

**THE PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)**

and

**THE MAKIRA PROVINCE DEVOLUTION ORDER
(NO. 1 OF 1983)**

and

THE PUBLIC HOLIDAYS ACT [CAP 151]

**THE MAKIRA ULAWA PROVINCE
CHIEFS EMPOWERMENT DAY ORDINANCE 2006**

AN ORDINANCE to create a public holiday in Makira Ulawa Province to commemorate the empowerment of Chiefs' participation in community governance

ENACTED BY the Provincial Assembly of Makira Ulawa Province.

Arrangement of sections

Section;

1. Title and Commencement
2. Public Holiday

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WHEREAS: When Solomon Islands gained its independence in 1978 a promise was made in section 114 of the Constitution of Solomon Islands that provision would be made for the role of traditional Chiefs in the Provinces. The Constitution also promised to make provision for customary law. However since independence very little has been done to fulfil those promises to maintain and uphold the chiefly and customary systems traditional to Solomon Islands.

Initial attempts were made by providing for the role of Chiefs in Area Councils, and the role of customary laws in Local Courts. For various reasons those institutions are no longer operating nationally and no alternatives have been provided. As a result Chiefs have been denied both their traditional rights and their constitutional rights, and the people of Solomon Islands have been deprived of the benefit of much of their customary heritage and traditional leadership.

Even though the national government has not successfully fulfilled its constitutional obligations Makira Ulawa Province has devised a sustainable program within the current constitution and legislative framework that are-empowers Chiefs, devolves governance (including development and law enforcement) to the community, and integrates customary laws and practices.

Because such measures are long overdue Makira Ulawa Province has decided to mark the occasion with an annual public holiday to commemorate this first significant step in reclaiming both the traditional rights and the constitutional rights of the Chiefs of the Province and their people, and also as a reminder of how such rights can be progressively diminished until they no longer exist (with the resulting deterioration of the community social structure) unless those rights are proactively protected and exercised in a sustainable manner.

The date chosen for the commemoration holiday is the day on which the people of Makira Ulawa Province exercised their will, through their Provincial Assembly, to enact the first Ordinance of a Comprehensive series of new laws designed to implement the Province's community governance strengthening program: the day on which the Makira Ulawa Province Councils of Chiefs Ordinance 2006 passed its third reading in the Provincial Assembly.

NOW THEREFORE under the powers conferred by Section 30 of the Provincial Government Act 1997, Order 5 of the Makira Province Devolution Order 1983, and Section 6 of the Public Holidays Act [CAP 151] the Makira Ulawa Provincial Assembly makes the following Ordinance -

1. Title and Commencement

This Ordinance shall be cited as the Makira Ulawa Province Chiefs Empowerment Day Ordinance 2006 and shall come into operation upon assent by the Minister of Provincial Government in accordance with Section 32 of the Provincial Government Act 1997 and publication in the Solomon Islands Gazette.

2. Public holiday

The 30th day of March in every year shall, for the purpose of the Public Holidays Act [CAP 151] or its successors, be a public holiday in all public offices in the Province to commemorate the empowerment of Chiefs' participation in community governance.

PASSED BY THE MAKIRA ULAWA PROVINCIAL ASSEMBLY

THIS 30TH DAY OF MARCH 2006

This printed impression has been carefully compared by me against the Ordinance passed by the Makira Ulawa Provincial Assembly and is found by me to be true and correct copy of the said Ordinance.

Clerk to the Makira Ulawa Provincial Assembly

ASSENTED TO BY THE MINISTER FOR PROVINCIAL GOVERNMENT

THIS TWENTY NINTH DAY OF MAY 2006

Minister for Provincial Government