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978-1-107-06471-3 - Constitution Making During State Building

Joanne Wallis

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CONSTITUTION MAKING DURING STATE BUILDING

How can fragmented and divided societies that are not immediately compatible with centralized statehood best adjust to state structures? This book argues that the answer to this question rests in part on the role that constitution making can play in state building. This book is an exercise in both comparative constitutional law and comparative politics, as it proposes the idea of a constituent process, whereby public participation in constitution making plays a positive role in state building. Public participation can help to foster a sense of political community and to produce a constitution that enhances the legitimacy and effectiveness of state institutions, because a liberal-local hybrid can emerge to balance international liberal practices with local customary ones. This book represents a sustained attempt to examine the role that public participation has played during state building and the consequences it has had for the performance of the state. It is also the first attempt to conduct a detailed empirical study of the role played by the liberal-local hybrid approach in state building.

Joanne Wallis is a lecturer in the School of International, Political and Strategic Studies at the Australian National University. She has previously taught at the University of Cambridge, the University of Melbourne, and Swinburne University. She completed her PhD in politics and international studies at the University of Cambridge in 2011. From January 2009 to January 2012, she was an honorary fellow of the School of Social and Political Sciences at the University of Melbourne. In 2006, she was a Fulbright Scholar at the Walker Institute of International and Area Studies at the University of South Carolina. She has also worked as a lawyer and has conducted research consultancies for Australian and international NGOs. Her research considers the role that constitution making plays in building states and nations in postconflict societies, with a particular emphasis on the opportunities for engagement between liberal and local approaches to law, governance, and development.

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For my parents,
LORRAINE AND GREGORY WALLIS

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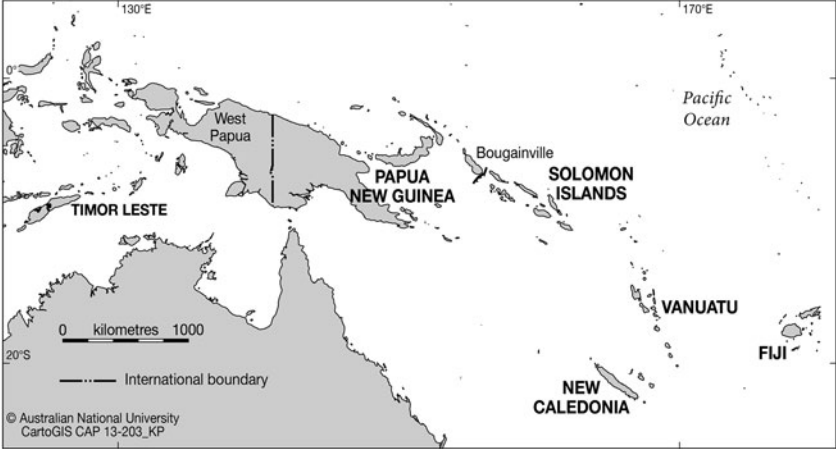
During my PhD, I received generous financial support from the Cambridge Commonwealth Trust via a Poynton Cambridge Australia Scholarship and travel and fieldwork funding. I also received financial support from Wolfson College via a Wolfson College Commonwealth Studentship and travel funding. My studies were facilitated by the Overseas Research Studentship I received from the University of Cambridge, and my fieldwork was supported by grants from the Mary Euphrasia Morely, Sir Bartle Frere, and Worts Travel Funds and the Smuts Memorial Fund.

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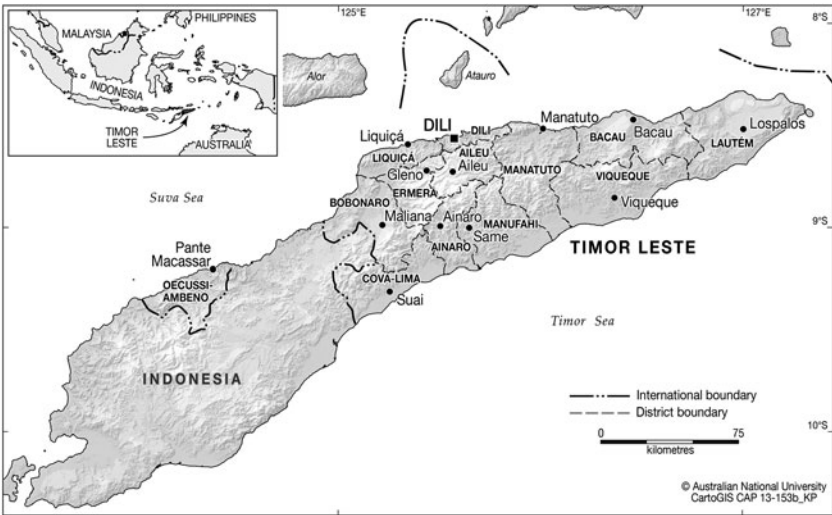
After finishing my PhD, I was fortunate to take up a position as a lecturer in the Strategic and Defence Studies Centre in the School of International, Political and Strategic Studies at the Australian National University in Canberra.

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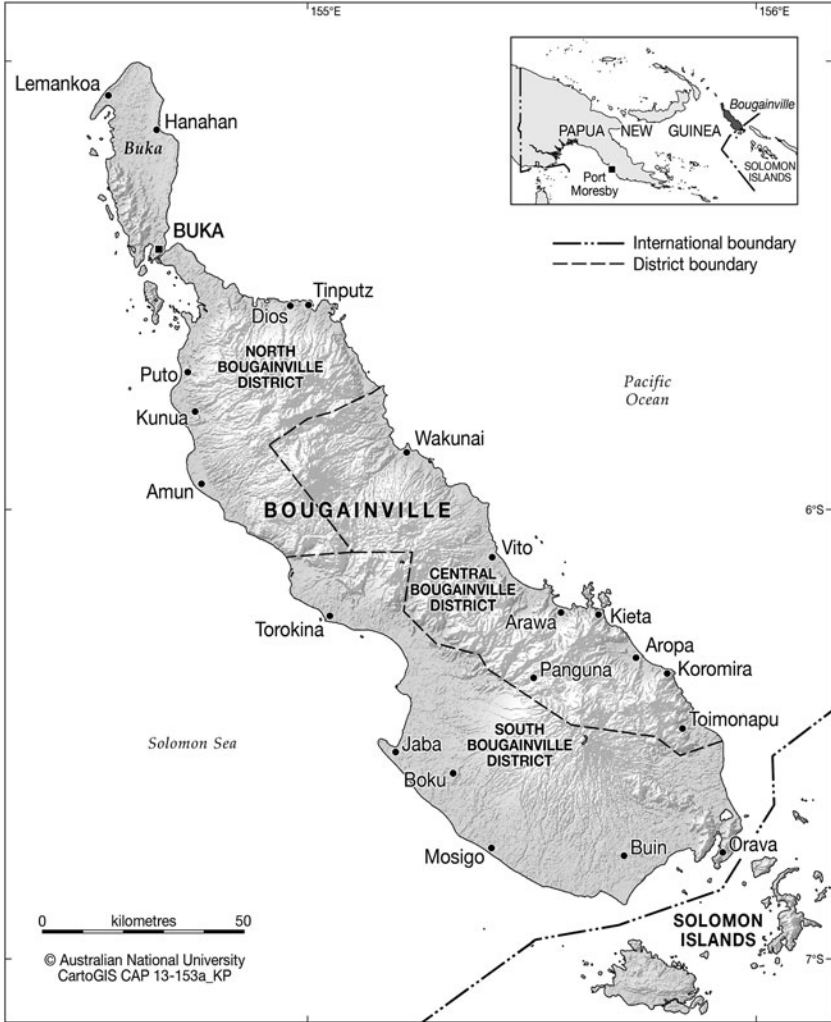
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MAP 1 – Melanesia



MAP 2 – Timor-Leste



MAP 3 – Bougainville

Acronyms

ABG	– Autonomous Bougainville Government
AMP	– Aliança da Maioria Parlamentar (Alliance of the Parliamentary Majority)
APODETI	– Associação Popular Democrática Timorese (Timorese Popular Democratic Association)
ASDT	– Associação Social Democrata Timorese (Timorese Social Democratic Association)
BCC	– Bougainville Constitutional Commission
BCL	– Bougainville Copper Limited
BFF	– Bougainville Freedom Fighters
BGK	– Bloku Governu Koligasaun (Government Coalition Block)
BIG	– Bougainville Interim Government
BIPG	– Bougainville Interim Provincial Government
BPC	– Bougainville People’s Congress
BPS	– Bougainville Police Service
BRA	– Bougainville Revolutionary Army
BRF	– Bougainville Resistance Forces
BTG	– Bougainville Transitional Government
CAPS	– Community Auxiliary Police Service
CAVR	– Comissão de Acolhimento, Verdade e Reconciliação (Commission for Reception, Truth and Reconciliation)
CNRT	– Congresso Nacional de Reconstrução de Timor-Leste (National Congress for the Reconstruction of Timor-Leste)
(The) CNRT	– Conselho Nacional da Resistência Timorese (The National Council of Timorese Resistance)
CPD-	– Council for the Popular Defence of the Democratic Republic
RDTL	– of Timor-Leste
CTF	– Truth and Friendship Commission (Indonesia–Timor-Leste)

ETPA	– East Timor Public Administration
ETTA	– East Timor Transitional Administration
FALINTIL	– Forças Armadas de Libertação Nacional de Timor-Leste (Armed Forces for the National Liberation of East Timor)
F-FD'TL	– FALINTIL-Forças de Defesa de Timor Leste (FALINTIL- Defence Force of Timor-Leste)
FRELIMO	– Frente de Libertação de Moçambique (Liberation Front of Mozambique)
FRETILIN	– Frente Revolucionaria de Timor Leste Independente (Revolutionary Front for an Independent Timor)
GDP	– gross domestic product
IDPs	– internally displaced persons
InterFET	– International Force for East Timor
JSB	– Joint Supervisory Body
KOTA	– Klibur Oan Timor Aswain (Association of Timorese Warrior Sons)
LPV	– limited preferential voting
MDF	– Me'ekamui Defence Force
MGU	– Me'ekamui Government of Unity
MHRs	– members of the House of Representatives (Bougainville)
MP	– member of Parliament
NSPG	– North Solomons Provincial Government
OMG	– Original Me'ekamui Government
PD	– Partido Democratica (Democratic Party)
PDL	– Programa Dezenvolvimentu Lokal (Decentralized Development Program)
PMG	– Peace Monitoring Group
PNGDF	– Papua New Guinea Defence Force
PNTL	– Policia Nacional de Timor-Leste (National Police of Timor- Leste)
POLRI	– Polisi Republik Indonesia (Indonesian National Police)
PPT	– Partido do Povo de Timor (People's Party of Timor)
PSD	– Partido Socialista Democratica (Social Democrat Party)
PST	– Partido Socialista de Timor (Socialist Party of Timor)
RPNGC	– Royal Papua New Guinea Constabulary
TMG	– Truce Monitoring Group
UDT	– União Democratica Timorese (Timorese Democratic Union)
UN	– United Nations
UNDP	– United Nations Development Programme

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List of acronyms

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- UNMISET – United Nations Mission of Support in East Timor
UNMIT – United Nations Integrated Mission in Timor-Leste
UNOMB – United Nations Observer Mission in Bougainville
UNTAET – United Nations Transitional Administration in East Timor
UNTAS – Uni Timor Aswain (Union on Timorese Heroes)
WILMO – Wisai Liberation Movement