MPs to strengthen the weak state. However, this section shows that there was a lack of political will to give effect to the CDF Act and its proposed CDF regulations (CDFR). The many inconsistencies between the CDF Act, the Constitution and the Public Financial Management Act (PFMA) 2013 may also have influenced certain political actors to keep the CDF Act and its CDFR at bay. On the one hand, public servants and civil society thought the CDF Act and its regulations are weak and poorly drafted. On the other hand, MPs think the CDF Act 2013 is a threat to their autonomy and freedom of action. These two groups mistrusted the CDF Act and its regulations for different reasons. However, in the end, their combined opposition results in a complete stalemate, which works in the interests of the MPs, and arguably their supporters, a point that will be raised later. Such reluctance, as I will later show, may have been influenced by the nature of the state in Solomon Islands, a state that is continually in the making.

6.4.4.1 History of the CDF Act

The CDF Act 2013 is a culmination of government policy and concerns to rethink CDFs. For instance, on the 18 January 2008, during the launching of the Coalition for National Unity and Rural Advancement's government policy document, the ninth prime minister of Solomon Islands, Dr Derek Sikua, says:

> The RCDF, in the way it has been managed to date, has had a disproportionate impact on our society, its leadership and governance. We must find better ways to channel resources directly to the constituencies. There is a role for members of parliament in the identification and planning of development in their constituencies. But the mechanism for the administration of development funds must be at arm's length from MPs. The government is considering various options as platforms for the administration of the RCDF.[576]

From 2008 to 2012, the governments in power promised CDF reforms. In 2013, with minimal consultation, the Gordon Darcy Lilo government tabled in parliament and passed the CDF Act. Lilo stresses:

> We pushed for it, we as a government … I saw the demand for … public financial resources to go into RCDFs [rural constituency development funds]. There is already a … concern for the effective management and utilisation of the CDFs. There seems to be a majority view in many communities that the CDFs are geared towards the winning candidates. That is one side of

[576] Derek Sikua, Statement on the Launching of the National Unity and Rural Advancement Government Policy Document (Honiara: Solomon Islands Government, 18 January 2008).

> the argument. The other side of the argument is that why would politicians involve in managing public funds when you have institutions that are already established to be able to deliver those resources for the purpose they are intended for. So, because of … these growing concerns that come from people and also the need for us to balance out the utilisation of public funds given the circumstances of our country—given the fiscal position or balance of the government is very weak—you have to show management and accountability in the way that you manage these resources to give confidence to donors to invest in other aspects of public finance.[577]

Lilo highlights that potential reasons for the introduction of the CDF Act were the push from the people and the need to ensure stable fiscal points for the country's finances.

As Lilo indicates, another potential explanation for the passage of the CDF Act was the influence of donors and non-state actors. Mr Lilo says that "donors were an important force behind the need for the government of the day to pass the CDF Act."[578] He emphasises that:

> there is always an express concern from donors in how we [government] … use public resources. They [donors] are willing to assist, but they have seen huge mismanagement of public resources. So, yes … it is very true that donors are an important player that influenced us to pass the CDF Act 2013.[579]

In addition to donors' influence, pressure from NGOs was another factor that pushed the Lilo-led government to enact the CDF Act. Transparency Solomon Islands (TSI) was vocal through mainstream media about the irregularities that continue to characterise CDFs. Lilo notes that TSI has a specific area of engagement: transparency on the government use of public funds. Thus, according to Lilo, pressure from TSI was partly responsible for influencing the parliament to pass the CDF Act.[580]

The pressure from donors and watchdogs like TSI to enact the CDF Bill and its proposed subsidiary legislation is problematic in that it fell short of considering local contexts and realities. An underlying concern with the CDF Act and its CDFR is their appropriateness in the Solomon Islands context. This is shown by the following comments from a former senior government official who wishes to remain anonymous:

> The CDF Act and its proposed subsidiary legislation [CDFR] are constructs of Western-based laws and thinking. It captures the *araikwao* (white-men, Europeans or overseas) understanding of the law about crime and management. It fails to consider the dynamics of the political economy of

[577] Gordon Darcy Lilo, interview by Derek Futaiasi, 23 June, 2021, Heritage Park, Honiara.
[578] Ibid.
[579] Ibid.
[580] Ibid.

> Solomon Islands. It fails to consider the practical challenges/hardships/relationships that MPs face imposed by socio-economic realities/problems that the MPs have no control over but are important from the perspectives of our people/*custom* and way of thinking. Moreover, it did not address *custom* and its relevance to an MP's work. It assumes, mostly, that what is correct in *custom* is unlawful and that it is very dangerous, like we are killing ourselves by the imposition of overseas thinking [Western law-based thinking]. In terms of CDFs, what is our defence in law if we do what is right in *custom* but not in terms of white-man's laws or thinking?

The aim of the CDF Act is to ensure the prudent management of CDFs by state actors. In 2012, when the National Parliament of Solomon Islands debated the CDF Bill, many MPs who participated in the debate were dissatisfied with the Bill. Certain MPs highlighted that the CDF Bill was not sufficiently detailed to capture many of the issues concerning CDF management and administration. Other parliamentarians argued that the CDF Bill and related subsidiary legislation needed to clearly define many outstanding issues central to its vision. For instance, John Maneniaru, MP for West Are'Are constituency and leader of the independent MPs, in 2013 joined the MP for East Choiseul constituency in agreeing that "[t]he Bill falls short of reflecting [its] objects, the desires and aspirations."[581] Other MPs mentioned that the Bill did not consider the social and geographical factors that differentiate the constituencies. Some MPs stated that it targeted MPs and constituency offices but not the recipients of the CDFs. Hence, many MPs who contributed to the second reading of the CDF Bill called for parliament to defer the Bill and consider the anomalies they identified in order to strengthen it. After its enactment, the parliament established a bipartisan group composed of both government members and the opposition group to develop subsidiary legislation to ensure that the issues not captured within the CDF Act were given substantial clarity in the CDFR. However, this initiative was ineffective in carrying out that mandate and there was minimal support from the Caucus to give it a political push. Although a draft CDF subsidiary legislation was circulated within government circles for discussion it did not reach the Caucus and Cabinet for further approval.

6.4.4.2 Main Features of the CDF Act and CDFR

One feature of the CDF Act 2013 and the Constituency Development Fund Regulation (CDFR) 2013 worth noting relates to their purposes. The CDF Act's objective is to ensure transparency and accountability in developing, supervising and regulating the management and disbursement of CDFs. Section 3 of the CDF Act further states that its objective and

[581] Solomon Islands National Parliament, Hansard Report (Honiara, Tuesday 26 March 2013): 39.

responsibility are to ensure that the management and disbursement of CDFs are carried out with integrity and prudence. Consistent with the CDF Act, the CDFR have three main objectives. First, the CDFR aims to link the constituency office to interest groups within the constituency to create an inclusive decision mechanism. Second, it seeks to encourage the cross-sector participation of various groups to implement constituency development plans. The third objective is to use the existing structures of the bureaucratic state and their financial capacity to assess, approve and disburse CDFs. The draft CDFR 2013 provide comprehensive clauses relating to the establishment of constituency officers and their appointments. It also specifies procurement processes and outlines reporting requirements. Additionally, it contains miscellaneous clauses that deal with conflicts of interest and certain offences. Many of the draft regulations' clauses are identical or similar to those in the *Constituency Development Funds: Operations Manual (Guidelines and Processes)* (CDF Manual).

A second feature of the CDF Act, as read with the CDFR, is its potential inconsistencies with the PFMA and the Constitution. Some interviewees (senior officials) from the MRD confirmed these legal inconsistencies. For instance, the CDF Act 2013 gives substantial powers to CDOs to manage public funds, while the PFMA gives those powers to accountable officers. Other commentators argued that the CDF Act potentially breached certain constitutional principles, such as the separation of powers between the parliament and executive government, as service delivery should be the role of the executive government and not parliamentarians, who are supposed to be lawmakers. Hence, according to senior government officers within MRD, it is highly likely that gazetting of the CDF Act and its regulation will not have any lasting legal effect, given the fear of a legal challenge by aggrieved parties.

Third, a vital actor established under the proposed draft regulations and CDF Act is a constituency development committee (CDC). Its composition includes the MP as chairperson, two ward members and the constituency development officer (CDO) as secretary. Other members include chiefs/leaders, representatives from women's and youth groups and churches and other members as the chairperson determines in consultation with the MRD. Among other roles, it is the responsibility of the CDC to submit a constituency development plan to the MRD, develop policies and procedures for implementing the constituency development plan and consider/approve project applications. The CDC also has the power to create a subcommittee. When exercising this power, the CDC may consult the MRD. Among other roles, the subcommittee has the power to verify project applications, provide advice on pressing development priorities and monitor and evaluate approved projects. The CDC is an

essential body as it is geographically close to the constituency's people and involves various non-state-based actors representing different sectors of the constituency.

The 2013 CDF Act also gives more regulatory powers to state actors such as the auditor general, the CDO and the MRD. In other words, although the MP still occupies the centre ground, the management of CDFs through the functions and roles of the bureaucratic state actors seems to act as a mechanism that has the potential to check on the powers and discretion of the MP. Lilo mentions in an interview that consequently, "it is the politicians who do not want to give effect to the CDF Act. They [MPs] have less power to regulate [CDFs], but they are the boss of the constituency from a political angle."[582] This means that the powers of these bureaucratic state actors and integrity state actors downplay the powers of the political state actors, in particular the MPs, in regulating and implementing CDFs. Arguably, such disparity in power relations puts the discretionary powers of MPs to use CDFs at stake. To MPs, this undermines the chief purpose of building a bridge between MPs and their constituents—hence their reluctance to give effect to the CDF Act and its proposed subsidiary legislation.

6.5 Other Political State Actors

This section shows that the Caucus is more powerful than the Cabinet in CDF regulation. The Caucus went as far as to dictate that the auditor general review the terms of reference for a proposed audit of CDFs. I argue that the role of the Caucus is instrumental in CDF regulation, as it influences both the bureaucratic state actors and the auditor general.

6.5.1 Cabinet

The Cabinet plays an important role in regulating CDFs through its role to scrutinise and endorse the national budget for parliament debate. In the Westminster system, the Constitution provides for an executive government.[583] The executive government consists of government ministers—MPs—who are appointed as heads of ministries and dismissible by the prime minister. It is the body charged with a collective responsibility to the parliament,[584] as established by sections 35 and 36 of the Constitution. The Solomon Islands Cabinet Handbook states that the Cabinet is at the apex of policymaking.[585] In the context of CDFs, the Cabinet

[582] Lilo, "Lilo Interview ".
[583] Ghai, "The Making of Independence Constitution," 9-52.
[584] Ghai, "The Making of Independence Constitution," 53; Peter Kenilorea, "The Executive in the Constitution," ibid. (Institute of Pacific Studies of the University of the South Pacific), 53.
[585] Solomon Islands Government, "Solomon Islands Government: The Cabinet Handbook," para 1.3.

is a vital decision-making body that influences the regulation of CDFs. It also sets out the roles of the MRD and related government ministries responsible for implementing CDF policy and reforms. In addition, the Cabinet formulates and approves the budgets of relevant ministries before they are tabled in parliament by the Appropriation Act.

The Cabinet is also involved in making decisions for specific constituencies. For instance, in 2018, when Jimson Tanangada—the MP for Gizo/Kolombangara constituency (GKC) lost his seat and the MP for West Kwaio constituency (Peter Tom) died, the Cabinet intervened to ensure that the CDFs for those constituencies continued to be processed. Those MPs' constituents had raised concerns about their need to access the CDFs while waiting for a by-election. The Cabinet noted the genuine concerns raised by the constituents from GKC and West Kwaio constituency and approved that their CDOs, CPOs and CAOs could continue to receive, appraise and submit project proposals to the MRD. The Cabinet also directed the minister for the MRD to endorse and approve project proposals compiled and submitted by the CDO, CPO and CAO on behalf of GKC and West Kwaio constituency. Further, it approved the addition of the financial controller of the MRD as a third signatory to the bank accounts of these constituencies to replace the former MPs. The Cabinet also held that these arrangements would be revoked when new MPs were elected.

6.5.2 Caucus

In particular circumstances, the Caucus is more powerful than other state actors. The Caucus is a political body that consists of Cabinet members (Ministers of the Crown), backbenchers and other MPs who are supporters of the ruling government. In a personal conversation, a former secretary of Caucus says:

> As for the virtues of Caucus, as an institution, this body functions to elevate good governance and accountability. This institution acts as a bridge between ministers and backbenchers. Caucus is meant to congeal decision-making for the government. This arrangement is meant to update Cabinet and Caucus in terms of what the government of the day is doing.[586]

The Caucus is an influential political institution that has the potential to impact government policies. It is a venue to discuss political issues central to the interests of the political actors that form the ruling government. Writing in 1979, the late Francis Saemala said:

> Experience … has shown that ministers rarely, if ever, discuss political issues and problems with civil servants … These [political issues/problems]

[586] FM.

> are discussed in Caucus, where broad policy guidelines are usually formulated.[587]

Apart from formulating broad policies, the Caucus also approves and adopts the government's program of action. These policy-related issues, along with sensitive political matters, are discussed in Caucus before they proceed to the Cabinet for further deliberation. For instance, on many occasions, CDFs have been a political issue—a common matter for debate among MPs within the Caucus. An example of how the Caucus has impacted CDF governance took place in 2007, when "it was evident that there was widespread misuse of government-approved funds [CDFs]":[588]

> [The] recipients [of the funds] instead of procuring or buying the items approved in the funding [CDFs], cashed the government cheques and brought (sic) items like taxis and built houses, and some of the recipients were from other [constituencies], and they claimed to live in the constituency for which the funding was approved.[589]

Such undertakings were done in collaboration with certain public servants. As one interviewee said: "There was a time when public servants were responsible for CDFs. Public servants, too, had abused the CDFs." The Caucus, followed by Cabinet, responds:[590]

> Because of this widespread misuse [of CDFs], a Cabinet/Caucus meeting was held in the Prime Minister's office in September 2007. This meeting was attended by the members of the Cabinet as well as all the government backbenchers to discuss and approve the list which has already been prepared … As a result of the meeting, some guidelines were agreed on as to the handling of the funding, namely, $6m … According to the Minister of Finance Mr Gordon Darcy Lilo, the guidelines were as follows:
>
> - All cheques that were approved by the Ministry of Finance were to be received by the MPs and delivered to all the project recipients;
> - The MPs had to verify whether the recipient[s] were from their constituents;
> - To ensure that equipments [sic] are purchased for fisheries project and not used for other purpose;

[587] Francis J Saemala, *Our Independent Solomon Islands* (Honiara, Solomon Islands: Institute of Pacific Studies, University of the South Pacific, 1979), 19.
[588] *Regina V Mark Kemakeza*, Criminal Case 1241 of 2009 Central Magistrate Court of Solomon Islands, (Unreported) (2012).[7].
[589] Ibid.[7]
[590] Ibid.[17].

- The MPs were to police that all purchases were done in accordance with the project approval, since the officers in the ministry were not very vigilant to ensure that the project purchases were completed;

- An MP was not authorised to deposit the cheques in some account;

- The MPs had to ensure that the project purchases were completed so it was up to the MP as the project coordinator or the project recipient to decide the best way to procure the project equipment;

- At the meeting a list was drawn of the approved projects;

- The list could not be changed by the MP as the approval of the list by Cabinet/Caucus was final.

These guidelines were reported in a judicial decision because of a criminal case against an MP who was accused of criminal conversion. Some commentators may argue that the Caucus merely rubberstamped the guidelines, given that the relevant ministries were responsible for their actual drafting. However, this example demonstrates the influential power of the Caucus to intervene when the bureaucracy lacks sound policies and regulations to deal with public funds (CDFs). The power of the Caucus can influence the government policies and political issues it has an interest in.

Another example of the influence of the Caucus is the impact it had on the audit of CDFs conducted by the Solomon Islands Office of the Auditor-General in 2012. In a letter dated 31 July 2012, the Caucus chairman, Namson Tran (MP for West Honiara constituency), wrote to the then Prime Minister Gordon Darcy Lilo requesting that he halt the performance audit of CDFs administered through the MRD. The letter highlighted that at a meeting held on 3 July 2012, “there was a collective decision made over discussions on the Performance Audit of CDFs administered by the Ministry of Rural Development.” The letter, which I obtained from the OPMC when I searched CDF files after I was given approval by the Secretary to Prime Minister, states that:

> major concerns were raised on the audit approach as contained in the Audit Plan submitted to the Ministry of Rural Development. Having gone through the audit plan/approach, Caucus agreed that the scope of the Audit Approach should only cover the following areas:
>
> (a) Discussion with the Ministry’s Permanent Secretary, relevant Director and Financial Controller, including to confirm the current guidelines and procedures for the operation of each fund, records/documentation held by the Ministry and records held in a constituency

> (b) Review Ministry's records/documentation for the selected constituencies for the year 2009 – 2011, including applications, acquittals and reporting to ROC and Ministry Senior management
>
> (c) Discussion with relevant members of parliament, constituency development officers for each selected Constituency, including regarding processes and documentation/records retained in the constituency, and the location of projects selected for review and timing of visit to the constituency.

Because of the directive of the Caucus to the Prime Minister, the Secretary to Cabinet, in a letter dated 3 July 2012, informed the MRD's permanent secretary of the request for the MRD's permanent secretary and the Auditor General to review the audit plan and incorporate the Caucus-endorsed recommendations. This shows how political state actors like the Caucus can be powerful actors in the regulation of CDFs and have the potential to undermine the role of institutions such as the office of the auditor general, which is supposed to be independent.

6.6 Bureaucratic State Actors and Policy Responses

Donald Kettl argues that "[a]lthough government's other institutions frame public policy, its bureaucracies have always been responsible for carrying it out."[591] This section shows the roles and policy responses of some bureaucratic state actors in CDF regulation and argues that these policy responses have been influenced by political/legal pressures and external actors. I further argue that the Ministry of National Planning and Development Coordination (MNPDC) plays an important role in the regulation of CDFs and that its policy research recommends improving the roles of the Ministry of Rural Development (MRD). This section also argues that because of the lack of a specific legislation for regulating CDFs, the MRD uses the CDF Manual to regulate CDFs, but this manual is often undermined by political state actors and does not have a legal status. This section also discusses a joint policy undertaking between the MRD and the People's Republic of China (PRC) and argues that although it exemplifies good regulatory practice, it is largely influenced by the PRC. I also briefly highlight the new CDF policy by the MRD passed by the Cabinet recently (early March 2023). Lastly, I show a memorandum of understanding (MOU) highlighting the relationships between the Western Province government, the West New Georgia and Vonavona constituency (WNGVC), the MRD, the Ministry of Provincial Government and Institutional Strengthening (MPGIS) and ward development committees (WDCs) in relation to the regulation of CDFs and argue that while such a mechanism is viable, it is not attractive for MPs.

[591] Donald F. Kettl, "Public Bureaucracies," in *The Oxford Handbook of Political Institutions*, ed. R. A. W. Rhodes, Sarah A. Binder, and Bert A. Rockman (Oxford: Oxford University Press, 2006), 366.

6.6.1 Ministry of National Planning and Development Coordination

The Ministry of National Planning and Development Coordination (MNPDC), formerly known as the Ministry of Development Planning and Aid Coordination (MDPAC), monitors and evaluates CDF projects but has been hampered in this role by political decisions that undermine its processes. Within the MNPDC, there is a department "to monitor programmes and projects, evaluate the impact of government policies and programmes, evaluate ministries performance, and provide feedback to the government."[592] For instance, in 2018, the then MDPAC visited all 50 constituencies to conduct a monitoring and evaluation project relating to CDFs. According to the MDPAC's evaluation report:

> [t]his undertaking proceeded after the National Development Strategy Oversight Committee endorsed an evaluation activity to provide an assessment of RCDF funding allocations against the NDS [National Development Strategy] and Medium-Term Development Plan (MTDP) objectives and funding criteria for the period of 2015–2018.[593]

This report aimed to measure the impact, efficiency, consistency, effectiveness, relevance and sustainability of CDF programs. According to the report, the "CDF programme was a flagship program, designed to effectively deliver [National Development Strategy] NDS outcomes at a community level through [MPs]."[594] It utilised Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee criteria regarding design, relevance, efficiency, effectiveness, impact and sustainability.[595] Having done so, the report classified CDFs as poorly implemented. [596] In interviews with several MPs, they criticised the report and its findings. The MPs thought that the report did not reflect the complexities of how CDFs are regulated in practice. The basis of their criticism was that the report fell short of considering the political economy dynamics of Solomon Islands and the ways that other socio-economic and cultural factors influence the governance of CDFs. One MP said that the report's findings were not given much attention at the political level due to such shortfalls.

The report also proposed several important recommendations, such as that critical attention be given to the efficiency and sustainability of CDF projects. The report also suggested that "[a] holistic and standard project governance and management approach at the MRD level is required to support and implement the RCDF in the constituencies effectively."[597] The

[592] Ministry of Development Planning and Aid Coordination, "The Evaluation Report: The Constituency Development Fund Program 2015-18," 10.
[593] Ibid.
[594] Ibid., 8.
[595] Ibid.
[596] Ibid.
[597] Ibid.

evaluation of CDFs by the MDPAC revolved around state actors, and its recommendation were geared towards strengthening the weak regulatory roles of state institutions, in particular the MRD, regarding CDFs. Though such a finding is important, it is premised on strengthening state institutions.

Now let us look at some policies regarding CDFs and their contents.

6.6.2 Operational Guidelines and Procedures for CDFs

A response to CDF regulation by the bureaucratic state through the Cabinet was the CDF Manual. According to MRD officials, the CDF Manual was approved by the Cabinet for use by the MRD in the absence of the CDF Act 2013 and the CDFR.[598] The objective of the CDF Manual was to ensure that the management, disbursement and use of CDFs are carried out consistently with integrity and prudence to achieve the government's policy on rural development. However, Savenaca Narube, the consultant responsible for reviewing the CDF Act, acknowledged that "the operation of the CDF is guided by an Operations Manual issued by the MRD … [but it] does not have a legal status."[599] According to the Solomon Islands Auditor General's 2012 report on CDFs, although the CDF Manual exists and clearly states guidelines and processes, it is either unknown or ignored.[600] Although approved by Cabinet, the CDF Manual is not binding, giving it a weak basis for compliance and adherence. Legally, it lacks any teeth; it is a policy document—an administrative guideline—for the MRD to advise concerned state actors on compliance with bureaucratic state processes.

The CDF Manual contains a number of important guidelines relevant to the governance of CDFs. The first is a recommendation to form the constituency development committee (CDC). The manual provides that the CDC must be composed of a chairman, secretary, treasurer and four ordinary members. Two members must be ward members from the provincial assembly within the constituency. The CDC must include other non-state actors such as chiefs, community elders, church leaders, women, youths and farmers, including those from registered associations – an explicit desire by the state to bring in non-state actors in CDF governance. In chapters seven and eight I acknowledged the roles of and challenges facing the non-state actors in CDF governance.

[598] Ministry of Rural Development Officials, "MRD Officials Interview."
[599] Savenaca Narube, "Review of CDF Legislations: Mission Report," (Honiara: Solomon Islands Government, 2019), 4.
[600] Office of the Auditor General, "Audit Report Rural Constituency Development Funds (2009 to 2012)."

Second, the manual sets out that the duties of the constituency development officer (CDO) which include the compilation of constituency development plans and profiles. The CDO must submit these documents to the MRD at the beginning of every four years before the disbursement of project funds. The MRD has to monitor and evaluate the plans and profiles. This is important to ensure that approved and funded projects are reflected in the plans and profiles.

Third, the manual contains rules and guidelines relating to project applications. It highlights who is eligible to apply for CDFs. Further, it contains selection criteria for eligible CDFs, which include, but are not restricted to:

- geographical remoteness and isolation
- lack of basic social infrastructure as such as schools, clinics and sanitation
- lack of basic infrastructure
- lack of capacity to generate income
- absence of reliable transport services
- projects must be reflected in the constituency development plans and profiles
- no multiple projects to be submitted by one individual, group or community
- projects to help constituency development centres.

The CDF Manual specifies that consideration of applications for funding must be certified by the CDO—the secretary of the CDC—and endorsed by the MP. Encashment from the constituency account cannot occur without the MP's endorsement. Further, once the project is endorsed, the CDFs are deposited into an active bank account in the name of the constituency, the signatories of which are the MP and the CDO. Although the payment request for encashment depends on the situation, the permanent secretary for the MRD has the power of final approval. Payments for project materials are paid directly to suppliers.

Fourth, the manual deals with the retirement of funds. It states that for the Solomon Islands Government component of the CDFs, the retirement of expended funds must be made after the first round of applications is funded. An acquittal report concerning the use of the CDFs

must be prepared; a failure to do so would result in the withholding of new applications for CDFs. When ROC provided funding for CDFs, the manual also emphasised that the retirement of expended funds had to be made before ROC's next tranche of payments. A failure by the constituency office to properly account for the funds would also result in withholding of further (or future) funds. The CDO is the officer responsible for certifying acquittal reports. The MRD is responsible for reconciling the CDF retirements.

Fifth, the CDF Manual highlights that reporting on CDF-related issues is an important role of both the CDO and MP. A task of the CDO is to provide the MRD acquittal and quarterly reports relating to the implementation and status of CDF projects. These reports must be submitted before the end of the financial year. A failure to submit such reports promptly would mean that the concerned constituency could not access CDFs for the next financial year on the advice of the permanent secretary. The manual also highlights that the minister for the MRD must report to parliament on the list of approved projects, types of projects funded, the status of monitoring and evaluation during the year and the proportions of project distribution in a particular constituency.

However, according to the recent Solomon Islands Constituency Development Policy 2023 – 2032 (SICDP) which will be detailed below, the Operational Guidelines and Procedures for CDFs does not have strong accountability measures, hence among other factors, the need for the SICDP.

6.6.3 Solomon Islands Constituency Development Policy 2023 - 2032

The Solomon Islands Constituency Development Policy 2023 – 2032 (SICDP) is the most recent policy document in Solomon Islands regarding the governance of CDFs. Broadly, it is a policy attempt to "guide the implementation of tangible and sustainable development in the rural communities in Solomon Islands."[601] The Ministry of Rural Development (MRD) states that its purpose is "to regulate the CDF Act 2013 and improve socio-economic livelihoods of [Solomon Islanders]."[602] The MRD highlights that the SICDP is an effort by the Democratic Coalition Government for Advancement (DCGA) led by Prime Minister Manasseh Sogavere "to reorient the focus of the CDF and other public funds toward the productive, resource and essential sectors to boost rural development and economic growth."[603] Hence its function is "to provide a framework of partnership in planning, coordination, implementation, monitoring and

[601] Ministry of Rural Development, "Solomon Islands Constituency Development Policy 2023 - 2032," 3.
[602] Ibid.
[603] Ibid., 4.

reporting between MRD and important stakeholders to advance socio-economic development in Solomon Islands."[604] Underlying the above function and purpose of the SICDP is that CDF is seen as a service delivery mechanism.

Given such function and purpose a commentator has this to say about the new CDF policy, "some of this is very reminiscent of ideas that late Bart Ulufa'alu (a former Prime Minister of Solomon Islands) talked to me about in 2003-2004 when he was out of office, i.e. the idea of establishing the constituencies as a nation-wide system of service delivery on behalf of the state, with constituency centres established in all 50 constituencies."[605] Against such a backdrop, the SICDP highlights that it "will pave the way to decentralize government services and facilitate the creation of employment opportunities for the majority of young and productive populace in the rural areas of the country."[606] However, the new CDF policy lacks a clear demonstration of the governance arrangements for CDFs. Similarly, the roles of MPs are not clearly articulated hence the assumption that the policy is premised on the need to distance MPs from the governance of CDFs—an important legal issue at the centre of the separation of powers between the executive and the parliament—that is worth addressing to clearly divide their roles.

Also, the SICDP reflects and raises some of the concerns of people at the rural level about CDFs such as the lack of political impartiality, weak transparency, and limited sustainability. Further it raises the paradoxical issues characterising CDFs in Solomon Islands such as though CDFs are highly prone to misuse it incurs a less bureaucratic process, it is easily accessed through constituencies but is highly subjected to political affiliation, though there is short turn around to assist socio-cultural needs—CDFs are mostly geared towards non-productive sectors, it has quick fix solution with less checks/balances hence open to abuse, and the while CDFs are meant for the constituency in general, most of the times CDFs are used for supporters because of the political context around which CDFs exist.[607] Some of the challenges facing the implementation of CDFs are also mentioned such as the geographical spread of Solomon Islands and the substantial expenses such factor incurs on the governance of CDFs. For instance, the lack of proper monitoring and evaluation of CDF projects are due largely to limited resources and high cost of such exercise.[608] These are issues and challenges that will be raised in chapters seven and eight of this thesis.

[604] Ibid.
[605] Conversation with James Batley dated 30 March 2023 via email.
[606] Ministry of Rural Development, "Solomon Islands Constituency Development Policy 2023 - 2032," 5.
[607] Ibid., 11-12.
[608] Ibid.

An important part of the new SICDP relates to some of its stated outcomes that it hopes to achieve. The policy hopes to achieve an outcome that constituencies are seen as delivery agents of the national government. It states:

> The policy foresees an additional function of constituencies as delivery agents of the national government as extensions of the Ministry of Rural Development, to spur growth in the rural areas of Solomon Islands by availing government services and opportunities for rural dwellers and investors alike to participate fully.[609]

Against this standpoint, the SICDP states that such move is important because currently constituencies are political boundaries by law and not delivery agents of the national government. The policy highlights that to give effect to this position it will formulate a Solomon Islands Constituency Development Act to adopt the current Provincial Capacity Development Fund (PCDF) model—public funds from the Solomon Islands Government and donors for infrastructure projects in the provinces administered by the Ministry of Provincial Government and Institutional Strengthening (MPGIS). The MPGIS states that:

> The PCDF is administered through a performance-based grants. This requires provinces to perform to a certain level in financial management to qualify for the Annual PCDF allocation. With that, the provincial financial accounts are subject to an independent audit to determine the performances of provinces in a financial year.[610]

In practice, if the independent audit found misuse or administrative anomalies of the PCDF by the provincial government, that province will be penalised and not given PCDF in the next financial year. The policy stance to formulate a Solomon Islands Constituency Development Act to legally institutionalise (by way of an Act of Parliament) the current Provincial Capacity Development Fund (PCDF) for the purpose of governance of constituency development funds raise the issue of the relevance of the current provincial government system. Similarly, it also raises the issue of whether such entrenchment and extension of the constituency to capture a development function by the operation of the law will eventually abolish the provincial government system in the long run.

So far, we looked at the bureaucratic state institutions, its policies on CDFs and their roles in CDF governance. Now let us turn to look at some guidelines and policies on CDFs by state actors coupling with international mechanisms that also play a regulatory role over CDFs.

[609] Ibid.
[610] Ministry of Provincial Government and Institutional Strengthening, "Provincial Capacity Development Fund," (Honiara: Solomon Islands Government, 2018), 1.

6.6.4 Guiding Principles for CDFs Supported by PRC

In September 2019, Honiara shifted its diplomatic ties from Taipei to Beijing. Before the diplomatic switch, negotiations between the People's Republic of China (PRC) and a Solomon Islands Government (SIG) bipartisan group led by John Moffat Fugui revealed that the PRC was willing to fund CDFs. However, in an interview Fugui noted that such funding would have a time limit. Fugui states that because of the willingness of the PRC to fund CDFs, the SIG and the PRC signed a document/agreement entitled "Guiding Principles on Management & Operation of Solomon Islands Rural Constituency Development Fund Projects Supported by China" (hereinafter the PRC CDF Guidelines).

According to the PRC CDF Guidelines, "[i]n principle, a certain number of livelihood and development projects will be implemented in constituency areas each year within 2020–2022."[611] The PRC CDF Guidelines further state:

> Constituencies shall submit project proposals to the Ministry of Rural Development (MRD) [from] January to March each year. The MRD should collate all project proposals of 50 constituencies and submit [them] to [the] Chinese Embassy in Solomon Islands for preliminary review.[612]

If a preliminary review by the PRC embassy determines a need to improve the proposals, these proposals will be submitted back to the MRD to ensure the improvements are completed. It is also the responsibility of the MRD to monitor and supervise the progress and delivery of CDF projects. The Honiara-based Chinese embassy will inspect the projects at random. Clause 6 of the PRC CDF Guidelines further states that:

> All 50 constituencies should submit project acquittal reports (includes details of fund spending, effects of the projects and public comments from local community, etc.) to MRD before 1 Oct each year. Based on the project acquittal reports submitted by all 50 constituencies, MRD should draft a national yearly overall RCDF project acquittal report and submit it to the Chinese Embassy before 15 Oct. After receiving the qualified summary reports from MRD, the Chinese Embassy will seek permission from Beijing to release the remaining 50 per cent balance of the requested funds (final payment) to the Solomon Islands RCDF bank account.[613]

There are early indications that PRC will influence the regulation of CDFs and seek to uphold these guidelines. The PRC CDF Guidelines are clear evidence of how a powerful international

[611] Solomon Islands Government and People's Republic of China, "Guiding Principles on Management & Operation of Solomon Islands Rural Constituency Development Fund Projects Supported by China," (Honiara: Ministry of Rural Development, 2020), 1.
[612] Ibid.
[613] Ibid., 3.

actor can influence state actors to abide by its agenda within the national context.[614] A senior MRD official is of the view that compared to the ROC, the PRC is strict in terms of monitoring CDF-related projects. The PRC also works closely with the MRD for monitoring purposes. For instance, from 11–13 May 2021, a joint SIG–PRC team conducted a monitoring visit to Simbo/Ranongga and South Vella Lavella constituencies for projects funded under the PRC CDFs. While two days may not seem to be very substantial, it actually is highly significant because according to a media release from the MRD, "this is part of the PRC monitoring activity to ensure support provided benefit [the] rural people."[615] Such a partnership is the first of its kind, according to the MRD.

6.6.5 Ministries, Provincial Governments, Constituency Offices and Ward Development Committees

Another policy response to the governance of CDFs by various state actors is the creation of a Memorandum of Understanding (MOU) between the Western Province Government, the West New Georgia and Vonavona constituency (WNGVC) represented by the MP, the Ministry of Rural Development (MRD), the Ministry of Provincial Government and Institutional Strengthening (MPGIS) and Ward Development Committees (WDCs) dated February 2021.[616] The recent Solomon Islands Constituency Development Policy 2023 – 2032 (mentioned above – 6.6.3) also envisage a similar framework for the establishment of Constituency Development Growth Centres in all 50 constituencies which will be supported by the committees at the constituency, ward, and communities.[617] The MOU is dubbed as the "Vagara Way" by some of my informants given that currently only the current MP for WNCVC—Silas Vagara implements it with the MPGIS.

The MOU has three purposes. One is to promote a coordinated approach to the delivery of services by making use of the relationship between the constituency office and the provincial government via WDCs. In a personal communication, a senior government official who is part of the Joint Oversight Committee for the Provincial Government Strengthening Program says: "This MOU is basically about the channelling of a portion of funds from the CDFs to the PCDFs

[614] It also illustrates how national state actors influenced the PRC (a powerful country) to act according to their interests, in particular to fund CDFs like ROC (Taiwan) had; however, this is beyond the scope of this PhD.
[615] Ministry of Rural Development, "SIG and PRC Visit and Handover to Simbo/Ranongga and South Vella La Vella Constituency PRC Supported Projects (10-13th May 2021)." news release, 14 June, 2021, https://solomons.gov.sb/sig-and-prc-visit-and-handover-to-simbo-ranongga-and-south-vella-la-vella-constituency-prc-supported-projects-10-13th-may-2021/.
[616] Solomon Islands Government, "Memorandum of Understanding between Western Provincial Government, West New Georgia and Vonavona Constituency, MRD, MPGIS and Ward Development Committees," (Honiara: Solomon Islands Government, 2021), 1-11.
[617] Ministry of Rural Development, "Solomon Islands Constituency Development Policy 2023 - 2032," 39.

[provincial capacity development funds] to support development in the wards that are in that particular constituency."[618] He goes on to argue that "it is not obligatory for CDFs to be put through PCDF; it is entirely up to MPs. The fact is that MPs are wary of channelling their funds through PCDF so that is why only one constituency has that arrangement."[619] Thus, while purpose of the MOU promotes a coordinated approach for delivery of service, there is reluctance by the 49 MPs to channel funds by way of such an MOU because of the slowness of the bureaucratic processes for funds to reach constituencies and the need to maintain political power over the use of the CDFs—socio-political issues I will detail later in the thesis.

The MOU articulates the commitment of the parties. They agreed that four WDCs in WNGVC should be the mechanisms to deliver CDFs. For funds to reach the bank accounts of the WDCs, the provincial government needs to appropriate the CDFs within their provincial budget. The funds are to be used by the WDCs according to an investment menu issued by the MPGIS. The MRD and the constituency office also agreed that the WDCs would be responsible for identifying projects and that provincial government engineers would undertake a detailed quantitative analysis of the viability of projects to guide material procurement by MRD. The provincial government is also committed to providing quarterly reports on the implementation of the projects.

The MOU also provides a detailed outline of the funding allocations for each ward. The allocation is divided into two streams. The first is the CDFs from the People's Republic of China (PRC) coordinated by the MRD, of which each ward shall receive SB$300,000 annually. The MRD is authorised by the WNGVC to transfer these funds upon appropriation by the Western Province Government. The second stream is the Solomon Islands Government-funded CDFs. The four wards are authorised to receive materials (not cash) worth SB$500,000 from SIG CDFs for constituency development. Article 5.2 of the MOU states:

> Under this arrangement, no cash would be paid into the WDC account. It would rather be in-kind contribution but administered and implemented using the WPC technical expertise on the ground. The materials to be procured under this article would be community projects that are identified by the whole community through the respective WDC. They would be community projects that would benefit the community, not just individuals.

[618] PSM, 2 October 2022.
[619] Ibid.

Article 5.2 reinforces that WDCs will not receive these funds and that the materials must be used for community projects. Hence, projects marked for funding must be based on community aspirations.

Another outstanding feature of the MOU is that it clearly and comprehensively articulates the roles of all the state actors. For instance, the MRD and the MPGIS are required to send monitoring teams to the wards to monitor the projects—a role the CDO for WNGVC (but representing the constituency) also plays. The Western Province Government is required to send its planning specialist to monitor the implementation process and the provincial government is given the role of ensuring the funds are used efficiently. In addition to identifying projects for implementation and formulating a three-year rolling plan, the role of the WDC is to implement the projects according to agreed-upon designs and provide quarterly reports to the provincial government planning division. Among other roles, the MPGIS must supervise compliance enforcement throughout the province and ensure appropriate actions are taken in the event of misuse of CDFs by the wards or provincial government. The Ministry of Finance and Treasury (MoFT) is to disburse funds as requested by the MRD, measure CDFs against the MOU and process the requisitions as soon as they are submitted by the MRD. The role of the auditor general is also factored within the MOU.

In sum, the MOU provides a way to involve state actors and non-state entities in the regulation of CDFs. The MOU links many of the state actors discussed in this section with non-state actors situated within the villages. Such links are demonstrated by the fact that the MOU gives non-state actors the power to make decisions about projects and what is best for the constituency. In West New Georgia/Vonavona constituency, these non-state actors are embedded in the villages within their respective wards. However, the challenge that comes with the structure articulated by the MOU is its bureaucratic context. The various levels and actors dealing with the transfer of the funds and their monitoring and evaluation encompass much duplication and distance it from the political aspirations of MPs; hence, it is an expensive exercise characterised by red-tape bureaucracy and therefore not attractive and unsustainable.

6.7 Integrity State Actors

This section discusses the roles of some of the integrity state actors in dealing with CDF-related issues. In addition to the courts and the Leadership Code Commission, I argue that the roles of the auditor general and ombudsman are significant but also highlight that interference by political state actors sometimes hampers the roles of these integrity state institutions.

6.7.1 Office of the Auditor General

The Office of the Auditor General (OAG) is a public office established by the Constitution.[620] One of its roles is to audit the use of public funds managed and used by state actors.[621] It must submit a report on these audits to the speaker of parliament to be tabled.[622] Constitutionally, in the exercise of their function, the Auditor General shall not be subject to the direction or control of any other person or body.[623] However, as outlined previously, the 2012 audit of the CDFs was controversial. Using its power to audit, the OAG drew up a term of reference to audit CDFs. However, in 2013, the Caucus intervened to limit the term of reference's scope. Between 2017 and 2018, the OAG undertook an audit. The OAG's CDF report highlighted many anomalies concerning the regulation of CDFs by the MRD and non-state actors.[624] It recommended reforms of CDF governance and the strengthening of the MRD's administrative role to ensure transparency and accountability in the use of CDFs. The report also highlighted the need to enact the CDF Act. Hence, the reforms suggested by the report revolved around strengthening government institutions and laws.

Although the OAG is constitutionally designated to be an independent integrity institution, my research found that it has been influenced by certain influential state actors. One such actor is the Caucus, which is a powerful body because its composition encompasses the numerical strength of the government of the day. In practice, this means that the political and policy deliberations and decisions of the Caucus are crucial directives and hence regulatory orders that the government of the day or Cabinet must consider, and many times adhere to or follow. This speaks volumes about the dominant nature of the Caucus and its relationships with other constitutional state actors central to legal/policy implementation. The directive from the Caucus to the prime minister and other relevant bureaucratic state actors to comply with its decision to limit the scope of the Caucus' term of reference, which consequently restricted the audit of CDFs by the OAG, was an example of the Caucus using its power to influence other political, bureaucratic and integrity state actors. This standoff has the potential to undermine the integrity and independence of the OAG.

[620] Section 108(1) *Solomon Islands Constitution 1978 (Solomon Islands)*.
[621] Section 108 (2) ibid.
[622] Section 108 (3) ibid.
[623] Section 108(5) ibid.
[624] Office of the Auditor General, "Audit Report Rural Constituency Development Funds (2009 to 2012)," 13-16.

6.7.2 Office of the Ombudsman

The Constitution established the Office of the Ombudsman.[625] The ombudsman must not be subject to any direction or control from any person or authority.[626] An exemption to this provision is when investigations by the ombudsman have negative implications for national security, in which case intervention by the prime minister is crucial. Section 96(2) of the Constitution gives the ombudsman broad functions, including enquiring into the conduct or abuse of any corporate and/or public office and assisting in the improvement of the practices and procedures of public bodies. The Constitution in Section 97(2) further states that parliament has power to confer other functions on the ombudsman. The ombudsman also has the power to investigate public bodies based on their own motion.[627] This means that apart from national security-related issues, the ombudsman does not need the permission of any other government body to conduct an investigation it deems appropriate. Despite this wide scope, the ombudsman is yet to conduct investigations into CDFs, although media outrage about how CDFs are regulated by MPs and state institutions.

An employee during the tenure of the former ombudsman, Joe Porowai, states that there was supposed to be an investigation of CDFs in 2015. Fredrick Fa'abasua, the former provincial secretary of Malaita Province who was also a former director of governance at the Office of the Ombudsman, says:

> When I was at the Office of the Ombudsman, we were planning to undertake an investigation on the RCDFs, but its politics that came in and stopped it. In fact, we were planning to do it by way of our own motion [ombudsman's motion]. Because we want to go on the ground to a good number of constituencies in or around 2015 to see what is happening on the ground and to investigate the use of the funds and how the money is used or whether it changes peoples' livelihood. You know, at that time, Joe Porowai was the ombudsman. So when some politicians talked hard on him, he was afraid, so [he] put the project down.

As stated, the investigation was barred because of political interference by certain political state actors. In addition to such political interference, the Office of the Ombudsman continues to experience many ongoing administrative and human resource shortages that hamper its functions.[628] Such challenges have negative implications for conducting large-scale and

[625] Section 96 (1) *Solomon Islands Constitution 1978 (Solomon Islands)*.
[626] Section 98(1) ibid.
[627] Section 19(c) *Ombudsman Act 2017 (Solomon Islands)*, (11 August 2017).
[628] Office of Ombudsman, "Annual Report for Year Ended 30 June 2021," (Honiara: Solomon Islands Government, 2021).

politically charged investigations of the management and use of CDFs throughout Solomon Islands.

In an interview, the current ombudsman said that his office is in consultation with the OPMC to look at how CDFs are regulated in order to make recommendations for improving the processes and procedures for the implementation of CDFs by MPs. The Office of the Ombudsman's consultation with the OPMC is ongoing. While the ombudsman took a combative approach to investigations into CDFs in 2015, by the time of my research, the ombudsman had a much closer relationship with the OPMC.

6.7.3 Leadership Code and Leadership Code Commission

A Leadership Code is established by the Constitution (1978). This Code is further articulated in the Leadership Code (Further Provisions) Act 1999. Examples of misconduct specified by the Leadership Code Act include the use of office for personal benefit and conflicts of interest. The Code applies to public servants, ministers of the crown, politicians, the speaker of parliament, the governor-general and members of the commissions established by the Constitution. Section 94(1) of the Constitution states that the people who holds these offices must ensure that their conduct in both their private and public lives do not put them in positions where they could have conflicts of interest, demean their office/position, allow their integrity to be called in question or endanger or diminish respect and confidence in the integrity of the Government of Solomon Islands.[629] Section 94(2) states that the aforementioned offices and officers "shall not use his or her office for personal gain" or enter into transactions or engagements that may give rise to, or put doubt in the minds of the public about, anything that section 94(1) of the Constitution forbids. These sections apply to the conduct of MPs in relation to CDFs. However, these provisions are rarely used against MPs in terms of their conduct relating to the governance of CDFs.

Section 7 of the Leadership Code Act 1999 gives power to the Leadership Code Commission (LCC) to investigate any allegations concerning misconduct in office. The Act defines misconduct in office as "any act or conduct which is deemed to be misconduct in office under Chapter VIII of the Constitution or Part III of this Act." In 2015, the LCC formally charged the MP for West Guadalcanal constituency, Moses Garu, with official misconduct on the basis that he facilitated the appointment of his wife to the post of CDO for West Guadalcanal constituency.[630] The LCC later dropped the charge. The LCC chairman – Solomon Kalu stated

[629] Section 93(1) *Solomon Islands Constitution 1978 (Solomon Islands)*.
[630] Transparency Solomon Islands, "Citizens Must Report Misconduct," *Solomon Star*, 10 April 2015.

that Mr Garu had been charged by the former chairman (Francis Lusa) of LCC, who died in office without finalising the case. When Solomon Kalu came into office as LCC chairman, he dealt with the case by calling Garu to his office and telling him that the charge was improper in terms of its pleading. However, he also advised Garu that if he did not withdraw the appointment of his wife as constituency development officer (CDO), he would be later charged with breaching section 94(1)–(2) of the Constitution. The MP complied with the chairman's advice and withdrew his wife's appointment as CDO. My research identified that the main reason for the lack of use of the LCC regarding CDFs is a lack of reports lodged by complainants.

Although CDF-related misconduct is a pressing issue that needs more prosecution from the LLC, the former LCC chairman said that there is very limited reporting from the public on issues related to the use of CDFs by political state actors. According to an interviewee who want to remain anonymous:

> the lack of public reporting is due to the fear of 'social ostracization.' If you do this, people might call you a 'political vagabond.' This is because the relations of people and representatives [MPs and constituencies office] in Solomon Islands are often intimate. You do not have to engender these actions to get attention. You can always confer what you want to the representative or his officers. So legal and extra-legal strategies are rarely used.

This standpoint is supported by interviewees from Baegu/Asifola Constituency and Gizo/Kolombangara Constituency as well. Such argument helps to explain the lack of reporting of misconduct and related corruption offences to integrity institutions like LCC for prosecution.

6.7.4 The Courts

The Central Magistrate's Court has also dealt with some criminal cases relating to the abuse of CDFs. In some cases, its prosecution was successful; other times it was unsuccessful. An example of an unsuccessful prosecution is *R v Tome*.[631] In this case, the MP for Baegu/Asifola constituency (BAC), Mr Tome, faced one count of conversion contrary to section 278(1)I(i) of the Penal Code. In May 2011, the Cabinet had decided to allocate SB$ four million, with each constituency and MP receiving SB$80,000 as CDFs. It was alleged by the prosecution that the MP for BAC (Tome) was entrusted with SB$80,000 in public funds for reforestation and forest plantation development coordinated by the Ministry of Forestry and Research (MFR). The prosecution further alleged that the CDFs were never used for their intended purpose by the

[631] *Criminal Case Number 334/2017*.

MP. In this case, the court clearly affirmed that the MFR had received an application for funds marked for reforestation and forest plantation development under the MFR-coordinated out-growers subsidy scheme from a registered company called the Grass Root Economic Development Company, which included farmers from Baegu. Although the MFR approved the application and raised the payment of SB$80,000 to BAC, which the MoFT then released to BAC, the Grass Root Economic Development Company did not receive that SB$80,000. It was undisputed that the MP deposited the cheque into the BAC account, and withdrawals were made from the account between 9 September and 24 October 2011. However, the MP denied any approval from his office for the submission of the Grass Root Economic Development Company's project to the MFR. Hence, he was acquitted because the prosecution failed to prove he had authorised the application by the Grass Root Economic Development Company for further facilitation by the MFR and MoFT.

A similar case that was successfully prosecuted is *Regina v Mark Kemakeza*.[632] This case involved a CDF project known as the Rural Microfisheries Projects 2007 that the MP and his committee should have administered. The SIG approved SB$3.8 million for distribution to recipients for fishing projects. Of that SB$3.8 million, SB$280,000 was approved, allocated and deposited by the SIG into Nggela Constituency Trust Fund administered by the MP and his constituency office. Against that background, the MP was charged with official corruption and conversion contrary to the Solomon Islands Penal Code. He was acquitted of official corruption but was convicted for conversion contrary to section 278(1)(c) of the Penal Code. In terms of conversion, it was alleged that between October and November 2007, he was entrusted with SB$280,000, which were funds to be paid or delivered pursuant to the Rural Micro Fisheries Projects 2007. The court held that he fraudulently converted the funds for his own use. According to the judge, "[o]ut of the sum of SB$280,000, only one payment was made by cheque in the sum of SB$9,536.90, and the balance was withdraw [sic] from the bank by way of cash cheques."[633] Thus, the judge says:

> I am mindful of the fact that the defendant does not bear any onus of proof … However, the defendant's failure to provide any records or details of how the sum of $280,000 was used leads me to draw the inference on the evidence before me which is very indeed compelling that the defendant used the sum of $280,000 for his own benefit.[634]

[632] *Regina V Mark Kemakeza*.
[633] Ibid.[57].
[634] Ibid.[60].

The two cases in this section demonstrate allegations against MPs concerning how they handled CDFs that were later deposited into constituency bank accounts. Although prosecution against Tome was unsuccessful, both cases reveal the complexity of state bureaucratic processes and how at times MPs have used their discretion and capitalised on the provision of state funds (CDFs) for their own benefit. Interviewees were of the view that there have been many similar incidents, but constituents have been unwilling to report them to the responsible state authorities because as stated earlier, a factor is the fear of "social ostracization", wantok system and patronage politics issues which were raised in Chapter five and will be raised again in Chapters seven and eight of this thesis.

6.8 Conclusion

This chapter began by providing a background on the weak state in which the weak legal framework for the use of public funds is situated. Using the political settlement lens, I demonstrated that the shift of public funds to political state actors, particularly MPs, was a response to the prevailing weak state. The political state has shown considerable ingenuity in devising a regulatory framework around CDFs, including the establishment of the MRD with the introduction of constituency offices and limits on the extent to which MPs could control the MRD.

We have seen that in many ways the regulatory structures around CDFs rely upon the same bureaucratic logic that the establishment of CDFs was meant to avoid. In reflecting on the motivations for setting up such structures the state structures are established by law, government policies and the need to connect society/rural areas to the state. Some of the policies and mechanisms to regulate CDFs are political and are influenced by the political state actors as well, hence, affecting the impartiality of state actors to carry out their functions.

MPs introduced the CDF Act in 2013 and its proposed subsidiary legislation (later), although the CDF Act was gazetted it has not been given a notice to commence. This chapter showed that, among other factors, potential inconsistencies between the CDF Act and other laws and the unbalanced power relations inherent in the CDF Act and its regulation seem to shift the balance of power between MPs and the bureaucracy slightly (or somewhat) in favour of the latter. This means that MPs have less control over CDFs, influencing them not to commence the CDF Act.

This chapter also considered the political settlement argument of power relations between state actors. I demonstrated that, to some extent, the power of political state actors overrides

that of bureaucratic state actors in terms of the governance of CDFs. However, using the state-in-society lens, I showed that the political state actors are also influenced by society. The socio-economic influences from society include pressures from constituents, *custom* and the *wantok* system, among others.

Integrity state actors are mandated to ensure that the state actors responsible for managing and administering CDFs comply with the law and are made accountable for their actions if they breach public laws relating to CDF regulation. The chapter found that although legally independent, integrity state actors (the auditor general and ombudsman) sometimes have been influenced by certain political state actors. Thus, the auditor general and ombudsman offices are sometimes undermined, limited or barred from effectively carrying out their mandates. Arguably, such influences by political state actors are detrimental to the roles of these integrity state institutions.

The chapter showed that, administratively, bureaucratic state actors like the MRD are weak in terms of their regulatory roles. Minimal funds for implementation and evaluation, limited enforcement capacity and weak monitoring capabilities are features of the bureaucratic state. The presence of the MRD in rural areas is minimal compared to the presence of the constituency office. Coupled with the influence of society on the roles of the bureaucratic state actors and MPs, all of the socio-economic and political factors discussed add up to situate the state in a weak context. As a response to the weak state and state-in-society, MPs continue to regulate CDFs as a form of political settlement.

The next two chapters argue there is a need to look outside the formal operation of the bureaucratic state actors and integrity state actors in order to understand how the regulation and governance of CDFs works in practice in Solomon Islands. These chapters describe in detail the roles of non-state actors, among other actors, with a focus on two constituencies in Solomon Islands: Gizo/Kolombangara and Baegu/Asifola.

Chapter 7
The Role of Non-state Actors in the Regulation of CDFs: A Case Study from Gizo/Kolombangara

7.1 Introduction

Building from chapter six, which mainly dealt with the role of state actors in the regulation of CDFs, this chapter draws on nodal governance theory to situate the regulation of CDFs in Gizo/Kolombangara constituency (GKC). Conceptually, nodal governance decentres the state in order to situate non-state actors in its narrative. In this way, it allows an analysis of the relationships not only between state and non-state actors but also between the non-state actors themselves in the governance of CDFs. Central to nodal governance is the idea that power is capillary. This chapter examines the regulatory roles, powers, practices and challenges non-state actors face in regulating CDFs in Gizo/Kolombangara. Using nodal governance to understand the roles of non-state actors is essential to ascertain the practical reality of the regulation of CDFs in the rural context.

In GKC, non-state actors play an important role in regulating CDFs. I argue that their emergence and roles in CDF governance signify a sharing of power between state and non-state actors. I highlight that constituents from GKC have described these non-state actors as "middle field players"—a metaphor used to indicate that they are a medium between their communities and the constituency office—with the potential to temper the regulatory influence of both the state actors and non-state actors. This chapter highlights that the involvement of various non-state actors with the MP and the constituency office is messy and dynamic. The powers of non-state actors are provisional and highly dependent upon context. Put another way, the power of these non-state actors can be exercised only in certain confluences of circumstances, and even then, not automatically. Practically, the power of these non-state actors is often highly relational.

As stated in Chapter three Gizo-Kolombangara is a constituency composed of both urban and rural areas. According to the 2009 Solomon Islands population census, Gizo/Kolombangara has a total population of around 9 478 people. Gizo is more urban than Kolombangara. Gizo is also the main administrative centre of Western province; thus, it has state offices, one of the big hospitals in Solomon Islands and schools. Gizo is the business centre for Western province with unreliable water supply as its obvious urban challenge.[635] Kolombangara island on the

[635] United Nation Human Settlements Programme, "Solomon Islands: Gizo Urban Profile," (Kenya: UN-Habitat, 2012), 8-34.

other hand is more rural compared to Gizo. Many of Kolombangara's inhabitants live along its coast. Kolombangara also hosts a forestry plantation.[636] In Gizo-Kolombangara like Baegu-Asifola, most of the villages are organised around church affiliation and its villages also have chiefs, big-man and other important leaders that continue to help in village governance.[637]

This chapter categorises non-state actors into two groups: those appointed by the MP and those not. The first part details the overall CDF structure in GKC, which consists of both state and non-state actors. The second part deals with MP-appointed non-state actors. It examines their backgrounds, appointments, reasons for emergence, roles, relationships with other non-state actors and how they display power. The second part looks at non-appointed non-state actors. The third details some of the key regulatory practices relating to CDFs performed by these non-state actors.

7.2 Actors and Governance Structure

The current structure of CDF governance in GKC comprises various actors: bureaucratic state actors, political state actors and non-state actors. As mentioned in chapter 4, state actors include the Ministry of Rural Development (MRD), the Ministry of Finance and Treasury (MoFT), MPs, constituency development officers (CDOs), constituency project officers (CPOs) and constituency account officers (CAOs). The CDO, CPO and CAO (the constituency office) work with the bureaucratic state, the MP, non-state actors and, at times, the constituents. Non-state actors are situated between the village and the constituency office; hence, they are seen as "*oketa people play lo middle*" (middle players). Non-state actors encompass zone committees, zone coordinators, village-based CDF committees, village chairmen/chairladies of CDF committees, chiefs/big-men, pastors, village elders, women coordinators and women's groups. The overall structure of the CDF governance in GKC constitutes interactions and relationships between various non-state actors, political state actors and bureaucratic state actors, all of which have numerous functions and roles.

[636] For more information on the forestry plantation see Scales, "The Social Forest: Landowners, Development Conflict and the State in Solomon Islands."
[637] For policing challenges like other societies in Pacific Islands region see Danielle Watson et al., *Policing in the Pacific Islands*, ed. Elizabeth Aston and Michael Rowe (Switzerland: Palgrave Macmillan, 2023).

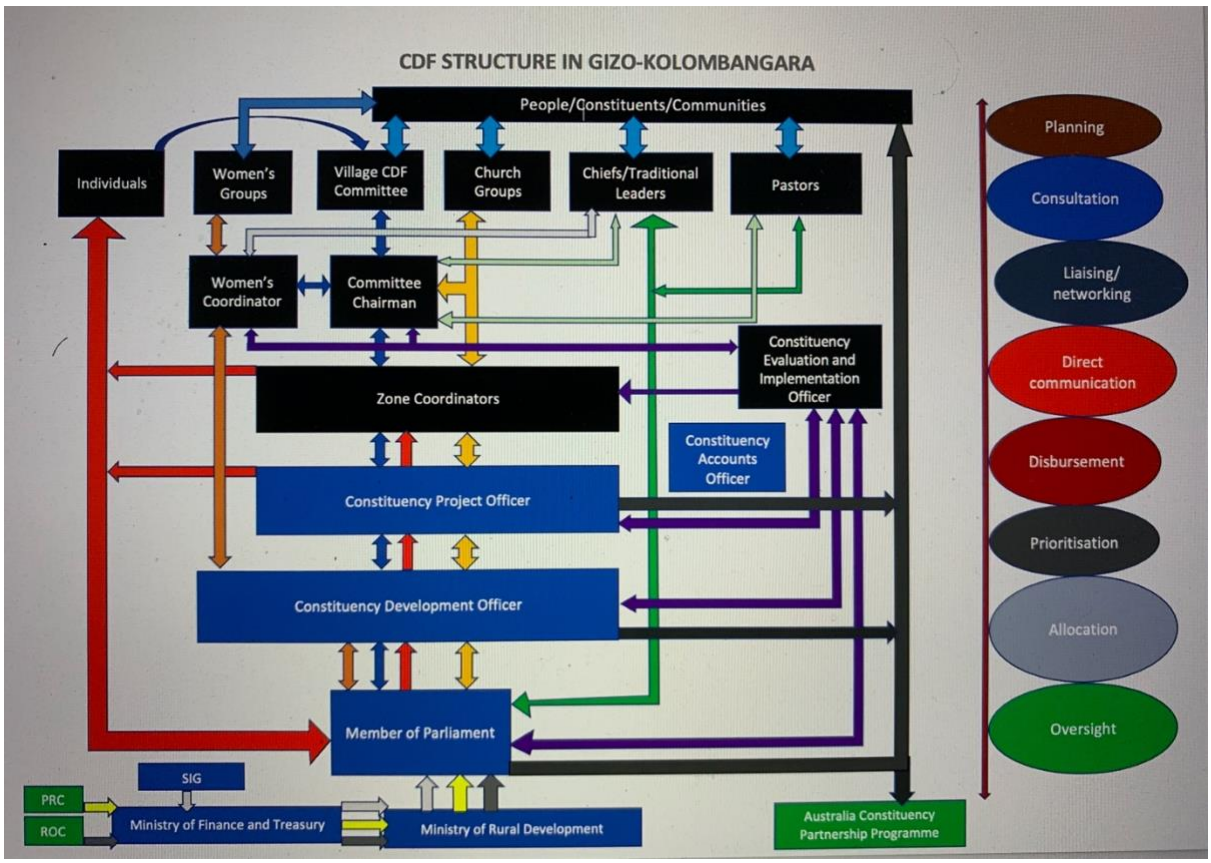

Figure 7: General Overview of the Regulatory Structure of CDFs in Gizo/Kolombangara.

Figure 7 is a general overview of the positions of the various state and non-state actors within the regulatory framework of CDFs in Gizo/Kolombangara. It also highlights the various aspects of the framework. At the top are the recipients of CDFs. The funders of CDFs are at the bottom. It attempts to differentiate between state (blue) and non-state actors (black). The diagram also highlights the routes through which CDFs flow and the stages and actors through which CDF applications are transmitted to and from the MP, starting from the society. It depicts the flow of funds from the bureaucratic state to the MP, the constituency office, non-state actors and recipients. This diagram also shows the command flow from the bureaucratic state actors to non-state actors and vice versa. Further, it highlights some regulatory practices non-state actors and state actors attempt to employ in terms of CDF regulation – hence the various colours for the regulatory practices because their natures are different. In terms of the actors, black colour encompasses non-state actors, the blue colour refers to state actors and the green coloured actors are international actors. The various colours of the routes (arrows) reflect the different types of flows of how CDFs can be accessed and their disbursement channels. The colours of the arrows vary as well to show the different links between the

different actors—this is because the relationships between the actors are sometimes messy and reflect different logics that exist between the MP and other CDF regulatory actors. These messy relationships will be detailed below in this chapter.

The first category of non-state actors comprises those appointed by the MP. The relationships of these actors with the MP encompass a range of degrees of formality. The MP-appointed non-state actors are zone coordinators/committees, women's group coordinators, chairmen/chairladies of committees, village-based CDF committees and evaluation/implementation officers. The second category relates to the non-state actors who are not appointed by the MP but play important oversight roles. The non-appointed actors are locally legitimate (autochthonous) players such as chiefs/traditional leaders, pastors, church leaders and women's social group leaders. These *custom* and church leaders are independent non-state actors and often position themselves as apolitical. The basis for such neutrality by the *custom* and church leaders is the need for them to clearly draw a line between their church-related and societal roles and constituency politics, given their legitimacy as leaders is grounded in the church and *custom*. Their prominent role is that they act as oversight mechanisms.

This chapter shows the characterisation of non-state actors as coming from four different domains whilst noting that sometimes these domains overlap in one person. These four domains are the state, politics, *custom* and the church. The CDO and CPO represent the bureaucratic state. The MP represents the political state. Non-state actors, which encompasses zone coordinators, women's group coordinators and chairpersons of village CDF committees, are politically appointed by the MP. The *custom* domain encompasses chiefs and traditional leaders—some of whom are zone coordinators—and the church domain is represented by pastors. The combination of these four domains typifies CDF governance in Gizo/Kolombangara.

7.3 MP-appointed Non-state Actors

7.3.1 Zone Coordinators/Committees

7.3.1.1 Background

In GKC, zone committees aid in the regulation of CDFs. In a personal conversation with the author, the MP says "there are a total of 55 zone coordinators/committees—25 for Gizo and

30 for Kolombangara."[638] Generally, the heads of zone committees are called zone coordinators. I use zone committees and zone coordinators interchangeably, because certain zones do not have committees, only zone coordinators, and both have the same functions. Zone committees/coordinators are rural-based people mainly situated in a village. A zone is a group of four to five neighbouring villages. Some zone coordinators are teachers, former teachers, former public servants, chiefs and leaders of clans/tribes. Others are ordinary villagers perceived by the community to have integrity. Most zone coordinators are influential people within their villages and zones.

7.3.1.2 Appointment

There are various ways zone coordinators/committees are appointed. The MP directly appoints some coordinators, while others are selected by villagers and later receive endorsement from the MP to be part of the CDF governance framework. For instance, the zone coordinator for Loga, Nusatupe and Epanga in zone eight of Kolombangara, John Wesley, summarises his appointment and approval in the following words:

> Islanders from the three islands came together. They then convened a meeting, and during the meeting, they voted for the person they wanted. Let us say these are the voters who voted for the woman [current member of parliament]. First, there needs to be a general meeting, and one needs to attend that. Thereafter, there will be a call to the three islands for a meeting, and they will choose the person they see fit and proper for that job. The honourable member [MP] also has a say in who should become a zone's chairman. So, let us say that the honourable [MP] appoints us. Depending on the honourable [MP], the community also has a say.[639]

This statement by Wesley illustrates three critical factors regarding the selection of a zone coordinator. First, the zone coordinator is a political supporter of the current MP. Second, the zone coordinator must have played a substantial role, such as campaign manager, in the recent election for the current MP. This confirms a statement by a woman from rural Kolombangara who described zone coordinators as the "working bees of the current MP during the national general elections."[640] This basis for appointment means that a common characteristic of zone coordinators is that they are "political appointees" of the incumbent MP. Third, based on the previous two factors, the people from the zone also influence the selection of the zone coordinator. The final stage is approval by the MP.

[638] Lanelle Tanaganda, 26 April 2022.
[639] John Wesley, interview by Derek Futaiasi, 24 October, 2020, Gizo, Western Province.
[640] N Gizo, interview by Derek Futaiasi, 15 October, 2020, Gizo, Western Province.

There are also instances in which the CDO recommends zone coordinators for appointments. Factors that influence the recommendations of the CDO are merit, experience/capacity as a former public servant and village leadership status. In GKC, a former CDO recommended a retired government officer for a zone coordinator's post based on such contexts. This recommendation still had to be endorsed by the MP. Commenting on his appointment as a zone coordinator, Isaac Dakei from Kolombangara says:

> In my case, it is an unusual context because you would expect that a supporter or voter of the honourable member [of parliament] would take or come into his/her network. For me, CDO appointed me. He notified me that he wanted me to be one of the coordinators. So, I told him that in our tradition, the voters or supporters of the honourable [member] should be part of the constituency team/office. So, I asked the CDO whether he understood my position, and he said yes. As a former public servant, I was ready to adjust because when I was a public servant, I served the government of the day; when I went and cast my paper, I cast according to my party [preference]. So, when I came in, I served the government of the day—the honourable of the constituency—fully. So, the appointment came from the CDO. It was his selection.[641]

Although other socio-political factors sometimes influence the MP, she has the power to make the final decision regarding the appointment of a zone coordinator. The recognition of zone coordinators occurs during a constituency-wide meeting convened by the constituency office wherein the MP endorses their appointments. Public recognition and acceptance of zone coordinators/committees take effect following that meeting. These public undertakings inform constituents of appointments and the MP's approval of them in a transparent manner.

7.3.1.3 Factors Influencing the Emergence of Zone Coordinators

Several socio-political factors explain the creation of zone coordinators. First, connections, relationships and networks between capable candidates for the national general elections and their strong supporters were essential to the emergence of these non-state actors. The current MP for Gizo/Kolombangara says:

> When Jimson Tanaganda [former MP for Gizo-Kolombangara] came into power, he zoned the constituency and established zone committees. The beginning of these zone committees related to those who actually pushed him to contest the national general election. In a way, the evolution of the zone committees stemmed from Jimson's relationships with those who wanted him to stand for the national general election in 2014. So, when he

[641] Issac Dakei, interview by Derek Futaiasi, 3 November, 2020, Kolombangara, Western Province.

> won the national general election, he networked with them and divided them into zones within the constituency.[642]

In other words, relationships and networks were formed as a political strategy to ensure successful political campaigns in the national general elections. For Gizo/Kolombangara, these socio-political networks formed a group of non-state actors who later became part of the CDF regulatory framework when the MP won the national general election. As certain Kolombangara informants noted, these political connections are a product of rooted social networks. At the core of social networks are two institutions: the tribe and the church. Practically, this means that without social networks characterised by tribal affiliation and church-related networks, the political connections that partly serve as a springboard for the establishment of zones cannot eventuate. Therefore, these political connections, which might give rise to the establishment of zones, are influenced by the social contexts of the people of the village and the MP. This example demonstrates how politics and peoples' social contexts intertwine with the governance of CDFs.

The second factor that prompted the creation of zone coordinators was gaps between the state and society/rural areas concerning service delivery and development-related issues. These gaps are evident in the lack of human resources to connect the rural areas with the bureaucratic state or the MP, including their constituency office. Many interviewees from Kolombangara complained about the lack of government service delivery, such as the lack of a workforce to ensure adequate health clinics for their villages. During my fieldwork, a villager in Vavanga complained that the government did very little in terms of essential services such as rural water supplies. He mentions that against this backdrop, the state expects villagers and rural small businesses to give "more to the government basket." He highlights that this is unfair for struggling village businesses.[643] There are also infrastructural and human resource gaps between the MP, their constituency office and the village. These gaps complicate the delivery of CDFs and CDF-related projects, creating uncertainty. They also cause challenges to the effective coordination and disbursement of CDFs in rural areas. Consequently, such gaps need to be filled using those close to the rural areas or villages. Hence, these gaps effectuated zone coordinators. Their purpose is to minimise such gaps and ensure a mechanism for the delivery of CDF-related funds and projects by connecting the people of the village, the MP and the constituency office.

[642] Ibid.
[643] At the time of my fieldwork in Gizo/Kolombangara, personals from the ministry of commerce and trade also went around to collect taxes from small businesses within the villages.

Informants from Gizo/Kolombangara highlighted that a third important factor in the emergence of zone coordinators is the need to complement and monitor the power of the MP. Informants from Gizo/Kolombangara highlighted that although the MP has overall power concerning CDF regulation, zone coordinators help the MP and the constituency office decide on CDF distribution and allocation. In that way, zone coordinators complement the work of the constituency office and fortify the MP's political outlook in the constituency. Coupled with this relationship is the need to monitor the MP's power. As one commentator says, the MP lives in Honiara most of the time, and the exercise of her power on CDF-related issues must serve the people in the villages. The zone coordinators monitor her, provide her with information and advice to make sure her decisions on CDF issues are well informed.

7.3.1.4 Roles of Zone Coordinators/Committees

The roles of zone coordinators are significant to the CDF structure. A minor role is helping to distribute CDF application forms to selected groups, constituents and voters within the zone. A crucial function is connecting with the chairperson of the village-based committees established to deal with CDFs with the constituency office. Isaac Dakei (a zone coordinator) says: "We, the coordinators liaise with village chairmen after these village chairmen hold meetings with their people to ascertain their needs."[644] He mentions that his responsibility is to categorise the CDF applications into sectors such as agriculture, fishing, infrastructure or commercial-related sectors. After that, his responsibility is to submit the applications to the CDO. Further, when the constituency office approves the projects, the zone coordinator is responsible for informing the recipients to collect their funds and materials. Dakei summarised his role as a coordinator when he says: "I coordinate the needs of villagers through village chairman and village representatives with the CDO."[645] He mentions that he ensures that such communications are smooth.

Zone coordinators have additional roles when the village-based regulatory structures are ineffective due to socio-political issues such as land problems. In some villages, due to a lack of well-coordinated village committees, the zone coordinator acts on behalf of that village and connects the people to the constituency office. The zone coordinator deals directly with villagers/village groups concerning their needs. The assumption held by certain informants was that the zone coordinator is the mouth, voice, eyes and ears of the MP within the zone and the villages. Several coordinators held that they often work in good faith; that, is to help people with their projects/applications for CDFs. But my research also showed that complaints

[644] Dakei, "Dakei Interview."
[645] Ibid.

have been raised that the zone coordinators are sometimes biased in terms of the distribution of CDF forms. They seem to prioritise and serve their close relatives or supporters.

In summary, the basic roles of the zone coordinators are to liaise with village committees or village chairperson; receive submissions from village committees or village chairperson regarding their needs and wants; submit these needs to the CDO; liaise with the CDO concerning the applications of individuals and village committees; and act as an information exchange centre for villagers, the constituency office and the MP. There are times, however, when the zone coordinators liaise directly with the villagers, bypassing the village chairpersons. Therefore, fundamental to the roles of the zone coordinator are the relationships between their office, the constituency office, other village-based non-state actors and individuals. Clearly, the zone coordinator is the link between the people of the villages or zones, the constituency office and the MP. The zone coordinator's entrenched position within the village or zone setting fortifies such an important link.

Zone coordinators are not paid salaries or wages but given "incentives" by the MP. According to the current MP, "*oketa waka tagio nomoa*."[646] The MP provides financial assistance for costs associated with constituency-related work and zone coordinators' socio-economic needs. They perform their duties without any formal agreement with the constituency office; their tenure is ascertained by verbal agreement and is hence insecure. The constituency office can hire or fire a zone coordinator or any non-state actor at any time. A village woman from Kolombangara affirmed that insecurity is one of the major challenges concerning the work of zone coordinators. This informality defines the way non-state actors deal with CDF projects/funds. Another Kolombangara informant said due to such insecurity, there is potential for non-state actors to use CDF projects to help themselves before other people. Similarly, because of the lack of proper remuneration or formal agreement, it is likely for non-state actors to be self-serving on CDF projects by downplaying the interests of others.

7.3.1.5 Relationships with Other Non-state Actors

Zone coordinators also form relationships with and between fellow non-state actors such as pastors, chiefs, traditional leaders, village-based CDF committees and their chairmen and chairwomen. For instance, commenting on the roles of a zone coordinator, a chairlady for a village CDF committee, Nerolyn Loni of Saeragi village in Gizo, says:

[646]Tanaganda. Literally it means working for thank you as a reward which can be interpreted as meaning working without salaries and wages.

> We have an overall coordinator. So, whatever the coordinator tells me to do, I follow. He instructed me to put down, write down, or give five people eligible for CDFs (funds/projects). He also instructed me to look at those people who are in need and widows as well.[647]

Given their strategic position as mediums between different actors, the zone coordinator also has relationships with the CDO and CPO.

Moreover, zone coordinators assist ordinary village people who have difficulty filling out their forms or applications for CDFs. Some informants stated that the coordinators are influential within their zones. However, interviewees from Gizo note that the relationships between the zone coordinators and other non-state actors, including ordinary village people, lead to the coordinators "dictating power." Some informants from Gizo say this means there are times when the zone coordinators can manipulate power and resources given their regulatory roles. Sometimes, zone coordinators use those spaces for interests outside their duty. Hence, these relationships between actors within the CDF structure sometimes make the zone coordinators powerful actors.

7.3.1.6 Implications for Power-sharing

Because of the zone coordinators' roles and positions as a medium between the village people and constituency officers, the issue of power is cardinal to their function. Their middle position situates them as an essential medium through which the voices of the grassroots villagers and village CDF committees can be transmitted to the constituency office or even, to some extent, the MP, and vice versa. In a way, zone coordinators have access to various spaces, including those of the villagers, the village-based CDF committees and the agents of the bureaucratic state (CDO/CAO). Certain commentators from GKC highlight that coordinators are at liberty to manoeuvre between these spaces depending on their agenda and motivations. They have some powers that depend on the CDO, CPO, other non-state actors and rural dwellers at the village level to make decisions or perform their roles; however, at the same time, they have the power to make decisions based on their discretionary power.

7.3.2 Women's Coordinator

7.3.2.1 Background

In Gizo/Kolombangara, many villages have women's groups. Women's groups deal with village-based affairs central to the common livelihood issues facing women. Interviewees also

[647] Nerolyn Loni, interview by Derek Futaiasi, 15 October, 2020, Gizo, Western Province.

confirmed that the involvement of women's groups in the 2014 national general elections was substantial. They were influential, evidenced by their strong support for the winner, Jimson Tanangada. These socio-political factors were the impetus for the creation of the women's coordinator position within the GKC CDF framework.

7.3.2.2 Appointment

In Gizo/Kolombangara, the women's coordinator works voluntarily. Rinda Melsen, a former women's coordinator, says her appointment was based on the political role of women in the national general elections. Women's groups were strong supporters of the current MP. In addition to that political context, village-based women's groups and leaders recommended her for the post based on her experience working with women's clubs long before Lanelle Tanangada became a GKC MP. She says: "They [women's group and village leaders] appointed me because I interact with women and know them in and out. It is easy for me to talk to women and convince them."[648] The relationship between the women's groups and Melsen was a key factor for her to obtain the women's coordinator position. Further, her appointment was influenced by her personal business experience. These factors, coupled with endorsement from the constituency office and affirmation by the MP, gave her the legitimacy to perform as a coordinator. She resides in the village and frequently traverses to urban centres on business undertakings.

7.3.2.3 Motivations for Emergence of Women's Coordinators

The national general elections were one factor responsible for the emergence of the position of women's coordinator. In 2012, before the election, many women's groups gathered and resolved to support Jimson Tanangada. According to the lead woman who coordinated many of these women's groups to oust Lilo, they wanted to see a change in their communities. During Lilo's term, there was a lack of constituency improvement, and women's interests were often neglected. Hence, this woman mobilised and rallied many women's groups to vote for Tanangada. When Tanangada came into power as MP, he introduced the position of women's coordinator to ensure a political route for women's groups in his office. Female informants critical to the formation of women's rally groups highlighted that the women's coordinator position was only created by the former MP because of the political support rendered by the women's groups. Thus, the emergence of the role of the women's coordinator was influenced by the relationships of various women's networks and their role in GKC's general election.

[648] Rinda Melsen, interview by Derek Futaiasi, 15 October, 2020, Gizo, Western Province.

Another motivation for the emergence of the position of women's coordinator is the role women's groups continue to play in their communities—that is, advancing the wellbeing of their families and communities. Many women's groups are established around a common purpose. A common goal for some women's groups is to establish group savings. They also aim to develop an income-generating business. The goals of some women's groups revolve around the objectives of their churches. An example is the Dorcas Women of the Seventh Day Adventist Church, which is established to ensure the improvement of village livelihoods and the advancement of Seventh Day Adventist values and spirituality. There is an increasing number of such groups in many villages within Gizo/Kolombangara. Given the importance of advancing women's interests and rural livelihoods and the growing numbers of such groups, a coordinator is needed to ensure effective coordination of their interests.

7.3.2.4 Roles of Women's Coordinators

The women's group coordinator has several roles. First, her main role is to ascertain women's needs and select income projects that women's groups deem fit to help them improve their livelihoods or existing small businesses. Like the zone coordinators, the women's coordinator is the connection between women's groups and the constituency office. This means the women's coordinator is subordinate to the constituency office. For instance, CDF application forms from women's groups that have been validated by the women's coordinator are transmitted through the CPO and CDO before they reach the MP for endorsement. However, there are times when the women's coordinator links directly with the MP on urgent livelihood issues and challenges concerning women's groups.

The women's coordinator also discusses the work of women's groups and their progress on CDFs projects with the constituency office. Therefore, the women's coordinator is the voice of the women's groups on issues concerning CDFs. Melsen explains:

> I am the person who will go around, then identify, call meetings and ask women and women's groups what they want … It's their [women's groups] needs, and I need to listen to their voices. It is through me that the women's group responded in terms of what they like.[649]

The women's coordinator position is instrumental because it is the means through which women's voices are collected. Although there are challenges surrounding the work of the

[649] Ibid.

women's coordinator, without her, the women's groups would find it more demanding to coordinate their voices and concerns.

7.3.2.5 Relationships with Others in the Structure

The women's coordinator is subordinate to the CDO within the Gizo/Kolombangara CDF structure. She is the medium through which women's issues/applications for CDFs are transmitted to the constituency office. As Melsen states: "I am the person who … will put/push [their concerns] as projects to the constituency development officer and member of parliament. When things [CDFs/projects] come in, they [women's groups] managed [it]—[by] themselves."[650] The women's coordinator is also the information hub between the constituency office and women's groups. A working relationship exists between the constituency office, the women's coordinator and women's groups. The CDO also depends on the endorsement and verification of the women's coordinator to process women's groups applications for CDFs. Therefore, the MP's approval of women's projects and funds normally depends on the working relationships between the women's coordinator, women's group and CDO. The women's coordinator also often works closely with the CDO and CPO during the dissemination of the projects and funds. The presence of the CPO and women's coordinator during the collection of materials for women's groups in hardware shops in Gizo Town is important to verify and confirm the correct recipients.

7.3.3 Village Committees

7.3.3.1 Background

Within many villages in Gizo/Kolombangara, village-based committees are responsible for the welfare of their communities. Many villages have CDF committees. One such village is Iriri, a Seventh Day Adventist-dominated village. Informants state that Iriri's CDF committee comprises heads of families from the village and a chairperson with a secretary. Women's and youth groups also have representatives within the CDF committee. Some of its members are also part of village-based committees like church and village school committees. Informants say that the CDF committee is politically appointed because it mainly consists of supporters of the current MP. The CDF committee is different from other village committees because it concentrates primarily on CDF-related issues, while other committees deal mainly with the other spiritual and socio-economic affairs of the village.

[650] Ibid.

7.3.3.2 Why These Committees Exist

There are several reasons for the emergence of village CDF committees. One is community-related; the community's interests is at the heart of their establishment. These committees emerge to deal with community affairs central to the socio-economic welfare of the village vis-à-vis CDFs. Second, their advent is a response to the lack of connection between the village-based communities and those non-state actors established by the MP. Third, there have been times when the formation of such committees is dictated or characterised by the number of political supporters for the winning MP within a village. The greater the number of supporters/voters within a village, the higher the potential for the formation of a village CDF committee. In this way, election politics influences the formation of non-state actors like these committees. Their existence within certain villages visibly demonstrates the power of that MP at the village level.

Another reason for the establishment of these committees is legal certainty required for them to apply and access CDFs. That is, the establishment of these committees is a response to the fact the constituency office needs legal certainty as a requirement to process CDF application for infrastructure projects like water supply. Interviewees in Gizo-Kolombangara highlight that the CDFs force people to register committees to give legal personality to their establishment. These interviewees report that for committees to apply for CDFs (for example pipe-water projects or funds), it is a requirement that these bodies are established as legal entities under the Solomon Islands Charitable Act (legislation) to ascertain their certainty. As a legal requirement, these bodies must have a constitution setting out their organisational structure, powers and functions of the committee and its officers. The establishment, among other factors, is a response to the need for legal certainty created by constituency officers dealing with CDFs. The members of such committees are village-big men and respected villagers who mainly work for the common good of their villages and communities. Therefore these village committees are established by both consensus within the village and are also established by the operation of the law.

7.3.3.3 Roles of Village Committees

A fundamental role of the village CDF committee is to determine the recipients of CDF application forms. The CDF committee also supports villagers' personal needs by serving as a connection between those individuals and the zone committee. For instance, according to informants from Gizo, individual constituents who need help go through the community/village committee. This is important as the committee has the power to endorse their application

based on the practicality and viability of the project. In this way, the committee can validate projects/funds for potential recipients. Central to the work of the CDF committee is its chairperson. Hendry Kuma, a leader in Lembu Bay (Gizo), says:

> The committee chairperson also plays an important role in endorsing and making recommendations to the zone committee. The link between the community committee and the zone committee is the chairman of the community committee. The chairman always wants his community and committee to work together concerning the welfare of its people.[651]

According to the chairperson of the Lembu village committee, it is established mainly to deal with community-related socio-economic issues. He stresses:

> Well, we have a committee that looks after our community's wellbeing at Lembu. Currently, we do not have much string attached to the committee established by the MP [zone committee/coordinator]. I am the one who always acts as a mouthpiece for our committee. [For instance] if there is a need that arises in the community, then I usually go to the zone committee/coordinator and ask [inform] them that that project is important for our community and would be grateful if you [the zone committee] looks into it and recommends it for funding.[652]

Hence, in addition to the village committee's role validating village project submissions to the constituency office, the village committee chairperson's role is to discuss the importance and viability of village projects with the zone coordinator. For example, according to Havi Joseph, a CDF committee is established in Iriri village to deal with CDF-related issues. The CDF committee is headed by a chairman responsible for holding meetings with the villagers to ascertain their needs. In Iriri, the overall function of the committee is to look for ways to ensure that CDFs benefit the community and to provide a fair distribution of the CDF funding/projects given to their community.

Another role played by village committees that have a legitimate and a good working committee-villagers relationship is to prepare proposals for projects they deem fit and proper for their communities after village consensus through village-wide meetings. The Sausepe village committee prepared a water supply project proposal then approached the Rural Water Supply Office at Gizo for funding. However, this attempt was unsuccessful. In a personal conversation with the MP for Gizo/Kolombangara, she states that the Sausepe village committee approached her with their prepared proposal during a normal constituency visit.[653]

[651] Hendry Kuma, interview by Derek Futaiasi, 20 October, 2020, Gizo, Western Province.
[652] Ibid.
[653] Lanelle Tanaganda, 4 October 2022.

The MP and her constituency office took on the challenge and factored Sausepe's project proposal into the GKC annual constituency development plan. Given the greenlight from the MP and the constituency office, the Sausepe village committee then organised the village to collect sand and village-based materials for the project. The monitoring team of the MRD that visited Sausepe reported that "communities have to prepare all the required materials to start working on the Water Supply Project."[654] Villagers from Sausepe reported to the MRD monitoring team that "both men and women, old and young work together to collect sand, gravel, and other materials to prepare the site to build the dam."[655] The men and young boys of the community went inland to identify the water source and built the dam. To ensure proper construction work was undertaken, the MP only shipped in materials after such preparatory work was done.[656] This example illustrates the flexibility around the MP's discretion and demonstrates that the village committee's role and the preparatory work by the community are important factors that influence the MP's undertakings concerning CDF regulation.

7.3.3.4 Relationships with Other Non-state Actors

A significant relationship exists between CDF committees, their chairpersons and zone coordinators. In addition to forwarding CDF projects to zone coordinators, the village committees, in collaboration with their chairpersons, also advise zone coordinators on viable projects for their villages. However, informants highlight that CDF committees generally are subordinate to their zone coordinators. Other commentators state that both non-state actors depend on each other for decision-making related to endorsement and disbursement of funds/projects. When the relationship between one village committee and the zone coordinator is strained, the committee bypasses the zone coordinator and communicates directly with the MP. This demonstrates that the CDF regulatory system is entangled with other social and regulatory processes. It equally shows that the regulatory system's fluidity and multiplicity create new pathways for communication when others are blocked.

7.3.3.5 Implications for Power

CDF committees have the power to influence zone coordinators/zone committees because they are close to the people of the villages. CDF committees have a reputable basis for making decisions concerning CDF-related issues. They work with village people to ascertain village needs and projects for further submission to the zone coordinators. They deal directly with the

[654] Ministry of Rural Development, "Jubilant Sausepe Village Receives Clean Water Supply at the Doorstep," news release, 30 September, 2022.
[655] Ibid., [11].
[656] Ibid., [13].

people and comprehensively know the socio-economic situations of the villages and their individuals. They are situated with the people daily. Thus, they have the upper hand in terms of the decisions they make during their meetings to influence other non-state actors like the zone coordinators. Arguably, they can also be sites of contestation and power-struggles. On a few occasions, like deaths and social gatherings, CDF committees deal directly with the MP and the constituency office, bypassing the zone coordinators.

7.3.4 Focal Points: Village Chairpersons

7.3.4.1 Background

In certain villages in Gizo/Kolombangara, there are no CDF committees because social disparities, social problems, logging issues and land issues between constituents cause division, among other factors. In such villages, the most influential people regarding CDF-related issues are village focal points. They are commonly referred to as chairmen or chairladies. Chairmen are chiefs, traditional leaders, former civil servants, business people or respected village members. Chairladies are reputable women who hold various posts within village governance and churches. For instance, the chairlady for CDF-related issues in Saeragi has multiple positions within various committees, including church committees, women's groups and nongovernment organisations. Focal points at the village level are usually political supporters appointed by the constituency office via the MP and are trustworthy people.

7.3.4.2 Why the Position Exists

In GKC, these focal points spend most of their lives in the village. They know the ins and outs of village life. As part of their experiences, many of these non-state actors are involved directly with rural peoples' livelihoods. The respect villagers hold for them cannot be overstated. They are a rooted part of village-based settings. For instance, a woman leader from Saeragi stated that her appointment as a village representative for the constituency was based on her village-related undertakings. She emphasises:

> In the community, I worked in the church as a Sunday school teacher, and I worked for village church as a secretary too. I am also a money counter within our saving club, a local trainer, then community facilitator. I think it's because of all these responsibilities that they see me fit and proper for this job. I think it's because of these undertakings that influenced the village chief to put me in the spotlight to get the job as someone credible in the community to handle that office.[657]

[657] Loni, "Loni Interview."

This woman's roles embed her within village life discourses. The trust bestowed on her by certain higher authorities in the village, such as chiefs, allowed her to become a representative for issues concerning CDFs in the village (Saeragi). Given their importance within their villages, these focal points are potential candidates to represent the voice of their people in spaces that link villagers and the constituency office.

7.3.4.3 Roles of Village Focal-points

As non-state actors within the CDF regulatory structure in Gizo/Kolombangara, village focal points have several roles agreed upon by the MP and the constituency office. First, they are subordinate to the zone coordinator. Thus, they must liaise with the zone coordinator to verify CDF applications from villagers. It is also their responsibility to submit villagers' needs and CDF applications to zone coordinators for further transmission to the constituency office. Therefore, village vocal points are an important conduit between the village people and zone coordinators. A village chairlady from Saeragi explains:

> So, my role is subjected to the coordinator. The coordinator asks me to write the names of those who should be recipients of CDFs—I do it. So, my role is to identify constituents and then submit to the coordinator. Another thing, if there is a need from the community and the community want to write an application letter, they [the community] will come to me in order for me to sign under what they want. So, I recommend that specific need to the coordinator. So, I am the women they trust, to undertake in that regard. This is because I am the person within the community who knows who is in the community. So, I make that recommendation on whether it [CDF applications/proposals] is true or false and then I pass these [applications/proposals] to the coordinator. This is important because the coordinator maybe someone from another village. The coordinator coordinates several villages/zones. So, a zone is made up of several villages. So, each community has a chairman or chairlady. For example, the community asked for paints to complete outstanding painting for our churches, so I signed under what the chairman and secretary of our church wrote. I signed under to say that it is a valid and true need for the community.[658]

Although the village vocal point is subordinate to the zone coordinator, both depend on each other in the disbursement of projects and funds. The chairperson has a direct link at the village level and therefore firsthand information regarding disbursement and certainty about whether funds and projects are properly handled and implemented.

[658] Ibid.

7.3.4.4 Relationships with Other Non-state Actors

Focal points' four points of contact are village-based entities, zone coordinators, CDO and the MP. As stated, given that the focal points are close to the people, they are the mediums between village-based constituents/groups and zone coordinators. This space/link is the final level where funds and projects are allocated and disbursed within the CDF system.

The power of the focal points is exercised with both the villages and zone coordinators. In the structure of CDF regulation, focal points are closest to the village people. Hence, their endorsements of constituents and groups for CDF projects/funds have the potential to be persuasive. In many instances, zone coordinators rely heavily on them. These focal points are powerful because they have a monopoly over the voices of the individuals and groups within the village and are the filters for these voices before their CDF applications are given to the zone coordinators. At certain times, they also act as a one-person committee, translating information from the constituency office via the zone coordinator to villagers. These chairpersons are the last point of contact before CDF funds/projects reach the recipients at the village level. Hence, their position is a powerful force for project endorsement from the village level and distribution after approval. Certain informants say that although many times they effectively execute directives from zone coordinators, there are times when such directives are in danger of being manipulated because of personal interests.

7.3.5 Evaluation and Monitoring Officers

7.3.5.1 Background

Evaluation and Monitoring officers (EMOs) in GKC are the latest non-state actor to be factored into the CDF regulatory framework. Like other non-state actors, the inclusion of EMOs is an attempt by the GKC MP and constituency office to ensure an effective CDF regulatory framework. According to a credible informant, there are eight EMOs in GKC. These officers are recent university graduates living in GKC who have yet to find employment. The MP introduced this position as part of the constituency office in 2019. However, one EMO said, "since this body is neutral, I am not sure where I will fit in that structure or where in the structure I am situated. But I think it will be in line with coordinators."[659] This is the first time such officers are introduced within the CDF structure. Informants highlight that during Lilo's tenure as GKC MP, there were no EMOs. Also EMOs did not exist during the first term of Madam Tanangada.

[659] Grey Pitakaka, interview by Derek Futaiasi, 3 November, 2020, Kolombangara, Western Province.

However, according to Madam Tanagnada, she introduces an EMO during her second term as MP, after Solomon Islands switched diplomatic ties from the ROC to the PRC.

7.3.5.2 Why the Position Exists

There are several factors responsible for the emergence of EMOs. One EMO said a factor is a push by the PRC for more transparency and accountability regarding their CDFs given to MPs. Hence, the need for GKC MP to comply. Another factor is the personal experiences of Tanangada as MP. Tanangada believes that if someone is given the job of evaluating and monitoring CDF projects, it would put pressure on recipients of CDFs to be serious and effective in managing or sustaining their CDF projects. The third factor is the current government's CDF policies. According to the EMO: "This office has just started, and its establishment by the MP is based on government policy."[660] The EMO highlights that government policy reinforces the need for current CDF projects to be sustainable. Hence, the emergence of EMOs is influenced by both international (external actors) and national factors, including the personal experiences of the current GKC MP regarding how CDF should be regulated.

7.3.5.3 Roles of Evaluation and Monitoring Officers

EMOs perform specific vital roles, the most important of which is evaluating and monitoring CDF projects in their constituencies. One EMO says:

> So it's [my] work to check all these projects and make sure they grow so that we do not always depend on the constituency development funds. When your projects grow, you are self-sufficient. And so, others will have a chance to get CDFs rather than the same people or supporters all the time.[661]

The EMO further states: "Basically, we assess projects within constituency ... We will go and assess ongoing projects and those people who want to venture into some projects like income-generating projects."[662]

He explains that:

> Ok, what happens with M and E [monitoring and evaluation] is that we did assessments after projects came—after MP released projects to beneficiaries, after three months we went in to do assessments. We look[ed] at income-generating, infrastructure and livelihood projects. For income-

[660] Ibid.
[661] Ibid.
[662] Ibid.

> generating projects, we went in to check whether the project continues to grow or died down due to other factors. If it died, we also asked what happened and if the canteen broke down. We asked those concerned whether they attended basic bookkeeping. After that, we can recommend [to the] MP for them to attend training. So, it also undertakes to assess infrastructure projects; otherwise, coordinators are biased. Otherwise, reports go to the MP with a different story.[663]

7.3.5.4 Relationships with Other Non-state Actors

EMOs also relate to other non-state actors but are more concerned about their relationships with those receiving funds and projects from CDFs—that is where the scope of their duties is situated. EMOs depend on village-based CDFs recipients to assess the profitability and longevity of projects funded by CDFs. EMO also have close working relationships with zone coordinators. According to Dakei, the "EMO is [the coordinator's] boss"[664] Put another way, the coordinator's immediate supervisor is the EMO. Dakei says that a reason for such relationship is that the EMO is an educated person with university qualifications and has the capacity to communicate effectively with the MP. The EMO work with the zone coordinator to report the use of projects and funds under CDFs to the constituency offices and the MP. Effective evaluation of projects funded under CDFs by the EMO is based on a team relationship with the recipients and non-state actors, particularly the zone coordinators.

Including EMOs in the CDF structure seems to reinforce a new layer of power. EMOs are a new body that can monitor how other non-state actors within the CDF structure handle CDF-related projects and financial resources given to constituents. Similarly, the relationships of EMOs with villagers on the effectiveness and viability of CDF projects help ensure constituency offices know the status of projects funded by CDFs. This new position also occasionally links directly to the MP. EMOs have the liberty to communicate directly with the MP. On some occasions, this is to report the (in)effectiveness of CDF projects/funds. Hence, this link invigorates the MP's capacity to know what is happening on the ground level concerning CDF projects and funds. Like zone coordinators, EMOs do not work for salary or wages.

[663] Ibid.
[664] Dakei, "Dakei Interview."

7.4 Non-appointed Non-state Players

7.4.1 Pastors and Chiefs

7.4.1.1 Background

The church pastors/elders, chiefs and traditional leaders of certain clans and tribes in Gizo/Kolombangara are indirect players in CDF regulation. These non-appointed non-state actors are not chosen or selected by the MP or constituency office and are apolitical. Their neutrality is essential to draw a line between their church-related and societal roles, given that there are times when these two roles cannot go together because it is forbidden by church or *custom*. I argue that their prominent roles in CDF regulation revolve around silent oversight of appointed non-state actors. Broadly, these functions are essential in overall village-level governance because they are mandated by *custom* and the church. Against that background, interviewees argued that these apolitical non-state actors' directions and oversight of MP-appointed non-state actors can influence the MP and constituency office.

7.4.1.2 Importance of Churches and Traditional Authorities

Like in other parts of rural Solomon Islands, *custom*-based traditional institutions and Christian churches are essential domains in GKC.[665] The actors that emanate from these fundamental domains are important within village-life discourses. They are a vital conduit to effect societal change and stability. In the context of CDF governance, the emergence of these actors from the church/*custom* domains grants them legitimacy; hence, the communities they govern respect their decisions. In addition, these pastors, chiefs and traditional leaders are embedded in their peoples' livelihoods. They live with their people and participate in their socio-spiritual activities. Thus, they see and know what is best for their people. Their legitimacy, therefore, is respected by the MP and other bureaucratic actors like the CDO and CPO.

In GKC, *custom* is an essential source of law. Because village governance is mainly regulated by *custom*, it therefore influences the establishment of leadership structures. An important role of these structures is to manage village order and relationships with introduced processes and institutions. This means that the chiefs and traditional leaders are the connection between villagers and outsiders or outside processes. The regulation of CDFs is seen as an outside

[665] Geoffrey M White and Lamont Lindstrom, eds., *Chiefs Today: Traditional Pacific Leadership and the Postcolonial State* (California: Stanford University Press, 1997). Gegeo and Watson-Gegeo, "Priest and Prince: Integrating Kastom, Christianity and Modernization in Kwara'ae Leadership," 298-342. Aqorau, "Choosing Our Leaders: Western Electoral Systems Versus Traditional Leadership Selection in the Pacific Islands — a Personal Perspective."

process and arguably demands the need for a village (or inside) leader to be part of the process. This influences chiefs and traditional leaders to factor themselves into that process on behalf of their people. Thus, *custom* is an important factor that pushes the chiefs/leaders to involve in CDF governance. In other words, as rightly noted by Alexis Tucker Sade, in Solomon Islands, although the Constitution acknowledges the importance of *custom* practices and leadership, clearly there is minimal formalisation of this within modern politics.[666] The CDF governance structure therefore provides a platform to recognise the need for greater formalisation and recognition of *custom*, thus narrowing the relationship gap between *custom* institutions like chiefs/traditional leaders and the state.[667]

7.4.1.3 Roles of Chiefs, Traditional Leaders and Pastors

Chiefs, traditional leaders and church pastors not only govern at the village level but are sometimes instrumental in CDF regulation. Two of their essential roles are acting as oversight mechanisms and "watchmen." These roles entail reporting suspicious undertakings by the CDO, CPO, zone coordinators, village CDF committees and chairpersons to the MPs. Grey Pitakaka, an EMO for Gizo/Kolombangara, confirmed such roles when he observed that:

> sometimes these non-state actors like chiefs, elders and church leaders reported constituency officers directly to the MP concerning some of the challenges they saw faced by these constituency officers, coordinators and chairmen. So, they act as watchmen. This [is what] I experienced when I do assessment in this area.[668]

Chiefs and pastors also play advisory roles in the regulation of CDFs. Occasionally, they call MP-appointed non-state actors and talk to them about allocation and disbursement anomalies. Dakei confirmed such advisory roles:

> Their roles are basically on expressing how to attend to their people. One way is constructive expression. Another way is that they act as a red light—for example, when people complained about my work, the chiefs, church leaders came to inform me about my work and how I can improve. There are some chiefs who are head-on; they play politics. But others reserved their political views. Churches they are not allowed to come into politics—they stand out—but they play key roles in that they are informants. They advise us [constituency officers like coordinators, CDOs, CPOs, the MP] of complains by people on us constituency officers/workers. Or sometimes they

[666] Alexis Tucker Sade, "Encountering Chiefs in (a Search for) the State," *Anthropologica* 61, no. 2 (2019): 200-12.
[667] Ibid.
[668] Pitakaka, "Pitakaka Interview."

> give options for us to look at disabled people who need to receive some help—indirect approach.[669]

Therefore, the roles of some chiefs and church leaders regarding CDF regulation are advisory in context. However, these roles are often not visible, and whether such advice is actioned depends on the MP, the constituency officers and other non-state actors.

Another important role of these chiefs and church leaders relates to the appointment of the chairmen/chairladies who act as one-person committees for CDF-related issues within a community. As articulated in the words of a chairlady from Saeragi village:

> I think because I am an honest woman that works with women in their fund saving club. And they [big-men/chiefs] see me as very active. So, when big-men/chiefs in the village want to find a person to hold the post of chairlady/man, the chief said that I wanted that woman. That is how I hold that chairlady. They did not vote. The chief is a powerful man. He made the recommendation, and that is it. When the chief appoints me and informs the people, the people agreed. [Because of] my honesty, people trusted me.[670]

Thus, in addition to playing watchmen and advisory roles, with the concurrence of the MP, these non-appointed non-state players also influence the appointment of chairladies/chairmen as village representatives with whom the zone coordinators can work concerning CDFs.

7.4.1.4 Relationships with Other Non-state Actors

Given the new tier of role(s) imposed on chiefs/traditional leaders and pastors by CDFs, it can be inferred that there is a direct but informal relationship between MPs and these apolitical non-state actors. Although the relationship is informal, it has legitimacy. That is why MPs deem it fit and proper to direct or inform CDOs, CPOs and zone coordinators about issues highlighted by these apolitical non-state actors concerning the work of appointed/endorsed non-state actors. Thus, when MPs act on the advice of these non-MP appointed non-state players like the positive response by the MP when she was approached by the village leaders from Sausepe who prepared a water supply project proposal for their village, an inference can be drawn that they are influential and have the potential to impact the oversight roles of the MPs as well as other non-state actors dealing with the regulation of CDFs. In that way, the work of the apolitical chiefs and pastors may be seen not only as an extension of their formal roles but also as an effective way to help in the regulation of CDFs. In a way, these new roles of the apolitical non-state actors strengthen the role of the MP in their top-down approach or

[669] Dakei, "Dakei Interview."
[670] Loni, "Loni Interview."

overarching role concerning CDF-related governance and constituency related issues. Also, such oversight roles, though informal, can help CDOs, CPOs and zone coordinators re-evaluate the way they function and carry out their regulatory roles in effective ways.

7.4.1.5 Implications for Power

Generally, the power of these traditional leaders and chiefs comes from the *custom* domain, while the pastor's authority comes from the church domain. This means that their powers are respected by the people as long as they remain neutral from political influence and interference. At times, however, there is potential for their powers to come from a combination of the various domains—*custom*, church and politics. The CDF structure and its impact at the constituency level can extend the powers of these unappointed non-state players, adding another level or layer of power to their existing powers and functions within the *custom* and church domains. Because of the need to regulate CDFs in order for them to have a positive effect on the community, chiefs, traditional leaders and pastors have taken the liberty to work for the common good of the people they represent within their various domains. Hence, their new role, influenced by the introduction of CDFs in their constituencies, is an extension of their existing power.

7.5 Summary: Roles and Power Relations

Allen and Dinnen argued that CDFs have reordered and rescaled power in Solomon Islands.[671] It is a valid argument but only tells half the story. Reordering happens in reverse as well. While the arguments and observations by Allen and Dinnen are valid and undisputed, given the emerging roles of the non-state actors, it can be argued that reordering, or more appropriately sharing, has also taken place from the bureaucratic state and MPs to CDOs, CPOs and non-state actors. Simply put, regulatory power has been co-shared by state actors and non-state actors. The involvement of non-state actors and their principles in CDF regulation illustrates how power is distributed between different orders and scales—an effect of nodal governance. Power has shifted in part from one agency to another as well as between agencies, and at different scales from the national to the rural level and vice versa. This affirms Foucault's observation that power is capillary and operates in all directions—an essential characteristic of nodal governance. But in the case of GKC, such power sharing is unbalanced because the MP and his constituency have more power at their discretion over non-state actors and

[671] Matthew G. Allen and Sinclair Dinnen, "Is the 'Hybrid Turn' a 'Spatial Turn'? A Geographical Perspective on Hybridity and State-Formation in the Western Pacific," *Third World Thematics: A TWQ Journal* 2, no. 4 (2017).

regulatory practices, though it is reasonable to say that non-state actors also have some influence in CDF regulatory practices.

The facilitation of CDF processes by non-state actors has the potential to influence and affect MP's endorsements of CDF recipients. Many informants from Gizo/Kolombangara state that anything could happen in these processes—the non-state actors could either do the "right" or "wrong" thing. These actors have the power to divert, reallocate or reprioritise CDFs based on their relationships. A village woman from Saeragi highlighted that these are the powerful actors in the "middle." Some interviewees from Gizo/Kolombangara referred to the "middle" as a site of power that has the potential to ensure the effective impact of CDFs at the constituency level. But that power can also be manipulated by the "middle actors" when they create leakages based on their relationships with supporters, relatives, close friends, *wantoks*, big-men and those in/with authority. The preceding sections highlighted that the power exercised by the non-state actors—in juxtaposition with that of the MP, CDOs and CPOs—can sometimes be abused, manipulated, made practical and influenced by those in power and those at the village level based on socio-economic and political relationships.

Non-state actors play important roles in the regulation of CDFs but it is limited in many respects. In Gizo/Kolombangara, there are several motivations for the involvement of non-state actors in CDF regulation. Some motivations to participate are *custom*, political connections, merit, village embeddedness, livelihood interests and the gap between villagers and the state. Similarly, access to CDFs is also a motivator. The regulation of CDFs in GKC encompasses actors from a variety of socio-political and religious domains: politics, state, *custom* and the church. The non-state actors in the political arena are village-based focal points, village CDF committees and zone coordinators. The MP and their constituency office are the agents of the bureaucratic state within the constituency. The actors that fall under *custom* are chiefs and traditional leaders, some of whom are zone coordinators. The church domain is represented by pastors who have indirect roles in the oversight of CDF regulations. The CDF structure is characterised by the combination of these four domains, a vital feature of CDF regulation in Gizo/Kolombangara. These domains are important aspects of any Solomon Islands rural village setting. The involvement of these domains in CDF governance is dynamic and highly contingent on the socio-political context of the constituency. At times, the relationships between these domains are messy because each domain has the potential to interweave with the spaces of the others, thus making them highly relational. But what regulatory practices are inherent to or performed by these non-state actors?

7.6 Practices of Regulation

7.6.1 Overview

This section discusses the practices that characterise CDF regulation in Gizo/Kolombangara. Figure 8 highlights the general flow of regulatory practices, including planning, consultation, liaising, verification, dissemination of forms, networking with constituency office, approval, collection of materials/resources and distribution/disbursement of funds/projects.

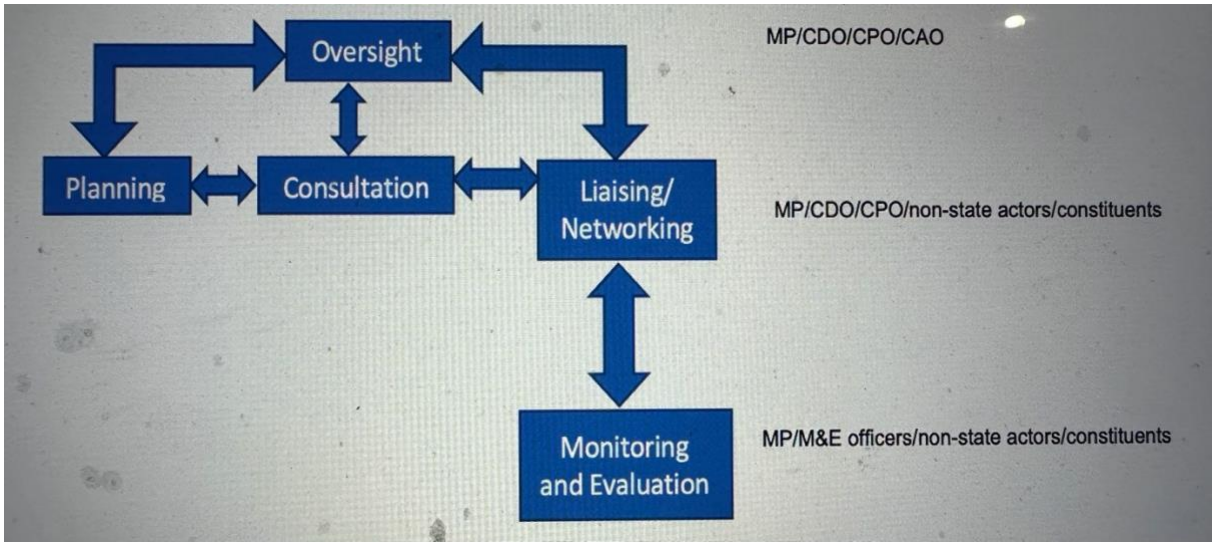

Figure 8: Flow of CDF Regulatory Practices.

7.6.2 Regulatory Practices

7.6.2.1 Planning

An essential regulatory practice in Gizo/Kolobangara constituency (GKC) is planning at both the village and constituency levels. At the village level, planning takes place between the village chairmen and their committees regarding the kinds of projects that are essential for villagers or communities. At the constituency level, planning is done at times by the committee chairperson and zone coordinators with village participation. After such village-level meetings, these non-state actors normally proceed to have a constituency-wide meeting with the constituency office. Village representatives and the constituency office hold the meeting at a designated place to discuss the constituency development plans and annual plans. It is also during these meetings that funds are allocated under the specific “heads” (expenses) agreed

upon in the constituency's annual plan. However, there are times when planning at the village level is done by the chairperson with minimal input from villagers. According to informants, this usually happens when there is ineffective communication and a lack of cooperation between the villagers and their chairperson.

7.6.2.2 Consultation

Consultation mainly takes place between constituents and their village committee/chairperson. It takes place when there is a good working relationship between the villagers and the village committee/chairperson. Consultation is an effective way to ascertain the needs of the villagers/communities. Usually, a committee chairperson calls for a community meeting during which villagers can voice their concerns regarding their CDF applications. Similar undertakings are also practised by women's groups and their coordinator. However, there have been instances when consultations were minimised. This usually happened when constituents had close relationships with the constituency office through line (tribes/clans), church affiliations, family connections and blood relations. In these circumstances, while consultation was still practised with some groups, other communities were bypassed. The lack of consultation meant that decision-making for funds/projects fell solely upon the village committees and coordinators.

7.6.2.3 Liaising and Networking

Another important practice is liaising or networking between the zone coordinator and the village committee or chairperson of the committee. This is done after consultation between villagers and their committees. If the relationship between the constituents and village committee and/or village chairperson is weak, these constituents proceed to liaise directly with zone coordinators regarding their CDF projects. Liaising or networking also takes place between the zone coordinator and the constituency office and between the women's coordinator and the constituency office. The purpose of liaising or networking with and/or between these regulatory actors is to help them clearly ascertain projects and their viability in order to make recommendations for funding to the MP.

A regulatory practice relating to liaising/networking concerns direct communication from the voters/constituents or groups from the village to the MP regarding their CDF application. The current MP for GKC confirmed this direct link: "When I came into power, I opened up to people, so people have direct access to me. In certain contexts, I then proceed to advise the CDO to

act accordingly."[672] In part, such direct communication between the MP and constituents happens when they have close relationships because of family relations, the *wantok* system, political connections and church affiliations. Further, according to an informant from the Kukudu area, when people complained about delays in project delivery or slow responses concerning their projects, the informant took the liberty to communicate directly with the MP. He claims to be "the backbone" of the MP because of his active role as a strong campaigner for the GKC MP during the national general elections. This informant says that political basis gives him the freedom to communicate with the MP. The ease of two-way communication between the Kukudu informant and the MP is also explained by blood relations between the husband of the MP and the informant. This connection creates an environment of trust and effective responsibility. Also, such direct communication takes place when there is a need to quickly deal with outstanding CDF projects. An instance where direct communication took place related to a school project in Kuzi village, Kolombangara. According to a primary school teacher who worked closely with the principal of that school, because there was a need to quickly build and extend some of their classrooms, the MP directed the principal to go to Honiara. This direct communication helped quickly facilitate funds from CDFs to build the school. Such informal arrangements are given effect by the MP, who then directs the CDO or CPO to verify project proposals before approval.

A second significant regulatory practice central to networking/liaising is the prioritisation of voters. Usually, the constituency office prioritises voters for the incumbent MP to receive CDFs.[673] Hence, according to informants, supporters receive more CDF application forms than others. Several informants say the constituency office used to give 10 project forms to constituents in a zone: eight forms for supporters and only two for non-supporters. Often, the constituency office gives the two forms to less-than-fortunate non-supporters—usually older adults—who needed projects such as water tanks or cash. Demarcating supporters from non-supporters happens immediately after the national general elections via group meetings of the MP's networks and the election cards given through campaign managers to ascertain the estimated number of voters. In this way, the MP and their constituency office identify voters for the purposes of prioritisation. This shows the politics of elections as well as that the practical needs of non-supporters and the needy are factors that influence prioritisation.

[672] Lanelle Tanaganda, interview by Derek Futaiasi, 28 July, 2019, Ministry of Police, Honiara.
[673] I am using a Solomon Islands shorthand here. By 'voters' I mean 'those people who voted for the incumbent MP'. 'Non-voters' does not mean people who did not vote at all, just those who did not vote for the incumbent MP.

A third practice related to networking/liaising is the disbursement/distribution of materials/projects, which takes place after formal approval by the MP. Normally, the CDO, CPO, zone coordinators and village committees/chairperson cooperate when it comes to disbursement. Many times, all of these regulatory actors collaborate to ensure the smooth delivery of funds/projects and disbursements. This collaboration is influenced by a list of the projects/funds endorsed by the MP. However, disbursement is more challenging when people force themselves as recipients or the non-state actors involved display self-interest. The MP highlights that the disbursement of CDFs by constituency officers is an expensive regulatory practice. This is because of the substantial expense to transport materials from Honiara to the Western Province and around Gizo/Kolombangara. The pressuring of the MP by voters has also complicated disbursement, and there have been times when pressure from voters created problems between the GKC office and voters. For instance, an informant states that although he is appointed by the MP to be a security officer for the constituency office, he forced his family members, who are also voters for the MP, to collect materials—although their names are not on the distribution list. Therefore, disbursement as a practice has its challenges.

7.6.2.4 Monitoring and Evaluation

The monitoring and evaluation of CDFs given to constituents as funds and projects is a newly established regulatory practice as of 2019. The MP recruited village-based young university graduates to undertake the monitoring and evaluation of CDF projects. Monitoring and evaluation entail assessing CDF projects within the constituency to ascertain their profitability and viability. Assessing the sustainability of projects funded through CDFs is also central to the work of the Evaluation and Monitoring officers (EMOs), who work closely with the constituency office and non-state actors in monitoring and evaluation. Mr Pitakaka, an EMO, said that this new regulatory practice was influenced in part by the People's Republic of China (PRC). As a funder of CDFs, the PRC wants to see that its funds are well accounted for and that projects are being implemented for their proper purposes. This practice is strongly supported by the GKC MP for other SIG-funded CDF projects as well. This practice helps the constituency office and MP to know the status of projects and their viability.

7.6.2.5 Oversight

The MP plays an oversight role from the top of the regulatory structure, watching over the CDO and CPO. The CDO and CPO oversee the work of the zone coordinators. The zone coordinators manage the roles of the village chairpersons and the CDF committees. At the village level, the chiefs, traditional leaders, church pastors and individual constituents also play

oversight roles. The church/*custom* actors at times directly connect and communicate with the MP by reporting anomalies or deficiencies in the work of the CDO, CPO, coordinators and village-based committees. Further, there are times when the church/*custom* players directly confront appointed non-state actors concerning how the appointed non-state actors are performing or dealing with CDFs in the constituency. As such, oversight is a regulatory undertaking that underpins the roles of these actors within the CDF structure; however, most times, it is basically ad hoc.

7.6.2.7 Allocation

Another important regulatory practice is the allocation of CDFs. In many instances, CDF allocation—the process where the MP, constituency officers and non-state actors make decisions on the eligibility of constituents for funds and projects—is a joint undertaking. Typically, the MP makes the final decision. The MP depends on the CDF village committee, village chairperson and the zone coordinators to ascertain the reality of the project proposals. Thus, to ensure proper and fair allocation, non-state actors and the constituency office usually cooperate to validate and ascertain CDF project proposals. Often, the MP and the constituency office depend on the non-state actors to make the final decisions and process the allocation of CDFs to village projects. CDF application forms also rely on the verification and signature of the CDF village committee. The role of non-state actors in verifying projects is an essential step that facilitates decision-making by the MP. Usually, the allocation process involves the MP, the constituency office and non-state actors.

7.6.2.6 Summary: Regulatory Practices

Planning, consultation, liaising and networking, monitoring, evaluation and oversight are some of the practices used in regulating CDFs in Gizo/Kolombangara. These practices are not uniformly undertaken. Their use depends on how organised a zone or community is. These features of the regulatory framework of Gizo/Kolombangara are also influenced by socio-cultural relationships and national politics. These practices are not well documented and are often ad hoc. However, they demonstrate the interactions between the MP, CDO, CPO, non-state actors appointed by the MP and non-state actors from the domain of *custom* and the churches. They also reveal the power relations and co-sharing of functions between the various regulatory actors, with the MP and the non-state actors close to the people at the village level. The regulatory process, including the sharing of its practices, is messy and at times context-based. It is contingent on the socio-cultural and political contexts and

relationships that exist within the constituency. The MP and his constituency office still have more power in CDF governance compared to non-state actors.

7.7 Conclusion

Using the example of GKC, this chapter demonstrated an essential element of nodal governance: a plurality of actors regulating CDFs at both the national and constituency levels. Non-state actors were the focus of this chapter. They are seen as the bridge between the people and the state. They also have legitimacy and are embedded within village life. By their visibility and presence, they situate with the people most of the time. They are entangled with the socio-economic and political fabric of the communities they govern. Most often, these non-state actors and the people/communities are seen as "one" in space and time. This context resembles an observation by Miranda Forsyth in her article on the regulation of intellectual property in the Pacific:

> First, the systems of regulation are embedded within the social, cultural and political context of the societies they regulate. As such, they resonate with the observation of Curry, a human geographer, that one cannot separate the economy and society from each other in Melanesia because "the economy is intensely social, and the social is intensely economic" (Curry 2003:419). Second, the systems of regulation both reflect, and are bound up with, questions of relationships between different groups and between individuals and the group.[674]

Such dynamics have the potential to exert both positive and negative pressures on the actors within the regulatory systems, either undermining or invigorating the CDF regulatory system. In other words, these dynamics can speed or slow the processes within the regulatory system. This chapter highlights the specific socio-political pressures that have the potential to shape or influence CDF regulation. Such socio-economic forces include self-interest, political influence, clientelism, lack of salary for non-state actors and social problems (*customary* land disputes) within the constituencies. These are some of the complications that continue to influence the work of non-state actors.

In terms of power relations, there is generally a sharing of power between state and non-state actors—and between the non-state actors themselves—in CDF regulation. The power relations between these regulatory actors have both positive and negative ramifications. In effect, these non-state actors act as intermediaries between the bureaucratic state (CDO and

[674] Miranda Forsyth, "Making Room for Magic in Intellectual Property Policy," in *Understanding Oceania*, ed. Stewart Firth and Vijay Naidu, Celebrating the University of the South Pacific and Its Collaboration with the Australian National University (ANU Press, 2019), 99.

CPO) and their communities. They also play fundamental roles in translating ideas and practices to and from the constituency office and the people within the villages they represent. They work to negotiate between the MP and the constituency (the zones and villages). In that regard, these non-state actors are powerful. Power sharing also signifies tempering; that is, it attempts to disperse the heavy concentration of power within the scope of one actor. In that way, power is distributed among various actors and scales, although in unequal terms, as partly encapsulated by the regulatory practices.

However, as shown, these non-state actors are able to be manipulated and subverted by those in powerful positions, such as the MP, the constituency office and the communities they serve. Thus, these non-state actors are both powerful and vulnerable given their nature as "middle actors".[675] Sally Engle Merry is accurate in her observation about middle players:

> They work in a field of conflict and contradiction, able to manipulate others who have less knowledge than they do but still subject to exploitation by those who installed them. As knowledge brokers, translators channel the flow of information, but they are often distrusted, because their ultimate localities are ambiguous, and they may be double agents. [676]

The power relations characterising the roles of these actors affirm that power is capillary, as observed by Foucault. Such power relations also come with negative ramifications. Similarly, the framework in which these non-state actors situate is a regulatory order that creates the potential for them to have power and wealth. As shown, non-state actors serve the political motives of the MP, but at the same time, there is space for the non-state actors to benefit from the CDFs, because they have power over some of the financial resources/projects when it comes to distribution/disbursement of the resources/projects to successful recipients at the rural level. Thus, these non-state actors are seen as players in the middle; they have the power to dictate, influence and play with those at both the top and bottom of the CDF structure. In that way, there are times when these non-state actors are influential, powerful, corrupt and exploitative but also can be abused by those at the top.

The regulation of CDFs in Gizo/Kolombangara is largely politically charged. Thus, the regulatory framework is populated with appointments based on the political relationships non-state actors have with the MP. Most non-state actors, such as coordinators and zone committees, are political supporters of the MP. This political influence can be seen in the way

[675] Sally Engle Merry, "Transnational Human Rights and Local Activism: Mapping the Middle," *American Anthropologist* 108, no. 1 (2006): 40.
[676] Ibid.

funds and projects are distributed, which privileges supporters of the MP. The politics of elections clearly influence the regulation of CDFs.

Chapter 8
The Regulation of CDFs in Baegu/Asifola, Malaita

8.1 Introduction

Like chapters five and seven, this chapter uses the lenses of nodal governance, state-in-society and political settlement to situate the narrative of regulation in Baegu/Asifola Constituency (BAC). The regulation of CDFs in BAC, as in Gizo/Kolombangara Constituency (GKC), involves interactions between state actors, non-state actors and international actors. Hence, I argue that CDF regulation is polycentric and multi-scalar. The BAC case-study allows us to see how CDF regulation is impacted by international actors, such as the People's Republic of China (PRC) and Australia, as well as very local actors. Also, regulatory power, although ubiquitous and capillary, is highly unbalanced, because much of it resides with the constituency office and the Member of Parliament (MP). Such power relations emerge partly because of the impact of social forces on political and bureaucratic state actors. This chapter closely analyses the roles of, and relationships between, a range of actors and processes in CDF regulation. I argue that these actors, principles and mechanisms intertwine, blend and influence each other over various scales and, to an extent, help temper each other's functions. This chapter begins by outlining the CDF regulatory framework in BAC to show the actors' positions within it. I then discuss the roles and relationships of the various regulatory actors and how these actors, principles and mechanisms influence CDF regulation in BAC.

BAC is a constituency in Malaita province with a population of around 5 647 people according to the 2009 Solomon Islands population census. It hosts virgin forests, pristine rivers, and cultural sites on customary lands.[677] In comparison to Gizo/Kolombangara, it is rural in that most of its population mainly depend on subsistence livelihood. At the time of fieldwork, it has two clinics – one of which is dysfunctional. There is lack of major telecommunication and proper road infrastructure that connect the constituency. As stated in chapter three it consists of the *asi* (Asifola – saltwater, Lau speaking people) people and the *tolo* (Baegu – inland or hill people). Writing in 1978 an anthropologist—Harold Ross describes the Baegu and Asifola area as "two population categories, hill and sea people (the Baegu and Lau), each have the loose mechanical solidarity of a common way of life and joint interests in land or fishing rights."[678] Custom is still an essential source of law and authority within a predominantly Christian

[677] Derek G Futaiasi, "Musings from Baegu-Asifola," *Islands Sun*, February 9 2021, https://theislandsun.com.sb/musings-from-baegu-asifola/ (Accessed 11 April 2023).
[678] Harold M. Ross, "Baegu Markets, Areal Integration, and Economic Efficiency in Malaita, Solomon Islands," *Ethnology* 17, no. 2 (1978): 136.

population. Like Gizo/Kolombangara there exists non-state actors like chiefs, traditional leaders and churches in its villages.

8.2 CDF Regulatory Framework in BAC

Broadly, the BAC regulatory framework for CDFs consists of several state actors, non-state actors and international actors. The BAC has offices in rural Kaliana village, Baegu and the urban centre, Honiara. Kaliana is the village of the current MP. The Kaliana office is mainly staffed by the Constituency Development Officer (CDO), a driver/logistic officers and 20 volunteers. These staff and volunteers mostly live in the village. The Honiara office has an office manager, office assistant, cleaner and security officer – all of which are paid wages by constituency office through CDFs under expenses shown as administrative expenses. Figure 9 shows the simple structure of the BAC office. State and non-state actors are shown according to the offices they represent.

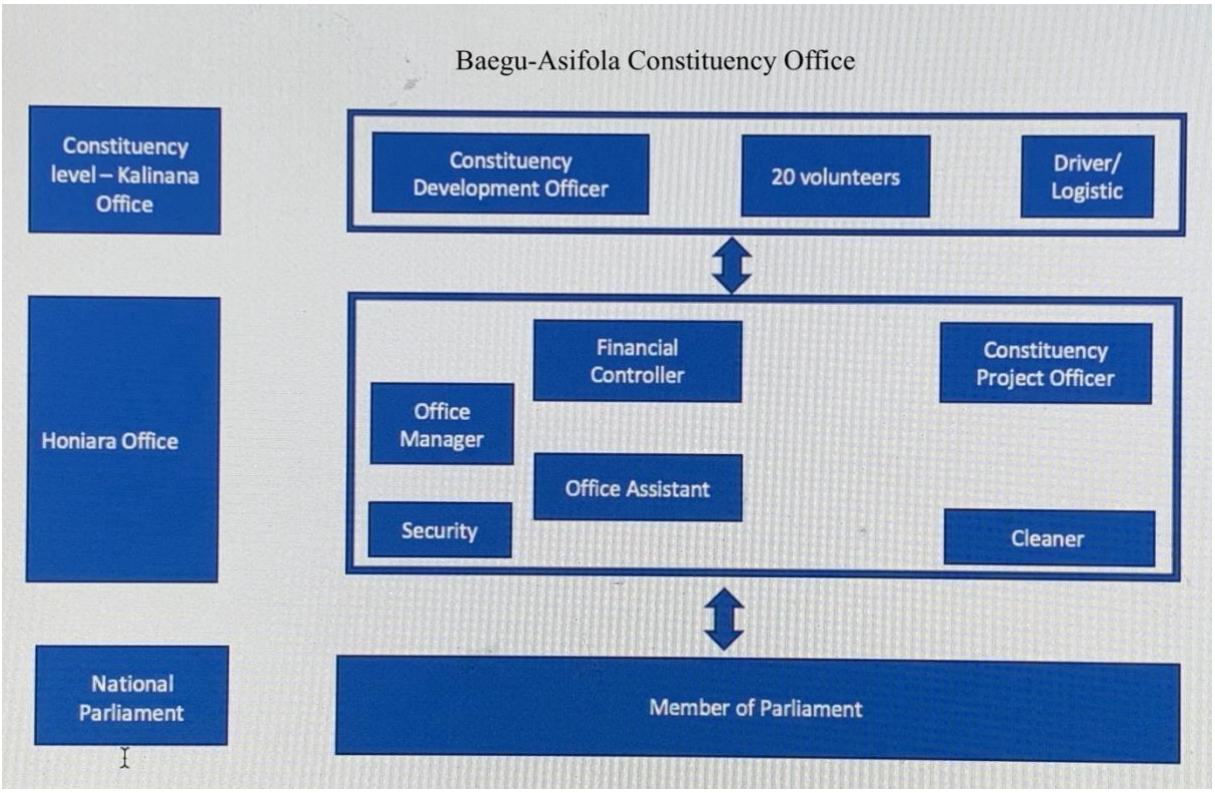

Figure 9: BAC Office Structure.

In addition to the volunteers, the non-state actors my interviewees say play a role in CDF governance in BAC are chiefs, big-men, tribal/clan leaders, youths, women's groups, the

Baegu/Asifola Council of Chiefs (BACC), village committees, polling station committees, special select committees (SSCs), a company (Baefola Investment) and the BAC advisory council. The nature and memberships of some of these non-state actors are explored in this chapter.

The state actors that regulate CDFs in BAC are the Ministry of Rural Development (MRD) and the Ministry of Finance and Treasury (MoFT), including the MP and their constituency office. International actors include the People's Republic of China (PRC), Australia through the Australian High Commission Office in Honiara and the United Nations Development Programme (UNDP). Figure 10 highlights the flow of relationships between these state actors, non-state actors and international actors and identifies how the funds flow from international actors via the state and non-state actors to the communities/recipients.

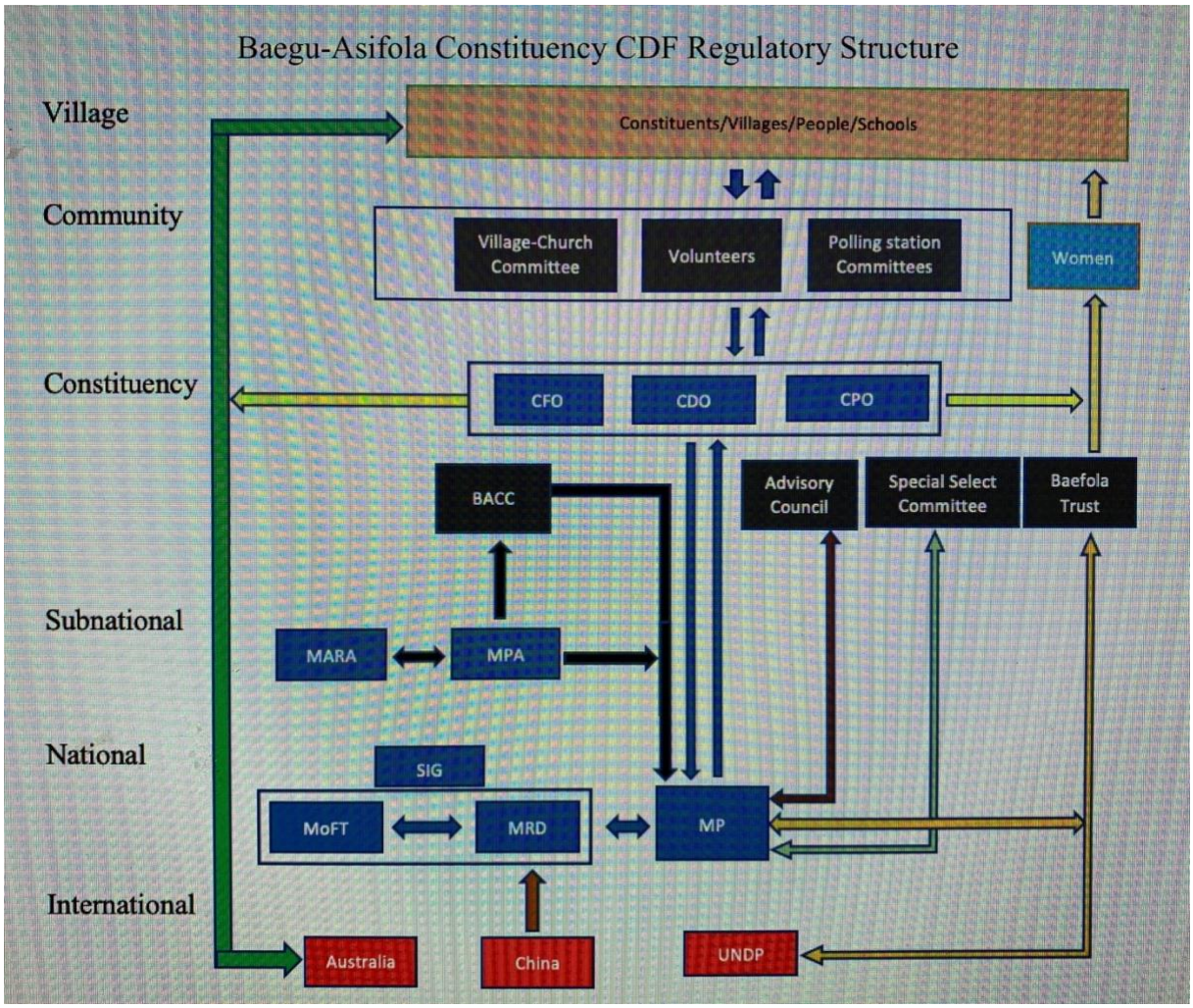

Figure 10: Constituency Development Fund Regulatory Structure of Baegu/Asifola Constituency.

Figure 10 shows, in an ideal form, the relationships between CDF regulatory actors in BAC. The diagram shows the various scales from village to international level, regulatory actors, and the power relations (routes) between these actors. The red-coloured actors are international actors in CDF regulation, the blue-coloured actors are state mechanisms, and the black-coloured actors are non-state actors. The different coloured arrows connecting the actors both show the power relationships between the actors and the flow of CDFs from state actors (MP and constituency office) to non-state actors (village church committees, volunteers, and polling station committees). Like Gizo/Kolombangara, different coloured arrows connecting the state and non-state actors reflect the various logics underpinning the relationships between the actors. Most of the times the relationships are messy which will be detailed later in this chapter.

The reality, of course, is far messier than this illustration. Some non-state actors (village church-based committees, volunteers and polling station committees) are connected to the MP and other relevant actors through the BAC office. Other non-state actors (the advisory council, Special-Select Committee, the Baegu/Asifola Council of Chiefs) connect directly to the MP. The diagram also shows the relationships between the people, the constituency office and international actors. Some of the international actors use the BAC office as a medium to connect them to the constituency, in particular its funding recipients. The UNDP collaborates with Baefola Trust—a company described as the commercial arm of the BAC, in which I will detail later—as the medium to connect with constituents (recipients of projects). Australia shortens the process by opting to deal directly with the recipients (non-state actors and village people) concerning its financial resources. In attempting to regulate its CDFs, the PRC, among other processes, works closely with the MRD to increase its implementation and monitoring capacity and, at different times, deals directly with MPs. On the subnational level, the Malaita Provincial Government, via its BAC ward members in collaboration with the Baegu/Asifola Council of Chiefs (BACC), also partially influences CDF regulation, particularly regarding PRC's involvement in BAC via certain infrastructure projects funded from CDFs.

The following sections explain these linkages and relations in more detail.

8.3 Non-state Actors

As noted, in BAC, various non-state actors deal with CDF regulation. The regulatory roles of these non-state actors vary and sometimes overlap. Some of their roles include consultation with the constituency office to influence CDF allocation, representing communities' issues,

linking the communities with the constituency office and implementing specific CDF projects. Some non-state actors—volunteers, polling station committees, Special-Select Committee (SSCs), the advisory council—are politically appointed. Socio-economic and political factors influence the involvement of non-state actors in CDF regulation. Importantly, their regulatory roles depend very much on whether these leaders are political supporters of the MP. Another factor is blood ties. The closer these non-state actors are connected by blood, line, tribe and clan to the MP, the higher the possibility for their involvement in CDFs regulation. Yet another factor is whether the non-state actor has a reputable standing within their community. However, even good reputations can be undermined by a lack of political support for the MP and family/tribal relationships.

8.3.1 Baegu/Asifola Council of Chiefs (BACC)

The BACC—a collective body of tribal leaders—is an essential non-state actor with various roles. One of its main roles is customary land adjudication, but interviews with BAC villagers reveal that the BACC also partially impacts CDF regulation. For example, it passes a resolution to stop CDF infrastructure projects partly funded by the PRC from taking effect in BAC, which negatively impacts the roll out of the constituency development plans. This is done against the background of Honiara's diplomatic shift from Taipei to Beijing in 2019. The Malaita Provincial Government—Malaita Alliance for Rural Advancement (MARA), led by premier Daniel Suidani—disagrees with the diplomatic shift from Taipei to Beijing by the Sogavare-led national government. Consequently, the MARA government passes the Auki Communique, forbidding funds from the PRC from being used for projects in Malaita.[679] Interviewees from BAC highlight that the BACC, influenced by the MARA government's Auki Communique, held a meeting on 12 October 2019 at the Urutao market in BAC. There, the BACC agrees it does not support the diplomatic shift from Taipei to Beijing. More significantly, according to Elijah Asilaua (ward 11 member of Malaita Provincial Assembly and the BACC), "the chiefs have signed a document where they all agreed that no PRC-funded project should enter Baegu/Asifola."[680] In making that decision, the BACC impacts CDF implementation. It slowed the construction of the CDF road project funded by the PRC. Due to the decision by the BACC, the BAC office also abandoned a road project partly funded by PRC called the Foia–Ata'a road. This negatively impacts the implementation of the CDF project stipulated in the BAC Strategic and Annual Work Plans in 2020.

[679] Malaita Provincial Government, "The Auki Communique," (Auki, Malaita, Solomon Islands: Office of the Premier, 2020).
[680] "Baegu Chiefs Block China Projects," *Solomon Star*, 17 October 2019.

8.3.2 Traditional Leaders and Village-based Actors

A crucial regulatory practice in which non-state actors like traditional leaders, church leaders, youths and women are involved heavily is consultation and planning with the constituency office regarding specific infrastructure projects in BAC. An example is the engagements that took place in 2019. The MP, Makario Tagini, acknowledges the involvement of non-state actors in the BAC Strategic Plan when he says: “This document, however, cannot be produced without the contributions from Chiefs, Church leaders, Community leaders, Women and Youths from Baegu Asifola constituency.”[681] What happened is that:

> [i]n April 2019, after taking up office, the new Honourable Member of Parliament for Baegu Asifola … before anything else, decided to initiate the development of [a] strategic [development] plan for Baegu Asifola.[682]

The MP and his relatives, who later became his constituency officers, led the consultation. A workshop was held with invited, selected and interested constituents about strategic development plans for the BAC. A goal of the consultation is to gauge which development activities the people deemed fit and proper for BAC. In this context, the consultation/workshop is:

> organised for the people of Baegu Asifola to understand their situation, needs, risks, capacities and vulnerabilities thereby determine what actions need to be taken to design and implement interventions and development programs by way of a Strategic Plan.[683]

The BAC office in Honiara also conducted a consultation on the strategic plan with non-state actors. About 80 participants from different sectors attended the consultation and workshop, including government officers from BAC, private businessmen, market women, farmers, housewives, youths and some people from BAC who happened to be in Honiara during the meeting. According to Libo Idufanoa – an informant and the current CDO of BAC, “[a]lthough men dominated the group, all of them appreciated being invited by their new MP to share and contribute ideas as Baegu Asifola people during this meeting, the first of its kind organised by any MP.”[684] Informants who are supporters of the MP and the consultation and participants in the workshop feel that it is an opportunity to voice their concerns and partially influence the

[681] Baegu Asifola Constituency, "Baegu Asifola Constituency Strategic Plan 2019-2026," (Honiara2019), 3. Also see Mavis N Padokolo, "Baegu-Asifola Constituency Launches First Ever 8-Yr Strategic Plan," *The Island Sun*, 29 September 2019, 10.
[682] Libo Idufanoa, "Baegu Asifola Planning Workshop & Honiara Consultation Meeting Report," (Honiara, Solomon Islands: Baegu Asifola Constituency Office, June 2019), 4.
[683] Ibid., 5.
[684] Ibid., 15.

allocation of CDFs in the strategic plan. Therefore, a range of stakeholders influence the overall framework of the strategic plan, which mostly deals with CDF allocation.

Informants who are non-supporters of the MP mention that they did not attend the consultation. Although these informants acknowledge that they have been invited, they lack the willingness to participate. An informant from Sulufou says that their absence raises the issue of the breadth and depth of the consultation undertaken to draft these constituency documents and plans. A village interviewee in Baegu highlights:

> In terms of all members of parliament past and present, they at times did awareness at markets, but they did not come to our villages; maybe our village is far away and cannot be reached by these MPs. But for most of us, awareness of CDFs and projects is something we heard about within the vicinity of the markets. We know the intention underlying CDFs, but as stated already, we have not seen and felt it. It's only during election campaigns that many intending candidates come to our village and talk about these issues concerning CDFs and what they are going to do about CDFs. Still, when they win, nothing matters, and nothing happens. This scenario is not new; it has happened in the past and continues today. The people from Asi [Asifola], I think at least they might be consulted, but for those far in the bush, consultation is lacking.[685]

As articulated by the aforementioned informant, consultations and planning concerning CDFs and related issues are often limited and do not encompass substantial involvement of and participation by constituents living far from the coast and non-supporters of the MP. Such limitations may be the result of disagreements from the national general elections and tribal disputes.

Consultations were also held between chiefs, traditional leaders and customary landowners regarding some of the infrastructure projects that have been factored into the BAC Strategic Plan and the Annual Working Plan. In 2020, the BAC office consulted these non-state actors and engaged them in the surveying of their customary land before surveyors and a hydro expert conducted a field study to ascertain the viability of a hydropower project.[686] Also, when the Foia–Ata'a road project failed, the MP led a consultation by the BAC office with customary landowners and tribal leaders from Taeloa in Fataleka and other tribes in Ata'a among the Baegu regarding the construction of a 23 kilometre road from Taeloa to Ata'a (in Baegu).[687] Consequently, these tribal leaders and landowners signed a memorandum of understanding (MOU) with the MP affirming their willingness to ensure the road passes through their

[685] Baegu X, interview by Derek Futaiasi, 13 January, 2021.
[686] Baegu Y, interview by Derek Futaiasi, 16 January, 2021, Kaliana, Baegu-Asifola.
[687] See BAC Map.

customary land without hindrance by landowners. The involvement of these chiefs, traditional leaders, big-men and *customary* landowners, helps the study on the hydropower to take place and the implementation of the road project because these non-state actors coupled with the MP and his office signed an agreement and come to a common understanding that these projects are essential for development in BAC. As shown, landowners are part of the regulatory complex, although from the perspective of "outsiders," their influence on regulation may seem weak. However, the involvement of these non-state actors through such undertakings is important because it shows the respect and value the MP and his office have for *custom* authorities, landowners and village-based values, which provide important social license to deal with landowners—hence the effective facilitation of CDF-related infrastructure projects.

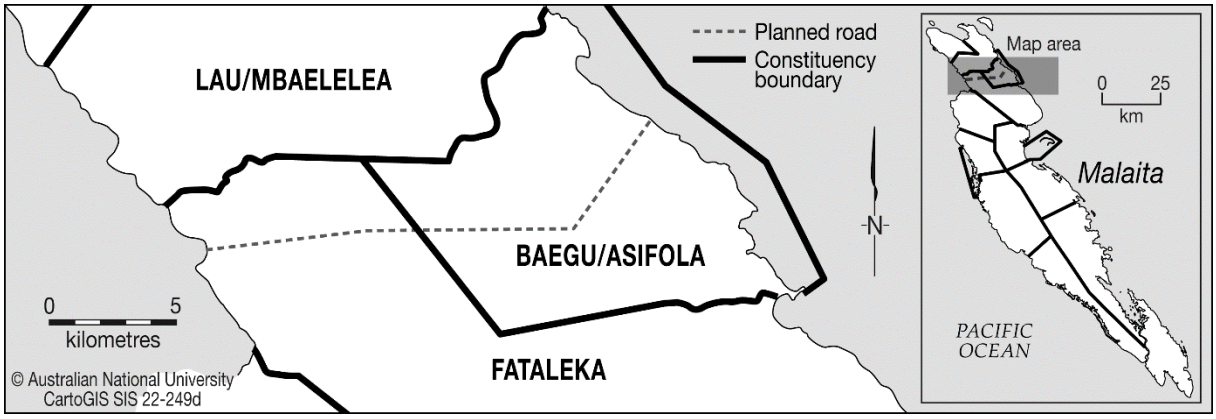

Figure 11: Planned Road—Currently under Construction from Fataleka (Taeloa) to Baegu/Asifola.

Similarly, to implement a water supply project for a village (Lagoe) in BAC that is factored into the BAC Strategic Plan, the BAC office collaborated with an engineer from Rural Water Sanitation and Hygiene (RWASH), and officers from the Ministry of Health and Medical Services consulted *customary* landowners. The BAC and RWASH engaged landowners through community awareness workshops regarding the water supply. The purpose is to ensure Lagoe water supply projects are facilitated unhindered.[688] Also, because landowners give clear indication for the water project to proceed unhindered, the BAC office helps to fund the water project with CDFs to meet the cost of surveys undertaken by engineers.[689] This demonstrates the involvement of landowners in implementing the elements of the BAC Strategic Plan relating to CDFs by working closely with the BAC office and development actors.

[688] Andrew Maebiru, "Lagoe Community Water Supply," (Honiara, Solomon Islands: RWASH, 2019), 2, 9.
[689] Wilson Saeni, "Lagoe Community Benefits from Eu-Rwash Water Project," *Solomon Star*, 16 January 2022.

Their involvement shows that there is at least awareness that these landowners could block development and thus have recognised power.

8.3.3 Volunteers

There are 20 volunteers under the CDF regulatory structure in BAC.[690] These volunteers have permanent residences in their villages and are strong supporters of the MP. These non-state actors work with and report directly to the BAC office, particularly the CDO, on constituency matters. Hence, a strong relationship exists between these volunteers and the BAC office compared with other non-state actors. A village-based informant in Baegu notes that some volunteers are members of village-based committees and polling station committees; hence, they play double roles.

These volunteers are the eyes, ears and mouths of the MP and BAC office. In many ways, they go between the constituents and the BAC office. For example, these volunteers work with the polling station committees to distribute CDF projects to the people. They also work with village-based committees such as church committees to transmit their proposals for CDFs to the constituency office. Interviewees from BAC also claim that once a village-based committee made a decision, the committee's chairperson would transmit the information to the constituency office via the volunteers.

Thus, an essential role of the volunteers is linking the communities and individuals in BAC with the BAC office; often, their working spaces are situated between the villages and the BAC office. Most of these volunteers are big-men and respected within their communities. They represent their village committees. The roles of these volunteers are like those of the zone coordinators in Gizo/Kolombangara. Neither the MP nor the constituency office pays these non-state actors. However, informants from Asifola'a highlighted that there are many times when the needs of these non-state actors are privileged compared to ordinary villagers/voters—special treatment for their work for the constituency office or maybe they are helping themselves by manipulating the system in their own favour.

8.3.4 Polling Station Committees

Another actor in the regulation of CDFs in BAC is polling station committees. Unlike in GKC, where committees are separated by zones, committees in BAC are demarcated by polling stations. The polling station committee members are determined by the number of polling

[690] Baegu Asifola Constituency, "Baegu Asifola Constituency Strategic Plan 2019-2026."

stations established within the constituency during the national general elections. Hence, the polling station committee revolves around where voters voted during the national general elections. A zone covers a more extensive area than a polling station. Like in GKC, such a set-up is, in part, politically motivated and a mechanism to organise and ascertain voters for CDF distribution. Most BAC polling stations have a working committee. A polling station committee has nine members composed of a chairperson, vice-chairperson, secretary, treasurer and ordinary members.

A chairperson of one of these polling station committees states that the establishment of most of these committees is ad hoc. They are established on a case-by-case basis based on, among other factors, the political support for the MP around that polling station. This means, in part, that the establishment of a committee depends on approval by the MP and his office or those who hold power within the constituency. In highlighting these capabilities of the MP and constituency office—and acting on the direction of the MP—David Paul Talofunu, the chairman of the Urutao polling station committee, says: "The CDO and CPO called us together and informed us through a meeting of the need to ensure a committee set up from [the relevant] polling station. So, I am the chairman of [a] working committee."[691]

The establishment of polling station committees is based on the discretion and direction of the MP and the constituency office. Talofunu further states that he is chosen by the CDO with the consent of the MP. The reason, as stated by Talofunu, is:

> Because [I] headed our election camps, which consequently resulted in us [the MP and campaign team] taking [winning] the election. So, this is the basis where their trust is premised—the foundation of their trust. Because I have worked hard during the election period, I will be the chairman of the working group [polling station group].[692]

The chairperson forms the committee by calling its members and informing them of their inclusion. Talofunu mentioned that the factors that influence inclusion are that these members are political supporters of the MP, are seen as responsible villagers and are trustworthy. In addition, Talofunu states:

> The committee members are representatives from the communities that voted at Urutao polling station. One of [their] roles is to ascertain those in dire need of materials/funds within his community. This can be done by

[691] David Paul Talofunu, interview by Derek Futaiasi, 13 January, 2021, Uru'utao, Baegu-Asifola.
[692] Ibid.

> asking the people within a particular village, for instance, and then ascertaining it with the people from their respective communities.[693]

Talofunu further highlights: “Our function is to distribute what comes under the RCDF for the people. For instance, this relates to materials. When these materials come down to the constituency, we are the ones that will deal with it.” He states: “It is our work to ensure people in dire need must receive these materials, such as housing projects.”[694] Thus, an essential role of a polling station committee is to help distribute CDF-related projects and ensure the constituents and supporters receive their projects or funds. Polling station committees have relevant local knowledge about these recipients and legitimacy from the constituency office and the people living within the vicinity of the polling station. Put another way, the current constituency project officer (CPO) for BAC states the functions of the polling station committees:

- Represent people or villages that make up the polling stations in meetings concerning projects and similar meetings.
- Act as a communication medium to express their needs and wants to the BAC office.
- Work closely with the BAC office on matters or issues of their interest.[695]

Polling station committees, therefore, play an essential role by expressing the wishes and concerns of the people they represent to the constituency office or the MP. To a limited extent, polling station committees are a mechanism that provides for the interests of constituents or communities in decision-making on issues concerning their livelihoods. But like in Gizo/Kolombangara, informants who oppose the MP believe that such bodies are basically for political convenience and can be biased, as they only represent the supporters of the MP; hence, do not really represent the needs of their communities.

8.3.5 Special Select Committee

In Baegu/Asifola, the MP establishes a Special Select Committee (SSC) separate from the volunteers. It is composed of high school-educated rural villagers who are close family relatives of the MP. A constituent from BAC says the SSC differs from other non-state actors in that it associates directly with the MP. Another informant says that the SSC acts as an independent

[693] Ibid.
[694] Ibid.
[695] Balasido Boeau, interview by Derek Futaiasi, 25 February, 2021, Naha 2, Honiara.

body that monitors the work of other non-state actors, the CDO and the CPO regarding CDF-related issues. Broadly, the primary role of the SSC is to ascertain what is happening in the villages concerning CDF issues. For instance, the SSC reports to the MP on whether the constituency office is properly distributing CDF-related projects and funds according to the list of CDF recipients prepared by the BAC office. The SSC also has the potential to verify the work of the constituency officers. In a way, it supplements the roles of the volunteers. But, unlike the volunteers, the SSC does not go through the constituency office or the CDO but is directly connected to the MP as and when the MP needs independent advice on CDF-related issues within the constituency.

Further, the work of the SSC encompasses ascertaining specific CDF-project issues, such as gathering the views of *customary* landowners regarding the implementation of the road from West Fataleka to Baegu/Asifola, which demanded proper decision-making by the MP. Similarly, another role of the SSC is to gauge the views of constituents on the administration of CDFs by the current MP and his officers. The SSC usually meets with the MP in either Honiara or the constituency, depending on when the MP deems it fit for a meeting or when the MP wants independent advice apart from that given to him by the constituency office or volunteers. Non-supporters of the MP highlighted that the SSC assists the current MP with information in dealing with CDF-related issues. They are “indirectly” chosen by the MP (at his discretion due to their political support and close kindship ties with the MP) as his “spy-catchers” to assess the implementation of CDF projects and ascertain how villagers perceive CDF-related issues. They also act as independent informers on how the CDO and CPO are conducting themselves in the constituency, thereby tempering the powers of the constituency office on CDF-related issues such as distribution and dealing with constituents. The MP stated that the reason for such tempering emanates from a deep understanding of blood and trust relations rooted in *custom*.

8.3.6 Baefola Investment

A company that influences the regulation of CDFs in BAC by implementing some CDF infrastructure-related projects is Baefola Investment. This commercial actor had its genesis during the 2019 national general elections, when the current MP identified its creation as one of the foremost policies that would be implemented if they were elected. In 2019, Baefola Investment was incorporated and registered as a business entity under the Companies Act 2009. A commentator from BAC says that Baefola Investment is the economic arm of the

BAC.[696] BAC commentators allege that the constituency office gives Baefola Investment construction projects. These projects are articulated in the BAC Strategic Plan. Rural interviewees from BAC concur with supporters of the MP who says that the construction of the Taeloa–Ata'a road in Malaita Province is managed by Baefola Investment in collaboration with other regulatory actors like the Ministry of Infrastructure Development.

Further, Baefola Investment, through its management body, Baefola Trust, works closely with the BAC office and the UNDP regarding specific constituency projects geared towards environmental conservation because of BAC's susceptibility to climate change. Village informants from BAC argue that Baefola Investment and Baefola Trust, in partnership with other non-state and international actors, are crucial non-state actors dealing with the implementation, management and administration of infrastructure and conservation CDF projects. For example, the construction of a high school in East Honiara—a location outside of BAC—with CDFs from the PRC and SIG is managed by Baefola Investment.

The MP is not on the board of Baefola Investment. Still, the MP, non-supporters argue, has the potential to provide informal advice to Baefola Trust on constituency project issues the company handles, raising problems of impartiality on the part of the Baefola Trust. The role of Baefola Investment as an actor within the BAC regulatory structure helps regulate CDFs in BAC. However, non-supporters question whether Baefola Investment and its board are impartial in terms of their relationship with the MP and the constituency office on issues of CDF regulation. According to an informant from Asifola, blood relatives of the MP manage the Baefola Trust, which has both positive and negative implications for the regulation of CDFs.

While the Baefola Investment is an important player in CDF governance as an economic or business arm of the BAC that helps implement BAC infrastructure projects like the road and school mentioned above, it also raises issues around rent-seeking—defined as an MP's act or their supporters' act or entities close to the MP of growing wealth through CDFs by making successful use of the social and political context.[697] There are several ways that rent seeking manifest. In Solomon Islands one way is through the establishment of commercial companies by MPs and/or their supporters to tap CDFs and the infrastructure projects associated with CDFs. Interviewees highlight that many constituencies legally established commercial bodies

[696] The South Guadalcanal Constituency also has a similar establishment. See Fredrick Kusu, "South Guadalcanal Constituency Opens Hardware Shop," news release, May 5, 2022, https://www.sibconline.com.sb/south-guadalcanal-constituency-opens-hardware-shop/?fbclid=IwAR3VK6iCff7tJDwyrKMlQAe2alnKH54OOunrGAXcorb5kUJ7oAZMUqH4uEk.
[697] Anjali Thomas, "Development or Rent Seeking? How Political Influence Shapes Public Works Provision in India," *British Journal of Political Science* 51 (2021): 272.

as business entities to ensure funds from CDFs are transferred to these companies for the purposes of building infrastructures like roads in their constituencies. While this undertaking is basically for the good of the constituencies and help to build infrastructure, clearly, it's the supporters or the constituency office that have some say on these projects and it's the business entities close to the constituency office that benefit. For example, for the BAC the establishment of the Baefola Trust invoked comments from Facebook commentators in the Baegu Asifofola Forum that such establishment helps to build infrastructure (roads and school), fortifies the MP's power, increases its financial capability, and provides more funds for MP's supporters hence benefitting from CDFs (those that benefit from the CDFs are those close to the MP). In that regard the emergence of CDFs created rent-extracting groups that have intimate and commercial relationship with the constituency office to benefit from CDFs. I argue that such practices are partly due to the influence of society on the MP and its constituency office—the factors which will be detailed in section 8.3.8. The BAC experience also rebuts the widespread assumption that political influence over certain processes leads to inefficiency although evidence also suggests that some form of self-interest displayed by constituency office and supporters.[698]

8.3.7 Advisory Council

In BAC, under the reign of the current MP, an advisory council exists to advise the MP on the policy and implementation of CDF-related programs. According to the MP, CDO and an informant the role of the advisory council is to act as a check and balance on constituency-related undertakings. The advisory council comprises selected big-men, chiefs, leaders and well-educated people from Baegu/Asifola. Most of these members are closely related to the MP by kinship. Thus, blood ties and tribal affiliations stand out as significant regulatory orders that also influence the advisory council's composition. In an interview with the MP, he highlights that the advisory council is a cardinal influence on his role and the management, distribution and handling of CDFs. He says he depends on the advisory council for strategic advice regarding the management and implementation of CDFs.[699] However, BAC interviewees highlight that such dependence is sometimes measured against the backdrop of the MP's discretionary power to make decisions as well.

The current BAC MP also says that the advisory council is a political group and chosen solely by him. They represent various groups like youths and women. Its principal function is to advise the MP and the constituency office on development issues. Also, this is an important layer to

[698] Ibid., 253– 74.
[699] Makario Tagini, interview by Derek Futaiasi, 20 October, 2021, Honiara, Solomon Islands.

address conflict of ideas/proposals by people in BAC when it comes to project implementation. Another role of the advisory council is to endorse BAC annual development plans emanating from the BAC Strategic Plan; hence, the advisory council differs from the SSC in this crucial aspect, as well as being composed of different members who are well-versed with state-society relations and socio-economic and cultural issues in BAC. That is why before the BAC Strategic Plan is submitted to the MRD, it is presented to the advisory council for consideration. To maintain implementation momentum and keep the BAC Strategic Plan top of mind, BAC officials report to the advisory council, among other actors.

Another critical role of the advisory council, interviewees argue, is to review the BAC Strategic Plan regularly. Constituency officers say that such regular reviews are essential to ensure that the BAC Strategic Plan continues to consider the changing development landscape in BAC and the shifting aspirations and varying development desires of the people. Advice on significant development projects like the Taeloa–Ata'a road project and the BAC school project in Honiara is also sought from the advisory council by the MP. For instance, supporters of the current MP state that due to the complications associated with the stand-off between the national government, MARA, BACC and BAC on the PRC CDFs, the MP inclines to put the project on halt but is advised by the advisory council to continue despite the stand-off. Therefore, the BAC advisory council is an essential non-state actor that oversees the management of and provides strategic advice to the constituency office and renders critical recommendations to the MP on CDF issues, thus partially tempering the power of the MP in terms of the governance of CDFs.

Like other non-state actors in BAC who deal with the regulation of CDFs, the members of the advisory council are related to the MP and the constituency office through kinship. This issue is explored in some detail in the following section.

8.3.8 The Influence of Society on Regulation

Family relationships and constituents that comprise voters, villagers and landowners influence how CDFs are managed and distributed within BAC. These actors are concerned with their immediate, socio-cultural and personal needs. This section highlights examples of how social forces influence CDF regulation.

8.3.8.1 Kinship Ties

Kinship, blood ties and tribal affiliation are significant, influential regulatory orders. Interviewees who are big-men state that such order partially stems from *custom*. The BAC MP

highlights that this is a cardinal factor that influences his role as MP and how CDFs are managed, distributed and handled. In an interview, he says: "*To'la'mu to'lamu na* [Your blood relations are rooted]." The MP, CDO and CPO articulate that most of the non-state actors that involve in the regulation of CDFs are related to the MP and the constituency office through kinship. They state that this is important because kinship fuels trust, cordial and coordinated relationships between the non-state actors, the constituency office and the MP. Prominent interviewees from Asifola note that the volunteers are mainly close relatives of the MP. They mention that the SSC members are from the village of the MP. These informants also highlight that the advisory council the MP works closely with consists of well-educated family members of the MP. Moreover, the CDO, CPO and CAO are close blood relatives of the MP. According to an informant, the appointment of non-state actors who have very close kinship ties to the MP means the tribal family of the MP regulates the constituency office and thus CDFs. This leads to what some anthropologists call "stateless social order."[700] Among other meanings, insofar as such order exists, Lamont Lindstrom states that it "sediments out of custom, kinship obligation [and] exchange systems."[701] Kinship ties, therefore, play an influential role in the management of CDFs.

8.3.8.2 Personal Pressures from Constituents

Socio-economic, family and personal needs also influence the distribution of CDFs. The BAC office states: "There is so much pressure from constituents for all sorts of family and personal needs that could have been met by themselves."[702] I spent a week at Kaliana village in BAC, where I observed people frequently go to the CDO at the BAC office to ask for financial resources, seeking assistance with cultural obligations and other domestic needs. These personal socio-economic pressures forced the CDO to make a trip to Auki (Malaita Province administrative headquarters) to get money from the Bank South Pacific for the personal needs of both voters and non-voters. Such pressure, the CDO states, is overwhelming; therefore, it could not be overcome at the initial stages of the MP's political reign. During the first year (2019), the BAC office mainly dealt with administrative matters and ensured office infrastructures were set up in Honiara and BAC. Going forward, the constituency office says: "Our view is to do [much] awareness about what development plans are there for the constituency to spent money on going forward for a lasting benefit of all, and also to encourage personal viability and income generating for families and individuals in BAC."[703] Against that

[700] Lamont Lindstrom, "Afterword: In Search of Melanesian Order," *Anthropological Forum* 28, no. 4 (2018): 394-95.
[701] Ibid., 395-96.
[702] Libo Idufanoa, "Baegu Asifola Constituency Annual Report 2019," (Honiara, Solomon Islands2019), 12.
[703] Ibid.

backdrop, an interviewee from Asifola argues that personal pressures from constituents are closely associated with peoples' perception of their MP as a big-man who has the responsibility not only to lead but to provide for his constituents' personal and socio-economic needs when they arise. This mindset is ingrained in the minds of many constituents in BAC.

8.3.8.3 High Expectations by Resource Owners

Another regulatory factor the constituency office highlights is the relationship between constituents' contributions and constituency development activities. A BAC informant says that a substantial gap exists between constituents' contributions and constituency development activities, affecting the implementation of constituency development activities with BAC. For example, the CDO highlights in the BAC Annual Report 2019 that "[p]eople are expecting too much for their labour, resources and local materials needed for constituency development activities."[704] Certain interviewees mention that this means there are certain development activities for which constituents are expected to provide some form of help either through labour and resources such as timbers, sands, gravels and local materials for the construction of community infrastructure. But occasionally, resource owners' expectations of high remuneration from the BAC office negatively affected and slowed the projects. This occur with major constituency projects like the Foia–Ata'a road construction, the building of fundamental infrastructure such as hospitals and the partial reconstruction of church buildings; it also delays the construction of a constituency warehouse in BAC. However, for some constituency projects, the CDO, because of his positionality and status within BAC, is able to deal with this challenge. Often, it is mitigated by negotiation with resource owners and those willing to provide labour and related resources for community projects.

8.3.8.4 Pressure to Prioritise Voters

The fourth regulatory factor as far as the constituency office is concerned is the influence of voters—both those who voted for the MP and those who did not vote for him (non-voters)—on the MP and the BAC office to prioritise their immediate needs and wants. The CDO highlights in the BAC Annual Report 2019 that "dealing with voters and non-voters together as one people is hard as voters demanded to be served first of all before the rest."[705] When I spent a week in Kaliana during my fieldwork, I observed that most of the people who frequented the constituency office were voters, and most of them demanded that they be dealt with as a priority because they are the voters. Many of them highlight that it is unfair for the MP and BAC

[704] Ibid.
[705] Ibid.

office to deal with non-voters at that material time. Community projects, some informants argue, should be given less priority than the peoples' immediate needs. Such pressure from voters makes certain commentators emphasise that prioritising the MP's voters is part of how the MP and his office regulate CDFs, which shows that the CDF system is undemocratic. Opponents of the MP highlight that the CDF system in BAC is undemocratic because funds and projects from CDFs are mainly given to individuals and supporters—communities and constituency projects are given less attention.

Consequently, in the BAC Annual Report 2019, the constituency office highlights that it could not succeed and effectively deal with this pressure to prioritise voters. According to the 2019 BAC Annual Report, the constituency office "plan[ned] to stop dealing with individuals and start doing only bigger projects and activities that will benefit all [communities]." Informants highlight that despite this policy stand by the constituency office, prioritising the socio-economic pressures of supporters is still the norm due to the need to maintain political support and peoples' expectations of the MP. This context is important for regulatory design. According to a big-man from Asifola the MP, like former MPs, is from BAC—he relates to many of these voters through marriage, line and other customary relations. Political relations are an end product of these social relations that typify him as a man from BAC. These social relations situate him deeply within the society. Jeffrey Steeves, a political scientist, eloquently captures this when he states: "Politicians are embedded in a localised clan-based society where personality and face-to-face relations are critical to leadership selection."[706]

8.3.8.5 Politics of Elections

Like in Gizo/Kolombangara and other constituencies in Solomon Islands, the politics of elections also influence the regulation of CDFs in Baegu/Asifola. This is evident from interviewees' assertions that the constituency office, like in other constituencies, privileges the supporters of the MP or those who actually voted for the MP during the national general elections. As one interviewee from Baegu/Asifola, who wants to remain unidentified, highlights: "Like in the past, the MP and his constituency office has a list of all the voters of the MP. So, they know who voted for other candidates."[707] Many interviewees highlight, through *tok stories*, meetings and daily conversations before the national elections, that the issue of support for candidates is not a closed book; everyone seems to know who voted for whom. Hence, like in Gizo/Kolombangara, projects and funds from CDFs are earmarked for supporters before

[706] Jeffrey Steeves, "'Unbounded Politics' and the Democratic Model in Solomon Islands: The 2010 National Elections," *Commonwealth & Comparative Politics* 49, no. 3 (2011): 347.
[707] GB, interview by Derek Futaiasi, 12 January, 2022, Uru'utao, Baegu-Asifola.

others so as to solidify voters' support. This means that the politics of elections affects the distribution of CDFs. Such context has had ramifications for the way MPs use CDFs, not only in the past but today as well. Thus, it is worth noting Kabutaulaka's comment that overtime, "[CDFs] build political capital for [MPs] and their cronies."[708]

8.4 International Actors

International actors and principles also impact the regulation of CDFs in BAC through the delivery of joint projects. Examples of such international actors are the UN Development Programme, the Australian Government through the Australian High Commission office in Honiara and the People's Republic of China (PRC) through its embassy in Honiara. The Australian High Commission bypasses the Ministry of Rural Development (MRD) and deals directly with MPs/constituency offices. The PRC deals with both the MRD and MPs to implement CDF projects. Regulating CDFs by joint projects has the potential to ensure transparency in how funds are used and swift delivery to meet rural peoples' needs. The partnerships between the state actors, non-state actors and international actors also help each actor monitor the others' regulatory roles. Collaboration or coupling between these actors provides checks and balances, helping each to be effective in their regulation of CDFs.

8.4.1 People's Republic of China

I will make four arguments about the involvement of the PRC in CDF regulation. First, the Solomon Islands Government (SIG) has influenced the PRC to act at least temporarily according to its wishes to fund CDFs and the national development fund (NDF). Second, norms related to the geopolitical contestation between Taipei and Beijing have influenced state actors at the subnational level and, in turn, impacted the regulation of CDFs in BAC. Third, the PRC is more hands-on than Taiwan in terms of CDF regulation. Fourth, apart from the CDFs factored into the budget of the MRD, the OPMC also manages public funds for MPs in the form of the NDF provided by the PRC.

Like Taiwan, the PRC is an essential international node regulating CDFs in Solomon Islands. Before the diplomatic switch—during the consultation period—Honiara negotiated with the PRC for the continuity of CDFs. The SIG led by the prime minister, Manasseh Sogavare, established a bipartisan group of government and opposition MPs to advise the cabinet on whether to switch diplomatic ties. This bipartisan group toured several Pacific Island countries,

[708] Kabutaulaka Lessons from the Virus.

and the PRC.[709] Shortly thereafter, the bipartisan group produced a report that recommended, among other issues, that Honiara switch to Beijing from Taipei.[710] Additionally, the recommendation to change diplomatic ties to Beijing was one of the options articulated by the Ministry of Foreign Affairs and External Trade in its advice to the cabinet.[711]

The MP for BAC, Makario Tagini, a lawyer by profession, was chosen by the Cabinet to be part of the bipartisan group headed by the former MP for Central Honiara, John Moffat Fugui. An informant alleges that after that milestone recommendation concerning the diplomatic switch, Beijing promised several MPs some major development projects for their constituencies.[712] For example, the BAC MP was promised a road construction project for his constituency. Consequently, a Chinese company, China Civil Engineering Construction Corporation (CCECC), went to BAC to undertake a feasibility study for the Northeast Road Project, which resulted in the finalisation of a feasibility report in March 2020. A road construction proposal was then formulated for the distance between Foia to Ata'a. The BAC office worked closely with CCECC regarding feasibility studies for the road project. Hence, the collaboration between international actors and the BAC office through funding for such studies by the BAC office helps map the need for such an infrastructure project for rural development, as articulated in the BAC Strategic Plan.

The diplomatic shift from Taipei to Beijing further influences the regulation of CDFs in BAC because BAC is caught between the differing policy stances of the national government and the Malaita Alliance for Rural Advancement (MARA) government regarding the shift. The uneasy relationship between the national government and the MARA government partly affected the development of the Foia–Ata'a road project; it was halted for a few months. Later, BAC abandoned the road project. Among other factors, BAC interviewees allege that based on the Auki Communique, which does not allow companies or funding from the PRC or companies closely associated with PRC, the provincial member for a ward in Baegu mobilised his tribal members and supporters who own the strip of land the Foia–Ata'a road would pass through to block and disallow the road to pass through their customary land. This mobilisation by the ward member also included the Baegu/Asifola Council of Chiefs (BACC), of which he is a member. According to the premier of Malaita Province, Daniel Suidani:

[709] Solomon Islands Government, "Report of the Bi-Partisan Task-Force: Review of the Solomon Islands Relations with People's Republic of China and Republic of China," ed. Office of the Prime Minister and Cabinet (Honiara: Office of the Prime Minister and Cabinet, 2019).
[710] Ibid., 5-6.
[711] Solomon Islands Government, "Assessment Paper by Ministry of Foreign Affairs and External Trade on the "Question of China"," 23.
[712] M, interview by Derek Futaiasi, 2021, Honiara, Solomon Islands.

> I understand that the Baegu Council of Chiefs last year made a resolution not to allow any development from PRC into their territory. The resolution is still effective … today, as revealed by the MPA for ward 11, Eliezer Asilaua, himself … the vice chair of the Baegu Council of Chiefs. One of the elders of the Langane Tribe, Danny Belo, when contacted said that their tribe, upon learning of the CCECC road feasibility study, held a meeting to reiterate their stand not to welcome such Chinese entity into their [customary] land. Similarly, leaders of the Asanao tribe in Ata'a … also raised their concern about this proposed road development and would like to inform the national MP that they are standing firm within the spirit of the Auki MPG Communique.[713]

Because of the involvement of the MARA government by way of the controversial Auki Communique, which partially influence concerned tribes and the BACC to oppose the participation of the PRC and its related construction companies from being involved in the Ata'a–Foia road construction as envisaged in the BAC Strategic Plan, the SIG–PRC funded Ata'a–Foia road construction was halted. The BAC office then shifts the construction of the road to a new route—Taeloa–Ata'a.

Despite the challenges relating to the Foia–Ata'a road, the PRC continues to support the construction of the Taeloa–Ata'a road in BAC. In September 2021, the PRC donated 200 drums of fuel to the BAC for construction of the road, which is anticipated to connect Baegu and Auki, the headquarters of Malaita Province, via Fataleka.[714] In interviews, MRD officials clearly articulate that it is not only in BAC that the PRC funds infrastructure projects. In Gao/Bugotu constituency, the PRC and SIG jointly funded CDFs worth around SB$700,000 for a new courthouse to provide an avenue for the proper administration of legal services in that part of Isabel Province.[715] Similarly, the PRC also co-funded housing materials for the Fataleka constituency housing project in Malaita Province.[716] In Western Province, the Simbo/Ranongga constituency was allocated and given SB$282,000 for water and sanitation program by the PRC in CDF support in 2020. Also in Western Province, the PRC, in partnership with the SIG, funded market infrastructure with an installation of a solar system worth more than SB$300,000.[717] The PRC thus has supported various infrastructure programs central to peoples' livelihood within many constituencies.

[713] ""Do Not Ignore Auki Communique," Malaita Premier Cautions Leaders," *Solomon Times*, 5 May 2020.
[714] Tagini, "Tagini Interview."
[715] Solomon Islands Government Communication Unit, "New Court House for Gao-Bugotu," *Solomon Star*, 10 September 2021, 8.
[716] Tagini, "Tagini Interview."
[717] Solomon Islands Government, "Marovo Constituents Soon to Take Ownership of New Market House Project," news release, 4 May, 2022, https://solomons.gov.sb/marovo-constituents-soon-to-take-ownership-of-new-market-house-project/.

Further, the PRC, unlike ROC, has joined the SIG in monitoring its CDF projects in rural areas. The current deputy secretary for the MRD said that the PRC, unlike ROC, has taken critical regulatory measures to ensure its funds are properly accounted for by working with both the MRD and MPs to provide oversight and monitoring in some constituencies.[718] For instance, from the 11 to 13 May 2021, the PRC embassy, the MRD and the office of the Office of Prime Minister and Cabinet (OPMC) conducted a joint monitoring visit in Simbo/Ranongga and South Vella Lavella to ensure the support provided by the PRC CDF program benefits the rural people.[719] Some informants from the government and outside observers state that such undertakings must be seen within the scope of the government's relationship with the PRC as part of the Sogavare-led government's normalising strategy to justify the diplomatic switch from Taipei to Beijing.

Furthermore, the PRC also influences the allocation of CDFs by specifying to the MRD and MPs which infrastructure projects are mandatory to fund. In an interview with MRD officials, they highlighted that as part of its regulatory role concerning its CDFs, the PRC requested that each of the 50 constituencies allocate 25 per cent of their constituency's SB$1.8 million annual budget to fund community rural water supply, sanitation, and hygiene (RWASH) programs/projects throughout the country.[720] Thus, while the PRC is willing to support certain community projects and put in place specific measures such as project monitoring that are important to ensure the effectiveness of CDF regulation, it also put forth its agenda of certain projects it sees as necessary for rural people. In an interview, the deputy secretary of the MRD said that project proposals from constituencies forwarded by the MRD to the PRC's embassy in Honiara that did not include such an agenda were returned by the PRC embassy to the MRD and given to the relevant constituencies for amendment.

In addition to providing CDFs to all 50 constituencies, the PRC, like ROC, also provides funds directly to the OPMC. The prime minister can use them as either discretionary funds or for rural development. Such funds were formerly provided by Taipei.[721] In 2016, as the deputy secretary to the prime minister, I was fortunate to personally witness the handing over of that fund, about SB$3 million, by the prime minister to the communities of Funaafou and Niuleni (communities in the Lau lagoon – northern part of Malaita) for their sanitation project.[722] ROC's

[718] Hugo Hebala, interview by Derek Futaiasi, 3 August, 2021, Ministry of Rural Development, Honiara.
[719] Ministry of Rural Development, "SIG and PRC Visit and Handover to Simbo/Ranongga and South Vella La Vella Constituency PRC Supported Projects (10-13th May 2021).".
[720] Ministry of Rural Development Officials, "MRD Officials Interview."
[721] Transform Aqorau, "Solomon Islands' Foreign Policy Dilemma and the Switch from Taiwan to China," in *The China Alternative Changing Regional Order in the Pacific Islands*, ed. Terence Wesley-Smith and Graeme Smith (Acton ACT ANU Press, 2021), 330-31.
[722] "PM Hands over $3m for Sanitation Project," *Solomon Star*, 12 January 2016.

fund, coordinated by the OPMC, was mainly based on the prime minister's discretion. After the diplomatic switch, the PRC continues to provide such funds where political state actors like the Caucus and the prime minister have oversight powers. Recently, Prime Minister Sogavare dubbes this as National Development Fund (NDF) for constituency projects, and its disbursement is based on the discretion of the Caucus. In a leaked document from the OPMC dated 25 August 2021, the prime minister instructed the OPMC financial controller via the Secretary to Cabinet, James Remobatu, that:

> [a]t the recent meeting of the full Caucus, it was agreed that the remaining balance of PRC CDF assistance in respect of the 2020 fiscal year held at the ESCROW Account jointly operated by the Solomon Islands Government and the Embassy of the People's Republic of China be paid out as additional NDF to support constituencies COVID-19 economic recovery efforts.[723]

Although the purpose of the NDF is to help constituencies deal with the economic ramifications of the COVID-19 crisis, political commentators highlighted that it is mainly for members of the executive government and Caucus who are supporters of the ruling government. Certain commentators underscore that while the NDF may be seen as goodwill from Beijing, its assumed underlying intention is to maintain and hold the political state actors who form the government of the day to avoid political instability.[724] Transparency Solomon Islands (TSI) goes as far as to articulate:

> It is sharp power at work to manipulate the political and information environment. It is State-backed capital that lacks transparency and accountability and flows from an authoritarian regime into Solomon Islands, where there is weak rule of law … This is a bad deal concluded behind closed doors for the benefit of the Executive Government of the day.[725]

In support of the statement by TSI, Matthew Wale, the opposition leader, also makes such an accusation. He claims that the prime minister's SB$200,000 NDF is not for development but political expediency.[726] He also asserts that through the NDF, the PRC would likely be involved in the domestic affairs of Solomon Islands. Such funding, Wale laments, disrespects the sovereignty of Solomon Islands. However, the OPMC rebuts that assertion, stating that the NDF would only be used for development projects upon application by MPs. The MP for BAC is also a recipient of the NDF.

[723] See Transparency Solomon Islands, "China Funding Is a Shame - Sharp/Soft Power at Work," *The Island Sun*, 1 September 2021, 8.
[724] Public Servant A, interview by Derek Futaiasi, 20 September, 2021, Honiara, Solomon Islands.
[725] Transparency Solomon Islands, "China Funding Is a Shame - Sharp/Soft Power at Work," 8.
[726] Jared Koli, "Wale's Claim Aims to Create Political Instability," *Solomon Islands Broadcasting Corporation*, September 1 2021.

8.4.2 Australia

Australia is an important “traditional” development partner – a ‘partner of choice’ as many politicians in Solomon Islands say. It is also a recent actor in the regulation of CDFs in BAC. In late 2020, several months after Honiara switched its diplomatic ties from Taipei to Beijing, the Australian High Commission Office in Solomon Islands, on behalf of the Australian Government, launched a constituency-level undertaking called the constituency partnership program (CPP).[727] The CPP is a small grants program administered by the Australian High Commission.[728] It is designed to work in partnership with MPs to jointly fund community projects that will help communities in constituencies improve the standard of living of the rural populace. The CPP is geared towards project applications that benefit disadvantaged groups like women, youths, those with disabilities and those from isolated communities, but the CPP cannot assist with sanitation for individual families. In the main, the CPP is not a cash grant for communities. Among other sectors, the CPP cannot assist with religious activities, church buildings, administrative costs, vehicles, commercial ventures or cultural activities. Also, the CPP prefers applications under SB$300,000. However, high-quality project applications above that amount are considered.[729]

Some commentators highlight that although the CPP is a small grant program, its evidence of a change in how Australia approaches aid, given that previously it did not deal directly with MPs like ROC and PRC. According to a former politician, this change in approach by Australia is influenced by and takes place against the backdrop of the diplomatic switch by Honiara from Taipei to Beijing, thus raising the question of whether the diplomatic switch influences Australia’s change in approach. According to another former politician in Solomon Islands, the CPP is crafted and drawn from the CDF program supported and employed by the SIG, ROC and now the PRC.

In accepting the terms of the CPP, BAC, through its MP, signed an agreement with the Australian High Commission in Solomon Islands. Through this CPP, Australia has funded water tanks for specific schools in BAC, namely, Gounatolo, Garota and Sulufoloa. As part of its CDF contribution, the BAC office met the expenses for labour and building materials to construct platforms for the funded tanks at their respective locations. The BAC contributed SB$20,000 towards the partnership program.

[727] Public Servant A, "Public Servant a Interview."
[728] Australian High Commission to Solomon Islands, "Australian Aid: Constituency Partnershp Pogram (CPP) - Application Guidelines 2020-2021," (Honiara: AHC, 2020), 1.
[729] Ibid.

The CPP encompasses terms central to accountability and the need to ensure the proper retirement of the funds for this water tanks project. This responsibility rests with the constituency office through the CDO. An acquittal report and receipts must be provided to the Australian High Commission no later than two months after the project is completed. In terms of monitoring and evaluation, an officer from the Australian High Commission undertakes site visits of approved and completed CPP projects.[730] This arrangement, in part, tempers the power of the MP and their constituency officers to ensure accountability and effective implementation.

The CPO for BAC says a critical observation regarding the CPP is that, unlike the PRC, it bypasses the bureaucratic state. It deals directly with the constituency office as an "alternative state."[731] Such a shortcut is important to avoid the imposition of bureaucratic state's processes and procedures, which can potentially delay funds to rural areas. The CPP also sets strict regulatory measures such as ensuring the drafting of comprehensive proposals with supporting documentation, briefing the CDO about the approval of projects, site visits by officers from Australian High Commission after the completion of projects and reporting by the CDO of the completed project accompanied by an acquittal report. Against these critical regulatory measures, it is clear that the officials from the Australian High Commission and the BAC office, coupled with community stakeholders, have close working relationships and oversight, both of which are central to ensuring the effective implementation of CPP projects.

8.4.3 Impact of the COVID-19 Crisis

COVID-19, as a mechanism imposed from outside or from a transnational context, has also influenced CDF regulation. The COVID-19 pandemic is discussed here as an international mechanism because of its genesis outside Solomon Islands. It has affected the economies of many countries worldwide.[732] Solomon Islands was not an exception.[733] According to the Australian Government Department of Foreign Affairs and Trade:

> COVID-19 has exacerbated Solomon Islands' economic vulnerability. The Asian Development Bank estimates a GDP contraction of 5–6 per cent in 2020, returning to GDP growth of 1 per cent in 2021, assuming no widespread COVID-19 community transmission. The fiscal situation in

[730] Ibid.
[731] Nelson, "Governments, States and Labels," 4-5.
[732] Kabutaulaka, "Covid-19 and Re-Storying Economic Development in Oceania," 48-49.
[733] Transform Aqorau to Devpolicy Blog, 9 April, 2020, https://devpolicy.org/covid-19-and-solomon-islands-the-first-casualties-and-possible-ramifications-20200409/. (Accessed 9 April 2020).; Donald Kiriau to Griffith Asia Insights, 9 June, 2020, https://blogs.griffith.edu.au/asiainsights/covid-19-and-solomon-islands-how-is-the-economy-holding-up/. (Accessed 20 August 2020).

> Solomon Islands is deteriorating and all government ministries face substantial budget cuts in 2021.[734]

The impact of the COVID-19 crisis forces the BAC MP to highlight in the BAC Annual Report 2020 that 2020 was the year the world experienced a problem that brought humanity down to its knees, hence affecting the rolling out of CDF projects and programs.[735] BAC informants from villages and those living in Honiara highlight that the roles of both political state actors and bureaucratic state actors in CDF regulation have been affected by the COVID-19 crisis. The BAC MP notes that the COVID-19 situation influenced the government to redirect its financial resources to prepare for the virus' breakout and keep the economy afloat. This is done through a policy that redirected a good portion of the ministerial budget to prepare for COVID-19.[736] Thus, the BAC MP further highlights that because of the COVID-19 crisis, "in 2020 … we [BAC] were not able to implement our [BAC] planned activities as directed by our strategic plan."[737]

Village-based interviewees from BAC lament that 2020 was a challenging year given that specific crucial policies the MP and his constituency office advocate were not delivered as promised. Examples of important projects that are delayed related to requests by Anglican churches in BAC for the completion of their church buildings and several water supply projects. There is also a delay in the improvement of two existing rural health clinics and the construction of a new mini-hospital in the centre of the constituency, both of which are clearly articulated in the annual BAC Strategic Plan. Similarly, plans to ensure constituency awareness of the roll out of projects by the constituency office are halted. These examples demonstrate that the COVID-19 crisis impacted and curtailed the implementation of the BAC Strategic Plan—a cardinal document central to how the MP and constituency office implement their strategic goals. This may result in further setbacks regarding CDFs delivery by the MP and his office. Hence, impacts of international processes and factors that have the potential to flow and cross through national boundaries also influence CDF regulatory processes.

8.5 Conclusion

First, the Baegu/Asifola constituency (BAC) case study shows that polycentric governance characterises CDF regulation. Multiple actors are involved in the regulation of CDFs. This

[734] Australian Government, "Solomon Islands Covid-19 Development Response Plan," ed. Department of Foreign Affairs and External Trade (Canberra: Department of Foreign Affairs and External Trade, 2021), 1.
[735] Libo Idufanoa, "Baegu-Asifola Constituency Annual Report 2020," ed. Ministry of Rural Development (Honiara, Solomon Islands: Ministry of Rural Development, 2020), 9.
[736] Ibid.
[737] Ibid.

plurality of actors broadly encompasses the interrelationships between state actors, non-state actors and international actors. The BAC case study demonstrates that the regulation of CDFs is a process that involves multiple actors from various scales and is characterised by complex power relations and state–society relations. Such contexts have both negative and positive features.

Second, this chapter shows that CDF regulation in BAC is multi-scalar. The interactions between various actors, mechanisms and principles show that regulation operates within and from various scales. Actors and mechanisms from the local, constituency, provincial, national and international levels interact and intertwine in CDF governance. The BAC case study demonstrates that multi-scalar governance has both positive and negative implications for regulation. For instance, while the PRC is willing to fund CDFs for BAC, the standoffs concerning the diplomatic shift between the MARA government (provincial level) and the national government (national level) influence provincial and non-state actors within the constituency to curb the smooth flow of financial resources necessary to ensure the timely implementation of CDF projects. Multi-scalar governance, therefore, demonstrates in part that when actors' diverse interests from various scales are not properly networked, it has the potential to affect implementation of CDFs negatively. It can potentially cause division (at least in the cause of BAC) at the local level when various interests from state actors and non-state actors are not properly harnessed.

Third, looking at power relations through the lenses of nodal governance and political settlement, evidence suggests that power operates in various sites within different scales with different actors. Therefore, through a nodal governance lens, power in BAC is ubiquitous, or capillary, as different actors exert their regulatory power in various ways. However, measured against political settlement, elites generally have more control in the management of CDFs compared to non-state actors. In other words, through the lens of political settlement, elites in BAC are more powerful than other actors in CDF regulation. While the BAC case study suggests that power is dispersed in BAC, evidence also overwhelmingly suggests that the MP is, in fact, the centre of gravity of the BAC CDF framework. So, although power is distributed, it is not distributed equally. The MP is more powerful than non-state actor at the constituency level.

Fourth, through the state-in-society lens, the regulation of CDFs is influenced by both the state and society. In some contexts, the influences of social forces are strong and have both positive and negative impacts on CDF regulation. On the one hand, the influence of social forces

provides spaces for non-state actors to engage with state actors, situating their agendas, interests and voices within state documents such as annual constituency plans for regulating CDFs. On the other hand, these social forces weaken the capabilities of the MP and constituency office. In BAC, regulation is characterised by blood relations and kinship ties between the MP, the constituency office and some non-state actors in order to give it legitimacy. The pressure from voters to prioritise them and the complexity of the relationships between multiple non-state actors and their links to the MP and the constituency office are also responsible for the non-inclusive and sometimes undemocratic governance of CDFs in BAC. In this context, the embodiment of the state within the society is perceived as weak.

However, in BAC, the reality of CDF regulation is far more intricate than the aforementioned explanation. While the argument of undemocratic governance may hold some water, plurality and non-state actors are cardinal features of CDF regulation. The interactions between the state actors, non-state actors and international actors show the positive elements of nodal governance, which might be utilised to provide more inclusive governance forms. In many ways, non-state actors play the roles of the state within the constituency because of the bureaucratic state's limited reach and impact on rural people. Certain non-state actors are essential to regulating CDFs at the village level. In comparative terms, the volunteers are a necessary connection between the constituency office and the people of the village and communities. Situating these volunteers in context and comparing them with other non-state actors, the volunteers are politically recognised by the MP and constituency office. The volunteers' roles resemble those of the zone coordinators in GKC. However, they are not the only actors that connect the constituents to the MP, and they are not the only informants that feed the MP and constituency office necessary information concerning peoples' perspectives on how funds and projects from CDFs are handled. These volunteers are assisted by willing individuals who want to help constituents concerning their CDF applications: Special Select Committee and village/church committees. At the constituency level, the increasing involvement of tribal leaders and customary landowners in the CDFs' implementation helps give legitimacy to CDF projects, in particular CDF infrastructure projects such as the Taeloa–Ata'a road.

Similarly, the involvement of customary landowners, tribal leaders and leaders from youth and women's groups in the consultations for the BAC Strategic Plan shows the intentions of these non-state actors regarding what they want the MP and the constituency office to do in the context of development. Substantial participation by non-state actors is mainly limited to political supporters and it is possible that including others who are not political supporters is

done merely for show. The roles of chiefs and tribal leaders are more apparent when their consent and that of their people are needed for significant infrastructure development. Put another way, it is a form of negative power – that is a power of veto rather than a constructive power. Therefore, not all non-state actors are on the same balance regarding their roles in CDF regulation. Depending on the context, some perform their roles better and have more powers than others. However, the underlying lesson is that certain features of non-state actors can be harnessed to ensure effective CDF governance in BAC, although evidence suggests a politically skewed distribution of power in the constituency.

At the subnational and constituency levels, the differing policies of the MARA government and the BAC office—characterised by the diplomatic shift undertaken by the national government—put a new twist on how funds from CDFs are regulated, affecting important CDF-related infrastructure projects in BAC, albeit for a short period. The diplomatic shift from Taiwan to the PRC was partly influenced by the geopolitical contestation between Beijing and Taipei due to the one-China policy. Thus, what happens in the global arena can affect subnational and national governments by providing a basis for both state actors (national government and provincial government) and non-state actors to collide or disagree with each other's undertakings. The MARA government, unhappy about the diplomatic shift, crafted the Auki Communique, which denounced the national government's support for the PRC and disallowed any business-related funds or undertakings from the PRC to Malaita Province. These swift and controversial moves slowed down the implementation of PRC-funded projects, in particular infrastructure projects, and negatively impacted, though only partly, the execution of the BAC Strategic Plan. Similarly, the COVID-19 crisis negatively impacted the CDF projects' implementation. In part, what happens on the international scene, also affects CDFs' governance at the national, local and ward levels.

Further, international actors and mechanisms are players in the regulation of CDFs. Apart from the COVID-19 crisis, which slowed the implementation of CDF projects, the Australian High Commission, the PRC and the UNDP worked together with the constituency office as the central conduit to the rural populace. For some of these international actors, the constituency office is their essential connection to the non-state actors at the constituency and village levels. Other international actors emphasise partnerships with state actors and non-state actors. The Australian High Commission, through the CPP, connects directly to the communities via the constituency office, which is the shortest route compared to other international actors. Different international actors, through their projects, emphasise similar regulatory practices, such as the need to ensure the reporting of projects. However, these transnational actors have different

approaches to the constituency and community levels. In part, management of constituency projects is undertaken by the constituency office and the international funder; thus, there is shared responsibility in implementing the CDF projects. Coupled with the BAC office and international actors are the non-state actors within the constituency. The coupling of these actors provides room for more collaboration, transparency and accountability. It ensures that each actor oversees the work of the others towards the effective implementation of funds and projects at the community level. Such joint undertakings make the regulation of CDFs more transparent and effective, providing less room for corruption and the mismanagement of project funds.

Chapter 9
Conclusion

9.1 Introduction

This chapter brings the thesis together by highlighting the main conclusions from the chapters, articulating some of the key ways that the regulation of CDFs is framed, and summarising the main findings of this thesis and their implications. The chapter also makes some concluding observations about the conceptual frameworks used in this study and what they can be used to tell us about state formation in Solomon Islands.

9.2 Concepts, Mechanisms, and Actors in CDF Governance

9.2.1 Conceptual Frameworks

This thesis builds on the lenses of four conceptual frameworks: weak state, political settlement, state-in-society, and nodal governance. It brings them together in order to develop insights into how to use the strengths of existing regulatory structures beyond, below, and above state actors in regulation and governance. The overall intention was to provide new insights into how CDFs are, and may be, governed and regulated by state institutions and non-state actors. I argued that these regulatory actors, principles, and mechanisms influence and intertwine with each other.

Using these framings, the thesis reveals multiple perspectives about the governance of CDFs. It shows that CDF governance is characterised by various interactions influenced by multiple actors, principles, and mechanisms. Amidst these interactions, there are unbalanced power relationships between the political state (MPs and caucus), bureaucratic state actors, integrity state actors (ombudsman and auditor general) and non-state actors. The MPs are more powerful than other regulatory actors in CDF governance. However, while state actors are critical to governance and regulation, there are times when they are not the sole source of power and need to coordinate and cooperate with other regulatory actors and networks. This insight means that governance and regulation in weak states can be enabled or invigorated through notions like relationships and informality. Analysis of governance and regulation in such contexts must move beyond and beneath the state by coordinating with, enrolling, co-constituting, and interacting with non-state actors and power bases. This thesis demonstrates that governance and regulation are characterised by a plurality of nodes situated within and from multi-scalar spaces typified by capillary power relations (power is polycentric). Although such plurality complicates a vision of regulation that is based on the state, that plurality also

provides potential opportunities for interventions to strengthen accountability and transparency through going beyond the state.

9.2.2 The Purpose of CDFs

CDFs were introduced in the late 1980s by Solomon Mamaloni. They are public funds given to MPs for constituency use and development. Initially, their purpose was to meet the socio-cultural and development needs of rural people. Over time, the scope of their purpose expanded unofficially to encompass political undertakings — in the sense that CDFs have been used to hold coalitions together within a constituency and within national governments. Against this backdrop, many rural dwellers from Gizo/Kolombangara and Baegu/Asifola believe that CDFs belong to people in the constituency. Most believe CDFs are for them (constituents) to use to improve their livelihoods.

CDFs have been used to build infrastructure (roads, schools, houses) as well. For Gizo/Kolombangara and Baegu/Asifola, this is reflected in their constituency plans. In Baegu/Asifola, for instance, a significant amount of funds from CDFs were spent on constructing a new road from Fataleka to Baegu/Asifola. In Gizo/Kolombangara, the MP and constituency office used CDFs to construct the ring road around Gizo, fund housing projects and build water supplies. In certain instances, CDFs have been used to ensure development of certain areas with infrastructure but the influence of social forces limits the developmental benefits of CDFs. Coupled with this, the use and distribution CDFs are highly politically charged as well.

Many of my interviewees believe that the stated purpose of CDFs for rural development is a pretext for other purposes that involve the abuse and misuse of the funds, in particular by MPs for their political ends. Against the backdrop of the Solomon Islands political economy, this thesis found that CDFs have been used for purposes that are not developmental and that they are used as political capital for the purposes of the national general elections. Also, evidence from my fieldwork suggests that CDFs have been spent on funeral costs and medical support (financial support and food) for constituents admitted to clinics and hospitals in urban centres and those accompanying these sick people. Further, CDFs have been used for sea fares for constituents travelling to and from Honiara and sporting activities. Furthermore, some MPs have used CDFs for socio-cultural payments such as compensation and unexpected demands for cash for survival and utilities for their constituents living in Honiara. Critics and non-supporters may consider such uses as political expediency and the mismanagement of CDFs. Still, it is essential to understand such expenditures in the context of the different relationships

MPs have with their constituencies. MPs explain these funds as allowing them to satisfy the requirements asked of them because of the different relationship they have with their constituents, which are somewhat different to those that characterise such relationships within Western democracies. For instance, MPs are expected to provide for the shipment of corpses back to rural areas. But this is not an official role and CDFs are sometimes used for political purposes. The thesis demonstrates that CDFs therefore have socio-economic and political purposes—many times the underlying basis for the socio-economic purposes is politics of election.

9.2.3 Experience from Other Countries

CDFs are not unique to Solomon Islands. Other countries like Kenya, Tanzania, Zambia, Nigeria, India, and Jamaica (to name a few) also have CDFs (for similar reasons as in Solomon Islands). A common justification for CDFs is the weak bureaucratic state institutions that disconnect with the society or rural areas in a dynamic political economy. These countries also experience similar regulatory problems with CDFs as in Solomon Islands. These problems include lack of transparency, accountability, corruption, clientelism, constitutional encroachment by MPs on the executive's service delivery roles, and bias in CDF distribution by MPs. The regulatory responses to manage CDFs used in these countries are by way of legislation, criminal prosecutions, court challenges on the constitutionality of CDFs by non-government organisations, and non-governmental organisations' civic roles in advocacy about CDFs. Some of these regulatory responses are effective while others are not. These regulatory responses are likely to be of minimal use in Solomon Islands because of Melanesian politics, social forces such as the wantok system, the relationship between state leaders and constituents are many times intact. These factors complicate the reporting of suspected criminal activities about CDFs, hence reporting of CDFs' anomalies is minimal. Also, in the case of Solomon Islands the unbalanced power relations between political state actors and other regulatory actors in CDF governance often complicate the regulation and governance of CDFs.

9.2.4 Solomon Islands' Political Economy: Messy and Dynamic

This study demonstrates that CDF regulation and governance are situated in a dynamic political economy. The political economy of Solomon Islands has a messy socio-economic, political, and legal context. This political economy is characterised by a narrow-based economy, a weak public sector, a disconnected governance system and a plural legal system. These features reveal the challenges facing the country. As explained by this thesis, these

socio-economic, legal and political features of Solomon Islands provide a backdrop against which CDFs are examined and situated. These features also explain why CDFs' governance is problematic and ineffective. Also these features explain why CDFs emerged. More prominently, I argue that in addition to *custom* and other socio-political factors giving rise to patron–client relations, CDFs—which are seen as patron–client relations—are also a ramification of the weak economic structures of the poor rural societies of Solomon Islands in general.

9.2.5 State Actors

This thesis categorised state actors in governance and regulation of CDFs into three types: the political state actors (MPs, Cabinet, and Caucus), the bureaucratic state actors (ministries) and the integrity state actors (courts, leadership code commission, ombudsman, and auditor general). This thesis showed that the political state in particular the MPs and caucus are more powerful than other state actors in the regulation and governance of CDFs.

State actors, principles and mechanisms also regulate CDFs. The main legal instruments dealing with the regulation and governance of CDFs are the 1978 Constitution, the Public Financial Management Act and the annual Appropriation Acts. The CDF policy administered by the Ministry of Rural Development (MRD) also regulates the management of CDFs. The bureaucratic institutions managing CDFs are the MRD, the Ministry of Finance and Treasury (MoFT) and the Ministry of National Planning and Aid Coordination (MNPAC). However, these bureaucratic state institutions and their CDF policies are also influenced by social forces such as the wantok system, big-man system and *custom*. Integrity institutions such as the courts, leadership code commission, the ombudsman and auditor general are also mandated to deal with the regulation and governance of CDFs. However, as discussed in chapter six, the political state institutions, in particular the Caucus and MPs, have influenced the roles of the ombudsman and auditor general and in some instances potentially undermine their roles to ensure checks and balances in CDFs' regulation.

In their performance of public duties, state institutions also face certain challenges. In the context of CDF regulation, a dominant characteristic of the state is the centralisation of state infrastructure and power in urban centres, in particular Honiara. The main base of the bureaucratic state is urban centres such as Honiara or provincial headquarters. The MRD, like other government ministries, is also based in Honiara. The monitoring of CDFs by government ministries like the MRD, the MNPAC and the MoFT is weak because they have little presence in rural areas. Given the centralisation of development mainly in urban areas, many rural areas

lack the basic infrastructure to ensure constituency connectivity. Also, the lack of transparent laws and guidelines regulating the purchase of heavy machinery with CDFs by the constituency office leads to confusion and disputes. For example, as shown in chapter six, there is a lack of clarity about who owns these properties once a particular MP's term elapses. Furthermore, the implementation of CDF policy reforms by the government is slow. In particular, the political will of the Sogavare-led government to push for the CDF Act and its proposed regulation has been stalled since 2019 but gained momentum in late 2022 to fulfill the Sogavare-led government's policy stance on CDFs. Consequently, a new CDF policy was passed by Cabinet for the MRD to use to guide the implementation of the governance of the CDF Act 2013 and rural development in general.

9.2.6 Non-state Actors

This thesis also shows that non-state actors play an essential but limited role in CDFs' regulation and governance. Non-state actors' roles are limited—the thesis shows that non-state actors interact and intertwine with the state, though at the margins of the state. Case studies from Gizo/Kolombangara and Baegu/Asifola demonstrate the different ways non-state actors are involved in the CDFs' regulation. In Gizo/Kolombangara, non-state actors include village committees, zone committees, zone coordinators, traditional leaders, and church leaders. In Baegu/Asifola, non-state actors encompass volunteers, polling station committees, an advisory council and special select committees (SSCs). An essential role of these non-state actors is serving as a connection between the state and society. These non-state actors are referred to as middle players. Similarly, they are the "voice" of both the constituency office and the people they represent. These constituency-based actors also play the role of watchmen regarding how the constituency office allocates and distributes CDFs within the constituency.

Against the background, this thesis shows that there is a desire by the bureaucratic state through stated CDF policy, to include non-state actors in CDF governance. Evidence from GKC and BAC also show that MPs and their constituency offices helped to set-up or give spaces for the role of non-state actors to regulate CDFs. The roles of non-state actors are, however, ad hoc, flexible, messy, limited at times, and largely influenced by the political state actors with both positive and negative ramifications, largely influenced by Melanesian politics, values/perceptions in *custom* and the wantok system. Coupled with these socio-political influences, the MP is more influential than non-state actors in CDF regulation. So, while power is distributed amongst all these actors in the regulation of CDFs, power is unbalanced and is in favour of MPs—in many ways, the non-state actors are at the mercy of MPs in CDF governance.

There are several reasons for the emergence of these non-state actors in the regulatory framework. One factor is *custom*, in that some non-state actors have their basis in *custom* or are chosen by *custom* authorities. Another reason is the disconnect between the state actors and the people responsible for service delivery. A legitimate medium to connect the state and the society is essential. A third reason is political context. Some non-state actors assume their roles based on the relationships that exist between the MP and their political supporters during the national general elections. Other non-state actors emerge as part of the regulatory framework of CDFs in constituencies due to kinship and family relations rooted in *custom*. Further, rent-seeking by people because of the availability of CDFs is a factor for the emergence of these non-state actors.

9.2.7 International Actors

International actors, mechanisms and principles also play an important role in the regulation of CDFs in Gizo/Kolombangara and Baegu/Asifola. In both constituencies, the involvement of the PRC is clear. Like the ROC used to, it funds around 20 per cent of the CDFs factored into the national budget. As shown in the Gizo/Kolombangara case study, the PRC has influenced the MP to put certain measures in place to regulate CDFs, in particular the introduction of a constituency EMO although in BAC that has not been the case. In Baegu/Asifola, the involvement of the PRC provoked the Malaita Provincial Government led by premier Suidani, which attracted the involvement of the Baegu/Asifola Council of Chiefts to halt PRC-funded CDF projects, negatively affecting the progress and development of Foia-Ata'a road project. At the national level, the PRC works closely with the MRD. In September 2019, the PRC signed a CDF MOU with the SIG, illustrating its stringency, or top-down approach, in terms of CDF management. Similarly, the Australian Government, through the Australian High Commission in Honiara, funded the Constituency Partnership Programme but bypassed the Ministry of Rural Development and worked closely with village-based actors via the MPs and their constituency offices, as shown in the BAC case study. The Australian High Commission model demonstrates the effective governance of CDFs, as the roles of each stakeholder are clearly articulated, and CDF governance measures have been put in place. As the thesis showed, international actors are not isolated; they have the potential to influence regulation and governance at the local level as well.

Geopolitical principles also influence the regulation of CDFs in Solomon Islands. As noted, the one-China policy is an international issue between Beijing and Taipei. However, it informed the diplomatic shift by Honiara from Taipei to Beijing and thus funding for CDFs in Solomon Islands. Both Beijing and Taipei used CDFs as a factor to influence Solomon Islands

diplomacy. Over time, this shift means, in part, that international relations discourses, principles and mechanisms influence how national state actors regulate CDFs. An affirmation of this influence is the MOU between Beijing and Honiara on what CDFs should be used for and the need for national stakeholders to comply with its terms and conditions. International actors thus have the potential to influence CDFs. In addition, they provide CDFs for purposes of development and socio-political related issues which have implications for stability of national governance.

The COVID-19 crisis as a mechanism also influenced the regulation of CDFs. In the short term, the SIG was forced to put legal and fiscal measures in place to ease the impacts of COVID-19 crisis. The SIG enacted subsidiary legislation to ensure the smooth transition of people from towns to villages. Hence, through the COVD-19 regulations enacted by the Prime Minister, public funds were given to MPs. The purpose of these funds was to transport people back to their villages from urban areas and helped them with their livelihoods for resettlement into their villages. This saw SB$500,000 given to each MP. Some MPs then chartered ships to transport people from Honiara to their villages.[738] In that regard, the COVID-19 crisis influenced the regulation of CDFs in the short term by increasing the availability of public funds for MPs to use during a critical period. At the same time however, the negative ramifications of the COVID-19 crisis slowed down the implementation of CDF projects in both GKC and BAC. Against such context, it also shows how in times of emergency the discretion of MPs can be helpful but can also lead to regulatory problems.

9.2.8 Summary

Much of the discussions and analysis concerning CDFs to date have been framed conceptually in a state-centred manner. Through this framing, the problem with CDFs is that they are a highly political instrument used for political reasons rather than development, and there are concerns about transparency and misuse. Against that backdrop, legislation (CDF Act 2013) has been pending since 2013—legally it has not commenced. Similarly, evidence has shown there is ineffective state oversight and good governance institutions. Bureaucratic state response is through state policies that largely resemble the CDF Act. Basically the response has been to strengthen these state-based regulatory mechanisms with minimal collaboration with non-state actors. But CDFs were created by politicians in a context in which bureaucratic state structures did not have the capacity to manage public funds appropriately. In this situation, it is not surprising that reliance upon those same structures to prevent the exploitation

[738] Aqorau Covid-19 and Solomon Islands: The First Casualties and Possible Ramifications.

and manipulation of public funds has turned out to be unsuccessful. Moreover, the nature of Melanesian politics itself militates against the adoption and support of bureaucratic frameworks to control public funds. CDFs were created to deliberately bypass state structures. However, the response by the political state to regulate CDFs is characterised by many of the problems experienced by the bureaucratic state—reinforcing the idea of regulatory conundrum. Thus, although CDFs is a response to state failure it also ended up contributing to state failure.

9.3 Multiple Perspectives about CDFs

This thesis shows that multiple perspectives can be told about the regulation of CDFs, and each of them is partially true and provides partial insight. Together, these perspectives provide a more rounded perspective on the complexities involved in the regulation of CDFs.

9.3.1 Governance by the Strong

A perspective is that CDFs in Solomon Islands resonates with the idea of governance by the strong. Situating CDFs within the political settlement lens, elites have a great deal of power over the governance and regulation of CDFs in Solomon Islands. This can be seen in two contexts. The first context is the power relations between the elites and other institutions within the state, which shows that elites like state actors such as MPs and the Caucus can undermine the powers of the bureaucratic actors (ministries) and integrity institutions (ombudsman and auditor general) in CDF regulation. Such power relations affirm political state actors' upper hand and influence in regulating CDFs in a state-based context. The second context is that power relations between political state actors and non-state actors in the regulation of CDFs show that the political state actors still have very high potential to override the roles of non-state actors in CDF governance and regulation. In other words, as shown by the constituency case studies, the influence of MPs and their offices on CDF regulation can dictate and influence other non-state actors, partly because the legitimacy of these non-state actors within the CDF regulatory framework depends on the MP and their constituency office. Hence, this study shows that the linkages among state actors and between state actors and non-state actors exist in a politically charged space where the political state is most powerful in regulating CDFs.

Put another way, the story of CDFs is about power relations. It emphasises the idea by Foucault that power emanates from everywhere; it comes from everywhere. Power is capillary; it is shared and influenced by various actors, mechanisms and principles. This means that various scales have different abilities, and the influences of these powers are sometimes

messy and complex. In one context, non-state actors have the potential to influence elites like MPs in CDF regulation, particularly in their roles as middle players and as the connection between the state and their communities. However, as mentioned previously, the power relations between non-state actors and the elites are unbalanced. Evidence from my fieldwork shows that on many occasions, the power of the elites—in this case, the MPs and their constituency officers—overrides the influence of non-state actors in CDF regulation. For instance, the appointment of non-state actors in CDF regulation is an issue within the power of the MPs to determine. Further, in the case of Baegu/Asifola, the power relations between the national government and the provincial government had ramifications for the regulation of CDFs in that they slowed down and negatively impacted the progress of PRC-funded CDF infrastructure projects. Hence, although power is capillary, it is also messy, dynamic and unbalanced—features of CDF regulation in Baegu/Asifola and Gizo/Kolombangara.

9.3.2 Plurality of Actors

CDFs is about governance or regulation characterised by different actors, mechanisms and principles. Situating the narrative of CDFs in Solomon Islands within the theory of nodal governance, their regulation involves hybrid governance. This actor-mechanism-principle plurality is seen through the coupling of (at times) and interactions between the state actors and non-state actors in regulating CDFs. An example of a successful coupling is the Australia, Baegu-Asifola constituency (BAC) and non-state actors project for water tanks. An important role of the state is to deliver services and public/collective goods. But the state is not the only mechanism for service delivery—this role may be assumed by other actors and institutions as well. In doing so, these institutions and actors can cooperate with state actors and state leaders. There are times these actors may oppose each other, as shown in the BAC case where the involvement of the PRC was resisted by certain actors within the Malaita Provincial Government, thus influencing local-level actors like chiefs and landowners within the constituency to slow down the rolling out of CDF infrastructure projects. Further, there are times when the other actors and institutions may simultaneously or in tandem with the state deliver services such as road construction and sanitation-related infrastructure projects. The implication in relation to governance and regulation is that the state is just one of many actors within a plurality of actors, mechanisms and principles concerned with regulation and governance. The narrative of CDFs in Gizo/Kolombangara and Baegu/Asifola demonstrates this plurality.

9.3.3 State–Society Relations

CDFs are about the relationships between the state actors and social forces within society. The influence of social forces on the state is a factor that characterises the regulation and governance of CDFs in Solomon Islands. The case studies attest to social forces such as the *wantok* system, kinship ties and close relationships via church ties impacting the regulation of CDFs. For instance, the Gizo/Kolombangara case study showcases the important roles of church pastors in CDF regulation. The Baegu/Asifola case study illustrates that some powerful non-state actors are chosen to be involved in CDF regulation and governance because of their relationality rooted in kinship and *custom*. These mechanisms have the potential to invigorate the regulation of CDFs in positive ways by fast tracking CDF projects and dealing effectively with the socio-economic challenges associated with the implementation of CDF projects. However, the impacts of these social forces can also be negative. At the same time, non-state actors in BAC are all closely dependent on the MP through village/clan/kinship ties—reflecting the imbalance in power relations. So, what might be gained in speed of implementation might be lost in a lack of equity and fairness in the distribution of benefits, hence, the potential to have destructive impacts on the regulation and governance of CDFs. As noted above, they can also give rise to serious inequities in the allocation and distribution of CDF benefits—i.e., there were instances where non-voters are excluded. *Custom* and kinship relationships as social forces can potentially undermine the roles of political and bureaucratic state actors, give rise to corruption and weaken state capacity to regulate and govern. Hence, state–society relations can have both positive and negative impacts on regulation and governance. I argue, therefore, that these relations provide both opportunities and difficulties for the governance of CDFs.

9.3.4 Multi-scale Governance

Perspectives on CDFs revolve around multi-scale governance. The regulation and governance of CDFs encompass actors, mechanisms, and principles from the local, provincial, national and international levels. At the constituency level are non-state actors such as zone committees, village-based coordinators, and polling station committees. At the subnational level, the provincial government and provincial ward members influence CDF regulation. State actors like CDOs, CPOs, MPs, the MRD and the MoFT are important mechanisms at the national level. At the international level, the PRC and Australia are players within the CDF regulatory framework—they have some influence in certain cases as shown. The interrelationships between these actors and mechanisms, characterised by their various principles and agenda, influence the regulation of CDFs in a dynamic way. The power relations

between these scales have both positive and negative ramifications on CDF governance and regulation. Multi-scale governance is sometimes messy and complicated and comes with both challenges and opportunities.

9.3.5 Movement and Sharing of Power

MP-appointed non-state actors are an essential part of CDF regulation in GKC and BAC. These non-state actors are a "shadow" of the bureaucratic state or, in particular, the MP within the constituency. More importantly, these non-state actors link the ward/village/local/rural people with the constituency office. This link or relationship makes these non-state actors useful because they are close to the people on the ground—village and rural. Hence, the constituency office depends on the approval of these non-state actors by way of their signatures to process and endorse CDF proposals for further facilitation to the constituency office and MP for approval of CDF projects. In practice, these non-state actors have the power to "push" constituents' CDF applications to the constituency project officer (CPO) and constituency development officer (CDO) and to get the approval from the CPO and CDO for the constituents or people/communities at the rural/constituency level. This demonstrates the power of these non-state actors. As shown, their role is often to influence the constituency office and MP to approve CDF-related projects for rural people in the zones or villages they represent. Many interviewees highlighted that compared to 10 years ago, there is an increasing sharing of power between the MP, the constituency office and these non-state actors. In other words, reordering does not only occur at the state level, as some scholars argue.[739] My study found that there is a sharing of powers between the bureaucratic state and the MP and between the bureaucratic state, MP, their constituency office and the non-state actors from top to bottom and vice versa. The regulatory process and the sharing of powers is complex and at times context-based. It is contingent on the symbiotic relationships between the state and non-state actors.

9.3.6 A Flotation and Vagrant State

CDFs reflect a society characterised by a flotation state, because arguably the state though influenced by society is not firmly rooted within the society and is to some extent what I would like to describe as a "vagrant state"—a state without a home. In other words, Western concepts of the state drive the image of the state in Solomon Islands. The state is largely a foreign

[739] Dinnen and Allen, "State Absence and State Formation in Solomon Islands: Reflections on Agency, Scale and Hybridity," 1-22.

creation and characterised by limited indigenous values and ideologies.[740] This lacuna is partly explained by the limited participation of Solomon Islanders in crafting and inventing the state during the protectorate period through to political independence, as was the concern of the last colonial governor of British Solomon Islands protectorate.[741] The concern remains that the social values around governance rooted in the communities dear to many societies are largely missing.[742] In other words, in the 40 years Solomon Islands has been operating as a postcolonial state, not much has been done to craft a state that works in practice for Solomon Islanders. As such, the state is still in many ways in its infancy. The institutions that make up the bureaucratic state are heavily fragmented. The bureaucratic state actors are emergent institutions. Because the state is still in the making, some commentators and academics like Anthony Regan of ANU have argued that the Melanesian state is expected not to work the same way as the state in the Western world.[743] Using the political state settlement and state-in-society framings affirms the standpoint that state regulation and governance are heavily political and that the relationships between the state and society are dynamic and unbalanced through some of the aspects of socio-economic practices such as kinship and clientelist politics, thus having both positive and negative effects on the governance and regulation of CDFs. In Solomon Islands, like in PNG, the state is a recent development that was imposed on tiny "stateless societies."[744] This partly affects service delivery and the regulation and governance of CDFs.

9.3.7 The Story of Relationships between State Actors and Non-state Actors

CDFs in Solomon Islands is also largely about the relationships between state actors and non-state actors. Gordon Peake and Miranda Forsyth called this the "relational state."[745] In the Pacific region, a relational state is not a new concept or political order. It has been part of our societies for a long time. The CDF story, in part, is about the relationships between various actors, mechanisms and principles that have rooted connections to their villages—spaces with which they are familiar and thus are part of their history and socio-economic and political

[740] Dinnen, "The Crisis of State in Solomon Islands," 71. Also see Moore, "Pacific View: The Meaning of Governance and Politics in the Solomon Islands," 386-407. "Indigenous Participation in Constitutional Development: Case Study of the Solomon Islands Constitutional Review Committees of the 1960s and 1970s," *The Journal of Pacific History* 48, no. 2 (2013): 162-76.
[741] Saemala, "Constitutional Development," 8.
[742] Ghai, "The Making of Independence Constitution," 9-52.
[743] Anthony J. Regan, "The Papua New Guinea Policy-Making Environment as a Window on the Sandline Controversy," in *Challenging the State: The Sandline Affair in Papua New Guinea*, ed. Sinclair Dinnen, Ron May, and Anthony J. Regan (Canberra: National Centre for Development Studies, The Australian National University, 1997), 82-93.
[744] Ibid., 85.
[745] Gordon Peake and Miranda Forsyth, "Street-Level Bureaucrats in a Relational State: The Case of Bougainville," *Public Administration and Development* 42, no. 1 (2022): 12–21.

livelihoods—their lived experiences. The essence of a relational state is relationships. Building connections and situating them within existing connectivity is central to ensuring better outcomes for the advancement of society. Fundamental to the concept of a relational state is the need to harness the roles of non-state actors like chiefs, business owners, prominent village elders, youth groups, village committees, village-based church committees and women's groups by using their existing village-rootedness. These mechanisms are embedded within communities and have been accepted as essential to village governance. Further, state agents such as CDOs, CPOs and even MPs play roles that encapsulate them as both state actors and non-state actors depending on the contexts and places in which their roles situate. For instance, the CDO is a state actor, an officer of the government or a particular ministry, but at the same time may be a villager, a village leader or part of an established leadership structure within the constituency. These affiliations and rooted connections either through family or marriage ties enable government implementation of programs—as shown by the Baegu/Asifola case study concerning the construction of the Taeloa—Ata'a road—and are fundamental to the idea of a relational state.

Broadly, the aforementioned stories about CDFs paint a picture of what CDFs mean for Gizo/Kolombangara and Baegu/Asifola. But what do these stories contribute to the knowledge relating to the regulation of CDFs in Solomon Islands? Do they add to existing knowledge? And what are the findings of this thesis in a nutshell? How can CDF regulation and governance be improved?

9.4 Contribution to Knowledge

My general finding is that CDFs in Solomon Islands are regulated to varying degrees of effectiveness by both the state and a range of non-state and transnational actors, networks and mechanisms. In terms of regulation, my findings are:

(1) The existence of CDFs and how they are regulated reveal much about the relationship between the state and communities—it both reflects and contributes to the personalisation of politics and the undermining of democratic institutions whilst also reinforcing pragmatic avenues for development;

(2) The regulation/governance of CDFs is highly impacted by politics and occurs in a dynamic political landscape across multiple levels (local, national, international);

(3) The regulation of CDFs by the state has significant limitations and weaknesses as a result of these political dimensions and general weakness of the bureaucratic state;

(4) The weaknesses of state regulation and governance mean it is important to look for types of regulation outside the state and the ways that power can be exercised by civil society and non-state actors and institutions to provide forces of accountability;

(5) The non-state actors have significant strengths and weaknesses and are highly variable across the nation;

(6) All of these factors mean that when designing a regulatory system for CDFs, the following design principles are important:

> (a) the state, non-state and international actors should regulate together in mutually supportive ways;
>
> (b) non-state actors must be embedded within the local context—those that have close relationship within their society, are respected by villagers and know their socio-economic and political contexts well;
>
> (c) the *wantok* system should be utilised for its benefits, but its disadvantages must be effectively minimised;
>
> (d) non-state actors' networks must have stable foundations;
>
> (e) village-based processes such as public meetings can be used for transparency;
>
> (f) the Westphalian state and relational state should be assessed for their weakness—strength relations in order for the weakness of each to be covered by the strength of the other as exemplified in 9.3.7.

These conditions have the potential to ensure effective means of enhancing the impact, responsiveness and accountability of CDFs as a development tool. The following paragraphs expand on these conditions.

First, to ensure the effectiveness of CDF regulation, the state actors, non-state actors and international actors should regulate together in mutually supportive ways. For instance, the Australian High Commission, through the CPP, connects directly to the communities via the

BAC office. In this way, the regulation of constituency projects is undertaken by both the BAC office and the Australian High Commission. Coupled with the constituency office and international actors are the non-state actors within the constituency. Thus, there is shared responsibility in the implementation of CDF projects. The coupling of the state, non-state and transnational actors provides room for more collaboration, transparency and accountability. It ensures that each actor oversees the work of the others towards the effective implementation of funds and projects at the community level.

Second, the *wantok* system should be utilised for its benefits, but its disadvantages should be effectively minimised. The *wantok* system has different meanings in different contexts and spaces. In this context, the *wantok* system refers to close relatives as characterised by close family and socio-political ties. The advantage of the *wantok* system as a regulatory force is that it enhances close working relationships based on trust and socio-cultural values rooted in Melanesian culture. For instance, the appointment of close relatives of the MP as constituency development officers (CDOs) builds on both relational and *wantok* trust to ensure effective regulation. Similarly, in Baegu/Asifola, *wantok*-based non-state actors called special select committees (SSCs) work as a body to oversee constituency officers and report to the MP on how these officers handle CDFs within the constituency. In Gizo/Kolombangara, the *wantok* system helps to quickly facilitate projects/funds for socio-economic needs and village-based infrastructure like schools when needed. Coupled with the *wantok* system is the involvement of non-state actors embedded within the local context and supported by village-based leaders. These non-state actors have legitimacy and are rooted within village life. Through their visibility and presence, they are situated with the people most of the time. They are entangled within the socio-economic and political fabric of the communities they govern. They are also the bridge between the people and the state. In effect, non-state actors and the people are often “one” in space and time when it comes to CDF regulation. Such forces have the potential to invigorate CDF regulation. This standpoint resembles what Peake and Forsyth termed a Weberian state and a relational state existing side by side.[746] However, other forces have the potential to undermine CDF regulation. Such regulatory pressures include self-interest, privileging of supporters/family members, political influence, clientelism, lack of salaries for non-state actors and social problems within the constituencies. Some of these complications continue to influence the work of these non-state actors which at times undermine CDF governance while other factors like the positive aspects of wantok system strengthen CDF regulation.

[746] Ibid.

Third is the need for non-state actors' networks and structures to have stable foundations. The foundations of these non-state actors must be premised on well-organised structures with a clear focus and purpose. For example, one of the most successful committees established in Gizo/Kolombangara that influences the MP is a women's group in Kena, a village on Kolombangara Island. Its impact on the MP emanated from its well-established structure and clear vision to advance women's wellbeing within the village. It is established with the aim to help village women generate income and promote women's welfare and health. It is staffed by experienced, locally based advisors and trusted office bearers who are serious about their commitment to advance and improve women's visions and livelihoods. Kena village adheres to the Christian Fellowship Church established by Holy Mama, the late Silas Eto.[747] The women started this group on their initiative by making personal financial contributions for its establishment. It is solely managed by women who live in the village with support from certain men. Informants from Kena said the MP and her constituency office were willing to support the Kena women's group because of the initial success and positive outlook of the women's business. Thus, the proper management set up, transparency and strong leadership of the women's group potentially impacted the MP and constituency office to support the Kena women's group's business activities. Some women who held influential positions within the group said the MP helped them grow their businesses by funding a generator and a refrigerator for their fisheries centre and establishing a trade store.

Fourth, there is a need to use village-based processes that lead to transparency—such as public meetings and ceremonies—and give legitimacy to non-state actors. The involvement of non-state actors and constituency-based villagers in consultation and networking on issues relating to development is cardinal to effective regulation. Put another way, going forward, the involvement of constituents, social groups and village-based civil society in constituency plans at the start of the reign of an MP is crucial. For instance, in Baegu/Asifola, the inclusion of ordinary villagers, chiefs, youth groups, women's groups and interested constituents in the crafting of the BAC development plan, including the annual plans, seems to be a best practice. But there is a need for improvement in that substantial attempts must be made to ensure a neutral space for the voices/views of non-voters/non-supporters of the incumbent MP so their views can be considered as well. A wide-sector platform for involvement ensures that constituents' views are factored into the constituency development plan. Such broad platform

[747] Esau Taqasabo Tuza, "The Emergence of the Christian Fellowship Church: A Historical View of Silas Eto, Founder of the Christian Fellowship Church" (University of Papua New Guinea, 1975).

may have the potential to give legitimacy to the plans; hence, there is prospect for constituents to own the plan.

Fifth, strong leadership by the MP and their constituency office in terms of continuous consultation needs to consider the socio-political context and nature of the project or issue that needs to be addressed. In 2020, for example, customary landowners, chiefs and traditional leaders were consulted by the Baegu/Asifola constituency (BAC) office regarding its proposed hydropower project and water supply projects factored into the Baegu/Asifola strategic and development plans. Using village-based processes coupled with prior consultation, the BAC office was given approval to conduct feasibility studies for these hydropower and water supply projects. Hence, building on those platforms, the MP for Baegu/Asifola supported the project by using constituency money to meet the cost for engineers to survey the water project and the proposed hydropower project. Because of the strong leadership exerted by the MP and his constituency office coupled with the relationships and proper *custom* processes involved in consultations with chiefs, traditional leaders, big-men and customary landowners, the Lagoe water supply project was successfully implemented, and the survey for the proposed hydropower project was successfully completed.

Sixth, the use of wantok system (as a form of relational state) by the constituency office via the MP with customary landowners/resource owners coupled with state structures to ensure customary land is allowed for infrastructure development is an important way forward for regulation of CDFs. By working together where a state actor fills in the weakness of a non-state actor or vice-versa helps to ensure implementation of CDF projects in rural areas. For instance, the constituency office and the MP taking the lead to consult customary landowners on the viability of infrastructure development which then gives state actors like the ministry of infrastructure and ministry of rural development social license to ensure project feasibility study for purposes of CDF infrastructure development is an important pathway for advancing development aspirations. The advantage of such networks by the relational state actors and bureaucratic state actors is that it has the potential to lessen social tensions between landowners and find a common ground between all the stakeholders involved in regulation of CDFs, hence the implementation of CDF projects. In this way, there is a partnership to advance CDF projects between the national government through the relevant ministry, the constituency office headed by the MP, landowners and development contractors.

Lastly, the regulation and governance of CDFs needs strong leaders, such as political leaders who have deeply rooted connections within their societies to influence public outcomes. These

leaders must be able to manoeuvre within the complex socio-political landscapes of local, provincial and national politics. An example of such complexity is the ramifications of the diplomatic shift from Taipei to Beijing undertaken by Honiara, which then negatively impacted CDF projects earmarked for BAC. The response by the Baegu/Asifola MP illustrates how tactical and forward-looking his strategies were to deal with a challenge that had the potential to backfire on his CDF projects, in particular, infrastructure projects important for rural development. Strong leaders and leadership with insights to protect the broader interests of the rural populace are important in terms of governance and regulation to ensure society's stability and progress.

9.5 Futurising CDFs: Implications for State Formation

The study of CDFs has several implications for state formation in Solomon Islands. Bob Jessop argues that:

> [s]tate formation is not a once-and-for-all process nor did the state develop in just one place and then spread elsewhere. It has been invented many times, had its ups and downs, and seen recurrent cycles of centralization and decentralization, territorialization and deterritorialization.[748]

This study used several theories to look at the state vis-à-vis non-state actors in Solomon Islands and agrees with Jessop, who argues that "[t]he state has been studied from many perspectives but no single theory can fully capture and explain its complexities."[749] This thesis, as explained and discussed in chapter two, used four theories.

I agree with John Braithwaite, who argues that "states can be thought of as providing, distributing and regulating."[750] The weak state framing shows that from a Weberian standpoint, the state in Solomon Islands is weak because it is limited in its reach and service delivery is poor; thus, the state is unable to effectively provide, distribute and regulate public services and goods for its citizens far from the urban centres. The state is characterised by a lack of good governance standards, limited accountability, ineffective transparency and weak state laws. As a response to this state weakness, using the political settlement lens of power and elites, political state actors intervened to strengthen the state by using the legislature to connect to the rural areas through public funds, ostensibly for rural development. But the ways state actors and state leaders govern are also influenced by society. Using the state-in-society conceptual framing, the relationship between the state and society, through the impact or

[748] Jessop, "The State and State-Building," 114.
[749] Ibid., 111.
[750] John Braithwaite, "The Regulatory State?," ibid., 407.

influence of social forces like the wantok system, *custom*, relationality, clientelism, unbalanced power relations and dynamics of the political economy, influence the ways the bureaucratic state and state leaders regulate and govern as well. Using nodal governance as a frame affirms that governance is polycentric. Polycentricity encompasses the fact that the state provides, distributes and regulates with many other non-state actors and international actors situated within various scales. It also demonstrates that power relations need to be tempered and shared. Put another way, state actors are only one of the actors with the power to regulate and govern. There are non-state actors rooted within village life that have the potential to regulate and govern effectively with the help of the state actors.

Governance and regulation in Solomon Islands therefore need to invigorate how the state provides for people vis-à-vis the non-state. This means there is a need to invent and craft a state that works in practice and recognises the lived realities of Solomon Islanders. Using weak state, political settlement, state-in-society and nodal governance to study CDFs showed that the state is floating—a flotation state—hence the need to "indigenise" the state for it to embed on a proper platform for effective regulation and governance. As stated by one senior government officer, this is important because "[w]hat was lacking [is] … the indigenisation of the processes, systems, so that they reflect us—and not necessarily the state." Many of the challenges of regulating CDFs in Solomon Islands reveal the problems with using purely state-based forms of regulation and illustrate the tensions involved in trying to conform to the formal structure of a Westminster system of governance when the reality of the Solomon Islands state operates according to different sets of logic and systems of power.

This study of CDFs in Solomon Islands has shown that we live in a "post-regulatory state" due to the changes in regulation and governance within and beyond the state. The phrase "post-regulatory state" was coined by the renowned regulatory scholar Colin Scott and popularised by scholars at the ANU School of Regulation and Global Governance.[751] Scott argues that:

> [u]nderlying this "post-regulatory" thinking are concerns that the assertion of control by state regulatory bodies is, in many cases, implausible. Set against this many instances of well-ordered economic and social relations are observable in environments where there is little state activity.[752]

The idea of a post-regulatory state offers three lessons. First, regulation and governance of CDFs in Solomon Islands are polycentric and based on interconnected and messy

[751] Scott, "Regulation in the Age of Governance: The Rise of the Post-Regulatory State," 145-74. "Regulatory State and Beyond," 265-87.
[752] "Regulation in the Age of Governance: The Rise of the Post-Regulatory State," 146.

relationships within and outside of the state. Second, the role of governance has been dispersed, complicated, and networked across various non-state entities. Third, to ensure effective regulation, the sharing and tempering of power between state and non-state actors is crucial to maintain balance. These lessons are seen in how MPs and particular state actors decentralise, transfer, and share regulatory functions with non-state actors. These lessons challenge the idea of the state as central to governance. They also challenge the idea of law as a central instrument of governance. This shift offers spaces and opportunities for Solomon Islanders to re-think how regulatory outcomes can be enhanced and achieved.

9.6 Further Research

My project only involved two constituencies. However, there is a need for research on CDFs in other constituencies in Solomon Islands. The experiences of other constituencies may be very different from those of Baegu/Asifola and Gizo/Kolombangara. Further, the changes to the regulation of CDFs due to the involvement of the People's Republic of China (PRC) that have taken place in some constituencies since Honiara shifted its diplomatic ties from Taipei to Beijing are also worth studying. The roles of other international actors in CDF regulation need proper scrutiny as well. Further in-depth analysis of these issues is required to better understand CDFs in Solomon Islands. Therefore, future research projects on CDFs need to address whether CDFs have actually led to or enhanced rural development in Solomon Islands.

9.7 Conclusion

Empirically, this thesis showed how CDFs are regulated and governed in practice. It drew light to the diverse ways in CDF governance and regulation in two different constituencies in Solomon Islands – Gizo/Kolombangara and Baegu/Asifola. It showed how CDFs are regulated beyond the state's space and at the state's margins in these two constituencies. Put another way, the thesis showcased the complexity of how CDFs are regulated, including how state-based regulatory mechanisms interact with and blend into non-state mechanisms at the very local (constituency/wards) level. Another outstanding conclusion relates to the power of MPs in the governance and regulation of CDFs. The regulatory powers of MPs cut across various spaces, particularly the national and ward levels. Notwithstanding the roles that non-state actors play, the MPs still hold the most power in the CDF governance—regulation might be shared, but power is not shared equally. Such standpoints are informed by weak state, political settlement, state-in-society relations, and nodal governance.

CDFs in Solomon Islands were a reaction by political state actors to the weak bureaucratic state actors and the fact that the state service delivery system is disconnected from the villages. Their initial purpose was a noble one—that is, to fast track financial resources to the rural areas and ensure rural development. Over time, CDFs have been used for other socio-economic and political purposes, which saw their amounts increased substantially. Concerns have been raised that the political state actors, in particular politicians, have abused CDFs for political gain. Some of the challenges and opportunities faced by the politicians resemble those initially confronted by the bureaucratic state that lead the politicians to bypass the bureaucratic state. These difficulties and opportunities demonstrate the fact that the bureaucratic state and the political state are influenced by society. That is why the state floats; it is influenced by society—thus, depending on the context, the state can be weak and/or strong. Against this backdrop, this thesis shows a need to look beyond the state for insights into CDF governance and regulation. Nodal governance is one way forward, but it also comes with challenges that need proper scrutiny to inform current reforms concerning CDFs in Solomon Islands. Nodal governance raises issues such as the need to create a governance system that emphasises peoples' wellbeing. It also provides a space and a platform for critique, including an opportunity for constituencies to critique their own ideas, assumptions and values about CDF governance and their relationship to the wellbeing of village-based settings.

I have taken you on a journey through the complex landscape of the state and traversed the diverse social contours of Baegu/Asifola and Gizo/Kolombangara to understand the regulation and governance of CDFs. My stories about CDFs, for now, end here. But the state project in Solomon Islands is an ongoing business. Indigenising a state is a battlefield. I will leave others to continue the story where I stop.

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APPENDIX A – ANU HUMAN ETHICS APPROVAL

From: aries@anu.edu.au <aries@anu.edu.au>
Date: Monday, 25 February 2019 at 11:58 am
To: Derek Futaiasi <Derek.Futaiasi@anu.edu.au>
Cc: Human.Ethics.Officer@anu.edu.au <human.ethics.officer@anu.edu.au>, Miranda Forsyth <miranda.forsyth@anu.edu.au>
Subject: Human Ethics Protocol 2018/774 - Approval

THIS IS A SYSTEM-GENERATED E-MAIL. PLEASE DO NOT REPLY. SEE BELOW FOR E-MAIL CONTACT DETAILS.

Dear Mr Derek Futaiasi,

Protocol: 2018/774
Regulation of Constituency Development Funds in Solomon Islands

I am pleased to advise you that your Human Ethics application received approval by the Chair of the Asia Pacific & Business DERC on the 25/02/2019.

For your information:

1. Under the NHMRC/AVCC National Statement on Ethical Conduct in Human Research we are required to follow up research that we have approved. Once a year (or sooner for short projects) we shall request a brief report on any ethical issues which may have arisen during your research or whether it proceeded according to the plan outlined in the above protocol.

2. Please notify the committee of any changes to your protocol in the course of your research, and when you complete or cease working on the project.

3. Please notify the Committee immediately if any unforeseen events occur that might affect continued ethical acceptability of the research work.

4. Please advise the HREC if you receive any complaints about the research work.

5. The validity of the current approval is five years' maximum from the date shown approved. For longer projects you are required to seek renewed approval from the Committee.

All the best with your research,

Human Ethics Officer
Research Integrity & Compliance
Research Services Division
Level 1, Geography Building 48A
Linnaeus Way, The Australian National University

Canberra, ACT 2601

T: 6125-6782
T: 6125-3427
E: human.ethics.officer@anu.edu.au
W: https://services.anu.edu.au/research-support/ethics-integrity

APPENDIX B – SOLOMON ISLANDS RESEARCH PERMIT (2019)

Solomon Islands Government
Ministry of Education and Human Resources Development
P O Box G 28
Honiara, Solomon Islands

Ph: (677) 24664
Fax: (677) 22042

Our Ref: 30/18

Date: 14th /11/2018

In Accordance to the Research Act 1982 (No. 9 of 1982) RESEARCH PERMIT:

Permission is hereby given to:

1. Name (s): Derek Gwali Futaiasi
2. Country: Solomon Islands
3. Research subject areas: Law, Governance and Regulation. The regulation of Constituency Development Funds in Solomon Islands.
4. Ward (s): Temotu (Tikopia, Anuta, Utupua), South Malaita (River side, Sa'a, Walade, Fanalei, Malakao), and Central Honiara.
5. Provinces: Temotu, Malaita and Guadalcanal.
6. Conditions:
   a. To undertake research only in subject areas specified in 3 above.
   b. To undertake research only in the ward (s) and Province (s) specified in 4 and 5 above.
   c. To observe with respect at all times local customs and the way of life of people in the area in which the research is carried out.
   d. Not to take part at any time in any political or missionary activities or local disputes.
   e. To leave four (4) copies of your final research report in English with the Solomon islands Government Ministry responsible for research at your own expense.
   f. A research fee of SBD500.00 must be paid in full or the Research Permit will be cancelled. (See sec. 3 subject 7 of the Research Act).
   g. This permit is valid until **30th September, 2019 provided** all conditions are adhered to.
   h. No live species of plants and animals to be taken out of the country without approval from relevant authorities.
   i. A failure to observe the above conditions will result in automatic cancellation of this permit and the forfeit of your deposit.

MINISTER MINISTRY OF EDUCATION, HUMAN RESOURCES & DEVELOPMENT

Signed: .....
Ministry of Educational and Human Resources Development

Date: 20-11-18

APPENDIX C – APPLICATION FOR SOLOMON ISLANDS RESEARCH PERMIT (2019)

From: Silas Sitai <SSitai@mehrd.gov.sb>
Date: Tuesday, 13 November 2018 at 10:46 am
To: Freda Motu <FMotu@mehrd.gov.sb>
Cc: Derek Futaiasi <Derek.Futaiasi@anu.edu.au>
Subject: FW: Research Permit Application

Colleague,

Urgent please print this application and prepare file for Hon. Minister for his signing. Study proposal is endorsed.

Regards

Silas Sitai
Policy Analyst
Strategic Support Unit
Ministry of Education and HRD
P.O.Box G28
Honiara- Solomon Islands
E: SSitai@mehrd.gov.sb (work)
sitai.silas@gmail.com (Personal)
Fax: 00 677 22042
Phone:00 677 28803 ext 7231
Mobile: 00677-7604558
Skype: sitai.silas81

From: Derek Futaiasi [mailto:Derek.Futaiasi@anu.edu.au]
Sent: Tuesday, 13 November 2018 10:38 AM
To: Silas Sitai <SSitai@mehrd.gov.sb>
Cc: Miranda Forsyth <miranda.forsyth@anu.edu.au>
Subject: Re: Research Permit Application

Dear Policy Analyst – Silas Sitai,

Good morning. May this day bring you more joy and love.

See attached three documents for the purpose of research permit to undertake study on the constituency development funds in certain constituencies in Solomon Islands as part of my PhD study.

In that regard, I am attaching the following documents: (1) Research Application (2) Brief PhD thesis proposal (3) Curriculum Vitae.

Further note, that the Australian National University Ethics Committee date-line for submissions is the 20 November 2018. In that regard, I would be very grateful if I could have updates on my research application from your good office before the 20 November 2018.

I thank you for your understanding.

I am also copying one of my Supervisors – Associate Professor Miranda Forsyth.

Sincerely,

Derek.

Derek Gwali Futaiasi | PhD Scholar | RegNet School of Regulation and Global Governance | ANU College of Asia & the Pacific | The Australian National University | Room 3.26, Coombs Extension Building | Building 8, Fellows Rd, Acton, ACT, 2601 Australia | T: +61 2 6125 4149 | M: 0452 381 928 |derek.futaiasi@anu.edu.au| regnet.anu.edu.au

From: Derek Futaiasi <Derek.Futaiasi@anu.edu.au>
Date: Tuesday, 13 November 2018 at 9:44 am
To: Miranda Forsyth <miranda.forsyth@anu.edu.au>
Subject: Re: Research Permit Application

Miranda,

See attached the research permit application. I need **your signature** before sending it to Silas Sitai of the Ministry of Education in Solomon Islands.

Sincerely,

Derek

From: Silas Sitai <SSitai@mehrd.gov.sb>
Date: Monday, 12 November 2018 at 1:27 pm
To: Derek Futaiasi <Derek.Futaiasi@anu.edu.au>
Subject: RE: Research Permit Application

Brother,

Welcome. Just send it when you ready.

Regards

Silas Sitai
Policy Analyst
Strategic Support Unit
Ministry of Education and HRD

P.O.Box G28
Honiara- Solomon Islands
E: SSitai@mehrd.gov.sb (work)
sitai.silas@gmail.com (Personal)
Fax: 00 677 22042
Phone:00 677 28803 ext 7231
Mobile: 00677-7604558
Skype: sitai.silas81

From: Derek Futaiasi [mailto:Derek.Futaiasi@anu.edu.au]
Sent: Monday, 12 November 2018 12:40 PM
To: Silas Sitai <SSitai@mehrd.gov.sb>
Subject: Re: Research Permit Application

Silas,

Good afternoon brother. I am sure you are well. Just want to inform you that anytime soon I will forward my research application for the ministry of education to consider.

All the best in whatever you are doing.

Sincerely,

Derek.

APPENDIX D – RESEARCH APPLICATION FORM 2019

Form: RA Date received		Approved Yes / No Date of decision Research permit no

SOLOMON ISLANDS
RESEARCH APPLICATION

1. Applicant details

First Name		Last Name	
Derek Gwali		**Futaiasi**	
Gender M/F	Nationality	Contact email	
Male	**Solomon Islander**	**derek.futaiasi@anu.edu.au** or dfutaiasi@gmail.com	
Home Address			Contact Home Phone
1. *3 Victor Place, Monash, ACT 2904, Australia.* **2. *C/- School of Regulation and Global Governance, College of Asia and the Pacific, Rooms 3.26, Coombs Ext Building #8, Fellows Road, Acton, Australian Capital Territory 2601 Australia.***			**+677 7494880** **+61 452 381 928**

2. Research Details

Home Institution associated with research (University or organisation)	Faculty Name
The Australian National University, College of Asia and the Pacific.	**School of Regulation and Global Governance**
Supervisor/ Faculty contact name	Supervisor contact email
Associate Professor Miranda Forsyth, Associate Professor | Convenor of Master of Criminology, Justice and Regulation | RegNet School of Regulation and Global Governance | ANU College of Asia & the Pacific | The Australian National University | Room 3.20, Coombs Extension Building | Building 8, Fellows Rd, Acton, ACT, 2601 Australia **Tarcisius Tara Kabutaulaka,** Associate Professor and Director | Center for Pacific Islands Studies | School of Pacific and Asian Studies | University of Hawai'i at Manoa | Honolulu| Hawai'i 96822 | USA	**Miranda Forsyth** P: +61 2 6125 1505 E: miranda.forsyth@anu.edu.au **Tarcisius Tara Kabutaulaka** P: (808) 956-2659 E: tkabutau@hawaii.edu

3. Proposed Research Details

Field of Study and Proposed Program	Research Title	
Field of Study: Law, Governance and Regulation. **Proposed Program: Doctor of Philosophy, Regulation and Governance Majoring in: Law.**	**The Regulation of Constituency Development Funds in Solomon Islands**	
Research Funding Source	Amount of funding	Will this research be associated with business or profit?
Australian National University	**AUD 7, 000**	**This research will not associate with business or profit.**

Host University / Institution /Organisation (in Solomon Islands)	Contact details of Solomon Islands Host University/ Institution /Organisation
(1) Ministry of Rural Development. (2) John Moffat Fugui. (3) Hon. Rick Houenipwela. (4) Member of Parliament (Temotu Nende).	(1) Ministry of Rural Development, P.O. Box G1983, Honiara, Solomon Islands. Phone: +677 25230/25239 Fax: +677 22170 (2) National Parliament of Solomon Islands P.O. Box G19, Honiara, Solomon Islands. Phone: +677 28520 Fax: +677 24272 (3) Office of the Prime Minister and Cabinet P O Box G 1, Honiara, Solomon Islands.

Length of project	Proposed start date	Proposed finished date
9 months	January 2019	September 2019

Intended location/s in Solomon Islands to conduct research Provinces, towns, villages, ocean etc (attach details if insufficient space)
Temotu (Tikopia, Anuta, Utupua), South Malaita (River Side, Sa'a, Walade, Fanalei, Malakao), Central Honiara

Overview of Research Synopsis (summary only, less than 50 words) (please attach full proposal)
This research will try to address: "How are public funds in the form of Constituency Development Funds (CDFs) currently regulated in Solomon Islands and how could they be more effectively regulated?". The CDFs, has had a fundamental impact on Solomon Islands political economy. These are public funds that are allocated to and distributed by Members of Parliament. The rationale was to facilitate economic development at the constituency level.

4. **Additional Researchers**

How many people will be conducting this research?

Please include list of name of any additional research personnel who will be conducting this research (attach list if needed)

First Name	Last Name	Gender M/F	Nationality

Methodology and Research
Methodologically, this research will use qualitative empirical research on a number of constituencies in Solomon Islands to examine and discuss how CDFs are currently being regulated and how they could be improved. Semi-structured interviews, focus groups and *tok-stories* are the methods that I will employ to collect information for the purposes of this PhD project.

Please send all correspondence relating to research in the Solomon Islands to
research@mehrd.gov.sb

5. **Ethics Issues**

Has ethical approval from appropriate body in Solomon Islands been gain ☐ Yes ☒ No

Is this research likely to result in sensitive information? ☐ Yes ☐ No ☒Unsure

This research be accessing children or vulnerable person/s ☐ Yes ☒ No ☐Unsure

This research will be accessing plant or animal life ☐ Yes ☒ No ☐Unsure

If yes, to any of the above please attach details of all protection measures to be applied

Indicate if this research will use ☐Filming ☒ recording ☒Photography Others:

☐Collecting samples If samples tick ☐ live ☐ dead

**Note that all person/s who may be directly involved with vulnerable persons must include have a police clearance from home country*

6. **Logistics in Solomon Islands**

Details of accommodation and travel arrangements in Solomon Islands (Detailed logistics can be attached)
A large part of my fieldwork is put aside for accommodation. I will arrange my accommodation in Honiara. I will live in a motel or rent a room in a house or there is high possibility that I will stay with my family/relatives in Honiara. In the provinces/villages I will make arrangements through local leaders (for example through church leaders or big-man/chiefs). Given that I am a Solomon Islander, travel arrangements to field sites though will be a challenge, is an issue I can handle of course with care.

7. **Research Results**

Detail how, where and with whom the research results be used and results/data shared?
The primary focus of this research is for the purpose of a PhD dissertation. Also, the results will be used for articles in certain academic journals. I anticipate making presentations in seminars possibly at the Solomon Islands National University, Australian National University and other universities in the Pacific region. Further, results from this research will be shared with the government of Solomon Islands in its attempt to regulate/reform constituency development funds.
Citing benefits of this research to the Solomon Islands
This study is relevant because its targets are, among others, policy makers and development partners. These are those who are interested in exploring appropriate and meaningful ways to implement rural development policies for the betterment of the rural populace in Solomon Islands. To date, there is lack of a comprehensive evidence for policy makers and development partners to ensure a proper understanding of the operation of the CDFs. CDFs are therefore

poorly understood by these important development partners and relevant stakeholders. This thus led them to make assumptions which in a way partly detach them from meaningful participation to advance policies for rural development in Solomon Islands. Studies have shown that donors are not keen in CDFs, apart from Republic of China (Taiwan). The explanation for this may be that that CDFs "appear to be politized schemes that fit outside a technocratic, top-down development "formula" of good governance in developing countries."[1] Consequently, in parallel with Solomon Islands Government budget system; contributions of other donors have been elevated to the extent that donors have formed their "own provisioning layers".[2] A comprehensive study is therefore important for policy decision making. Donors supporting Solomon Islands need more insights relating to CDFs. James Batley is therefore correct when he said: "At a time when Solomon Islands' largest donor, Australia, is keen to pilot innovative approaches to development, better evidence about CDFs could assist in designing fresh and more effective approaches to it."[3] Donors will therefore find this study interesting and useful because it will try to address the operation of the CDFs and the features of the current regulatory system and how to invigorate the current framework to ensure better outcomes. It will therefore provide a comprehensive analysis for the purpose of affecting policy outcomes pertaining to rural development in Solomon Islands. The lack of a comprehensive study continues to disadvantage policy makers and development partners to ensure proper policy decision pertaining to CDFs. Similarly, in a broad context, it will help the Solomon Islands Government strengthen its regulatory systems with a focus on utilising the non-state resources/mechanisms in relation to the regulation of CDFs.

Detail how, when and with whom the research results be shared directly with relevant people in the Solomon Islands prior to leaving the country.

Prior to leaving Solomon Islands after the fieldwork, I anticipate sharing some of the data/information with the relevant Members of Parliament whom I will undertake research in their constituencies. I also anticipate making presentations at the University of the South Pacific (Solomon Islands Campus) and the Solomon Islands National University.

*Note: A copy of the final report, paper and results must be submitted to research@mehrd.gov.sb

Please attach Curriculum Vitae ☒ Research Proposal ☒

Applicant's Signature: [signature] Date: 13 November 2018

Supervisor's Signature: [signature] Date: 13/11/2018

References:

[1] Mark Baskin, "Introduction: Are Constituency Development Funds a Policy Tool?," in *Distributive Politics in Developing Countries: Almost Pork*, ed. Mark Baskin; and Michael L. Mezey (London: Lexington Books, 2014).
[2] David Craig and Doug Porter, "Political settlement in Solomon Islands: a political economic basis for stability after Regional Assistance Mission to Solomon Islands?," (ANU: State, Society and Governance in Melanesia 2013), 6.
[3] James Batley, "Constituency Development Funds in Solomon Islands: State of Play," (Australian Capital Territory: The Australian National University, 2015), 2.

Please send all correspondence relating to research in the Solomon Islands to research@mehrd.gov.sb

APPENDIX E – EXTENSION OF RESEARCH PERMIT (2020)

Solomon Islands Government
Ministry of Education and Human Resources Development
P O Box G 28
Honiara, Solomon Islands

Ph: (677) 24664
Fax: (677) 22042

Our Ref: 14/20

Date: 12th August 2020

In Accordance to the Research Act 1982 (No. 9 of 1982) RESEARCH PERMIT:

Extension of Research Permit

Permission is hereby given to:

1. Name (s): Derek Gwali Futaiasi
2. Country: Solomon Islands
3. Research subject areas: The research is about the regulations of public funds in the form of Constituency Development Funds (CDFs). CDF's play an important role in Solomon Islands' political economy and understanding how they are currently regulated and how they could be better governed has significant governance, development and theoretical implications.
4. Ward (s): Kia/Hograno/Havulei & Gizo/Kolombangra & Baegu/Asifola
5. Provinces: Isabel, Western & Malaita
6. Conditions:
7.
   a. To undertake research only in subject areas specified in 3 above.
   b. To undertake research only in the ward (s) and Province (s) specified in 4 and 5 above.
   c. To observe with respect at all times local customs and the way of life of people in the area in which the research is carried out.
   d. Not to take part at any time in any political or missionary activities or local disputes.
   e. To leave four (4) copies of your final research report in English with the Solomon islands Government Ministry responsible for research at your own expense.
   f. A research fee of **SBD 500 must** be paid in full or the Research Permit will be cancelled. (See sec. 3 subject 7 of the Research Act).
   g. This permit is valid until **31st July 2021 provided** all conditions are adhered to.
   h. No live species of plants and animals to be taken out of the country without approval from relevant authorities.
   i. A failure to observe the above conditions will result in automatic cancellation of this permit and the forfeit of your deposit.

Signed: .....
Minister of Education and Human Resources Development

MINISTER
MINISTRY EDUCATION HUMAN RESOURCES & DEVELOPMENT

Date: 20/08/20

APPENDIX F – APPLICATION TO RENEW RESEARCH PERMIT (2020)

From: Freda Motu <FMotu@mehrd.gov.sb>
Date: Saturday, 22 August 2020 at 11:12 am
To: Franco Rodie <ps@mehrd.gov.sb>, Derek Futaiasi <Derek.Futaiasi@anu.edu.au>, MEHRD_RESEARCH <Research@mehrd.gov.sb>
Cc: Unity Iko <UIko@mehrd.gov.sb>
Subject: RE: Research Application

Hi Permanent Secretary,

Thank you for responding and advice is noted.

Doreen Alfred,

Please take note on research fee waiver for Derek as per PS's response below.

Regards,
Freda

From: Franco Rodie
Sent: Saturday, 22 August 2020 8:04 AM
To: Freda Motu <FMotu@mehrd.gov.sb>; Derek Futaiasi <Derek.Futaiasi@anu.edu.au>; MEHRD_RESEARCH <Research@mehrd.gov.sb>
Cc: Unity Iko <UIko@mehrd.gov.sb>
Subject: RE: Research Application

Freda
Ask Derek to apply for a research fee waiver due to two reasons; he is a Solomon Islands PhD student and these are difficult times.

Franco Rodie
Permanent Secretary
Education
Mobile: +677 7486668

-------- Original message --------
From: Freda Motu <FMotu@mehrd.gov.sb>
Date: 21/08/2020 3:06 pm (GMT+11:00)
To: Derek Futaiasi <Derek.Futaiasi@anu.edu.au>, MEHRD_RESEARCH <Research@mehrd.gov.sb>
Cc: Unity Iko <UIko@mehrd.gov.sb>, Franco Rodie <ps@mehrd.gov.sb>
Subject: RE: Research Application

Dear Derek,

Research submission well received, facilitated and approved by Minister. Please pay the permit fee of SBD$500.00 with MEHRD accounts so that you can collect a copy of your permit with Ms. Doreen Alfred, our research Coordinator.

Kind Regards,
Freda

From: Derek Futaiasi [mailto:Derek.Futaiasi@anu.edu.au]
Sent: Tuesday, 11 August 2020 2:30 PM
To: Freda Motu <FMotu@mehrd.gov.sb>; MEHRD_RESEARCH <Research@mehrd.gov.sb>
Cc: Unity Iko <UIko@mehrd.gov.sb>; Franco Rodie <ps@mehrd.gov.sb>
Subject: Re: Research Application

Dear Freda,

Please see attached research application to conduct research in some constituencies in Solomon Islands. I attached the following:

1. Research application
2. CV.
3. Approval from office of prime minister and ministry of environment as hosts.
4. Research ethics approval from the Australian National University. This document is the ANU's consent/approval for one to undertake research in Solomon Islands.
5. I also attach the consent (by way of emails) of certain individuals that have given consent for one to interview them [(1) Dr Dere Mane and George Tuti - from Kia/Hograno/Havulei.(2) David Onoi from Baegu'u/Asifola'a (3) Lanelle Tanangada MP from Gizo/Kolombangara.]
6. I further attach the 2019 research permit from the ministry of education as well.

In passing, allow me to congratulate the permanent secretary - Dr Fanco Rodie and his hard working staff for the good work rendered during unprecedented times like this.

Please do not hesitate to contact me via the above email address.

Thank you very much for your understanding and cooperation.

Sincerely,

Derek.

Derek Gwali Futaiasi

PhD Scholar | School of Regulation and Global Governance (RegNet) | ANU College of Asia & the Pacific | 8 Fellows Road, Coombs Extension|Canberra, ACT 2601| T: +61 2 6125 4149 | M:+61 452 381 928 | Email: Derek.Futaiasi@anu.edu.au |

http://regnet.anu.edu.au/our-people/phd-students/derek-futaiasi

From: Freda Motu <FMotu@mehrd.gov.sb>
Sent: 19 December 2019 10:55
To: Derek Futaiasi <Derek.Futaiasi@anu.edu.au>; MEHRD_RESEARCH <Research@mehrd.gov.sb>
Cc: John Fugui <john.fugui@parliament.gov.sb>; Unity Iko <UIko@mehrd.gov.sb>
Subject: RE: Research Application

Dear Derek,

Please resubmit the following documents for research committee's deliberations before research permit approval.

1. Standard Solomon Islands research application form. See attached
2. Research proposal.
3. CV
4. Endorsement letter from training institution/Organization
5. Endorsement letter from training institution/Organization in Honiara.

I have received in your earlier email requirement # 1,2 & 3. Please submit requirement 4 & 5 for committee's deliberation on January 2020.

Regards,
Freda

From: Derek Futaiasi [mailto:Derek.Futaiasi@anu.edu.au]
Sent: Tuesday, 17 December 2019 12:42 AM
To: MEHRD_RESEARCH <Research@mehrd.gov.sb>; Freda Motu <FMotu@mehrd.gov.sb>; Silas Sitai <SSitai@mehrd.gov.sb>
Cc: John Fugui <john.fugui@parliament.gov.sb>
Subject: Re: Research Application

Hi Freda Motu,

Just a follow-up email relating to my previous email below that I was granted a research permit to conduct research on CDFs from January 2019 to 30 September 2019. It follows that it would be correct if I seek an extension in that regard.

Please see attachment for the research approval/research permit referred to above that needs extension for the purposes of next year's research undertakings. Once given approval I will undertake to pay the fees accordingly as well.

I thank you for your understanding.

Sincerely,

Derek.

From: Derek Futaiasi <Derek.Futaiasi@anu.edu.au>
Date: Monday, 16 December 2019 at 12:37 pm
To: "research@mehrd.gov.sb" <research@mehrd.gov.sb>, "FMotu@mehrd.gov.sb" <FMotu@mehrd.gov.sb>
Cc: John Fugui <john.fugui@parliament.gov.sb>
Subject: Research Application

Hi concerned ministry of education official,

See attached a research application with the relevant documentation to undertake research in Solomon Islands next year.

I am also copying the minister of education – Hon. John Moffat Fugui herein.

I thank you for your understanding.

Sincerely,

Derek.

APPENDIX G – RESEARCH APPLICATION FORM 2020

Form: RA Date received		Approved Yes / No Date of decision Research permit no

SOLOMON ISLANDS
RESEARCH APPLICATION

1. Applicant details

First Name		Last Name	
Derek Gwali		**Futaiasi**	
Gender M/ F	**Nationality**	**Contact email**	
Male	**Solomon Islander**	derek.futaiasi@anu.edu.au or dfutaiasi@gmail.com	
Home Address			**Contact Home Phone**
A. Toad Hall, 30 Kingsley St, Acton, ACT 2601. B. C/- School of Regulation and Global Governance, College of Asia and the Pacific, Rooms 3.26, Coombs Ext Building #8, Fellows Road, Acton, Australian Capital Territory 2601 Australia.			**+677 7494880** **+61 452 381 928**

2. Research Details

Home Institution associated with research (University or organisation)	Faculty Name
The Australian National University, College of Asia and the Pacific.	**School of Regulation and Global Governance**
Supervisor/ Faculty contact name	**Supervisors contact email**
Associate Professor Miranda Forsyth, Associate Professor | Convenor of Master of Criminology, Justice and Regulation | RegNet School of Regulation and Global Governance | ANU College of Asia & the Pacific | The Australian National University | Room 3.20, Coombs Extension Building | Building 8, Fellows Rd, Acton, ACT, 2601 Australia	**Miranda Forsyth** P: +61 2 6125 1505 E: miranda.forsyth@anu.edu.au
James Batley Distinguish Policy Fellow Department of Pacific Affairs Coral Bell School of the Asia and the Pacific College of Asia and the Pacific Australian National University	**James Batley** **P: +61 2 6125 0925** **E:** james.batley@anu.edu.au
Tarcisius Tara Kabutaulaka, Associate Professor and Director | Center for Pacific Islands Studies | School of Pacific and Asian Studies | University of Hawai'i at Manoa | Honolulu| Hawai'i 96822 | USA	**Tarcisius Tara Kabutaulaka** P: (808) 956-2659 E: tkabutau@hawaii.edu

3. Proposed Research Details

Field of Study and Proposed Program	Research Title
Field of Study: Law, Governance and Regulation.	**The Regulation of Constituency Development Funds in Solomon Islands**

Proposed Program: Doctor of Philosophy, Regulation and Governance Majoring in: Law.		
Research Funding Source	**Amount of funding**	**Will this research be associated with business or profit?**
Australian National University	**AUD 1, 500**	**This research will not associate with business or profit.**

Host University / Institution /Organisation (in Solomon Islands)	Contact details of Solomon Islands Host University/ Institution /Organisation
Office of the prime minister and cabinet	**Office of Prime Minister, P O Box G 1, Honiara, Solomon Islands. (Note, the prime minister's office has given approval for one to use an office space to undertake reading and writing).**

Length of project	Proposed start date	Proposed finished date
1 year	**January 2020**	**July 2021**

Intended location/s in Solomon Islands to conduct research Province/s, town/s, villages, ocean etc (attach details if insufficient space)

1. Kia/Hograno/Havulei, Isabel province, Solomon Islands.
2. Gizo/Kolombangra, Western Province, Solomon Islands.
3. Baegu/Asifola, Malaita province, Solomon Islands.

Overview of Research Synopsis (summary only, less than 50 words) (please attach full proposal)

This research is about the regulation of public funds in the form of Constituency Development Funds (CDFs). CDFs play an important role in Solomon Islands' political economy and understanding how they are currently regulated and how they could be better governed has significant governance, development and theoretical implications.

4. **Additional Researchers**

How many people will be conducting this research? 1

Please include list of name of any additional research personnel who will be conducting this research (attach list if needed)

First Name	Last Name	Gender M/ F	Nationality

Methodology of Research

This research will use qualitative empirical research in a number of constituencies in Solomon Islands to examine and discuss how CDFs are currently being regulated and how they could be improved. Semi-structured interviews, focus groups and *tok-stories* are the methods that I will employ to collect information for the purposes of this PhD project. Methodologically, this project situates within the scope of adaptive theory developed by Derek Layder which "endeavours to

Please send all correspondence relating to research in the Solomon Islands to research@mehrd.gov.sb

combine the use of pre-existing theory and theory generated from data analysis in the formulation and actual conduct of empirical research."[1]

5. Ethics Issues

Has ethical approval from appropriate body in Solomon Islands been gain ☐ Yes ☒ No

Is this research likely to result in sensitive information? ☐ Yes ☐ No ☒Unsure

This research be accessing children or vulnerable person/s ☐ Yes ☒ No ☐Unsure

This research will be accessing plant or animal life ☐ Yes ☒ No ☐Unsure

If yes, to any of the above please attach details of all protection measures to be applied

Indicate if this research will use ☐Filming ☒ recording ☒Photography Others:

☐Collecting samples If samples tick ☐ live ☐ dead

**Note that all person/s who may be directly involved with vulnerable persons must include have a police clearance from home country*

6. Logistics in Solomon Islands

Details of accommodation and travel arrangements in Solomon Islands (Detailed logistics can be attached)
A large part of my fieldwork funds is put aside for accommodation and travelling to Gizo/Kolombangara, Kia/Havulei and Baegu'u-Asifola'a. I will arrange my accommodation in Honiara, Gizo/Kolombangara, Kia/Havulei/Havulei and Baeguu'u-Asifola'a. In the provinces/villages I will make arrangements through local leaders (for example through church leaders or big-man/chiefs). Given that I am a Solomon Islander, travel arrangements to field sites is not likely to be too difficult to manage.

7. Research Results

Detail how, when and with whom the research results be used and results/data shared?
The primary focus of this research is for the purpose of a PhD dissertation/thesis. Also, the results will be used for articles in certain academic journals. I anticipate making presentations in seminars possibly at the Solomon Islands National University, Australian National University and other universities in the Pacific region. Further, results from this research will be shared with the government of Solomon Islands in its attempt to regulate/reform constituency development funds.
List the benefits of this research to the Solomon Islands
This study is relevant because its targets are, among others, policy makers and development partners. These are those who are interested in exploring appropriate and meaningful ways to implement rural development policies for the betterment of the rural populace in Solomon

[1] See Derek Layder, *Sociological Practice: Linking Theory and Social Research* (London: SAGE Publications Ltd, 1998), 27.

Islands. To date, there is lack of a comprehensive evidence for policy makers and development partners to ensure a proper understanding of the operation of the CDFs. CDFs are therefore poorly understood by these important development partners and relevant stakeholders. This thus led them to make assumptions which in a way partly detach them from meaningful participation to advance policies for rural development in Solomon Islands. Studies have shown that donors are not keen in CDFs, apart from Republic of China (Taiwan). The explanation for this may be that that CDFs "appear to be politized schemes that fit outside a technocratic, top-down development "formula" of good governance in developing countries."[2] Consequently, in parallel with Solomon Islands Government budget system; contributions of other donors have been elevated to the extent that donors have formed their "own provisioning layers".[3] The recent interest by the Republic of China to fund CDFs adds to a new twist to the regulation of CDFs in Solomon Islands. A comprehensive study is therefore important for policy decision making. Donors supporting Solomon Islands need more insights relating to CDFs. James Batley is therefore correct when he said: "At a time when Solomon Islands' largest donor, Australia, is keen to pilot innovative approaches to development, better evidence about CDFs could assist in designing fresh and more effective approaches to it."[4] Donors will therefore find this study interesting and useful because it will try to address the operation of the CDFs and the features of the current regulatory system and how to invigorate the current framework to ensure better outcomes. It will therefore provide a comprehensive analysis for the purpose of affecting policy outcomes pertaining to rural development in Solomon Islands. The lack of a comprehensive study continues to disadvantage policy makers and development partners to ensure proper policy decision pertaining to CDFs. Similarly, in a broad context, it will help the Solomon Islands Government strengthen its regulatory systems with a focus on utilising the non-state resources/mechanisms in relation to the regulation of CDFs.

Detail how, when and with whom the research results be shared directly with relevant people in the Solomon Islands prior to leaving the country.

Prior to leaving Solomon Islands after the fieldwork, I anticipate sharing some of the data/information with the relevant Members of Parliament whom I will undertake research in their constituencies. I also anticipate making presentations at the University of the South Pacific (Solomon Islands Campus) and the Solomon Islands National University. During my first round of fieldwork last year I presented a paper entitled "CDFs through the lenses of stories" at the leadership conference partly sponsored by the ministry of education working in collaboration with other stakeholders. I anticipate that I will present my findings at SINU straight after fieldwork this year as well.

*Note: A copy of the final report, paper and results must be submitted to research@mehrd.gov.sb

Please attach Curriculum Vitae ☒ Research Proposal ☒

[2] Mark Baskin, "Introduction: Are Constituency Development Funds a Policy Tool?," in *Distributive Politics in Developing Countries: Almost Pork*, ed. Mark Baskin; and Michael L. Mezey (London: Lexington Books, 2014).
[3] David Craig and Doug Porter, "Political Settlement in Solomon Islands: A Political Economic Basis for Stability after Regional Assistance Mission to Solomon Islands?," (ANU: State, Society and Governance in Melanesia 2013), 6.
[4] James Batley, "Constituency Development Funds in Solomon Islands: State of Play," (Australian Capital Territory: The Australian National University, 2015), 2.

Please send all correspondence relating to research in the Solomon Islands to research@mehrd.gov.sb

Applicant's Signature: [signature] Date: 11 August 2020

Supervisor's Signature: [signature] Date: 11/8/2020

References:

Baskin, Mark. "Introduction: Are Constituency Development Funds a Policy Tool?". In *Distributive Politics in Developing Countries: Almost Pork*, edited by Mark Baskin; and Michael L. Mezey. London: Lexington Books, 2014.

Batley, James. "Constituency Development Funds in Solomon Islands: State of Play." 1-2. Australian Capital Territory: The Australian National University, 2015.

Craig, David, and Doug Porter. "Political Settlement in Solomon Islands: A Political Economic Basis for Stability after Regional Assistance Mission to Solomon Islands?". ANU: State, Society and Governance in Melanesia 2013.

Layder, Derek. *Sociological Practice: Linking Theory and Social Research*. London: SAGE Publications Ltd, 1998.

APPENDIX H – INFORMATION SHEET

Spoken Participant Information Sheet

Researcher:

Hello, my name is Derek Gwali Futaiasi

Project Title: The Regulation of Constituency Development Funds in Solomon Islands.

General Outline of the Project:

- **Description and Methodology:** I am undertaking research into the regulation of constituency development funds (CDFs) in Solomon Islands. These are public funds that are allocated to and distributed by members of parliament. CDFs have created numerous challenges that have raised fundamental questions about the management of public funds and governance in Solomon Islands. The aim of this research is to find out how CDFs are currently regulated and how they can be better regulated/improved. I will do this by collecting information by interviews, tok stori and focus group discussion from a range of people involved in this issue, to find out what mechanisms are being used and which are effective and why, and what support they require.

  The research is NOT intended to identify any particular individuals who may have been involved in criminal acts pertaining to the use of CDFs or corruption related acts in the past. I am are just interested in identifying the nature and characteristics of what has occurred and why. The names of people are not relevant for our research purposes.

- **Participants:** The likely participants will include those government ministries dealing with CDFs such as the Ministry of Rural Development, relevant government agencies and civil society groups such as chiefs/traditional leaders, youth/women's groups, churches/priests/pastors, village committees and others who are interested on CDF issues. I will find out who these people are through asking those who are actively working in this area and using the networks I already have. It is expected that about 150 people will be interviewed.

- **Use of Data and Feedback:** I plan that my work will lead to publications in academic journals, book chapters and online Australian National University (ANU) discussion papers and In Briefs, and summaries will be circulated through ANU's online networks. It will also be used to inform the Solomon Islands Government policy on CDFs. Research findings and summaries will be disseminated orally through formal and informal workshops and training sessions at ANU.

- **Project Funding:** This project is funded by Australian National University, a program supported by the Australian Government through the Australian Government Research Training Program (AGRTP) Scholarship.

Participant Involvement:

- **Voluntary Participation & Withdrawal:** Participation in this interview is **voluntary** and you may
  without negative consequences, decline to take part or withdraw from the research without providing an explanation at any time until the work is prepared for publication (if your data is re-identifiable), or until data are submitted to the researcher (if no personal identifying details are collected, and participation is completely anonymous). You can refuse to answer

all or any questions. If you do withdraw, the data you have provided will be destroyed and not used.

- **What does participation in the research entail?** If you agree to participate then you will be interviewed by me. I will ask you questions about management/administrative issues regarding CDFs, roles of state/non-state actors in relation to CDFs, and more broadly ways in which the CDFs are regulated.

  If you agree, your interview may be recorded or video-recorded, and I will use the recording when I am writing up our notes of the interview, but I will generally not transcribe our notes verbatim. If you do not agree to this, only written notes will be made during the interview. Recordings or notes will be destroyed once the research project is complete. Only me will have access to the notes and the audio-recordings.

- **Location and Duration:** I anticipate that this interview will take no more than one hour. I will make sure that we meet in a quiet and private place. Should I want to follow up anything you have said, I will of course seek your permission in advance and your participation in any such follow up will be, of course, entirely voluntary.

- **Risks:**

  - It is not the intention to cause any discomfort, but some may arise during the course of the interview as the topic can be a difficult one as it may involve issues of misuse and abuse of CDFs. If this occurs, you are free to stop the interview, or not answer the question.

  - A further risk is that you may be identified by what you tell us despite our best efforts to hide your identity. I will try to minimise this by ensuring confidentiality of the material as set out below. There is also a risk that if you disclose information that amounts to evidence of your participation in a criminal activity that in some circumstances this may be legally demanded from the researchers. I encourage you to carefully weigh up any risks to your safety as a result of participating.

- **Benefits:** It is unlikely that you will personally benefit from participating in this research, but the research will be of broad benefit to the development partners, donors, people and government of Solomon Islands in that it will help to inform the responses to the challenges pertaining to CDF regulation in Solomon Islands. Both local stakeholders and leading national figures have made repeated calls for something to be done about the regulation of CDFs in Solomon Islands given that among other reasons, CDFs have continue to increase at an unprecedented level. There is therefore a need to ensure proper regulatory framework for CDFs. This is essentially what this research aims to achieve.

Confidentiality:

- **Confidentiality:** I will ensure, insofar as possible and to the extent permitted by the law, that the identities of individual participants are protected. Where quotations from interviews are used in publications, I will not be using your real name. You should know that even though I will be avoiding including identifying information in any publication, there is still a possibility that people will recognise you by the things you say during the interview, so you should

avoid disclosing sensitive information such as involvement in illegal activity or making defamatory statements.

Privacy Notice:

In collecting your personal information within this research, the ANU must comply with the Privacy Act 1988. The ANU Privacy Policy is available at https://policies.anu.edu.au/ppl/document/ANUP_010007 and it contains information about how a person can:

- Access or seek correction to their personal information;
- Complain about a breach of an Australian Privacy Principle by ANU, and learn about how ANU will handle the complaint.

Data Storage:

- **Where:** The data will be collected, stored and handled in a secure manner. Any notes taken during the research will be locked in a secure filing cabinet in the Primary Investigators' offices. Any data stored on a computer will be protected by password and will be securely backed up on the University server.
- **How long:** Data will be stored for at least 5 years from the date of any publication of the research.
- **Handling of data following the required storage period:** Electronic data may be archived for future use and physical records may be archived or destroyed. Until the destruction of the data, they will remain securely stored as specified above. If the data are shared with others, all identifying information will be removed.

Queries and Concerns:

Contact Details for More Information: Should you have any concerns at any time, you are most welcome to contact us via:

Derek Gwali Futaiasi
School of Regulation and Global Governance
College of Asia and the Pacific
Australian National University
Email: derek.futaiasi@anu.edu.au

Local phone number: +677 7249343
Local contact: Salome Topo,
World Wildlife Fund for Nature (WWF)
Gizo, Western Province
International Contact: (by email above)

Alternatively, you can forward your requests or queries to my chair and supervisor:

Associate Professor Miranda Forsyth
School of Regulation and Global Governance (RegNet)
Australian National University

Miranda.forsyth@anu.edu.au

Ethics Committee Clearance:

The ethical aspects of this research have been approved by the ANU Human Research Ethics Committee (Protocol Number 2018/774). If you have any concerns or complaints about how this research has been conducted, please contact:

Ethics Manager
The ANU Human Research Ethics Committee
The Australian National University
Telephone: +61 2 6125 3427
Email: Human.Ethics.Officer@anu.edu.au

APPENDIX I – ORAL CONSENT SCRIPT FOR PARTICIPANTS

ORAL CONSENT SCRIPT FOR PARTICIPANTS
The Regulation of Constituency Development Funds in Solomon Islands

I have read to you or talked about the Information Sheet concerning the research project. Was this information clear? Do you have any questions about the project?
Do you agree to participate in this project?

- Do you agree to answer the questions?
- Do you agree for this interview to be audio-recorded?
- Do you agree for me to take photographs of you?

When I prepare the research outputs, I can attribute information to you in three ways: full name, pseudonym, or I can use NO attribution and hold your information confidentially.

- Would you like information attributed using your full name?
- Would you like to be referred to using a pseudonym (false name)?
- Would you prefer that your information be not attributed to anyone at all?

May we start the interview now?
Record the date of this script being read.

APPENDIX J – INTERVIEW PROTOCOL

REGULATION OF CONSTITUENCY DEVELOPMENT FUNDS IN SOLOMON ISLANDS

Key Stakeholders – Interview Schedule

(Please mark answer with an 'X' unless otherwise specified)

THE INTERVIEWEE HAS:

• Been provided with information sheet explained?	Yes	
• Signed the consent form?	Yes	

1. PARTICIPANT CLASS

Member of Parliament (MP)		Former MP	
Constituency Development Officer		Permanent Secretary	
Government Officer		Village Chief/Traditional Leader	
Youth Groups		Women Groups	
Pastor/Priest		Ordinary villager	
Village Committee		Other (specify)	
Zone Coordinator		Zone leader/chair	
Subsistence farmer			

2. BACKGROUND ON INTERVIEWEE

a. Name:
b. Position:
c. Age:
d. Gender:
e. Other relevant experience:

3. QUESTIONS

(A) Responsiveness

No	Questions	Answers

1	What role do you, office, committee, body, play in managing constituency development funds (CDFs)? What roles do you see CDFs as serving? If so how? And why?	
2	Did the MPs and CDF actors consult any relevant stakeholders on the development needs of a village or his/her constituency? If so how and why? If not, why?	
3	In relation to the distribution or disbursement of CDFs, is it neutral? If so, how and why? If not, why? Any examples?	
4	Are there any projects funded by CDFs; MPs, government through MPs in this village? If not, why? If so, how is the project selected? Is it based on the village needs? How do you determine what they are?	
5	How do you, constituents communities, zones, communicate your and/or their needs to the MPs, CDOs, village committees, zone committees, constituency office? What challenges do you face concerning communication with these CDF actors and why?	
6	Any other comments you wish to highlight or share?	

(B) Transparency

No	Questions	Answers
1	Are there any projects funded by MPs (CDFs) in this village? Is the CDF project selection and implementation transparent? Is it open and publicly observable? Are there opportunities for the public to participate? Do they?	

2	Are decisions made by MPs, CDF committees, CDOs open to public? If not, why? If so how? Is the flow of CDFs transparent and traceable to specific decision-making process?	
3	How do people generally find out about how the funds have been used? Is there information regarding CDFs concerning its use on projects publicly available? How is it documented? Is it available for public viewing in a timely manner? If not, why? If so, how?	
4	Is there a process for people to make claims for projects/funds or to report misuse concerning CDFs? If so by who or what mechanism (law/policy)?	
5	Any other comments you want to make about transparency?	

(C) Administration and Management

No	Questions	Answers
1	What can you say about the administration and management of CDFs in this constituency by the MP, CDO and his/her constituency office and other non-state actors? Is it efficient, effective and transparent? In what ways? Provide examples.	
2	What can you say about the process/structure put in place by the constituency to access funds and projects under CDFs? Are there rooms/spaces for citizens to participate, streamline and implement?	
3	What can you say about the way CDFs are allocated? Is it done in a fair and equitable way? If not, how and why? If so, how and why?	
4	Are CDFs usually released in a timely manner? Are CDF	

	projects completed in timely manner?	
5	Are the release of CDFs (funds) employed as part of a legislative election campaign? If so, why and how? If not, why?	
6	How are CDFs (funds) channelled? By and through who and why? Is its access limited to official authorised administrators? If so, how and why?	
7	Are there policies/procedures or documents available to public to guide the implementation of the funds and projects under the CDFs? How are they made? And by who? Are the constituents part of their formulation and if so how and if not why?	
8	Any other comments you wish to highlight or share concerning administration and management of CDFs?	
9	Are funding (CDFs) devoted to development in constituencies to include poverty reduction, infrastructure, water, education, sanitation, health care, disaster mitigation? Does it affect the specific needs of the people?	
10	What can you say about the need for technical experts to be part of CDF projects? Did the government or relevant CDF actors make available technical support/expertise to CDF implementing agencies to ensure development projects are carried out?	
11	Are there other comments you want to make regarding administration and management of CDFs in this particular constituency?	

(D) Accountability and Oversight

No	Questions	
1	What can you say about accountability and oversight of CDFs by the state?	
2	What can you say about accountability and oversight of CDFs in Solomon Islands by non-state actors (churches, youths and women groups)?	
3	What can you say about accountability and oversight of CDFs in Solomon Islands by local communities and NGOs?	
4	Are state (MPs, CDOs, CPOs) and non-state actors (zone committees, coordinators, village committees, traditional leaders, priests, youth leaders and women groups) accountable concerning their roles, conduct and decisions in the process of implementation of CDFs? If so, how? If not, why? Is there a difference between what should happen and what actually does happen?	
5	What are the procedures/legal mechanisms (if there is any) under the current CDF framework to hold CDF actors accountable?	
6	Are there appropriate entities (state and non-state actors) with adequate monitoring and oversight capacity assigned with responsibility to hold CDF actors accountable?	
7	In your opinion, what different kinds of pressures do MPs and other non-state actors feel that influence how they disburse CDFs? Where are there tensions between these different pressures? How do they navigate them? Provide some examples if possible.	

(E) Monitoring and Evaluation

No	Questions	Answers
1	Do MPs, CDO, CDF committees (zone and constituency) and other CDF actors have a role in monitoring and evaluation? If so, what is it and why do they have it? If not, why?	
2	Do churches, village committees, youths, village leaders and priests/pastors have a role in monitoring and evaluation of CDFs? If so, what is it and why do they have it? If not, why?	
3	Are there any partnerships and networks formed between state and non-state actors concerning monitoring and evaluation? If so how and why?	
4	Is monitoring performed throughout the life of a CDF project by both the state and non-state actors to ensure its publicly stated purpose? Give an example of the last time this occurred to your knowledge.	
5	Are constituents and other legitimate stakeholders afforded opportunities to participate in monitoring process? If so how?	
6	Are there any incidents which a CDF project has been deviated from its stated purpose? If so, how? And why?	
7	Are evaluations conducted upon completion of projects by interested stakeholders? If so by who? If not, why?	

(F) General Questions

No	Questions	Answers
1	Are there any links between state and non-state actors	

	concerning decision-making about allocation, transparency, administration, management, oversight, evaluation, monitoring or regulation of CDFs? What should be the link between state and non-state actors in relation to the regulation of CDFs? Are there examples of such a link? If there is a link, how is it organised and why is it important? If there is a need for improvement, how should the link be structured and organised and why?	
2	What roles do you think a pastor/priest, youth leader, women leader or village committee play or should play in the regulation of CDFs? If so how and why? If not, why	
3	Are these bodies responsive? Are these bodies transparent? Are these bodies close to the people?	
4	In your view, do they have the capacity to ensure proper administration/management of CDFs?	
5	Are there any structures within the villages that provide a space where the church, custom, other non-state actors and the state can come together? If so, provide examples.	
6	Should the church (pastors, priests, church leaders), custom (chiefs/traditional leaders), and other non-state actors (zone leaders, coordinators, village committees) and the state (MP, CDO, CPO) work together in the regulation of CDFs? If so how and why? If not, why? What factors should characterise such arrangement? What roles should state actors and non-state actors play in such arrangement? What are the	

	likely strengths/weaknesses of such combined arrangements?	
7	As far as your experience with CDF is concerned, in your opinion what is the best way to regulate CDFs? If so how and why? Any other issues or comments you want to make?	

(G) Taiwan-China Questions

No	Questions	Answers
1	When did Solomon Islands form diplomatic relationship with Republic of China (ROC – Taiwan) and what factors characterise and influence that relationship?	
2	What are the factors that influence the ROC to fund CDFs? Is this soft power at play? And why? And how much was that funding since that time/year to its departure from Honiara, Solomon Islands?	
3	When did Taiwan start funding CDFs? What is the framework of their funding? How did it fund the CDFs? Through MPs and ministries? And why?	
4	Are there any effects or consequences of the CDFs funded by Taiwan? Are there any impacts that that fund had on the political landscape or rural development in general? And why? How successful was it?	
5	Is CDF a factor that forces Solomon Islands to switch from Taiwan to People's Republic of China (PRC)?	
6	Is PRC willing to fund CDFs? If so why and how? What factors did PRC take into account to fund CDFs? And why? How is	

	PRC going to channel the CDFs; through MPs, prime minister, or ministry of rural development or ministry of finance and treasury? Why?	
7	What projects are in PRC's interest to fund with its CDFs to the Solomon Islands Government? What sectors or who or what stakeholders is PRC focussing on? And why? What do you think PRC should do to ensure its CDF funding is realised in the rural areas? Is trilateral relationship a way forward? If so why or why not?	
8	Given the current legal framework, do you think PRC's funding for CDFs will be different from the way Taiwan funded CDFs previously? And why? How is PRC's funding of CDFs different from Taiwan?	
9	What do you think about the funding of CDFs by PRC? Should it be given to MPs or Ministries? If so who and why? Is the way Taiwan and PRC fund CDFs responsive, transparent, and accountable? In what ways do you think that CDFs funded by PRC should be responsive, transparent and accountable?	
10	Any other issues or comments you want to highlight about the CDFs funded by Taiwan and now PRC?	

APPENDIX K – CONSTITUENCY DEVELOPMENT ACT 2013 (SOLOMON ISLANDS)

CONSTITUENCY DEVELOPMENT FUNDS ACT 2013

(NO. 1 OF 2013)

CONSTITUENCY DEVELOPMENT FUNDS ACT 2013

(NO. 1 OF 2013)

PASSED by the National Parliament this twenty eighth day of March 2013.

(This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true copy of the Bill)

Taeasi Sanga (Mrs)
Clerk to National Parliament

ASSENTED *to in Her Majesty's name and on Her Majesty's behalf this 23rd day of May 2013.*

Sir Frank Utu Ofagioro Kabui
Governor-General

Date of Commencement: see section 1

AN ACT TO PROVIDE FOR THE PURPOSE OF DEVELOPING, SUPERVISING AND REGULATING THE MANAGEMENT AND DISBURSEMENT OF CONSTITUENCY DEVELOPMENT FUNDS IN A TRANSPARENT AND ACCOUNTABLE MANNER.

ENACTED by the National Parliament of Solomon Islands.

CONSTITUENCY DEVELOPMENT FUNDS ACT 2013

Short title and commencement

1. This Act may be cited as the Constituency Development Funds Act 2013 and shall come into operation on such date as the Minister may appoint, by notice in the *Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires -

"Constituency Development Funds" means the funds allocated to Constituencies under section 4;

"Ministry" means the ministry to which responsibility for the management of Constituency Development has been assigned.

Objects

3. The object and responsibility of this Act is to ensure that the management and disbursement of Constituency Development Funds is carried out with integrity and in a prudent manner with a view to safeguarding the interest of potential recipients of the funds.

Establishment of Constituency Development Offices

4. (1) There shall be Constituency Development Offices established in all fifty (50) constituencies for the management and administration of Constituency Development Funds.

(2) The funds allocated to the Ministry for constituency development purposes shall be administered and managed by the Constituency Development offices and its officers.

(3) A Constituency Development Officer shall be a public officer.

Recipients

5. (1) The funds may be allocated for development purposes to individuals, group income generating projects or community projects.

(2) In allocating funds pursuant to subsection (1), the Constituency Development Office shall have regard to providing gender equality and combating gender discrimination.

Constituency Development Plan

6. (1) Each constituency shall prepare a Constituency Development Plan based on a Constituency Development Office Profile as a basis for the disbursement of Constituency Development Funds.

(2) Each Constituency Development Plan referred to in subsection (1) shall be submitted to the Ministry for approval prior to the allocation of funds as grants.

Constituency Account

7. (1) Each constituency shall set up a Constituency Development Office Account for budgetary support purposes as approved by the Ministry.

(2) The signatories to the Constituency Account shall be the Member of Parliament for the respective constituency and the Constituency Development Officer.

Allocation

8. Allocations from the Constituency Development Funds shall be by way of grants.

Application

9. Applications for funds shall be in the form as set out in the Schedule and bear the endorsement of the Member of Parliament of the particular constituency.

Direct payment of supplies

10. Where a project has been approved as a development project, the Constituency Development Officer will pay the supplier of goods or services the appropriate payment in accordance with the prescribed Financial Instructions issued under the Public Finance and Audit Act. (Cap. 120)

Powers, duties and functions of officers

11. For the purpose of fulfilling its objects and responsibilities the Constituency Development Officer may exercise all or any of the following powers, duties and functions –

(a) act in accordance with directions issued by the Ministry;

(b) assist in the implementation of the policies and programmes of the Government with respect to the usage and disbursement of funds;

(c) enter into agreements with potential recipients of the funds;

(d) maintain proper registers, accounts and other documentation as required by the Ministry;

(e) ensure that the accounting procedures as prescribed by the Permanent Secretary, Ministry of Finance are adhered to; and

(f) do all such other acts as may be necessary for the due exercise, discharge and performance of the functions of Constituency Development Officers.

Powers of inspection

12. Any officer authorised to administer the disbursement of funds may enter and inspect at all reasonable hours any premises or place where the particular development is being carried out.

Audit

13. The Constituency Development Funds shall be subject to audit by the Auditor General under the provisions of the Public Finance and Audit Act.

Power to order investigation

14. The Ministry may cause an investigation to be carried out in respect of any constituency where it has reason to believe –

(a) that the interest of potential recipients have or are being affected;

(b) that a complaint made by a potential recipient or group of such recipients needs to be investigated; or

(c) where there is mismanagement of the funds.

Regulations

15. The Minister may make such regulations as appears to him to be necessary or expedient for carrying the objects and provisions of this Act in to effect.

SCHEDULE

(Section 9)

CDF PROJECT APPLICATION FORM

1.0 PROJECT DETAILS

1.1 Name of Project

1.2 Location
1.2.1 Village
1.2.2 Ward No/Name
1.2.3 Constituency

1.3 Basic Information about Project (state what the project involves)

1.4 Project Management (describe briefly how the project will be managed)

1.5 Name and Address of Applicant or Name and Address of Committee Members (if community project)

1.6 Project Implementation
1.6.1 Project Activities/Timeframe

1.7 Intended Outcome of Project (what will project provide when completed)

1.8 Project Beneficiaries (state approx number of persons/population)
1.8.1 Direct:
1.8.2 Indirect:

2.0 PROJECT COSTS

2.1 Budget Details (Provide a breakdown of budget. Proforma invoices from Legitimate Suppliers must be attached)

3.0 DECLARATION

I declare that all information provided are true and accurate details of this proposed project

Applicant Name: ..... Signature: .....

Date: .....

Project Endorsement

Hon. ..... MP Signature: .....

Date: .....

Honiara, Solomon Islands
Printed under the authority of the
Solomon Islands Government
Printed by Public Service Commission.

APPENDIX L – MOU BETWEEN MEMBERS OF PARLIAMENT FROM BAC, FATALEKA CONSTITUENCY AND LANDOWNERS

MEMORANDUM OF UNDERSTANDING

Dated this 28th day of May 2021

BETWEEN: Hon MAKARIO TAGINI (MP FOR BAEGU ASIFOLA CONSTITUENCY & Hon: REX RAMOFAFIA (MP FOR FATALEKA CONSTITUENCY) C/- NATIONAL PARLIAMENT OF SOLOMON ISLANDS; (referred to as the **"Members of Parliament")**

AND

Representatives and Authorized persons from landowning tribes (referred to as the **"Land Owners'**).

1. .....of Lagwae Ano tribe
2. .....of Lagwae Ano tribe
3. .....of Ngori tribe
4. .....of Ngori tribe
5. .....of Suae tribe
6. .....of Suae tribe
7. .....of Urudauwe tribe
8. .....of Urudauwe tribe
9. .....of Ausamae tribe
10. .....of Ausamae tribe
11. .....of Angitana tribe
12. .....of Angitana tribe
13. .....of Lulumu tribe
14. .....of Lulumu tribe
15. .....of Uwo tribe
16. .....of Uwo tribe
17. .....of Uraia tribe
18. .....of Uraia tribe
19. .....of Langane tribe
20. .....of Langane tribe
21. .....of Maloa tribe
22. .....of Maloa tribe
23. .....of Asai tribe

24.....of Asai tribe

1.0 Recitals;

1.1 Whereas the parties herein have mutually agreed to the construction of the Taeloa to Ataa road, and in doing so;

1.2 The Members of Parliament shall commit funds from their constituencies to support this road development project;

1.3 And that the Land owners shall allow their customary lands for the construction of the road.

IT IS HEREBY AGREED AS FOLLOWS:

2.0 Customary land ownership;

2.1 The parties recognize that the representatives herein are duly authorized persons who are mandated by their tribes to act as representatives of their tribes;

2.2 The parties further recognize that ownership of customary land is vested on the tribe and not the individual representatives.

2.3 The parties acknowledge the court decisions attached here to (if any) that affirms and grants ownership in custom to the land owners tribe or;

2.4 Even if the land has not been through any court proceedings, the parties acknowledge and recognize the ownership of the land from time immemorial.

3.0 Road Construction

3.1 It is agreed by the parties that the landowners shall allow their customary land for the construction of the road without any payment for road access.

3.2 It is further agreed that before construction starts, the landowners must carry out proper survey to identify the positions of the road and to make sure that tabu sites are protected and not damaged during excavation.

3.3 A clear demarcation of the road must be made with marks and pegs by the land owners to prevent trespass and damage to important tabu sites.

3.4 The Members of Parliament shall not be liable for any damage caused during the construction of the road if such damage is caused by fault and negligence of the landowners themselves.

4.0 Gravel Extraction;

4.1 It is agreed by the parties that the landowners shall supply free graveling for the road construction.

5.0 Machineries and Equipment;

5.1 All machineries and equipment for the road construction shall be provided by the Members of Parliament.

5.2 The Members of Parliament shall also be responsible for labor costs, spare parts, logistics and other necessary costs.

5.3 The Land owners have no right to claim ownership of machineries and equipment. These equipment & machineries are owned by the respective constituencies.

5.4 It shall be the duty of both parties to ensure that the machineries and equipment are safe.

6.0 Landing of Machineries;

6.1 It is agreed by the parties that landing of the machineries shall be on Lagwae Ano customary land.

6.2 It is further agreed that the landowners of Lagwae Ano shall not charge any landing fee nor cause any disturbance when the machineries and equipment are landed on their customary land site.

6.3 It shall be the duty of the Lagwae Ano customary landowners to ensure that machineries and equipment are safe on landing.

7.0 Personal Properties;

7.1 It shall be the duty of the landowners to ensure that when constructing the road, it does not destroy any personal property of any person as much as possible.

7.2 Any destruction of property during road construction must be resolved amicably between the parties through negotiation.

8.0 Disputes;

8.1 Any disputes that may arise between members of the landowning groups, such dispute must be resolved firstly by members of that particular tribe.

8.2 In the event that a dispute arises between two different tribes as to ownership of a particular land, such dispute shall not hinder or stop the road construction.

8.3 The parties concern may refer the dispute to any appropriate tribunal to resolve the dispute whilst road construction will continue pending outcome of the matter.

9.0 Public Road;

9.1 It shall be the duty of the Members of Parliament to ensure that the road is declared a public road by the relevant government ministries.

9.2 Upon such declaration, the road shall be maintained by the Solomon Islands government through the Ministry of Infrastructure Development.

10.0 Counter Parts;

This Memorandum of understanding may be signed in counterparts.

11.0 Binding Effect;

This MOU shall bind the successors, tribal members, agents, friends, relatives, assignees, representatives and invitees of the landowners.

12.0 Jurisdiction;

This MOU and the parties herein are subject to the jurisdiction of the High Court of Solomon Islands and the relevant applicable laws.

13.0 Amendments;

This MOU may be reviewed after 5 years with prior written consent of all parties.

Executed on the above mentioned date by the Landowners;

Name:	**Tribe**	**Signature:**
1.	.....	.....
2.	.....	.....
3.	.....	.....
4.	.....	.....

5. ....

6. ....

7. ....

8. ....

9. ....

10. ....

11. ....

12. ....

13. ....

14. ....

Witnessed by:

Name	**Status**	**Signature**
.....	.....	.....
.....	.....	.....

Signed by Members of Parliament;

Hon. Tagini Makario MP .....

Hon. Rex Ramofafia MP .....

Witnessed by:

Name: ..... Signature .....

END