



# State Society and Governance in Melanesia

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## Participatory Governance: Whose Voice? - A Workshop on Governance Initiatives in Papua New Guinea

*Participatory Governance: Whose Voice?* was the title of a workshop on local level governance initiatives, hosted by the Divine Word University in Madang, Papua New Guinea, in late June. The workshop was organised jointly by World Vision (Aust) and the ANU's State, Society & Governance in Melanesia.

Participation, voice, and accountability have become dominant themes in the programs of major donors (government and non-government) in their attempt to engineer - generally through programs in support of civil society - better governance and improved service delivery. The underlying hypothesis is that an active and informed citizenry, willing and able to voice their approval or otherwise of government and to demand of their representatives responsibility and accountability for their actions in government, is vital to deepening democracy, improving governance and achieving effective development.

The major objectives of this workshop were to explore accounts of local-level initiatives and programs (some donor-funded), gather more evidence of local political dynamics, including interactions within and between communities, local organisations and the state (the latter regularly described as dysfunctional or weak and erratic in its reach and authority, and underperforming seriously in its governance responsibilities).

Papers presented at the workshop canvassed the themes in a variety of critical ways. Dame Carol Kidu's opening address spoke of the disconnect (polarisation even) between government and community, between policy-making and the people, and of the need to build partnerships at all levels. Marjorie Andrew of the Consultative Implementation and Monitoring Council described the utility of participatory planning forums to help re-establish connections. Nao Badu, head of the National Economic and Fiscal Commission, expressed his frustration at the inability of PNG's governmental and political apparatus to fathom the costs and effort needed to provide adequate services. Professor David Kavanamur reminded us that PNG's Independence Constitution envisaged high degrees of consultation, decentralisation of power, and state/citizen interaction.

*Dr Orovu Sepoe presenting at the Whose Voice? workshop*



## Democratic Governance: Whose Voice (continued)

A number of participants addressed the importance of (re)building local-level government to facilitate voice and accountability and provide order and essential services. Others (including James Ogia) described the initiatives taken by more self-reliant communities to work with, and around, ‘gavman’; but observed that often a lack of skills and capacity (as well as, at times, customary norms – including local power structures and jealousies) inhibited progress. In some parts of the country a lack of understanding of complex issues would appear to stymie the development of an active citizenry; but in others – as Dr Eric Kwa testified in his community consultations on Forest Protection and Management legislation – a strong uptake of community and political rights and subsequent codification of customary laws was made possible.

A similar positive outcome from such intensive community contact was demonstrated by Ollie Pokana, the manager of an “Inclusive Communities” program for the Church of Melanesia in Solomon Islands. Ms Pokana detailed her organisation’s role in strengthening villages’ capacities for economic self-reliance, leadership, reconciliation and poverty reduction. Marilyn Peri’s account of a Community Health Care program in the Southern Highlands Province that has bonded five clans into an alliance, adopted policing, commercial and environmental functions, and formulated a program of requests for government assistance was a matching case.

Most case studies were essentially about community initiatives that were undertaken irrespective of the ‘state’ – not so much as tests of the state and of its accountability. All cases considered it the responsibility of the state to be involved in development and governance, though none were confident that would happen. MPs were not really regarded as the state’s

agents. These observations were similar to those of an SSGM/Divine World University 2004 Workshop on *Examining Successful Models of Community Development, Entrepreneurship and Governance*. Few case studies tested community ‘accountability mechanisms’, although a Solomon Islands paper by Ali Tuhanuku reported some early but limited success with a pilot budget-tracking initiative on education expenditure.

There is clearly no simple recipe for effective participatory action. And it is too early to evaluate the effectiveness of donor interventions in support of voice and accountability programs in Melanesia. But the author of a background paper for the Workshop, Dr Nicole Haley, had some sobering advice for those donors and community activists enthused by the prospect of an early victory for citizen politics over poor governance. Haley wrote: “demand for good governance seems to emerge as a by-product of a robust and vibrant civil society ... promoting community demand for better governance through civil society strengthening is slow, complex, incremental, iterative and a reflexive process dependent upon extensive relationship-building and investment in social infrastructure”.

For further information and for conference papers go to <http://rspas.anu.edu.au/melanesia/conferences.php>

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## Courts & Coups: Fiji’s October 2008 High Court Judgment in the Qarase Vs Bainimarama Case—Panel Discussion

On 9 October, Fiji’s High Court ruled that the President’s actions in appointing an interim cabinet in January 2007, and in continuing to rule by decree in the wake of Fiji’s December 2006 coup ‘were valid and are held to be lawful’. The decision, which effectively legitimises the post-coup interim order, is likely to be appealed.

This panel brought together eminent legal scholars and politicians and Fiji specialists to discuss the significance of the Fiji High Court’s latest decision. Podcasts are available at <http://rspas.anu.edu.au/melanesia/conflist.php?searchterm=2008>

## The Tension Trials: A Defence Lawyer's Perspective of Post Conflict Intervention in Solomon Islands—Seminar by Kenneth Averre (25 September)

This seminar provided a fascinating and very frank analysis of the so-called Tension Trials—the trials of ex-militants and others for crimes committed and allegedly committed during the recent conflict in Solomon Islands (commonly referred to as ‘the Tensions’). Kenneth Averre is one of the key players in the criminal justice system and, until recently, a long term resident of Solomon Islands. In his role as Public Solicitor, Averre oversaw and, in many instances, was directly involved in the defence of scores of accused in relation to Tension-related matters, including Harold Keke and Jimmy ‘Rasta’ Lusibaea.

The arrest and prosecution of ex-militants and their political and business associates has been a cornerstone of the RAMSI intervention. Yet, as Averre notes, there is dearth of statistical information and analysis relating to what has happened in the Solomon Islands criminal justice system since the start of the intervention in July 2003. This seminar shed light on important aspects of this story and Averre used his observations and experiences to usefully reflect on some of the broader issues surrounding the intervention, including the vexed issue of foreign influence over Solomon Islands criminal justice system.

Specific issues highlighted in the seminar included:

- the overloading of the criminal justice system caused by the large number of arrests made in the first 12 months of the intervention, leading to delays and long remand periods;

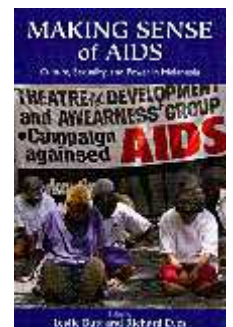
- the difficulty experienced in gaining clients’ trust and confidence in the context of a criminal justice system in which all of the players are funded by the Australian Government;
- the extent to which the criminal justice approach has obstructed the peace and reconciliation process, given that people are reluctant to admit culpability when they still have charges pending;
- questionable police procedure in relation to the conduct of interview and agreements with witnesses;
- the incompleteness of the ‘criminality’ interpretation of the conflict that has informed the conflict resolution approach of RAMSI; and
- the treatment of juveniles in the criminal justice system.

These issues raise a number of important questions which were explored to varying degrees in the seminar: Has the nation accepted the outcomes of the Tension Trials? Has the process contributed to peace and reconciliation? Are criminal justice-focused international intervention operations obliged to provide enough funding to the host nations’ criminal justice systems in order that cases may be processed within a reasonable time frame?

For a copy of the seminar paper, go to [http://rspas.anu.edu.au/papers/melanesia/working\\_papers/08\\_03wp\\_Kenneth.pdf](http://rspas.anu.edu.au/papers/melanesia/working_papers/08_03wp_Kenneth.pdf)

## Making Sense of AIDS: Culture, Sexuality & Power in Melanesia—New Book

In Melanesia, rates of HIV infection are among the highest in the Pacific and increasing rapidly, with grave humanitarian, development, and political implications. There is a great need for social research on HIV/AIDS in the region to provide better insights into the sensitive issues surrounding HIV transmission. *Making Sense of AIDS: Culture, Sexuality & Power in Melanesia* is the first book on HIV and AIDS in the Pacific region. It gathers together stunning and original accounts of the often surprising ways that people make sense of the AIDS epidemic in various parts of Melanesia. The volume addresses substantive issues concerning AIDS and contemporary sexualities, relations of power, and moralities—themes, which provide a powerful backdrop for twenty-first century understandings of the tensions between sexuality, religion, and politics in many parts of the world.



For more information or to download the introduction to the book go to:

[http://www.uhpress.hawaii.edu/cart/shopcore/?db\\_name=uhpress&page=shop/flypage&product\\_id=5252&category\\_id=b](http://www.uhpress.hawaii.edu/cart/shopcore/?db_name=uhpress&page=shop/flypage&product_id=5252&category_id=b)

## SSGM Fellows' Current Research

- **Sinclair Dinnen** is continuing his policing research with a current focus on the workings of multi-choice policing in Melanesia. Along with other colleagues in the *ARC Policing the Neighbourhood Project* (Prof Andrew Goldsmith, Dr Abby McLeod & Dr Vandra Harris), he will be presenting a paper at the forthcoming Annual Australia and New Zealand Criminology Conference (ANZOC) in Canberra in late November. He is also involved in the design of a new restorative justice strategy for the PNG Law and Justice Sector Program.
- **Richard Eves** is currently organising the workshop - *Governance at the Local Level: Melanesians Responding to Governance Issues*, 6-7 November 2008, ANU. For more information see: [http://rspas.anu.edu.au/papers/melanesia/conference\\_papers/governanceatLocalLevelWebsiteOutline.pdf](http://rspas.anu.edu.au/papers/melanesia/conference_papers/governanceatLocalLevelWebsiteOutline.pdf)
- **Vicki Luker** is working on HIV/AIDS in the Pacific with a special interest in PNG. In a recent contribution to the SSGM seminar series, *An end to AIDS exceptionalism? HIV in the Pacific and shifting contexts for the international response*, she argued for the need to see HIV within the wider context of changing patterns of health in the region and the demands they pose on services. Together with Sinclair Dinnen, Vicki is also finalising *Sex and Insecurity: law, order and HIV/AIDS in PNG*.
- **Anthony Regan's** current research and writing is directed towards completing three major projects: a book on approaches to evaluation of ombudsman & leadership codes in the Pacific; an extended paper on 'lessons' for the international community from the Bougainville peace process; and a handbook on post conflict constitution-making (jointly with Interpeace (Geneva and New York) and International IDEA (Stockholm)). He has been working with the Autonomous Bougainville Government and its Administration on a number of issues including transfer of mining powers from the national government, mining agreements, and preparations for a presidential by-election to fill the vacancy created by the death in June of President Kabui.
- **Nicole Haley** is currently finalising papers for inclusion in the 2007 PNG Election Study, and is working on a paper concerning women's participation in local level governance in the Southern Highlands.
- **Jon Fraenkel** organised a workshop, *Court and Coups: Fiji's October 2008 High Court Judgment in the Qarase Vs Bainimarama Case*, at ANU on 21 October, and is finalising chapters for publication in a book, *The Coup to End all Coups: The 2006 Military Takeover in Fiji*. He is presenting a paper on women's representation in the Pacific Islands at the Forum Presiding Officers & Clerks/Pacific Parliamentarians on Population and Development conference in Solomon Islands in November, finalising a UNDP Legislative Needs Assessment of Kiribati and writing up a joint paper with Bernard Grofman on the operation of the Borda count electoral system in Nauru.

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## SSGM People

SSGM is delighted to welcome Dr Rochelle Ball as the latest addition to the team. Rochelle is starting a 2-year Post-Doctoral Fellowship and will be undertaking a detailed study of labour mobility in the Pacific. The Fellowship is a collaborative exercise between SSGM and the Australian Institute of Criminology in Canberra. Rochelle has published widely in the area of labour migration in SE Asia, and has lectured previously at the University of New South Wales. She will be undertaking fieldwork in Australia and New Zealand, as well as in a number of Pacific island countries. Her project is an exciting and timely one. Rochelle can be contacted at [Rochelle.Ball@anu.edu.au](mailto:Rochelle.Ball@anu.edu.au)

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## Governance at the Local Level—Upcoming Workshop

The countries of Melanesia have gone through significant social changes both during the colonial period and since independence. The *Governance at the Local Level* workshop, 6-7 November, will address the ways in which traditional forms of governance have changed according to locality during this period. By drawing on the experience and knowledge of those with long-term familiarity with Papua New Guinea, the Solomon Islands and Vanuatu, we hope to gain greater insight into the changes that have occurred over time and, in particular, how local governance, decision-making and leadership structures have responded to these changes and with what outcomes. For further information go to <http://rspas.anu.edu.au/melanesia/conferences.php> or contact Richard Eves ([Richard.Eves@anu.edu.au](mailto:Richard.Eves@anu.edu.au))

## Recent SSGM Publications

### Discussion Papers

- **2008/8** Richard Eves, *Cultivating Christian Civil Society: Fundamentalist Christianity, Politics and Governance in Papua New Guinea*
- **2008/7** Nicole Haley, *Strengthening Civil Society to Build Demand for Better Governance in the Pacific*
- **2008/6** Abby McLeod, *Leadership Models in the Pacific*
- **2008/5** Debra McDougall, *Religious Institutions as Alternative Structures in Post-Conflict Solomon Islands? Cases from Western Province*
- **2008/4** Sarah Kernot & Lai Sakita, *The Role of Chiefs in Peacebuilding in Port Vila*
- **2008/3** Kate Higgins, *Outside-In: A Volunteer's Reflections on a Solomon Islands Community Development Program*
- **2008/2** Paulson Panapa and Jon Fraenkel, *The Loneliness of the Pro-Government Backbencher and the Precariousness of Simple Majority Rule in Tuvalu*
- **2008/1** Brij V. Lal, *One Hand Clapping: Reflections on the First Anniversary of Fiji's December 2006 Coup*

### Working Papers

- 2008/3, Kenneth Hall Averre MBE, *The Tension Trials—A Defence Lawyer's Perspective of Post Conflict Intervention in Solomon Islands*
- 2008/2, Jon Fraenkel, *The Dangers of Political Party Strengthening Legislation in Solomon Islands*

SSGM publications can be downloaded from:

<http://rspas.anu.edu.au/melanesia/publications.php>

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## Selected Recent Research Publications from SSGM Fellows

- **Jon Fraenkel**, 'The Dangers of Political Party Strengthening Legislation in Solomon Islands', *Pacific Economic Bulletin*, 23, (3), 2008.
- **Sinclair Dinnen** & John Braithwaite, 'Reinventing policing through the prism of the colonial kiap'. *Policing & Society*, Vol.19, No.2, June 2008, 1-12.
- **Richard Eves**, *Cultivating Christian Civil Society: Fundamentalist Christianity, Politics and Governance in Papua New Guinea*, SSGM Discussion Paper 2008/8.
- **Nicole Haley**, 'Sung Adornment: Changing Masculinities at Lake Kopiago, Papua New Guinea', in John Taylor (ed.) *Changing Pacific Masculinities*, TAJA Special Issue 20, 19(2):213-229.
- **Anthony Regan**, 'The Bougainville Intervention – Political Legitimacy and Sustainable Peace-Building', in G. Fry and T. Kabutaulaka (eds) *Intervention and State-building in the Pacific: The Legitimacy of 'Cooperative Intervention'*, Manchester, Manchester University Press, pp.184-208.

## Seminars and Conferences

### Recent SSGM Seminars

- 25 Sept, Kenneth Averre, *The Tension Trials—A Defence Lawyer's Perspective of Post Conflict Intervention in Solomon Islands*
- 28 August, Vicki Luker, *An End to AIDS Exceptionalism? HIV in the Pacific & Changing Contexts for the international AIDS Response*
- 21 August, Bill Standish, *Changing Concepts of the Big-Man in Papua New Guinea*
- 14 August, Peter McCawley, *How Should Aid Donors Work in Fragile States?*
- 31 July, Manuhua Barcham & Francis Hutchinson, *Rethinking Service Delivery in a Fragile State Environment: the Solomon Islands Education SWAP*
- 17 July, Nick Bainton, John Cox & Anthony Regan, *Parallel States, Parallel Economies: Legitimacy & Prosperity in Melanesia*
- 10 July, Anthony Regan, *Bougainville After Kabui: Leadership Transition & Other Critical Choices*
- 3 July, Mike Bourke, *Poverty in Rural Papua New Guinea*
- 29 May, Ian Scales, *Small-Holder Market Chain Rehabilitation in Post-Conflict Bougainville*
- 27 May, Philip Alpers, *Small Arms Non-Proliferation and Weapon Destruction in the SW Pacific: How the Global Spread of Firearms was Slowed, even Reversed in Melanesia and Australia*
- 22 May, Sam Alasia, *Fishing on Dry Land: An Analysis of the Leadership & Political Crisis in Solomon Islands – December 2007*
- 15 May, John Braithwaite, *Peacebuilding Compared: Working Paper Number 1: Papua, Indonesia*

Further information on SSGM upcoming and past seminars can be found at the following link:

<http://rspas.anu.edu.au/melanesia/seminars.php>

### Land, Politics & Development in Melanesia Workshop (29 July), Solomon Islands

The workshop *Land, Politics & Development in Melanesia* was held on 29 July at SICHE, USP Campus, in recognition of Solomon Islands' thirty years of Independence. Further information about the workshop and workshop papers can be downloaded at <http://rspas.anu.edu.au/melanesia/conferences.php>

### Upcoming Conferences & Workshops

- **AusAID Pacific Islands Workshop**, 22-23 October, at the ANU. Further information can be found at [http://rspas.anu.edu.au/papers/melanesia/conference\\_papers/AusAID22\\_23October2008.pdf](http://rspas.anu.edu.au/papers/melanesia/conference_papers/AusAID22_23October2008.pdf)
- **Governance at the Local Level: Melanesians Responding to Governance Issues**, 6-7 November, at the ANU, contact Richard Eves ([richard.eves@anu.edu.au](mailto:richard.eves@anu.edu.au)). For further information go to [http://rspas.anu.edu.au/papers/melanesia/conference\\_papers/governanceatLocalLevelWebsiteOutline.pdf](http://rspas.anu.edu.au/papers/melanesia/conference_papers/governanceatLocalLevelWebsiteOutline.pdf)

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