



REPUBLIC OF NAURU
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MEDIA RELEASE

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Nauru Parliament votes unanimously to change the Constitution

Nauru's Parliament has passed two bills to amend the Constitution, with the unanimous support of all of the fifteen members who were present in the House at the time the historic vote was taken on Friday (21st August).

Preparations can now begin for the final step in the constitutional review process: a referendum.

Extensive public awareness raising will take place in the lead up to the referendum to be held later this year.

Key changes to the Constitution

The proposed changes to the Constitution include changing the method of electing the President: from election by Parliament to direct popular election, and adding new rights protections to the existing bill of rights, such as the right to information, access to education and children's rights. These are among the matters that will require approval by referendum before they can take effect.

Some of the amendments passed that will not require approval by referendum include the insertion of a leadership code in the Constitution, and the establishment of an Ombudsman. A change to make the Speaker of Parliament a non-MP can also proceed without approval by referendum.

A number of the constitutional amendments passed by Parliament are designed to enhance accountability and transparency in relation to public finance. Others aim to make the Constitution easier to understand by clearly stating the function of each of the arms of government and main public institutions created under the Constitution.

The Referendum

Not every change to the Constitution of Nauru requires approval by referendum, only changes to any of the important Articles listed in the fifth Schedule to the Constitution. Accordingly, the referendum will concern only one of the two constitutional amendment bills: the *Constitution of Nauru (Referendum Amendments) Bill*.

This will be the first time a referendum has been held in Nauru.

This is an important time for all Nauruans as they will now vote for or against the changes to their supreme law, which has remained unchanged in the forty-one years since Independence.

Commencement of the changes

If at least two thirds of the votes validly cast in the referendum are in support of the proposed constitutional amendments, all of the amendments to the Constitution will come into effect on the day of the next general election. If the current Parliament completes its full term, the next general election would be in May or June 2011.

If the referendum does not receive the support of two thirds of the votes cast, some of the constitutional amendments that do not require approval by referendum will still go ahead. This will require Parliament to amend the Constitution of Nauru (Parliamentary Amendments) Act to take account of the failure at referendum of certain interrelated amendments.

Unanimous support for the amendments

Any law to change the Constitution of Nauru requires the support of at least twelve of the eighteen members of Parliament.

The passage of the constitutional amendment bills exceeded the minimum procedural requirements by securing the unanimous support of all 15 members who were present.

The two bills are not government bills, but were introduced to Parliament pursuant to section 15 of the Constitutional Convention Act 2007, which required the Convention to produce a draft constitutional amendment bill that reflected the resolutions of the Convention.

In their closing debate a number of members made special note of the thorough and inclusive process that had led to the development of the bills, and expressed their hope that other jurisdictions might use Nauru's process as a model for public involvement in constitutional reform.

Constitutional Review Process

The process of constitutional reform began in 2004 when the Scotty government took action to establish a parliamentary standing committee on constitutional review (the 'CRC'), because the government had identified a number of flaws in the Constitution that needed to be addressed. In 2006 the CRC designed a six-step process of review.

The six-step process started with a public awareness campaign followed by a series of forty public consultation meetings around Nauru. This was also an opportunity for the public to make written submissions.

The third step was the establishment of an independent Constitutional Review Commission that analysed and considered all material gathered from the public.

A Constitutional Convention was then held to debate the recommendations of the Commission and the draft bills were prepared to reflect the motions passed by the Convention.

Step five involved the consideration and passage of the bills by Parliament. The Parliamentary step has taken considerable time. The bills were introduced in November 2008, considered in detail over a five week period by a Select Committee in early 2009, and again considered in detail by the Committee of the Whole over three weeks in June and August 2009.

The referendum will be the sixth and final step in Nauru's constitutional review process.

The constitutional review is a UNDP-sponsored project, which is locally managed and executed by the Parliament of Nauru.

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Interviews with Members of Parliament and project manager by arrangement.