



Promoting equity and managing conflict in development

# August 2013 Research Report

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## Justice Delivered Locally Systems, Challenges, and Innovations in Solomon Islands

Matthew Allen, Sinclair Dinnen, Daniel Evans, and Rebecca Monson



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Cover Photos (clockwise from top-right):

*Chupu* Ceremony at Kakabona, Guadalcanal Province, 2010;

Church building, Mamarana Village, North west Choiseul, Choiseul Province, December 2012;

Logging Truck at Kanaba Ward, Rennell Island, Renbel Province, February 2012;

New Police Recruits, RSIPF Headquarters, Rove, Honiara, Guadalcanal Province.

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Matthew Allen, Sinclair Dinnen, Daniel Evans, and Rebecca Monson

Legal Vice Presidency  
The World Bank

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# Foreword and Acknowledgements

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The World Bank's Justice for the Poor (J4P) program has been supporting the "Justice Delivered Locally" (JDL) initiative of Solomon Islands' Ministry of Justice and Legal Affairs since 2010. JDL furthers the Solomon Islands Government policy of reinvigorating local-level justice systems. This research report presents the findings of extensive research conducted across Solomon Islands relevant to local-level justice service delivery. The authors are specialists in the field of justice and dispute resolution in Pacific Island societies.

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# List of Acronyms

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<b>ANU</b>	Australian National University
<b>AusAID</b>	Australian Agency for International Development
<b>BSIP</b>	British Solomon Islands Protectorate
<b>CCC</b>	Christian Care Centre
<b>CFC</b>	Christian Fellowship Church
<b>CO</b>	Community Officer
<b>CDFs</b>	Constituency Development Funds
<b>DC</b>	District Commissioner
<b>DO</b>	District Officer
<b>FSC</b>	Family Support Centre
<b>GLF</b>	Guadalcanal Liberation Front
<b>ICC</b>	Isabel Council of Chiefs
<b>IFM</b>	Isatabu Freedom Movement
<b>J4P</b>	Justice for the Poor
<b>JDL</b>	Justice Delivered Locally
<b>LLCTC</b>	Lauru Land Conference of Tribal Communities
<b>MEF</b>	Malaita Eagle Force
<b>MOU</b>	Memorandum of Understanding
<b>MP</b>	Member of Parliament
<b>NCRA</b>	National Coalition for Reform and Advancement (Government)
<b>NGO</b>	Nongovernment Organization
<b>NPC</b>	National Peace Council
<b>ODPP</b>	Office of the Director of Public Prosecutions
<b>PNG</b>	Papua New Guinea
<b>PPF</b>	Participating Police Force
<b>PSO</b>	Public Solicitor's Office
<b>RAMSI</b>	Regional Assistance Mission to Solomon Islands
<b>RDP</b>	Rural Development Program
<b>RSIPF</b>	Royal Solomon Islands Police Force
<b>SBD</b>	Solomon Islands Dollar
<b>SDA</b>	Seventh-day Adventist (Church)
<b>SIAC</b>	Solomon Islands' Alliance for Change (Government)
<b>SIG</b>	Solomon Islands Government
<b>SSEC</b>	South Seas Evangelical Church
<b>TPA</b>	Townsville Peace Agreement
<b>UNCDF</b>	United Nations Capital Development Fund
<b>UNDP</b>	United Nations Development Programme
<b>UNICEF</b>	United Nations Children's Fund
<b>VO</b>	Village Organizer

# Glossary

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**Area Constable:** A post-independence officer who operated at the area council level (see below) and was responsible for enforcing council bylaws and assisting in the provision of basic services. In all provinces, except Renbel and parts of Choiseul, the position was made redundant following the suspension of area councils in 1998.

**Area Council:** Formerly the lowest level of government in Solomon Islands, established under the *Provincial Government Act 1981* and suspended in 1998. When operational, area councils enacted various community-level bylaws. Numerous officers were once employed by area councils, such as village health workers and area constables.

**Betel nut:** The nut of the fruit of the Areca palm tree. The nuts are chewed and combined in the mouth with crushed lime, which is dipped with either the leaf or fruit of a creeping vine (most commonly known in Solomon Islands as *korokua*). Chewing has a mild stimulant effect and may cause increased alertness.

**Bride price:** The Pijin term for goods given by a groom's family to the family of his bride to formalize a marriage. Societies in Solomon Islands vary according to the emphasis put on this presentation and the degree to which it is matched by a presentation from the bride's side to the groom. Bride price is not practiced across all of Solomon Islands. For example, bride price is not common in Polynesian communities, such as Renbel province and Tikopia, or in Western and Isabel provinces.

**Chupu:** A Guadalcanal word referencing a "pile" or "heap." It is commonly used to refer to the ceremony involving the presentation of a group of items consisting of shell money, pigs, food, and other goods and cash. It is a common mechanism across Guadalcanal province for settling conflicts and restoring social relationships.

**Cognatic:** A system of descent in which claims to group membership, land, and social status are traced through both male and female genealogical links. Most kinship systems in Solomon Islands have been shown to be cognatic, but some place more emphasis on descent through men and others through women.

**Community Officer (CO):** Lay community members appointed under a trial community policing project initiated by the Royal Solomon Islands Police Force in late 2009.

**Constituency Development Funds (CDFs):** A pool of annual discretionary funds provided by Taiwan, China and the Solomon Islands Government to national members of parliament.

**Council Messenger:** Predecessors of area constables (see above). Council messengers were empowered to, among other things, arrest people and bring them before the local or magistrate's court. The Council Messenger position no longer exists.

**Customary land:** Land held according to *kastom*. Around 87 percent of land in Solomon Islands is said to be held according to customary tenure. Access to and control over customary land depends largely on social norms, hierarchies, and kinship systems. In Solomon Islands, large territories are very often associated with a kin group, and particular areas within those territories (notably land for gardening or housing) is more firmly associated with particular individuals or families.

**Guadalcanal Liberation Front (GLF):** A Guadalcanal militia group active during the "tension" (see below) period.

**Homebrew:** Locally produced alcoholic drink usually made with yeast, sugar, and water or green coconut juice (and sometimes other fruits) and left to ferment for a number of days.

**Indirect rule:** An approach to government prevalent throughout the British Empire that sought to harness the preexisting authority of local leaders for the purposes of colonial rule, sometimes by identifying “chiefs” and giving them formal roles within the colonial administration.

**Isatabu Freedom Movement (IFM):** A Guadalcanal militia group active during the “tension” (see below) period.

**Kwaso** (slang *kwa*): A word derived from parts of north Malaita (Lau, Fataleka, and Baegu language areas) meaning “ripe” (as in ripe betel nut or ripe fruit). *Kwaso* is a distilled alcohol introduced in Solomon Islands in the mid-1990s made using yeast, sugar, and water.

**Lotu:** Pijin word meaning religion or prayer.

**Maasina Rule:** An indigenous religio-political movement that commenced in Malaita province in 1944 and protested colonial rule.

**Malaita Eagle Force (MEF):** A Malaitan militia group active during the “tension” (see below) period.

**Masta Liu:** English word “master” combined with “liu,” a word derived from north Malaita (To’abaita language area) meaning to wander around aimlessly. It is typically used to describe unemployed youth who frequent the streets of the capital Honiara.

**Matrilineal:** A system of descent in which membership in landholding clans is traced primarily from mother to daughter, though important connections to land and kin are often also traced through men. The people of Guadalcanal province (with the exception of the Marau Sound area) as well as Isabel, Central, and Makira provinces are often said to follow a matrilineal descent system. In practice, this refers to the emphasis placed on tracing claims through a succession of matrilineal links, as claims may also be traced through men.

**Melanesia/Melanesian:** The southwest division of Oceania, including the countries of Fiji, New Caledonia, Vanuatu, Solomon Islands, and Papua New Guinea, all of which lie northeast of Australia. Melanesia is also home to Micronesian and Polynesian ethnic groupings.

**Moro Movement:** An indigenous movement founded by Chief Pelise Moro on the Weather Coast of southern Guadalcanal in the mid-1950s. It emphasized the revival of *kastom* largely in response to state government.

**O2:** Popular term used across Solomon Islands to refer to a partner in an extramarital relationship. Female relationships in a man’s life are colloquially referred to as “O1” (wife or first partner), “O2,” “O3,” etc., in accordance with the order in which the relationships began.

**Patrilineal:** A system of descent in which membership in landholding clans is traced primarily from father to son, though important connections to land and kin are often also traced through women. The people of the Polynesian islands of Rennell, Bellona, Tikopia, Anuta, and Ontong Java place an emphasis on patrilineal descent, but claims may also be traced through women.

**Pijin:** The *lingua franca* of Solomon Islands. A variety of Melanesian pidgin with primarily English-derived lexicon and elements of Austronesian grammar.

**Primogeniture:** The system of inheritance by the firstborn, specifically the eldest son, to the exclusion of younger siblings.

**RAMSI:** The Regional Assistance Mission to Solomon Islands. A 15 country, police-led mission primarily funded by Australia that arrived in Solomon Islands in July 2003. The initial aim of RAMSI was to restore law and order and help to rebuild state institutions that had been weakened during the “tension” (see below).

**Tabu:** Pijin word referring to an in-law relationship.

**Tambu:** Pijin word meaning taboo.

**Talina:** Guadalcanal word referencing a type of shell money used in parts of Guadalcanal province.

**Tasiu:** A religious order of the Melanesian Brotherhood of the Anglican Church formed in 1925. The initial aim of the Melanesian Brotherhood was to form a band of brothers (*tasiu*) to take the Gospel of Jesus Christ to heathen areas of Melanesia.

**The “Tension” or “Ethnic Tension”:** Local term used to refer to the period of civil conflict and disorder that befell Solomon Islands from 1998 to 2003.

**Tripod:** A term coined by Isabel province leaders to describe a partnership formed through a memorandum of understanding between the provincial government, church, and the Isabel Council of Chiefs to work together to foster community development and improve delivery of basic services at the community level.

**Waku:** Pijin word meaning Asian person. Originally derived from the Cantonese phrase *wah kiu*, meaning to “reside outside” (Moore 2008, 64). Chinese traders are recorded as having first arrived in Solomon Islands in 1913–14 (Bennett 1987, 206).

**Wantok/Wantokism** (slang *toko*): Literally, “one who speaks the same language” (“one talk”). *Wantokism* is used to describe the relationships of mutual obligation and support between near and distant kin, and those sharing other kinds of social and geographical associations (e.g., from the same village, area, or province). Depending on their location and relationship, people who speak different languages and are of different ethnicities may even describe themselves as *wantoks*.

# Overview of Key Findings

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The Justice Delivered Locally (JDL) initiative of Solomon Islands' Ministry of Justice and Legal Affairs aims to inform government and donor efforts to improve justice service delivery in Solomon Islands. This report documents the results of extensive qualitative research conducted in five of the country's nine provinces, exploring the contemporary justice needs and experiences of rural Solomon Islanders—the 80 percent of the population residing outside of the capital, Honiara.

The research attempts to understand the nature of disputation and sources of grievance affecting rural communities, the harm or damage that has a significant, lasting impact, and the various mechanisms that are utilized to obtain redress or manage conflict. Efforts have been made to understand justice from the perspective of the user—the choices that citizens make in managing disputes and grievances; the factors that influence their preference for particular solutions or institutions, or their decision to take action at all; how they interact with institutions in an effort to manage those disputes; and their satisfaction with the chosen courses of action.

Multiple dispute management and governance systems have been a reality in Solomon Islands at least since the colonial period. Traditional forms of governance were overlaid with the British colonial administration and included hybrid forms of policing and justice, in addition to government court and law enforcement systems. The legitimacy and effectiveness of core governance institutions and processes of the postcolonial state eroded rapidly after independence in 1978, with the state widely seen as having retreated from its service delivery and public order functions. By 1998, the lowest tier of government (area councils) had been suspended.

Today, there are various overlapping systems relevant to dispute management. These are the state institutions, such as the courts and the police, and the locally based, nonstate systems, which include the “*kastom* system” and the various Christian church denominations found throughout Solomon Islands. The composition, effectiveness, and legitimacy of these institutions vary significantly across the country, such that it is not possible to talk of a uniform system of local justice.

In many locations, these systems—and, in particular, the *kastom* system—were observed to be under strain, due mainly to larger processes of change and newer types of conflict stresses. To some extent, however, this is countered by a capacity for local innovation, adaptation, and reconfiguration—an ongoing process that signifies a willingness to absorb outside influences and experiment with increasingly hybridized models of community governance, including dispute management.

The key findings documented in this report are highlighted below:

**Four main types of disputation were found:** social order problems, predominantly arising from substance abuse; development and land-related disputes; problems arising from nongovernmental organization (NGO), donor, and government projects; and marital disputation and domestic violence.

- The most widespread problem encountered during the research was antisocial behavior stemming from substance abuse. In some research locations, the production, distribution, and consumption of drugs and alcohol (*kwaso* [a distilled alcohol], marijuana, homebrew, and store-bought alcohol) were endemic and overshadowed other sources of disputes. The direct involvement of the authorities, including the police, chiefs, and local leaders, in the production, distribution, and/or consumption of drugs and alcohol often exacerbates this problem, undermining the legitimacy of existing governance institutions.

- Like elsewhere in Melanesia, customary land-related disputes are a dominant feature of Solomon Islands' social landscape, and these disputes registered as a serious concern. Land disputes are accentuated and intensified when land ownership or resource ownership becomes associated with economic benefits.
- The presence or otherwise of natural resource development, particularly in the form of logging, is the most significant determinant of community cohesion and harmony. Those areas that were in the midst of, or had recently experienced, logging activities were generally the most fractious and dysfunctional, with substantial social order problems and crime. Frequently, disputes can be traced to the payment and distribution of royalties, rents, or access fees, which are captured by a small number of individuals, typically senior males, who hold tenuous claims to land ownership.

**Where it exists and is functional, the nonstate *kastom* system, typically equated with the authority of "chiefs," is the most commonly used mechanism to deal with disputation and grievance.** Churches, largely through the medium of mutual prayer, are also frequently utilized. On the whole, both systems are well understood and are regarded as having a legitimate mandate to deal with various localized problems.

**However, the *kastom* system is increasingly fragile in many locations, and is not dealing effectively with either substance abuse or land disputes.** Land-related disputes in particular are, in many respects, contributing to an erosion of the effectiveness and legitimacy of the *kastom* system. In some places, the system appears to have broken down altogether, due to the entanglement of chiefs and local leaders in parochial and self-interested power struggles, especially in areas experiencing logging.

**All existing institutional mechanisms, including the court system, were unable to deal with disputation arising from logging.** Where accessible, the police are alleged to regularly support loggers who are able to pay for their services. In those instances where the court system is an available option, it is generally too slow to act, and orders, when issued, are often ignored. As the *kastom* system has often been severely undermined owing to the entanglement of chiefs in logging activities, local processes are simply not capable of mediating the conflicts effectively, and affected citizens are left without remedy.

**At the same time that citizens express a preference for utilizing nonstate systems, they express a desire for improved responsiveness from state justice and governance mechanisms.** This is especially the case when local systems are nonexistent, discredited, or overwhelmed, or the dispute is considered particularly serious. Despite generally negative sentiments about state policing and court services, the state is nevertheless regarded as a legitimate player in local-level governance and dispute management, and there is a strong call for the revival and expansion of the state presence. This is especially the case among the older generation, who often express considerable nostalgia for the institutions of the colonial period.

**Local-level policing and court services have been subject to a gradual process of administrative centralization ostensibly carried out in the name of cost-cutting.** Contemporary state resources are overwhelmingly concentrated in Honiara, with only a limited presence in provincial capitals. Outside the areas of health and education, the state has the most tenuous of connections with rural communities. A defining point in this regard was the suspension of area councils in 1998. It is evident from the research that the current configuration of state policing and court services alone is unable to deliver security and justice services to the rural population. This is not solely an issue of resourcing; more fundamental administrative and structural reforms are also required, including a willingness to experiment with new forms of engagement.

**Contemporary governance innovations derive, in part, from the colonial experience, and the establishment of a variety of committees, councils, panels, houses, and associations at various political levels (community, ward, and province) has left an enduring legacy.** These collectives are typically made up of senior male leaders, but may also incorporate other sections of the community. Often these initiatives are tailored toward fostering development, but in some forms also play a community governance and dispute-management role.

They are often highly organized, being governed by detailed, written constitutions and are sometimes registered as trusts. Where such initiatives exist, they may enact and enforce community bylaws. A recurring theme has been the development of laws by provincial assemblies that seek to incorporate chiefs into the state structure or grant them a degree of punitive power. A commonly held view is that outside initiatives should aim to engage at the local level through existing governance arrangements. Throughout the research, a readiness on behalf of most communities to “take control” of their own problems was observed. For example, there were repeated calls for greater formalization of those localized governance structures that are functioning relatively well.

In light of the fact that effective and sustainable justice reform outcomes in Solomon Islands require a deep understanding of the profile of disputes and grievances and the nature and quality of the various institutions that mediate them, this research paper endeavors to fill a critical evidence gap. Forthcoming are a fiscal and institutional analysis of the lower-tier courts and a policy note synthesizing the recommendations that have emerged from a number of pieces of empirical work undertaken by the JDL initiative.

# 1. Introduction and Methodology

## 1.1 INTRODUCTION

This report presents the research findings of the Justice Delivered Locally (JDL) initiative of Solomon Islands' Ministry of Justice and Legal Affairs, which was supported by the World Bank's Justice for the Poor (J4P) program. The research involved extensive fieldwork in communities across five of Solomon Islands' nine provinces and consultations with a wide range of stakeholders at the national, provincial, and local levels, and also draws on a significant body of research and other relevant data relating to justice, governance, and the management of conflict in Solomon Islands and comparable contexts.

JDL supports the Solomon Islands Government (SIG) policy of reinvigorating local-level justice systems.<sup>1</sup> This is based on an understanding that developmentally important local governance and conflict management capacities (both state and nonstate) have been significantly weakened since 1978, the post-independence era, and were not rebuilt even after the period of violent conflict and social disorder known as the "tension" (1998–2003). With much of the international assistance for justice going to state institutions in Honiara, JDL is intended to inform decision making on ways to strengthen the delivery of justice services to the 80 percent of the population living outside of the capital.

Five core, open-ended questions guided the research:

- What are the main disputes that communities are dealing with?
- What are the existing systems for dispute management at the local level, how are they functioning (both as discrete systems and in terms of interactions between them), and with what resources?

- In what ways are disputes and dispute management experienced differently by men and women and what is the extent of women's participation in dispute management at the local level?
- How do people feel about the services that the existing systems are delivering—are they seen as capable, legitimate, or effective?
- What are the main gaps in justice service delivery, in what ways do those gaps hinder development and threaten to fuel conflict, and what could realistically be done to improve the situation?

Overall, the research indicates that rural citizens by and large prefer to use locally based, nonstate systems to address disputes. These local nonstate systems, where functioning, are generally seen as culturally relevant, responsive to local needs, accessible, and well understood. However, these local *kastom* systems, typically associated with "traditional" authority exercised by chiefs, are under immense stress owing to larger processes of change and newer types of conflict. They have also suffered markedly from the perceived retreat of the state that has accelerated in the post-independence era. Linkages established in the colonial period have fallen away, leaving local nonstate systems largely adrift, without any form of regular state connection or support. While there is considerable geographical variation, in some places local systems have broken down altogether. This is due in part to the entanglement of chiefs and local leaders in parochial and self-interested power struggles, especially in the context of natural resource development, particularly logging.

<sup>1</sup> Solomon Islands' National Development Strategy 2011-2020 (2010) and The National Coalition for Reform and Advancement (NCRA) Government: Policy Statement (2010).

<sup>2</sup> The perception of state retreat was widespread among those interviewed. An alternative perspective is that of political reordering resulting in different forms of state projection of authority at the local level. Under this view, the dismantling of colonial and immediate postcolonial local governance institutions has not created a vacuum of authority, but has rather been replaced by an alternative political ordering projected through the heavy use of constituency development funds.

A preference to use nonstate systems is not inconsistent with a desire for improved state responsiveness when local systems are overwhelmed or unable to respond appropriately to dispute and crime. Police and lower-level courts are almost universally considered ineffective. The extension of policing and magistracy is limited outside of provincial centers, while lower-level courts rarely sit due to a variety of structural, administrative, and resourcing problems. Nevertheless, the state is seen as a legitimate player in local-level governance and dispute management, and there is a strong call for the revival and expansion of the state presence (especially through policing). As detailed in section 2, much nostalgia exists among the older generation for the local governance and justice architecture of the colonial and immediate postcolonial era, which variously included headmen, council messengers, area constables, and native/local courts. Many amongst this generation feel that these institutions successfully projected government power using minimal resources in a manner that the postcolonial state has failed to achieve.

The above situation leaves many people with little access to any effective system of dispute management, and in some instances, vulnerable to the vagaries of local power brokers. Where institutions of justice are increasingly unable to respond to local needs, people raise concerns about physical safety and security, land-related disputes that undermine social cohesion, and community development initiatives that both contribute to social conflict and ultimately fail because of unresolved grievances. Accordingly, the justice dimensions of the development challenge facing contemporary Solomon Islands as revealed through the research can be stated quite simply: many people in rural Solomon Islands do not have access to either effective state or locally based justice systems to enable them to mediate or resolve the changing nature of disputation that they face. This situation undermines efforts to promote broad-based and inclusive development, fuels citizen-state distrust, and risks keeping Solomon Islands on a path of fragility (World Bank 2011; Dinnen, Porter, and Sage 2011). However, the research also discloses a willingness for local innovation, adaptation, and reconfiguration—

an ongoing process that signifies a preparedness to absorb outside influences and experiment with increasingly hybridized models of community governance, including dispute management.

In addition to focusing on what might be considered purely law and justice-related concerns, that is, general notions of right and wrong from a legal perspective, this report also presents issues that touch on contemporary realities and general concerns for rural Solomon Islanders. In part, this stems from the methodology employed, which sought to understand broadly the causes of disputation and grievance at the local level. As can be expected, some of these issues were not equal to those that would generally be met by a state response, but are perceived nevertheless as contributing to community disharmony. They also, more often than not, involve or lead to criminal conduct. In many respects, it was the culmination of what might be considered small-scale social disturbances, some but not all of a criminal nature, that caused the most detrimental effect on everyday life in many of the communities visited. Pure legal or criminal justice intervention—whether by state or nonstate actors—is simply unable to address many of these issues.

This paper is the fourth in a series that has been produced under the JDL initiative.<sup>3</sup> Forthcoming is a fiscal and institutional analysis of local courts, customary land appeal courts, and magistrates' courts, and a final note synthesizing policy recommendations from all of these components. While this work was undertaken under the purview of the Ministry of Justice and Legal Affairs, the findings and analysis presented herein represent the views of the JDL researchers and do not necessarily reflect the views of the SIG.

## 1.2 METHODOLOGY

The analytical methods applied to the fieldwork were predominantly qualitative in nature. Extensive field research in five of the nine provinces of Solomon Islands—Guadalcanal, Malaita, Isabel, Renbel, and Western provinces—commenced in September 2010 and concluded in December 2011. On average, these field trips lasted one month. The exceptions

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<sup>3</sup> The first document is a literature review focusing on local-level justice (Goddard 2010), the second is a comparative analysis of various local-level courts in Melanesia (Evans, Goddard, and Paterson 2011), and the third is an evaluation of the RSIPF Community Officer project (Dinnen and Haley 2012). These documents can be accessed at <http://www.worldbank.org/justiceforthe poor>.



Introductory Community Meeting, Isuna village, Weather Coast, Guadalcanal province, September 2010.

were Renbel province, where the research team spent approximately two and one-half weeks, and Guadalcanal province, from where the team typically returned to Honiara following a number of day trips (including also five days spent on the Weather Coast). This was complemented by further fieldwork involving the same group of researchers in the same provinces (with the exception of Renbel) in August 2011 for an evaluation of the Community Officer (CO) initiative of the Royal Solomon Islands Police Force (RSIPF).<sup>4</sup>

Field research typically involved a combination of introductory community meetings, focus group discussions, and individual informal interviews. Gender and generational triangulation was achieved by conducting separate focus group discussions with male youth, female youth, women, men, and community leaders, with participants self-selecting their group. In some localities various focus groups were combined, depending on the composition of the research team and the number

of participants, although the gender differentiation was maintained in all instances. In total, some 86 communities across the five provinces were visited (see Annex) and more than 3,000 individuals participated in focus group discussions.<sup>5</sup> The community meeting component of the field research encompassed:

- Two hundred thirty-five focus group discussions, involving the key theme of the common causes of community disputation and grievance and an analysis of the local-level and state systems in place to address them;
- Roughly 310 individual interviews that explored in greater depth specific issues raised by participants in focus groups, frequently focusing on particular cases, or interviews with those identified as having an active role in dispute management (principally chiefs, community officers, retired or serving native/local court officials, and church officials).

<sup>4</sup> This latter research resulted in a published evaluation. See Dinnen and Haley (2012).

<sup>5</sup> This figure is based on the number of participants present at the commencement of focus group discussions; however, it was not uncommon for a focus group discussion to begin with a small number of individuals and end with in excess of 30 or more participants.

A field guide set out the research protocol, including issues of ethics and risks. It was designed to enable flexibility in discussions in order to elicit local-level views on the presence, utility, and effectiveness of state and nonstate justice institutions as well as the often nuanced interplay between them. Researchers typically began discussions by asking participants about the kinds of disputes and grievances they experienced and how these unfolded. The advantage of such an approach was threefold. First, it introduced to participants in a logical and straightforward manner the broad subject matter of the research. Second, the general inevitably led to the specific, with discussions on common grievances and disputation allowing participants to move to first-hand accounts and invoke the various systems in place to manage such issues. Third, it avoided the risks associated with commencing from an analysis of the institutions involved in dispute resolution and conflict management, which can often result in a more narrow examination of individual systems. All community-level interviews and group discussions during the fieldwork took place in Solomon Islands' Pijin or local vernaculars (Solomon Islands is comprised of approximately 75 distinct languages).<sup>6</sup>

### Choice of field sites

As noted, the research was conducted in five of the nine provinces of Solomon Islands, with additional interviews taking place in Honiara (see map 1). The provinces selected were chosen in order to assess, compare, and contrast the governance and justice issues and systems in areas that differed in terms of population (Malaita is the most populous province in Solomon Islands and Renbel the least), ethnicity (Polynesian in Renbel and Melanesian elsewhere), systems of descent, the legacy of the tension (most striking in southern Guadalcanal, the northeast plains of Guadalcanal, and Malaita, though important in other ways in other provinces) and what, anecdotally, was understood to be different degrees of community organization.

Field sites within each province were selected in an effort to capture socio-geographic diversity both within and between provinces on the basis of the following characteristics:

- urban/peri-urban environments
- areas where some form of commercial activities had taken place (for example, logging)
- sites without any major commercial activity and that are not easily accessible by road, sea, or air transport

On the basis of the above criteria, the three sites selected for Guadalcanal province were Kakabona (peri-urban), the northeast plains of Guadalcanal (commercial activities), and the Weather Coast (remote and not easily accessible). The sites selected for Isabel province were Buala provincial center and surrounding communities (urban/peri-urban), Kia (commercial activities), and inland communities in the Kaevanga and Tatamba regions (remote and not easily accessible). The sites selected for Malaita province included the Auki provincial center and surrounding communities (urban/peri-urban), East Kwaio, East 'Are'are, and South Malaita (remote and not easily accessible), and north Malaita (commercial activities). For Western province, the sites included communities around the provincial center of Gizo (urban/peri-urban), Kolombangara through to parts of Marovo (commercial activities), and Northwest New Georgia, Rendova, and Ranongga (remote and not easily accessible). Usually, researchers visited numerous villages within each site. Where practical, an effort was made to balance the distribution of field sites to consider different language groups and Christian denominations (which are detailed below in section 4). Depending on the size of the province visited and its relative development, it was not always possible to strictly adhere to the above site selection model (for example, Renbel province).

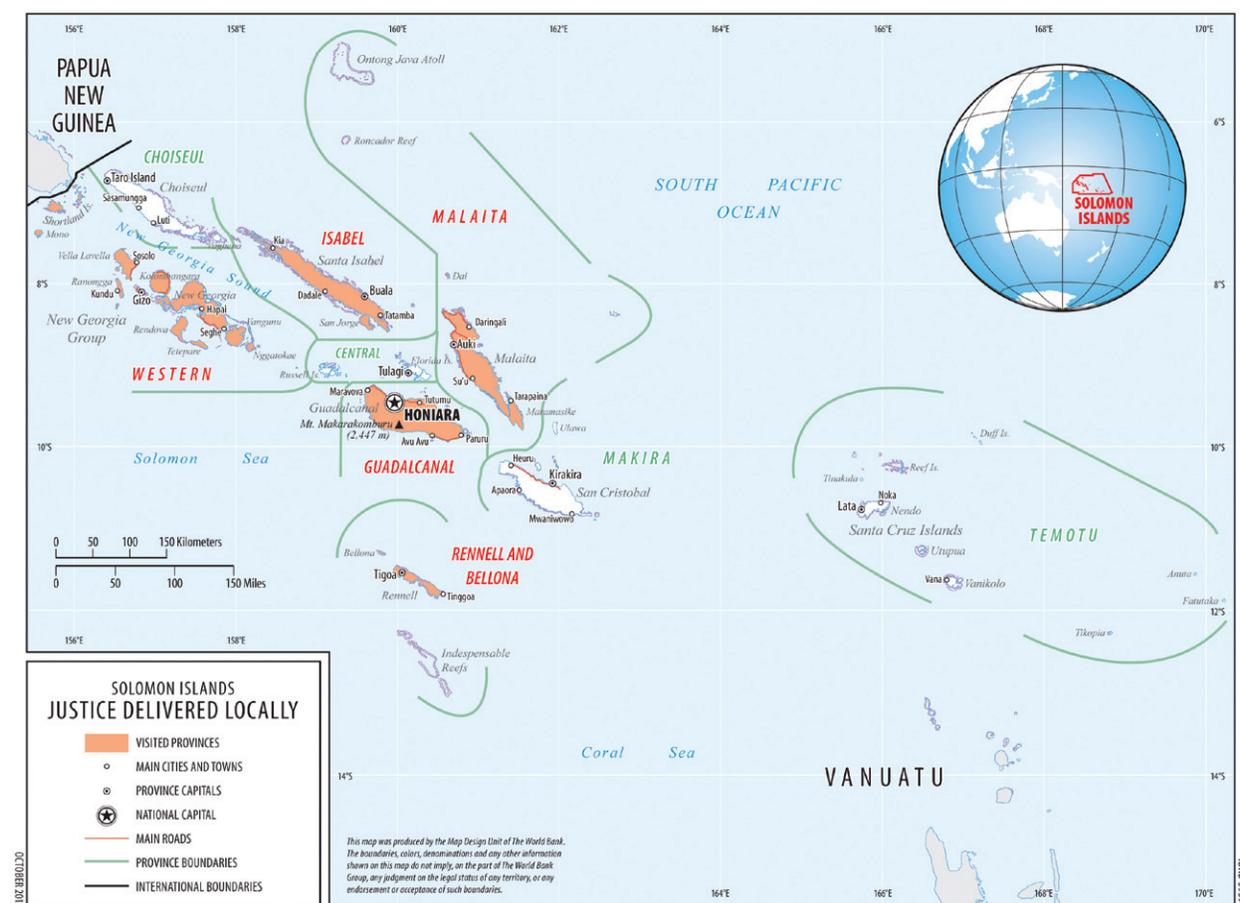
### Researchers

A mixture of Solomon Islander and foreign researchers were engaged throughout the fieldwork. All of the foreign researchers were staff of the Australian National University or the World Bank. A local researcher from each province ensured that the team had a more nuanced and in-depth understanding of context, and helped to facilitate community access and foster participant confidence.

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<sup>6</sup> A number of common Pijin terms were utilized during the research to convey various English words and phrases. Importantly, the Pijin word "raoa" was typically used for dispute, while the term "downem raoa" (to minimize disputes) or "solvem raoa" (to solve disputes) was generally used when exploring the dispute-management systems in place in a given community.

Map 1. Provinces Visited During JDL Fieldwork



The research team was comprised of men and women, with women research team members typically interviewing female participants and men interviewing male participants. On average, the research team consisted of two women and three or four men. Core members of the research team participated in three days of classroom training on qualitative research methodologies in Honiara in January 2011. Intermittently throughout the research, and particularly when holding meetings in provincial centers, the research team was joined by a senior official of the Ministry of Justice and Legal Affairs, typically the Under Secretary.

### Additional data sources

Beyond the original field research, data for this paper were also sourced from:

- Consultations with relevant stakeholders based in Honiara, including provincial government members and officials, serving and former national members of parliament, magistrates, court officials, members of the Royal Solomon Islands Police Force (RSIPF), heads of various justice agencies, senior staff of the Ministry of Justice and Legal Affairs, church leaders, and prominent community members, including chiefs.
- A literature review completed in September 2010 on justice delivery and dispute resolution at the local level in Solomon Islands (Goddard 2010).
- A comparative analysis of hybrid courts in Melanesia completed in April 2011, a component of which was an analysis of the local court system of Solomon Islands (Evans, Goddard, and Paterson 2011).

- Available quantitative data from sources, including the now defunct Community Sector Program *Snapshot Surveys* comprising 300 villages and conducted in late 2005; the Regional Assistance Mission for the Solomon Islands (RAMSI)-SIG *People's Surveys*,<sup>7</sup> including specific questions incorporated into the 2011 survey for the JDL research; and data provided by the RSIPF, the High Court, and the Central Magistrate's Court.
- A variety of primary materials obtained during the fieldwork, including community group constitutions, community bylaws, judgments, village plans, and the like.

### Limitations

Like all qualitative research, there are a number of limitations that need to be noted. First, due to time and resource constraints, the fieldwork was confined to five of Solomon Islands' nine provinces. Nevertheless, anecdotally and through available qualitative and quantitative data sources, the findings and recommendations that are presented in this report are broadly applicable across the whole of Solomon Islands, with the exception of Honiara, which has unique justice concerns.

A second limitation is the exclusion of children research participants.<sup>8</sup> There are unique challenges to undertaking qualitative research with children that the research team was not equipped to manage. On balance, the findings that could be obtained by conducting separate interviews with children did not outweigh the risks, time, and efforts involved. Similarly, the experiences of migrant settlers were not explored to the same extent as the experiences of other groups,<sup>9</sup> due to the small size of the research team and concerns that focusing on settlers could cause division within the selected communities. Nevertheless, where possible, the views of settlers were canvassed through one-on-one interviews and

sometimes in focus group discussions in which both settlers and "landowners" were present. In addition, the field research included two settler communities, the Gilbertese community of Titiana in Western province and the Sau community of Fanalei/Fouele in south Malaita.

Although the terms "tribe" and *kastom* are used throughout this report, it is acknowledged that there are inherent problems in the use of both. Their meaning has been the subject of considerable debate, and as neither has a definitive definition and both are highly subjective, they have taken on specific historical, political, and place-based meanings.<sup>10</sup> There are also questions of scale around the term "tribe." In acknowledging these issues, it is nevertheless the case that both tribe and *kastom* were terms used by the vast majority of those consulted during the research, and their presence in this report is simply a reflection of what was relayed by interlocutors during the fieldwork.

Finally, it should also be noted that although various sections of the paper are dedicated to women's experiences around local-level justice, the research methodology was not targeted to elicit detailed information about gender-based violence.<sup>11</sup> In order to better elicit such information, it would have been necessary to provide specialized training to researchers, include "devices" in the context of facilitating group and individual discussions that would enhance disclosure in a cultural context in which women are unlikely to volunteer information about gender-based violence, and adopt a consistent use and definition of "violence." In the timeframe available and given the numerous other issues that needed to be canvassed, this was not possible. As a result, this research may underreport gender-based violence to some extent, and more focused studies are necessary to provide greater information on the forms, prevalence, causes, and consequences of this societal problem.

<sup>7</sup> Available at <http://www.ramsi.org/>.

<sup>8</sup> Youth were included in the research with separate focus groups in the majority of field sites including male and female youths. Youth participation in these focus groups was on the basis of self-selection, but invariably involved unmarried young men and women aged in their teens or twenties. The reference to children here is a reference to those falling outside of this group, generally meaning those of primary school age or below.

<sup>9</sup> "Migrant settlers" is used to refer to those individuals or groups who are not indigenous to a specific area and have typically come from relatively far away (i.e., another island or province). It is acknowledged that there are problems with this term and the risk that it overplays a delineation between landowners and settlers. Many places in Solomon Islands are comprised largely of people who were born or raised elsewhere or who have been living in an area for generations.

<sup>10</sup> More on the meaning and usage of *kastom* can be found in section 4.1 below.

<sup>11</sup> See, for example, Ellsberg et al. (2001). See also WHO (1999).

## 2. Historical Background and Contemporary Context

The contemporary justice systems in place in Solomon Islands, both state and local nonstate systems, cannot be understood without attention to the colonial period (1893–1978). Local nonstate systems have their origins in the precolonial period but have also been profoundly shaped by the colonial and postcolonial experience.<sup>12</sup> Although the fieldwork disclosed much nostalgia for the methods of service delivery employed during the colonial era, the colonial government was by no means a benign force. Initially, the colonial state undermined local systems and leadership by taking away the autonomous authority of leaders and subjecting them to discipline and violence. Once subdued, transformed, and made dependent upon the state, they were partially reincorporated into the formal machinery of government. The dispute-management and governance systems and processes established at that time continue to have significant repercussions in the way in which justice and governance are presently observed and practiced at the local level. Systems and processes introduced during the colonial era also provide an important insight into how devolved administration and service delivery, including policing, might be achieved in current times. Further, notional dichotomies between local/traditional systems and state justice systems cannot be sustained in the face of the prolonged and profound changes that have occurred in Solomon Islands since the arrival of missionaries and the colonial government.

A key feature of post-independence Solomon Islands is the reordering of politics and the projection of state authority in ways that have significantly eroded the colonial era systems. The 1998 demise of area councils has been an important factor in the seemingly unrestrained growth of antisocial behavior and contestation in many rural communities today. As the lowest level of subnational government, the area councils provided devolved policing and justice

components and intermediary mechanisms linking state and local-level authority. In their absence, state structures of authority are largely missing from local communities.

### 2.1. LOCAL SOCIAL ORDERS AND THE STATE

Solomon Islands is one of the most socially diverse and geographically fragmented countries in the world. Its current population of just over one-half million people speaks roughly 75 different languages and is dispersed widely across an archipelago consisting of over 900 islands, with the largest concentration on the islands of Malaita, Guadalcanal, and those of the Western province. Over 80 percent of Solomon Islanders live in rural areas, and individual identities and allegiances remain highly localized.<sup>13</sup> Although cross-cutting ties associated with inter-marriage, social mobility, and globalization are important, moral frameworks drawing on local *kastom* and Christianity remain critical in shaping local socialization and the organization of everyday life.

The character of local communities in Solomon Islands varies enormously, though they are generally organized around some configuration of quasi-traditional authority structures and those of the various churches. A capacity to manage conflict and disputation has always been a feature of small-scale, self-regulating Melanesian societies, though more as aspects of their overall social order rather than as discrete and formalized justice systems *per se*.

Local social orders have demonstrated remarkable resilience and capacity to adapt in the face of the socioeconomic and political transformations associated with missionization (the arrival of Christian missionaries), colonial rule, and the more recent processes of globalization. A deliberate undermining and gradual incorporation of local justice and governance systems into the state was a feature of colonial pacification. New forms of contemporary

<sup>12</sup> A detailed rendering of the historical evolution of local justice and governance in Solomon Islands can be found in Goddard (2010).

<sup>13</sup> The latest census figures (2009) indicate that 19.8 percent of the Solomon Islands' population is urban (Solomon Islands 2012b, 1).

conflict stresses associated largely with natural resource development, especially logging, have placed additional pressure on local systems. At the same time, the modern state in Solomon Islands, as elsewhere in Melanesia, remains acutely fragile in terms of its institutional capabilities, penetration of local social orders, and ability to deliver essential services to the bulk of its population.

The perceived disconnect between the centralized system of government and the predominantly rural-based population has long been a source of local and regional grievances in different parts of the country and constitutes a major fault line running through Solomon Islands' modern political history. It is also considered an important factor contributing to the civil conflict or tension, as it is known locally, that engulfed the nation between 1998 and 2003. The historical dimensions of these local-central tensions are critical to understanding the county's contemporary dynamics.

## 2.2. THE COLONIAL PERIOD: INDIRECT RULE – HEADMEN, CHIEFS, COURTS, AND COUNCILS

Before the British colonized what is now known as Solomon Islands in 1893, legal and social order was observed to be highly diverse. Precontact socio-political organization was characterized primarily by relatively egalitarian “big-man” systems, though chiefly systems also existed; in some places, both achieved status and hereditary title coexisted and were complementary (Keesing 1985). Dispute management variously involved direct action (warfare, revenge attacks), the sanction of sorcery, the intervention of local leaders, and compensation payments (Goddard 2010, 6–9).

After colonization, British district commissioners (DCs) and district officers (DOs) exercised direct authority over the people (Bennett 1987, 210), with dispute management a key feature of their role:

At every village there were disputes brought to the DC to settle – if he could – often minor land disputes, problems over compensation for “swears”, either insults or something more serious such as calling someone’s relation a loose woman. Then there were the complaints of money lent to someone who had



District Officer William Bell holding court, Malaita province, 1916. Image courtesy of the Martin and Osa Johnson Safari Museum.

not returned it and moved to another island. (Tedder 2008, 237)

The grafting of English common law onto local practices often produced incongruous results:

An assassin in a blood feud, whose homicide was culturally legitimate and even a duty, would find himself before a bewigged and unintelligible magistrate, then imprisoned in Tulagi [the pre-World War II capital] for weeks or months while his crime of breaking an alien law he had never heard of was reviewed in Fiji, then led to the gallows. (Keesing and Corris 1980, 30)

Motivated by financial, administrative, and political exigencies, the British introduced a system of indirect rule in the 1920s. The aims of the new system were to reduce the cost of administration, enable the protectorate to function with a small professional staff, and mollify local actors who were calling for greater participation in running their own affairs (Akin forthcoming, 11).

The first step toward indirect rule involved the appointment of Solomon Islander men to various positions—district headmen, village headmen, and village constables—responsible for carrying out the orders of the DCs and DOs.<sup>14</sup> However, the ability of appointed headmen to manage disputes was

<sup>14</sup> This system was initially instituted under the *Native Administration Regulation* of 1922. Bennett states: “District headmen were paid £12 per year...village headmen £3, and constables £1 10s. For an outlay of less than a thousand pounds per year, or 1.6 percent of the protectorate’s annual expenditure for the years 1922-1927, the demands of the government could be brought right into the villages” (1987, 210–11).

sometimes undermined by the fact that they were not accepted by the people. Some men appointed had competitors in the surrounding area, and communities were divided as to the legitimacy of their leadership. The requirement that headmen speak English or Pijin also meant in some cases that leaders with a wide support-base in their communities were passed over in favor of those who could speak those languages but who lacked local standing. Headmen across Solomon Islands ultimately came to wield substantial power as middlemen between the colonial and local social orders.

In addition to indirect governance structures, in the early 1930s, tacit approval was given to the establishment of “native tribunals” for the purposes of justice delivery. The British-appointed headmen were also given prominent roles in the operation of these tribunals. By the eve of the Second World War, “native courts” and “native councils” were presiding over cases of “native custom” in many parts of the country (Bennett 1987, 280–82).<sup>15</sup>

A period of civil disobedience linked to resistance to colonial rule occurred from the late 1940s to the 1950s, characterized by locally led efforts to install invented forms of indigenous governance. For example, under the auspices of *Maasina Rule*, a religio-political movement that protested colonial rule, communities on Malaita province and on neighboring islands attempted to develop a hierarchical system of chiefs and to codify a system of *kastom* law based on an amalgamation of traditional and foreign rules, including many derived from Christian doctrine and government law. They also pressed for the institution of a popularly chosen, rather than government-appointed, Malaita-wide council (Laracy 1983; Akin forthcoming). Similarly, on the Weather Coast of Guadalcanal province, the Moro Movement, which was strongly influenced by *Maasina Rule*, invoked *kastom* law as a challenge to the legitimacy of colonial law and sought to establish *kastom* chiefs (Davenport and Çoker 1967).

Partly as a result of these resistance movements, colonial authorities recognized that administrative

structures had to be more genuinely inclusive of local representatives. Training courses were provided for headmen, council members, and clerks (Bennett 1987, 305). Native courts, presided over by government-appointed headmen and “chiefs,” continued to expand, dealing with minor criminal, civil, “customary,” and land cases. In the 1960s, administrative structures involving local leaders, chiefs, and local councils representing rural areas throughout the islands were established (Premdas 1982, 243).

These initiatives served to generate a notion among colonial authorities of traditional “chiefs” (Keesing 1997, 251), who applied “customary law,” “predicated on an assumption that a timeless, enduring and pre-European ‘native custom’ existed that could be isolated and authenticated for legal purposes” (Akin 1999, 49; Laracy 1983). Among Solomon Islanders, a similar mythology of native custom and timeless tradition was used to validate movements such as *Maasina Rule*, despite their numerous innovations (Akin forthcoming). The idea of a dichotomy between “traditional” law and leadership and government rule became institutionalized, and a preoccupation with how these two systems should be articulated has been a feature of governance and development policy planning to the present day, particularly in relation to justice delivery at the community level. A feature of this dichotomy in contemporary discourse is that *kastom law* is often erroneously interpreted by outside observers as referring to a pre-European “native custom.”

### 2.3 THE POST-INDEPENDENCE PERIOD: A REORDERING OF THE STATE

These structures of local justice and governance carried over into the early post-independence period. “Native courts” were renamed “local courts” and “area committees” became “area councils.” Area councils—once the lowest level of government in Solomon Islands—were comprised of elected members whose functions included collecting basic taxes and business license fees, facilitating province-community dialogue, devising policies on a variety of issues such as land use and tourism,

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<sup>15</sup> While practice varied from place to place, native councils and native courts were chaired by government-appointed headmen and staffed by traditional leaders (“elders” or “heads of lines”). In some places, this had the effect of reinforcing the authority of headmen. In others, however, the new system provided opportunities for traditional leaders to reassert their authority and some headmen found themselves usurped by “informally elected representatives to the court” (Bennett 1987, 282).

and undertaking public education campaigns on a number of topics. “Council messengers,” later known as “area constables,” were employed by area councils to assist in the enforcement of local bylaws and local court decisions. They also acted as intermediaries between local council areas and the wider state justice system, referring serious matters to the police and state court hierarchy. In 1988, there were 42 local courts across Solomon Islands hearing approximately 1,800 cases annually (Takoa and Freeman 1988, 74).

This system was effectively dismantled in 1998, when the area councils were suspended, officially as a cost-saving measure. This step was carried out against the backdrop of an indigenous “structural adjustment” program which included efforts to reduce the size of the public service.<sup>16</sup> As a result, some 328 councilors and a large number of administrators and officials, including area constables, were dismissed and the raft of community bylaws administered at this level disappeared overnight.<sup>17</sup> Local courts also fared badly after independence. Prior to the suspension of the area councils, a process of administrative centralization of the courts took place, similarly in the name of cost-cutting. Today, local courts exist largely in name only, and despite a handful of sittings annually, they are, for reasons further explored in section 4, largely moribund. When they do sit they hear only customary land-related disputes rather than the more extensive repertoire of local disputation managed previously (Evans, Goddard, and Paterson 2011, 11).

Today, Solomon Islands has two formal levels of government, the national government and nine provincial governments, which nominally provide citizens with the most proximate presence of the state. The introduction of constituency development funds in 1992 and their growth since that time has seen significant public monies allocated directly to national members of parliament (MPs).<sup>18</sup> Discretionary spending by MPs is largely targeted at the individual and household levels and surpasses central government funding of provincial governments. Together with a concentration of functions at the central level, the role of subnational government has been further eroded by the exponential growth of this MP discretionary spending. The effective elimination of local government through the suspension of area councils, coupled with the current weakness of the provincial government system, is important in understanding the errant condition of state service delivery today, including state justice services. Some have highlighted the coincidence in timing between the suspension of area councils and the outbreak of violence on Guadalcanal that occurred shortly thereafter—the tension period of 1998–2003. Scales, for example, observes that the “removal of the local policing and justice systems removed restraints on anti-social behaviour that were formerly available” (Scales 2003, 9). While the precise causality remains debatable, there can be little doubt that the disappearance of these older administrative systems—and specifically their policing and justice dimensions—has made the task of effectively managing disputes and contestation in rural localities more difficult.

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<sup>16</sup> When the Solomon Islands Alliance for Change (SIAC) Government of Bart Ulufa’alu came to power in 1997, the economic situation was dire, with external funders reluctant to provide financial assistance (see Knapman and Saldanha 1999, 124). The SIAC embarked on a substantial structural adjustment program that included a reduction in the size and cost of the public service and a review of the provincial government system. The SIAC Government established a special select committee known as the Provincial Government Review Committee, with a mandate in part to “consider whether or not to retain the area councils in view of the political desire to legally and fully recognise the authority and influence of the traditional leaders over resources and people.” Against this backdrop, in March 1998—one month before the release of the national budget—the then Minister for Provincial Government, Hon. Japhet Waipora, issued an order to suspend all area councils, subsequently citing the “bad financial situation experienced by the Government” and the inability to pay the salaries and allowances of area councilors (see *Kongungaloso Timber Co Ltd v Attorney-General*, High Court of Solomon Islands, October 22, 1999). Internal government correspondence from this time provides further justifications for the suspension: (i) the inability of government to pay for area council elections; (ii) the nonfunctioning of many area councils; and (iii) their inability to raise revenue from dedicated revenue streams (Hon. Fred Fono, MP, Letter to Hon. Japhet Waipora, MP, January 20, 1998). Following the government’s own structural reform efforts was an August 1998 US\$25 million loan by the Asian Development Bank that included a requirement that the Solomon Islands public service be reduced (Larmour 2005, 103). The suspension of area councils was intended to be temporary, pending the review of the provincial government system. The introduction of direct constituency development funds for national members of parliament in 1992 has also been posited as a reason behind the demise of area councils (see Scales 2003, 9).

<sup>17</sup> Renbel and Choisuel are the only provinces to have retained area constables. The latter province engages two area constables on the island of Wagina, while Renbel province engages six across the islands of Rennell (four) and Bellona (two).

<sup>18</sup> For a discussion of the history of constituency development funds in Solomon Islands, see Solomon Islands’ Parliament, *Hansard*, August 29, 2008, available at [http://www.parliament.gov.sb/files/hansard/8th\\_session/8th\\_meeting/Hansard-29.08.08.pdf](http://www.parliament.gov.sb/files/hansard/8th_session/8th_meeting/Hansard-29.08.08.pdf).

#### 2.4. THE “TENSION,” 1998–2003<sup>19</sup>

What became known locally as “the ethnic tension” or simply the “tension” began in late 1998, when groups of young Guadalcanal militants calling themselves the Isatabu Freedom Movement (IFM) initiated a violent campaign of harassment that led to the eviction of around 35,000 migrant, mainly Malaitan, settlers from their homes in the rural and peri-urban areas east and west of Honiara. A rival militant group, the Malaita Eagle Force (MEF), emerged in late 1999. Made up of men who had been living on Guadalcanal province before the start of the conflict and others who had come from Malaita province, the MEF established a “joint operation” with the Malaita-dominated paramilitary Police Field Force, and following a raid on the national armory in Honiara, staged a *de facto* coup in June 2000.

An important structural cause of the conflict was the spatial inequality in socioeconomic opportunities brought about by long-standing patterns of uneven development and, related to that, the migration of people from the densely populated and undeveloped island of Malaita to Honiara and adjacent areas of Guadalcanal province. Tension between settlers and indigenous landowners intensified, bringing their social and cultural differences into stark relief. Local people began to resent Malaitans’ perceived domination of land and employment opportunities. Disputes also emerged within landowning groups about the land transactions that had enabled Malaitans to settle on Guadalcanal province in increasing numbers (Allen 2012b; Monson 2012). These internecine disputes over land had an intergenerational dimension, reminiscent of the origins of the Bougainville conflict in neighboring Papua New Guinea.<sup>20</sup>

Relative deprivation was also an important grievance for many Guadalcanal militant leaders, most of whom were from the underdeveloped Weather Coast of southern Guadalcanal. Other structural factors contributing to the conflict included:

- The weak institutional capacity and limited reach of the postcolonial state.

- The ongoing strength of localism and regionalism, and corollary calls for greater devolution and provincial autonomy.
- The presence of relatively large numbers of poorly educated and underemployed young men.
- Chronic political instability, and close ties between the political elite and the notoriously corrupt logging industry.

Proximate or triggering causes of the conflict included the role of political elites in manufacturing ethnic conflict in pursuit of their own political and economic agendas; the disruption to political patronage networks engendered by the combined impact, in the late 1990s, of declining demand for log exports due to the Asian financial crisis and the subsequent reform agenda of the Solomon Islands’ Alliance for Change Government; and the demonstration effects of the Bougainville conflict, particularly on the thinking of young men on Guadalcanal province.

The specter of all-out ethnic conflict receded following the signing of the Townsville Peace Agreement (TPA) in October 2000. However, the TPA failed to establish a lasting peace, as the police were seriously divided and ineffective, weapons remained in the hands of militants, and opportunistic violence and criminality continued in Honiara and certain other areas. On the remote and undeveloped Weather Coast of Guadalcanal, a second joint operation consisting of police and former members of the IFM continued to fight maverick Guadalcanal leader Harold Keke and his Guadalcanal Liberation Front (GLF) followers, who had refused to sign the TPA. A particular feature of the fighting on the Weather Coast—although by no means confined to southern Guadalcanal—was widespread sexual violence against women and girls (discussed further in section 4.2). Most large-scale commercial enterprises had closed down, government services

<sup>19</sup> Portions of the discussion contained here can be found in Allen (2011b).

<sup>20</sup> Bougainville’s decade-long conflict (1988–97) began with the militant actions of local landowners at the giant Panguna copper mine who were aggrieved over existing benefit distribution arrangements. Following heavy-handed responses by Papua New Guinea’s security forces, the localized dispute at Panguna escalated into a wider secessionist struggle waged between the self-styled Bougainville Revolutionary Army (BRA), the PNG Defence Force, and armed local groups (“the Resistance”) opposed to secession.



RAMSI organized weapons surrender, Weather Coast, Guadalcanal province, August 2003.  
*Image courtesy of the Regional Assistance Mission to Solomon Islands.*

were severely affected, and public funds were rapidly depleted as a result of the manipulation of the compensation process, the corrupt use of ex-militants' demobilization and rehabilitation funds, and the direct theft and extortion of government finances.

By 2003, it was clear that the SIG was incapable of resolving the crisis and that an external circuit breaker was necessary. Following a second request for international assistance by then Prime Minister Sir Allan Kemakeza, RAMSI, a coalition of 15 states led by Australia, was deployed in July 2003.

## 2.5. THE CONTEMPORARY CONTEXT

Justice reform efforts in the post-tension period have been largely influenced and led by RAMSI and have centered on state institutions based in Honiara. Separate from the police, unprecedented levels of assistance, most commonly in the form of international advisers, who initially carried out in-line roles, has been provided to central justice institutions. While this support has had numerous positive outcomes—the prosecution of militants, rogue police, and some former politicians involved in tension-related matters and a significant upgrading in correctional services—in many respects, the centralized nature of the assistance has caused the rural population to perceive a further decline in the state's presence and effectiveness. At the same time, and as described in section 4 of this paper, local nonstate systems are severely challenged by growing social and economic tensions.

During the fieldwork, it was observed that nostalgic references to a colonial past when "government" was present in rural areas often accompanied contemporary discussions about local governance and the management of disputes. Contemporary nostalgia relates to enduring local perceptions about how those earlier administrative systems, including their policing and justice dimensions, appeared capable of projecting government power throughout most of the country, in a way that the postcolonial state has singularly failed to do. The perceived advantages of older administrative and governance mechanisms can be distilled down to the connections and linkages they established between different levels of government and different forms of authority. First, they are viewed as having provided effective vertical links connecting the capital-based government system and the rurally based population. Second, it is claimed that these older local-level administrative systems ensured a more integrated approach to service delivery with horizontal links between different agencies, including, for example, the police, courts, and other local officials. Finally, they are seen by many as having enabled mutually constructive interactions between state and local systems that ensured a degree of coherence between the multiple systems discussed above. A return to this real or imagined past, however, is unlikely. The current political trend is in favor of further centralization and the projection of the state through constituencies, rather than through more robust forms of subnational government.

## 3. The Nature and Drivers of Disputation and Grievance

An objective of the JDL research has been to document the nature and drivers of disputes that are commonly occurring in rural communities across Solomon Islands, and the way these issues are being managed. While the research discloses much intra-provincial variation, it also reveals a number of commonalities, most striking of which is the pervasiveness of what in isolation could be characterized as small-scale social disturbances. Within given geographic areas, neighboring communities are experiencing similar difficulties. In the same way, all of the groups spoken to in individual field sites—women, men, youth, and leaders—identified the same issues, although frequently placing differing emphases on cause and effect. As discussed below, disputes and grievances varied more between regions and provinces, and the most common cause of differentiation was whether or not a community had experienced or was experiencing natural resource development, particularly logging.

The discussion that follows is not confined purely to criminal offending and “law and justice” problems *per se*. Rather, the methodology employed sought to understand more broadly the underlying causes of disputation and grievance at the local level. Examined in this part of the paper are the processes of development and change that are giving rise to or exacerbating particular forms of local-level conflict and disputation, especially in relation to the four most prevalent problems encountered: the erosion of social cohesion due to widespread substance abuse and linked to this, changes in youth behavior; land- and natural resource-related conflicts; disputes arising from local development projects; and marital disputation and domestic violence.

A further feature of disputation in Solomon Islands is that conflicts, especially those pertaining to development, are rarely localized and frequently have ripple effects elsewhere. This is a consequence of the widespread internal migration and new technologies discussed below. Accordingly, disputes over a logging concession in west Rennell, for example, may prompt relatives and friends of the divergent parties located in the Honiara areas of White River or Mamana Water to adopt positions in line with those of their kin at home. This can lead to a breakdown in relationships in the capital and, sometimes, violence.

### 3.1. SUBSTANCE ABUSE AND YOUTH CULTURE

The most prevalent cause for concern raised by interlocutors during the research relates to the undermining of social cohesion caused by antisocial behavior. Highlighted here are two key elements of this concern: the endemic problem of substance abuse and the changing nature of youth culture.

#### Substance abuse

The most pervasive problem encountered was substance abuse and the consequent antisocial and illegal behaviors that typically accompany consumption. Substances of a variety of forms are consumed: *kwaso* (distilled alcohol made of yeast, sugar, and water), marijuana, homebrew, and store-bought alcohol, typically beer.<sup>21</sup> Often one substance will be favored in a particular area. For example, *kwaso* is most prevalent in north Malaita (see box 1); marijuana in east Kwaio and east and west ‘Are‘are; marijuana and homebrew across Renbel province and on the northern plains of Guadalcanal province; and beer in those villages close to alcohol outlets in Isabel and Western provinces.<sup>22</sup> The communities with the most acute substance abuse problems were those experiencing natural resource development,

<sup>21</sup> While the term “store bought” is used here, frequently beer is sold at outlets that operate without liquor licenses, referred to as “black markets.”

<sup>22</sup> While Choiseul province was not visited during the research, recent newspaper reports have documented Taro-based police as describing *kwaso* as a “major problem” that is “faced by almost all parts of the province.” See J. Kaikai, “Police: Kwaso a Problem in Choiseul Province,” *The Solomon Star*, February 14, 2012, 3.



Police uprooting marijuana plants, Naro Village, Northwest Guadalcanal, Guadalcanal province, 2005.  
Image courtesy of the Police Media Unit, Royal Solomon Islands Police Force.

in particular, logging (although a notable exception to this pattern is north Malaita, where there is a considerable substance abuse problem although there is no logging). In many of these areas, the production/growing, distribution, and consumption of these substances is nothing short of endemic and overshadows all other types of community problems, including land-related disputes.

Kwaso and marijuana consumption are a recent phenomenon. *Kwaso* was reportedly introduced in Honiara and then Malaita in the mid-1990s and marijuana is said to have “exploded” at the same time (Kuschel, Angikinui, and ‘Angiki 2005). Anecdotal evidence suggests that the consumption of both intensified during the tension, although this is not possible to quantify. Binge drinking episodes lasting numerous days are not uncommon. Furthermore, while consumption is predominant among young men, it pervades all levels of society. When asked who the main abusers of particular substances were, a common response in the most affected communities was “everybody.”<sup>23</sup> In some instances, consumption has become intergenerational, with both parents and their children—including those of primary school age—producing and/or partaking in particular substances, including marijuana.

The use of most of the substances described manifests into an array of community problems. When people are “*full spaka*” (heavily inebriated), they often cause a variety of disturbances or commit criminal offenses, including fighting, swearing,<sup>24</sup> domestic violence, stealing, and the destruction of property. Women raised issues of insecurity, referring to the constant fear of threatening and violent behavior. In Takwa in north Malaita, most of the problems reported in the research were *kwaso* related, including illegal gambling. More broadly in Malaita province, items such as copra (the dried meat of coconut), chickens, or household utensils are stolen in order to fund the purchase or production of *kwaso*. In all places, beer, *kwaso*, and homebrew consumption to the point of inebriation frequently brought existing disputes, particularly land disputes, to the surface.<sup>25</sup>

Quite apart from its immediate behavioral symptoms and health outcomes, drinking is an expensive activity and endemic substance abuse diverts individuals away from livelihood activities, such as gardening or fishing, that are necessary to support basic family needs. It can also lead affected individuals to neglect other responsibilities such as the provision of parental care or undertaking of leadership duties.

<sup>23</sup> The exception to this is marijuana, which is predominantly, although not exclusively, smoked by young men.

<sup>24</sup> Swearing can be a particularly serious breach of *kastom* in most parts of Solomon Islands, depending on the context in which the utterance is made.

<sup>25</sup> In the remote Polynesian atoll of Sikaiana (Malaita province), a convention has been documented that people not discuss land-related issues while drinking because of the volatility of the subject matter. Nevertheless, it has been recorded that “when people are drunk, they are less inhibited, and it is at just such times that they argue and talk about land” (Donner n.d., 269). Today, a recurrent joke among Renbel youth is that the degree of an individual’s inebriation can be measured by when they start discussing land- and natural resource-related disputes.

A key concern among women was male family members, especially husbands, spending money on alcohol rather than food, school fees, or other important items.<sup>26</sup>

The impact of consumption on youth is particularly alarming and renders Solomon Islands at risk of producing large segments of future generations who are unproductive and plagued by mental and general health problems. Further, if experienced on a significant scale and sustained over time, such as the level of abuse witnessed during the research in north Malaita, the cumulative effects are likely to be a continuing and profound erosion of local social

cohesion that will inevitably have further adverse effects on local dispute-management capacities.

At the most extreme level, the use of such substances has had lethal repercussions. Of six murders that had taken place in the north Malaita region over 2010–11, four involved assailants who had been drunk on *kwaso*.<sup>27</sup> Two recent murders of young children in Renbel province involved men locally known to have been long-term marijuana users. At the time of the research, at Rendova in Western province an inebriated young man had attempted to set himself alight with petrol after having already burned down his house; community members intervened to prevent him from doing so.

### Box 1. *Kwaso* Production and Consumption in North Malaita

A *kwaso* “cook” (producer) in Malu’u stated that chiefs and police officers are among his regular clientele—as are men, women, parents, and children—and that the only people who did not drink were “*lotu men*” (religious people). The cook stated that he can earn up to SBD\$2,500<sup>28</sup> in a week, which is over 15 times the minimum wage. *Kwaso* has also become a form of currency for the payment of various services, such as collecting copra. (A similar situation is occurring in Rennell and Bellona, with marijuana a favored form of payment to youth for manual labor.)

There are no licenses to sell beer in north Malaita and for some, *kwaso* is seen as a cheap and readily available substitute. A police officer in north Malaita explained that the sale of beer was stopped following an appeal by chiefs to the provincial administration. Those who produce *kwaso* can be charged under the *Liquor Act* for making liquor without the necessary approval.<sup>29</sup> The maximum fine for this offense increased in 2009 from SBD\$1,200 to SBD\$30,000.<sup>30</sup> There is no specific offense related to drinking *kwaso*; however, those found drunk and disorderly in a public place are liable to be prosecuted and face a fine of SBD\$20 or two months imprisonment.<sup>31</sup>

While all of the *kwaso* cooks spoken to in Malaita province during the research were men, it has been documented elsewhere that the majority of *kwaso* cooks in Honiara’s “settlements” are women.<sup>32</sup>

<sup>26</sup> Frequent marijuana users were seen as “*addem nara plate*”—adding another plate (to the family dinner table) but not helping around the house or garden.

<sup>27</sup> Similar stories of murders occurring in Honiara when offenders have been drinking *kwaso* have also been documented. See “*Kwaso Homebrew New Scourge of Solomon Islands*,” *Radio Australia*, May 20, 2009, available at <http://www.radioaustralia.net.au/international/radio/onairhighlights/kwaso-homebrew-new-scurge-of-solomon-islands>.

<sup>28</sup> As of June 2013, the currency equivalent of the Solomon Islands dollar (SBD) was US\$1.00 = SBD\$7.18.

<sup>29</sup> Contrary to s. 50 *Liquor Act* [CAP 144].

<sup>30</sup> *Penalties Miscellaneous Amendment Act 2009*. The penalty for illegally distilling liquor increased to a maximum of SBD\$30,000, while the unauthorized sale of liquor increased to SBD\$2,000 for a first offense and SBD\$10,000 on each subsequent offense.

<sup>31</sup> *Penal Code* [CAP 26], s. 175(d).

<sup>32</sup> A 2008 study by Union Aid Abroad - APHEDA into the livelihoods of people living in Honiara settlements found that the majority of *kwaso* cooks were women. Women were said to be drawn to the work because it returned the most money for their effort and left time for other work such as gardening and caring for children. See Donnelly and Jiwani (2010, 86). It should also be noted that during subsequent fieldwork in July 2012 in west Kwaio, Malaita province, a woman *kwaso* cook was identified.

The reasons for such widespread consumption are multiple and complex and outside the scope of the research. Substance abuse is a prominent feature of some aspects of Solomon Islands' contemporary youth culture. In relation to youth, consumption was attributed to boredom, anxiety about family and relationship problems, and limited or no employment opportunities. While mentioned only intermittently, a further explanation is undoubtedly peer group pressure and the examples set by role models, including parents, community leaders, and the police. Recent, although limited, quantitative research indicates that young people attending school see alcohol and drugs as the main problem in their communities (UNICEF 2012, 59). During the tension period, marijuana and alcohol consumption was common among young male militants, and there is quantitative evidence to suggest that marijuana and *kwaso* use has increased since that time, at least in Honiara (see Jourdan 2008, 30).<sup>33</sup>

*"Mifala spaka fo garem kareg fo tok ovam problems."*

[We consume alcohol to give us courage to discuss problems.]

*"Daddy blong mi man for spaka gogo mi spakaman tu dis taem."*

[My father drinks so I drink this time too.]

*"Daddy and mammy blong mi divorce so mi spaka fo relaxim brain nomoa."*

[My parents are divorced so I drink to relax my mind.]

- Male youths, Takwa village, north Malaita

A further explanation for widespread alcohol consumption was that people would drink in order to raise their confidence to confront others over various issues, that is, as a means of building "Dutch courage." In Solomon Islands society, often for cultural reasons, it can be difficult to raise certain topics with family and friends, and various members of society, especially women and youth, are expected to conform to certain standards of behavior, including not voicing opinions on particular issues. It is probable that people drink alcohol to overcome



Police disposing of confiscated *kwaso*, Central Honiara, Guadalcanal province, 2009.  
Image courtesy of the Police Media Unit, Royal Solomon Islands Police Force.

these various taboos. The ability to easily make homebrew and to a lesser extent *kwaso*, together with their relative cheapness, also helps to explain widespread consumption. Similarly, marijuana is grown locally, widely available in Honiara and the main provincial centers, and is also relatively cheap.<sup>34</sup>

### Youth culture and the erosion of social cohesion

Similar to other parts of the world, the dynamic and changing nature of youth culture is an important factor that impacts on the cohesion of rural communities. Research on youth culture in Solomon Islands has focused almost exclusively on urban youth (see, for example, Jourdan 1995). Such research has highlighted the socioeconomic marginalization of the young men who oscillate between town and village—in Pijin the so-called *masta liu*—in the context of under-education and the dearth of formal employment opportunities. Many of the characteristics of urban youth culture are also present in rural areas, which is hardly surprising given the constant circulation of people, ideas, and commodities between rural and urban localities. The long-standing pattern of circular migration, whereby men go and work in town or at enclave developments

<sup>33</sup> For an account of the behavior of Malaita Eagle Force (MEF) militants in Auki, Malaita province, in 2000, including *kwaso* consumption, see Moore (2004, 139).

<sup>34</sup> Costing SBD\$20 for a prepackaged quarter ounce (approximately 7 grams) and SBD\$2–3 for a rolled cigarette in Honiara and the main provincial capitals, climbing to SBD\$5 or higher per cigarette in more remote localities, depending on availability.

sometimes for several years at a time, means that some contemporary rural communities are comprised mostly of women, children, and elderly people. Children also regularly leave the community for a variety of reasons, often to attend schools elsewhere. Parents frequently spoke negatively about the impact of “town” influences and expressed a desire to see vagrant youth return to the village where they could learn about *kastom* and actively contribute through working in the garden or caring for relatives.

Male, and to a lesser extent female, youth culture in Solomon Islands is strongly influenced by Western popular culture, most notably hip-hop, rap and reggae music, and the gang and drug cultures that these types of music often stylize. The “thug” or “thug life” culture of black America is also a feature of Solomon Islands’ contemporary male youth culture.<sup>35</sup> These foreign cultural influences have combined with elements of indigenous culture, such as notions of warriorhood and the valorization of certain “spoiling” behaviors.<sup>36</sup>

Previous observers of youth culture in Solomon Islands and elsewhere in Melanesia have mentioned what they have called the “Ramboization” of young men (Jolly 2000, 317), dressing in the style of the “guerrilla fighter – loose army trousers, boots, ragged shirts and dark glasses” (Macintyre 2002, 9). While this is not as prevalent today as it may have been 10 years ago, there is still an element of this in contemporary Solomon Islands. Importantly, Western popular culture is also influencing the behavior of girls and women, manifest most obviously in the widespread adoption of a Western style of dress—skirts, trousers, and shorts. Throughout the research it was observed that the changing dress styles of young women has become a minor source of conflict in many rural communities and in some instances,

*kastom* and church leaders have sought to introduce bylaws or other sorts of local rules governing dress standards (this is discussed in section 4 below).<sup>37</sup> In all provinces visited except Renbel, numerous communities had undertaken efforts to govern young women’s dress and hairstyles. The enforcement of these standards was having mixed success.

New forms of telecommunications, especially mobile phones and the associated networks that now cover much of the archipelago, are also contributing to social and cultural change. The advent and ubiquity of mobile phones is facilitating the increased circulation of pornographic images and videos that are now readily accessible in Solomon Islands and are commonly viewed and exchanged in schools.<sup>38</sup> Similarly, social media websites accessed via mobile phones and computers have seen what would have once been relatively localized disputes in Solomon Islands play out on a larger scale. It is not uncommon for disputes, sometimes of a very personal nature around issues such as natural resource development and religion, to play out over social media websites, drawing in both the capital-based and international diasporas. Mobile phones have also facilitated the discovery of extramarital affairs (“O2s”—see section 3.4 below) through text messaging.

A characteristic of youth culture, although by no means confined to youth alone, is, as touched on above, the revelry of heavy group drinking sessions. A further aspect is a resistance to the *kastom* strictures placed on premarital male-female socializing and sexual relationships.<sup>39</sup> In some instances, *kastom* is reworked by youth—and others—in the urban setting to effectively become a tool for extortion; a documented example is Malaitan *masta liu* demanding compensation from unwitting individuals for purported customary slights (Stritecky 2001; Akin

<sup>35</sup> “Thug culture” is a recognized subcategory of hip-hop music and lifestyle that first developed among impoverished and alienated inner city African American and Puerto Rican youths in the 1970s and 1980s. American hip-hop artist Tupac Shakur reportedly first coined the term to describe a worldview and lifestyle that glorified gang life among youths who were engaged in criminally violent and predatory behavior. See Johnson (2012, 131).

<sup>36</sup> “Spoiling behaviors” in reference to male youth are discussed by Stritecky (2001, 71), who states, “I had conversations [in Honiara] about young men’s spoiling behaviors with Christians in Catholic, COC [Church of Christ], SSEC [South Seas Evangelical Church], and SDA [Seventh-day Adventist] churches, all of whom claim that many young men in town still cultivate ties with deceased male kin, who in turn prompt the young men to steal, drink alcohol, fight and rape women.”

<sup>37</sup> This is not necessarily a new phenomenon. For a heated exchange in the Governing Council of Solomon Islands in 1974 concerning women’s dress, see *Pacific Islands Monthly* 45, no. 5 (1974): 7.

<sup>38</sup> In Papua New Guinea, the distribution of pornography has been linked to an increase in sexual offenses. See “Mobile Phones Promote Sex Crimes in PNG,” *The Solomon Star*, January 24, 2012, 15.

<sup>39</sup> A youth “sexual subculture” has been documented by researchers in parts of Solomon Islands, exemplified through the language employed by youth around issues of a sexual nature, particularly the use of metaphor. See Buchanan-Aruwafu, Maebiru, and Aruwafu (2003, 220).

1999; Fraenkel 2004). Youth culture also includes the romanticization, through popular culture, particularly music, jokes, and stories, of certain behaviors and activities that are documented here as key causes of disputation and grievance. Contemporary Solomon Islander artists have written numerous popular songs glorifying smoking marijuana and the drinking of homebrew and *kwaso*.<sup>40</sup>

Finally, increased urbanization and growing numbers of urban youth are providing greater possibilities for ethnic rivalry. Minority youth groups, such as the Polynesian population from Renbel province, see Solomon Islands as largely controlled by others with very different life views and who do not have their best interests in mind. More closely linked with masculine identity is the unquestioning support of one's *wantoks* when they are involved in a dispute or physical altercation with someone of a different ethnicity. There have been instances of confrontations between youth of different ethnicities in Honiara, most notably between Polynesian and Melanesian groupings, and also on an intra-ethnic level.<sup>41</sup>

### 3.2. DEVELOPMENT AND LAND-RELATED DISPUTES<sup>42</sup>

Like elsewhere in Melanesia, land-related disputes are a dominant feature of the Solomon Islands social landscape. These disputes are accentuated and intensified when land or resource ownership becomes associated with economic benefits. Disputes do not arise in a vacuum, but are triggered by a host of interconnected factors, including natural resource development such as logging, mining, fishing, or tourism; government/nongovernmental organization (NGO)/donor projects; pressures caused by population growth and the expansion of smallholder cash-cropping; changes to established inheritance processes; migration and settlement; and the alienation of land. These stresses tend to be less amenable to resolution through existing local systems, and in fact, are contributing to the erosion of those systems' effectiveness and legitimacy.

#### Land-related disputes

Land-related disputes often play out at the group level, typically involving intra or inter-tribal, clan, and family disputation and conflict. Many land-related disputes are of a historic nature, spanning generations; it is not uncommon, for example, to hear of ongoing disputes whose origins predate independence. One male research participant in Rennell put it another way, calling customary land disputes "problems between histories." Often all parties purporting ownership or access to land have some form of legitimate claim, although during the research, some asserted that parties would simply invent histories.

Disputes over the ownership of or right to access gardening areas were recorded in all provinces visited and were particularly acute in those areas experiencing population pressures (for example, Kia in Isabel province). Gardening area disputes were also a key area of concern in settler communities such as Kwai island in East Malaita, and Fanalei/Fouele in South Malaita. Commonly, men and women differed in their emphasis when it came to land-related disputes. Women tended to refer to disputes over residential and gardening areas and boundaries and their effect on livelihoods. For example, many women referred to disputes arising when one family works outside its area and encroaches upon another family's gardening or residential area. Women would also frequently link disputes over garden sites with concerns over household food security, and were more likely to refer to the effect of land-related disputes on social relationships and community cohesion. By contrast, the men consulted tended to emphasize disputes over tribal boundaries and land ownership.

Social impacts are seen to greater or lesser degrees in all parts of rural Solomon Islands as a consequence of the increasing individualization associated with cash-cropping and the commoditization of land itself. In 1953, the report of the Special Land Commission of the British Solomon Islands Protectorate noted "a progressive breakdown to individual tenure in

<sup>40</sup> Such songs include, for example: "Smokin Weed," by Tuntoon featuring OneTox; "When I Smoke," by Devande; "High Grade," by OneTox; "Weed Man," by Shefram Crews 1; "Barman," by 4-5 Crew; "Blaze the Weed," by Dawgzman; "Spleaf Smoking," by Easy Vibes; and "Blaze Again," "Blaze Me," and "Dealer Man," by Muddy Bankers.

<sup>41</sup> In 1989, riots took place in Honiara between Malaitans and Bellonese and again in 1996 between Malaitans and Reef Islanders.

<sup>42</sup> In this part of the paper, references to land-related disputes refer to disputes over customary land unless otherwise indicated. The vast majority of land in Solomon Islands (some 87 percent) is customary land.

most coastal areas" (Allan 1957, 268). The relatively permanent nature of cash crops such as coconuts and more recently, cocoa and oil palm, has removed much of the tenurial flexibility afforded by the shifting cultivation of subsistence crops. Most significantly, cash-cropping has had an impact on cycles of land inheritance and intergenerational redistribution. This has been most acute in matrilineal societies in which the land and trees a man cultivated generally passed to his matrilineal unit (including his sister's sons) upon his death.<sup>43</sup> With the advent of cash-cropping and increased migration, men are increasingly endeavoring to pass these resources on to their own children, who (in matrilineal societies) have different clan affiliations (Bathgate 1993). On north Guadalcanal, the informal and formal sale of land, again by senior men and often without the knowledge or approval of their matrilineal landowning groups, is a significant source of intra-group and intergenerational conflict.

When land-related disputes are successfully resolved at the local level, it invariably involves each party's recognition of the legitimacy of the other's claims, and some form of compromise reached. It is only when land-related disputes cannot be resolved at the local level (because one or all parties fail to recognize the other's claim) that they find their way into the state justice system.

When land-related disputes enter the state system, they are more often than not intractable and seemingly beyond resolution. The language used by numerous interviewees around land-related disputes during the research was enlightening, with many simply seeing each state forum as a step in a chain that must be obediently followed. Accordingly, matters start in the *kastom* system and "must be" or "need to be" appealed to the local court, with allegations of bias on the part of local leaders and chiefs the most common grounds for appeal. From there, matters progress up the court hierarchy (see figure 2 in section 4.2 below) to customary land appeal courts and the High Court until they either

peter out, usually due to a lack of funds, or they typically reach an unsatisfactory conclusion. The ability of people to "appeal" from the *kastom* system to the state system was a source of complaint, as the high appeal rates were often regarded as serving to undermine the authority of local leaders, though the declining respect for these local authorities also contributes to the high tendency to appeal.

In the state justice system, land disputes will often float from forum to forum over what can be a number of years, even decades. When and if a final decision is made following any appeal, it will inevitably be rejected by the losing party/parties who will steadfastly maintain their entitlement to the land and frequently ignore the decision that has been handed down. It is the persistent inability of both the nonstate and state systems to be able to deal with land-related disputes that has led many of those interviewed to reach the conclusion that "*mifala no garrem any way noa for solvem thatfala problem*" ("we don't have any way to solve that problem now").

Land-related disputes give rise to a variety of concurrent disputes and offenses. These include the destruction of property, including buildings, crops, or infrastructure; swearing, gossip, and threats; divisions in kinship groups and communities, with an accompanying unwillingness to socialize or work together; and even physical violence, including murder. Monson (2012), analyzing a number of Solomon Islands' murder and assault cases, states that there is "often a link between criminal violence and ongoing grievances regarding land."<sup>44</sup>

### Internal migration and settlement

Another critical dimension of land-related disputation is that of internal migration and settlement. The movement of people has been a long-standing phenomenon in all parts of Solomon Islands. The influx of Christian missionaries led to the movement of inland communities to coastal areas and the formation of larger villages around mission stations. Today, these coastal communities are generally

<sup>43</sup> These resources could, however, also pass to his children through mortuary feasting and customary exchanges. In relation to Guadalcanal province, see Takutile (1979) and Hogbin (1934); in relation to Ranongga, Western province, see McDougall and Kere (2011).

<sup>44</sup> Monson cites the following recent cases as examples: *Regina v Ome* [2011] SBHC 27; HCSI-CRC 265 of 2006 (May 6, 2011); *Regina v Bolami* [2011] SBHC 28; HCSI-CRC 331 of 2005, 454 and 455 of 2007 (May 4, 2011) in which the accused denied that his alleged murder of another man was motivated by a land dispute. She states that there "is significantly more anecdotal evidence for the link between violent crime and land disputes. To take just one example, one man described to me how he had returned to his village during the Christmas period in order to establish a water tank there. When he arrived at the wharf he saw several police officers boarding a police boat with a man who they had just arrested. He was told that a dispute in a nearby village regarding the distribution of logging royalties had escalated into a violent confrontation the night before, and one man had taken a rock and slammed it into another's head, killing him almost instantly" (Monson 2012, 19).

comprised of both the original landowning groups and tribes whose primary land rights remain in their ancestral territories (see box 3 below). Communities have also relocated for a variety of other reasons such as warfare, allegations of sorcery, natural disasters, and disease, or to have better access to livelihood opportunities, government services, or culturally significant resources.

Geographical inequalities in employment and other cash-earning opportunities and access to services have been important drivers of movement, especially since the Second World War. Resource insecurity in areas of out-migration, for example, in north Malaita where there are shortages of land for subsistence and cash crop production, has also been an important factor. While the long-standing pattern of circular migration remains important, there has been a trend toward permanent migration and settlement. That said, the tension period saw the mass displacement of settlers from rural areas east and west of Honiara that were the main destinations for settlers in the preceding decades.

As populations grow over time, land-related disputes are becoming increasingly commonplace between settlers and landowners, even in communities in which different tribes have lived together for many generations. The greatest potential for social conflict occurs in communities that contain settlers from different language groups and provinces. In these circumstances, differing *kastom* norms and practices, including in relation to dispute management and land tenure, can give rise to conflict. As a local system dependent on its acceptance by the community, *kastom* is most effective when operating at the family or tribal level, with parties from the same group appearing before adjudicators who are their peers. It is extremely difficult for members of one group to impose sanctions on or issue directions to members of another group. This harks back to the “big man” system whereby individual leaders rarely exercised powers beyond their own constituents. For example, in Isabel province, interviewees noted

that problems often arise when those “married-in” to communities were unwilling to abide by local *kastom*. There was a view that first, these people could not be sanctioned in the same way as people from Isabel, and second, once they were part of a community (and related to others via marriage—*tabu*) it was difficult to confront them.

Migration’s potential to trigger conflict and its consequences on local forms of dispute management were demonstrated vividly during the tension, with the mass eviction of non-Guadalcanal, predominantly Malaitan, settlers from rural and peri-rural areas east and west of Honiara between late 1998 and 2000. An important cause of the tension—and an ongoing cause of grievance—was the perception among landowning communities on Guadalcanal province that migrant settlers had begun to disrespect important aspects of local *kastom* and had sought to impose their own *kastom* laws and practices. The conflict also had an important social and intergenerational dimension in the sense that descendants and relatives of original settlers, who had usually developed and maintained social relations with landowning communities through gift exchange and the performance of “good deeds,” ceased to perform such activities and no longer understood the nature of the original agreements with landowners.<sup>45</sup> The younger generation of landowners also resented the informal or formal sale of land to settlers by senior members of their own landowning groups, as mentioned above, which compounded the grievances that gave rise to the tension.

Efforts on Guadalcanal province to create institutions capable of mediating across ethnic divisions broke down because of settlers’ believed lack of respect for local *kastom*.<sup>46</sup> Discussions on the Guadalcanal Plains during the research with both members of landowning groups and those who had married in from elsewhere made clear that there is a need for a greater awareness of Guadalcanal *kastom* on the part of migrants and settlers; indeed, interviewees

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<sup>45</sup> While this discussion is focused on settlers, it should be noted that similar issues around misunderstandings of original land transfer arrangements were recorded during the research between family members and between communities.

<sup>46</sup> Naitoro (2000, 9) details the establishment of a series of village committees across the various company estates of the Guadalcanal palm oil plantation, each comprised of representatives from different tribal groups of different ethnicities. These committees played a dispute-resolution role. He provides the example of how one committee dealt with an adultery case, deciding a level of compensation that would be a “comparative cost for such compensation from different provincial customs.”

generally said that dispute-management processes must follow the *kastom* of the host community. It was also acknowledged that Guadalcanal chiefs and communities need to be aware of the *kastom* of other island groups, so that disputes using both Guadalcanal and non-Guadalcanal *kastom* can be done with less difficulty.

Similar, albeit less intense, dynamics are at play in areas where settlers and landowners from the same language group have coexisted for two or three generations. This was observed to be the case in the villages of Kia and Koge on Isabel province, and East 'Are'are on Malaita province, where the younger generation of both settlers and landowners lack knowledge about local land tenure systems and the terms of the original agreements that granted settlers access to land, resulting in an increase in land-related disputes, particularly in relation to garden sites. This is especially important in a context in which land-related disputes are resolved primarily by reference to detailed oral genealogical histories.

The fluid and frequently informal nature of the agreements that underpin settlers' access to land makes them particularly vulnerable with respect to livelihoods. For example, members of a Lau-speaking community that has settled at Fanalei/Fouele on south Malaita reported that disputes with the inland Sa'a-speaking landowning group are occurring with increasing frequency due to population growth. Women interviewees stated that families that are not connected to the landowning group through marriage are finding it difficult to continue to negotiate access to land for gardening, which is having an adverse impact on household food security.

### Natural resource development

The localized political economy of Melanesian landownership in the context of extractive resource industries has been well documented.<sup>47</sup> While some landowning community members may be opposed to extractive resource projects, disputes for the most part revolve around the payment and distribution of the royalties, rents, and access fees that are variously

associated with them. Small numbers of individuals, typically senior men, including chiefs who sometimes hold tenuous claims to landownership, have been able to capture these economic benefits by virtue of being "timber rights holders" (or directors of local logging companies) in the case of logging operations, or "trustees" in the case of other types of resource developments. Timber rights holders and directors of the local companies formed to manage royalty payments are often educated, Honiara-based men who receive the financial backing of the typically Malaysian companies through the timber rights acquisition process. Other community members find it difficult to compete with these individuals, or the logging companies themselves, due to a lack of financial and technical capacity. This capture of benefits by a handful of men occurs across all types of customary land tenure systems; those that are predominantly matrilineal, those that emphasize the patrilineal line, and those that are clearly cognatic. Even in matrilineal societies, male leaders, especially tribal chiefs, "speak for the land" (Monson 2012).

Solomon Islands' dominant extractive resource industry, logging, has had severe localized social impacts.<sup>48</sup> In those parts of Isabel and Western provinces that have experienced logging, communities universally recounted land-related disputes as their key concern. Communities in north and central Malaita recounted a relatively low prevalence of such disputes, but researchers observed a high prevalence of logging-related land disputes in 'Are'are. Similar impacts are associated with mining and mineral prospecting, and with large-scale commercial agricultural enterprises such as the Guadalcanal Plains Palm Oil Limited operation. In Guadalcanal province, a further cause of disputation has been the distribution of royalties associated with development on the northern plains (much of which has occurred on alienated land) as well as the Kongali water source to the west of Honiara. The localized social impacts of these resource industries on north Guadalcanal were an important but frequently underacknowledged cause of the tension (see Allen 2012a, 2012b; Kabutaulaka 2001; Maetala 2008; Monson 2010, 2011; and Nanau 2009).

<sup>47</sup> For example, Filer (1997) and Allen (2013).

<sup>48</sup> In 2011, logging contributed around 70 percent of export income (compared to 50 percent in 1994) and more than 15 percent of government revenue (Allen 2011a, 277). In 2012, the Central Bank of Solomon Islands indicated that "export of round logs was still the mainstay of the economy and generated 44% of total export earnings. Total volume of logs exported was 1.9 million cubic meters. This level of production reflected the rising number of logging licences issued during the year and clearly places the future of logging in an unsustainable situation" (Central Bank of Solomon Islands 2012, 4).

In many communities subject to extensive logging and other extractive industries, such as fishing and mining, chiefly authority and legitimacy have been significantly undermined. It is not uncommon for logging companies to recruit men—including chiefs, but also educated elites—as their “agents” or “middlemen,” paying them in the form of allowances, accommodation, or other items, such as outboard boat engines. This practice results in the discrediting of chiefs in the eyes of their communities. In response to questions posed about the role of chiefs in logging, a common refrain was “chief or thief?” An alternate version was, “*chief lo today, thief for today*” (“chief of today, thief for today”).

Throughout much of Western province, *kastom* systems have fallen into disrepute and are no longer working, in great part because chiefs are seen to be compromised through their involvement with logging, antisocial behaviors, and land-related disputes. Chiefly alignment with the mainly Malaysian logging companies results in facetious referrals to them locally as “black waku” (black Asians). In

some places visited in Western province, there was a high rate of absenteeism among chiefs, with many preferring to use the proceeds of logging to reside in Honiara. It was also reported that the chiefs are often biased and partisan in their adjudication of disputes and are prone to in-fighting, and for this reason can no longer play an effective role in dispute management or resolution around land and natural resource-related disputes. This was a salient issue also in Malaita province, especially in ‘Are‘are, where the involvement of chiefs in logging disputes has compromised their legitimacy and authority as community-level arbiters.

*“Olketa [chiefs] no save lo kastom and culture. What olketa save nomoa, name blo logging company, seleni and hotels lo Honiara.”*

[The chiefs don’t know about *kastom* and culture. They only know about the name of logging companies, money, and hotels in Honiara.]

- Adult focus group, Rukutu village, Morovo Lagoon, Western Province



Log pond located next to Penjuku Village, Morovo, Western province, November 2011.

The capture of economic benefits by a small number of male leaders leads to a host of negative social impacts, which in turn frequently lead to confrontation and conflict:

- The hoarding of wealth undermines the reciprocity and distribution that are central to the creation and maintenance of social relationships and group cohesion. Individuals will also attempt to sever, conceal, or denounce their social networks in order to demonstrate their “landowner” status or minimize their benefit-sharing obligations (cf. Bainton 2009).
- Women and youth are marginalized from negotiations and sharing in the economic benefits that flow from natural resource developments.
- The senior men in question, many of whom are tribal chiefs, often use the benefits to engage in alcohol consumption and/or adultery, and to move to Honiara for extended periods, assuming they resided in the community in the first place. They may also become involved in the protracted and bitter intra and inter-tribal land disputes that are invariably engendered by natural resource development projects.

Another set of social impacts that relates particularly to logging are those associated with the presence of logging camps in the vicinity of villages. These camps, which house foreign workers (generally Chinese Malaysians) as well as workers from other parts of Solomon Islands, become “honey pots” for alcohol consumption and prostitution (including child prostitution, see Herbert 2007). Relationships between foreign workers and unmarried local women are commonplace and can lead to unrequited claims for compensation from the woman’s male family members, as well as unwanted pregnancies and fatherless children when the foreign workers depart.

Community groups complained about these social impacts at all places where there are, or had been, logging operations. In Western province, near Boro village on Vella Lavella, five girls from surrounding villages were said to have had children with Asian loggers. In a village in West ‘Are’are, Malaita province, the research revealed male youth exchanging girls for beer with Asian loggers. While in a community in Isabel province, multiple informants shared stories

about parents prostituting their children to Asian loggers. In addition to the social problems detailed, domestic violence was also a major concern in logging areas, commonly linked to alcohol consumption. These impacts extend beyond the logging industry, as similar issues, especially prostitution, including underage sex, have been documented in relation to foreign fishing vessels (see Callinan 2006; Donnelly and Jiwajji 2010, 70; UNICEF, UNESCAP, and ECPAT 2008, 15, 19, 26).

### Box 2. The Effects of Logging in Birao Ward, Marau Sound, East Guadalcanal

“Soccer matches turned into battle grounds as youths from both sides assaulted each other. Youth from Makina area also insulted their own tribal elders who granted the Timber Rights. Arguments over a proposed site for a log pond ensued between some Marau ‘Are’are and Birao speakers culminating into direct physical confrontations ... youths threatened to set [on] fire ... logging machineries if they ever landed ashore. All of these criminal activities occurred with no police intervention, despite the fact that two RSIPF officers were stationed at Marau at that time. Most of these criminal activities have not been settled through traditional means or taken up by police. They remain even after the logging stopped.” (Wairu and Nanau 2011, 6)

### 3.3. NGO, DONOR, AND GOVERNMENT PROJECTS

A further cause of community grievance experienced in all provinces is disputation around small-scale government-, donor-, and NGO-funded projects. Examples of such projects include infrastructure initiatives (such as roads, bridges, hydropower schemes, water and sanitation projects, clinics, schools, and markets) and governance interventions, especially efforts to create community structures and awareness around environmental projects. These projects are met with various degrees of success, although failure is a more common outcome, which in some places is more acute than others. For example,

in Renbel province, where an almost complete collapse of community governance mechanisms was observed, there appeared to be close to a 100 percent failure rate of such projects, which were referred to as a common cause of community grievance. Any sort of public works or infrastructure project will necessarily entail a number of steps, each of which may be met by disputation:

- First, the identification of the project type and project site. Government project selection in particular may be perceived to be on the basis of benefiting patrons and followers. Customary land-related disputes are frequent also, as indicated in box 3
- Second, if applicable, the identification of trustees or spokespeople to act on behalf of the landowning group or the community in relation to the receipt and distribution of benefits associated with the project. Often projects will provide a platform for the airing of preexisting intra-community disputes or rivalries. The exclusion of various vocal individuals or groups from project-related decision making can create pockets of resistance and agitation.
- Third, the sharing of benefits. This is one of the main fault lines, both during the project establishment phase and upon project completion. As is the case with other forms of development that involve the distribution of resource rents, the benefits of any project risk capture by a small number of men. For example, in Renbel province, a family or a number of individuals will inevitably capture any benefits, fixed or otherwise, for their own personal use.

Conservation projects sponsored by international NGOs and donors frequently involve the channeling of financial and other resources through landowner representational bodies. As with other projects that involve benefits associated with customary property rights, the distribution and management of such funds can be a significant cause of local-level conflict. Disputes can also revolve around questions of who benefits from the training (and associated travel and allowances), capacity-building, and employment opportunities that are often associated with such projects. Fieldwork encountered disputes concerning conservation projects in Malaita, Renbel, and Western provinces.<sup>49</sup> Perhaps the most intractable such dispute was in Fanalei/Fouele in south Malaita, where the village committee had become completely dysfunctional due to a bitter feud among various members around a dolphin conservation project involving the international NGO Earth Island Institute. The dispute concerned whether community members who were resident in Honiara should receive benefits from the project, with a minority of village committee members supporting the Honiara-based group.<sup>50</sup> This dispute exemplifies how the involvement of chiefs and/or village leaders in local conflicts can have a negative impact on their ability to resolve disputes across the board.

A lack of community consultation, transparency, and ongoing communication by project implementers, and the frequent by-passing of existing community governance systems, including chiefs and local leaders, can lead to outright hostility toward the project and may also contribute to an environment in which problems fester and/or go unaddressed.

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<sup>49</sup> Similar disputes have been documented in parts of Western province by other researchers. See McDougall (2005) and Foale (2001).

<sup>50</sup> Subsequent to the fieldwork, the dispute became focused on an alleged failure of the Earth Island Institute to honor the terms of the memorandum of understanding entered into with the community. See "Villages Slaughter 700 Dolphins in Retaliation," *The Solomon Star*, January 22, 2013, available at: <http://www.solomonstarnews.com/news/national/16985-villagers-slaughter-700-dolphins-in-retaliation>.

### Box 3. Case Studies of International Donor-Funded Projects

#### Lavagu Community Market House Project, Renbel Province<sup>51</sup>



Lavagu Community Market House, Lavagu, Rennell, Renbel province, February 2012.

In 2010, the Lavagu community in west Rennell, Renbel province, secured SBD\$37,000 to fund the construction of a market house. The funds were provided under a capital fund of a multi-donor-supported provincial government strengthening program implemented by the United Nations Development Programme (UNDP) and the United Nations Capital Development Fund (UNCDF) through the Ministry of Provincial Government and Institutional Strengthening. The provincial member for the ward in which the market was to be built had explained to the provincial assembly that the decision to construct the market was made by the community in earlier consultations on infrastructure needs. However, various people in Lavagu claimed otherwise, stating that there had been no prior consultation.

The construction was said to have triggered a conflict involving groups from two different tribes. The Lavagu community comprises the original inhabitants of the area, together with a settler tribe who moved into the area in the 1940s from inland, central Rennell. The settlers moved to Lavagu, a coastal community, to be closer to the South Seas Evangelical Church (SSEC). They were granted permission to settle there by chiefs of the original tribal group. It was said that they were given housing plots but had no further rights over the land. Importantly, they also had no decision-making powers over the land that they were allocated for housing.

Several of those interviewed explained that the persons who gave permission for the use of the land where the market house was to be constructed were from the settler group. Those described as settlers claimed that their grandparents and parents had been involved in the necessary *kastom* land transfer practices and therefore they could do what they wished with the land.

In June 2012, the market house was complete but was not in use due to the conflict over control of the land. Negotiations between the provincial administration and representatives of the families of the original tribe to allow for the opening of the market house took place and as of February 2013, it appeared that a resolution had been reached, with the market house opened for public use.

<sup>51</sup> These case studies were compiled from several conversations with community members in Lavagu and Chubikopi and as such, are based on community perceptions. The contents of these case studies were shared with Honiara-based staff working on the project implementing programs (the Provincial Governance Strengthening Program and the Rural Development Program).

## The Chubikopi Primary School Building Project, Western Province



Construction of Chubikopi Primary School, Marovo Lagoon, Western province, November 2011.

In 2009, the Chubikopi community in the Marovo Lagoon of Western province was approved to participate in the Rural Development Program (RDP), a community-driven development project funded by the Australian Agency for International Development (AusAID), the European Union, the International Fund for Agricultural Development, and the World Bank. In compliance with RDP requirements, the Chubikopi community established a village-level subimplementation committee, and selected the construction of a primary school building consisting of six classroom blocks, a library, an office block, and an open school hall. The 12-member committee went about organizing people to undertake the work. Construction began in October 2010 and as of September 2012, remained ongoing.

The project has experienced a number of difficulties, however. First, problems were said to have arisen when the village committee decided to replace the incumbent treasurer. The replacement, apparently chosen without community consultation, was said to be related via marriage to an RDP staff member, resulting in widespread community anger. This situation was exacerbated when a close relative of the newly installed treasurer was alleged to have misused an allocation of fuel earmarked for the project. Community confidence and faith in the committee waned and in turn, this led to the resignation of the chairman. Other committee members also quietly ceased working, concerned about the community division that the project was causing. Eventually, the dysfunction around the village subimplementation committee resulted in a complete shutdown of the project for a period of approximately six months. This situation was remedied only when the local church minister and chief conducted a reconciliation ceremony.

The second problem with the project manifested on a wider scale. Neighboring villages felt aggrieved at the selection of Chubikopi for inclusion in the RDP. A perception developed that the relationship of several RDP employees resulted in the prioritized treatment of various villages, including Chubikopi. A paid staff member of the RDP was from Chubikopi, leading to a sense of favoritism around the approval of the project.

### 3.4. MARITAL DISPUTATION AND DOMESTIC VIOLENCE

#### Adultery and premarital encounters

Adultery was commonly, and often facetiously, referred to as “O2” or “O2 *bisnis*” (business) during the research.<sup>52</sup> More often than not, adultery was raised by women. In most places in Solomon Islands, adultery has long been considered a serious breach of *kastom*. Prior to Christianity and the introduced law, in parts of the country a conventional response was death to the male participant (and in some instances, the female participant). The colonial government’s attitude to adultery was a major source of confrontation for Malaitans in particular, who believed that the response of the introduced law (a fine or imprisonment) was too weak (Bennett 1987, 278; Goodwin 2006, 92–94; Laracy and Laracy 1980, 138–40). Today, adultery often leads to a raft of related offenses and grievances, most commonly gossip, threats, and physical violence.

Premarital encounters (consensual or otherwise) often precipitate threats and violence in almost all parts of Solomon Islands. In Malaita province, where there are strict *kastom* rules surrounding relationships between men and women, premarital encounters ranked as the third or fourth most common cause of community disputation (usually behind substance abuse and land-related disputes). Violation frequently results in an immediate demand for compensation, usually made by the male relatives, especially brothers, of the woman who is deemed to have been affronted, with a threat of consequent violence should payment not be forthcoming. This can be contrasted to Western province where the demand is typically made by the male relatives of the woman said to have committed adultery. Some Malaitan interviewees asserted that *kastom* was being manipulated, with demands for compensation dressed up as permissible customary appeals. There was a feeling that any slight breach of *kastom*, real or perceived, would be followed by a demand, often

with overtones of violence. Accordingly, a young man simply speaking to or socializing with a young woman would be subjected to claims to compensation from the woman’s male relatives.

#### Domestic violence

Unless in response to its use by a research team member, the term “domestic violence” was not often used by those interviewed, who instead commonly used terms such as “*killem wife*” or “*killem woman*” (*killem* means to physically assault). Spousal violence and other forms of domestic violence were not routinely raised as a problem by women or men, nor voiced as a source of conflict in the communities visited. This is not to say that such violence does not occur. Indeed, comprehensive quantitative research undertaken in 2009 by the Secretariat of the Pacific Community (SPC) for the Ministry of Women, Youth and Children’s Affairs found that it is common, pervasive, and of serious concern (see SPC 2009) and is committed in various forms—emotional, physical, and sexual.<sup>53</sup>

There are several obvious explanations for why domestic violence was not raised by the women who were interviewed. One is that the research questions were directed primarily at gathering data on the kinds of problems or disputes people saw arising in their communities, not within the home. Another is that asking women about domestic violence is effectively asking them to reveal negative information about their fathers, husbands, brothers, and/or sons. Where women raised domestic violence issues (whether in focus groups or one-on-one interviews), it was generally in reference to anonymous couples or was inadvertently raised when discussing other topics, such as substance abuse. The management of domestic violence incidents was overwhelmingly considered a “private matter” between husband and wife or between their extended families.<sup>54</sup> This accords with the 2009 study that found that 69.9 percent of women who had been physically or

<sup>52</sup> Female relationships in a man’s life are colloquially referred to as “O1” (wife or first partner), “O2,” “O3,” etc., in accordance with the order in which the relationships began.

<sup>53</sup> The key finding of the 2009 Secretariat of the Pacific Community (SPC) quantitative study was that two in three (63.5 percent) of “ever-partnered” women aged 15–49 in Solomon Islands (n=26180) had experienced physical or sexual violence, or both, by an “intimate partner” (SPC 2009, 62).

<sup>54</sup> Domestic disputes are regarded as “private” but are often resolved with the involvement of the extended families of a couple. It is common for relatives of either the husband or wife to intervene in domestic violence. The findings in this area are corroborated by the 2009 study that found that some 78.2 percent of women located in the provinces (n=2217) agreed that “family problems should only be discussed with people in the family” (SPC 2009, 72).

sexually abused by a partner had not reported it to anyone (SPC 2009, 125). According to the study, only 1.1 percent of women who had experienced physical or sexual abuse by a partner reported the incident to police, compared with some 4.4 percent to a “local leader/religious leader” (SPC 2009, 125). The most common “agency or authority” that women go to when seeking help are “religious leaders/church” (SPC 2009, 126).

*“Domestic violence cases are also reported directly to the police but it does not happen often. It’s possible that it does not come out into the public because it happens and is resolved within the home.”*

*“Olketa woman save washim aot kes bikos if he [partner blo woman] go lo sela, hu nao bae lukaftam famili taem breadwinner no stap?”*

[Women do not proceed with cases because if he [the partner] goes to jail who will look after the family when the breadwinner is not around?]

- Woman participants, Buala village, Isabel province

During the fieldwork women offered various reasons as to why they do not report or proceed with cases against their abusive partners. As the quote above indicates, a common concern was the economic impact that having a spouse incarcerated would cause, together with a degree of sympathy for their partner after the initial hurt and anger had subsided.<sup>55</sup> Some women believed that in certain circumstances, a man is justified in beating his wife as a means of punishing her for perceived indiscretions. In this context, such violence was referred to by some as “*wrong blo woman*” (the fault of the woman). The 2009 study showed that a clear majority of women and men in Solomon Islands believe that a man is justified in beating his wife in various

circumstances.<sup>56</sup> A further explanation for a lack of reporting may be an inability to access police or other state services or a general lack of knowledge about such services. In some areas, *kastom* rules about compensation act as a further deterrent to reporting sexual violence. In north Malaita, women who leave the house to avoid domestic violence, or even just speak about it, are said to bring shame on their partners; often women are required to pay compensation for inflicting this shame.

Across Guadalcanal province, some consider it a breach of *kastom* for a woman to openly discuss issues of a sexual nature in front of male relatives. If a woman does so, compensation may need to be paid to her brothers, uncles, and/or father. It was said that the usual amount to be paid, in cash or shell money, is between SBD\$500 and SBD\$1,000. According to the police, rape cases that had occurred during the tension period involving complainants from Guadalcanal province did not proceed largely because the airing of such issues in a public forum, such as a court, would potentially result in a need to pay compensation. If a woman did give evidence and her male family members were made aware of this, compensation may need to be paid before she could be welcomed back to the family.<sup>57</sup> In Renbel province, unlike Malaita and Guadalcanal provinces, there do not appear to be any cultural barriers that prevent or discourage women from reporting instances of violence. Those who inflict domestic violence are widely known in the small communities of Rennell and Bellona and are generally socially ostracized and spoken about in a mocking and disparaging way, but rarely reported to anyone, especially the police.

Some researchers believe that family violence is less of a problem in rural areas of Solomon Islands than in

<sup>55</sup> On the question of the reasons offered for domestic violence, other quantitative research (Jourdan 2008, 26) reveals other reasons presented by women in various areas of Honiara: drunkenness, jealousy, and disobedience, with men putting forward arguments between spouses. Similar reasons were uncovered during the JDL research. In addition, the following were raised as a trigger for domestic violence: a failure to prepare meals, a refusal to engage in sex, women “talking back” to their partners, and the discovery of text messages and/or phone calls from “O2s” (see glossary) on spouses’ mobile phones.

<sup>56</sup> According to the study, some 70.3 percent of women (n=2217) in the provinces of Solomon Islands agreed that in a number of specified instances, including if a woman disobeys her husband or if she has been unfaithful, it was acceptable for the man to beat his wife (SPC 2009, 73). This figure is similar to other quantitative research carried out in 2007 that posed a similar question, with some 69.5 percent of rural women agreeing that in certain circumstances, a husband is justified in hitting or beating his wife, compared with 65.1 percent for urban women (SIG 2009a, 281). Similarly, some 62.6 percent of rural men believe that in certain circumstances, violence against women is justified, compared with 76.1 percent for urban men (SIG 2009a, 283).

<sup>57</sup> At the same time, it must also be emphasized that male relatives, particularly brothers, often support female relatives in making complaints to the police, for example, by attending the police station with them.

urban localities, although it is not possible to prove or disprove this hypothesis:

Domestic violence is evidently widespread in Solomon Islands but is of particular concern in urban areas where the ready availability of alcohol may act as a trigger, where customary relationships are in flux, and where women often do not have nearby kin to come to their assistance and impose *kastom* sanctions on offending men. (Scheyvens 2003, 26)

Police working at the Honiara-based Sexual Assault and Family Violence Unit were of the view that domestic violence is rampant across Solomon Islands and is acutely underreported in the state justice system. Police data collected over 2010 indicates that only 1–2 percent of all family violence incidents attended to by police across the country took place outside Guadalcanal province.<sup>58</sup> In some instances—if not the majority—the police response to a report of domestic violence will be to warn a female complainant about the consequences of proceeding. Frequently women are told to “go home and think about it” before coming back, reportedly because police were tired of matters being withdrawn at the insistence of the female complainant, though this may also reflect a culturally rooted hesitance to act upon such complaints. The *wantok* issue described below is also, anecdotally, a barrier to women proceeding with complaints. Instances in which male police officers telephoned complainant’s partners—often the officers’ *wantoks*—to inform them of their partner’s complaints were raised during the research.

Since October 2010, the RSIPF has adopted a “no-drop” approach to domestic violence matters (included within the “Family Violence Policy and Standard Operating Procedures”). In addition, at the time of the research, the RSIPF had two full-time officers working exclusively on domestic violence awareness. These officers, with donor funding, travel around Solomon Islands educating communities about issues relating to domestic violence, including the effects of such violence and the potential legal consequences. In all provinces, there is an individual RSIPF Family Violence Coordinator who acts as a focal point for domestic violence issues.

#### Box 4. Excerpts from the RSIPF Family Violence Policy and Standard Operating Procedures

- When the victim makes a formal statement but refuses to sign it police will continue with the investigation. The officer must make a note at the bottom of the victim statement regarding their refusal to sign.
- Where the victim has made a formal statement but refuses to give evidence in court, the case is to continue. Police prosecutions will explain to the court the decision made by the victim not to give evidence.
- Where a victim requests that a charge be withdrawn, the victim shall submit a formal written statement to the Police Prosecution Unit explaining the situation and her wishes. Where there is sufficient evidence, police will proceed with the intent to pursue prosecution.
- No family violence-related charges will be withdrawn by police unless directed by the Provincial Police Commander or the Directors of Police Prosecutions and Public Prosecutions.

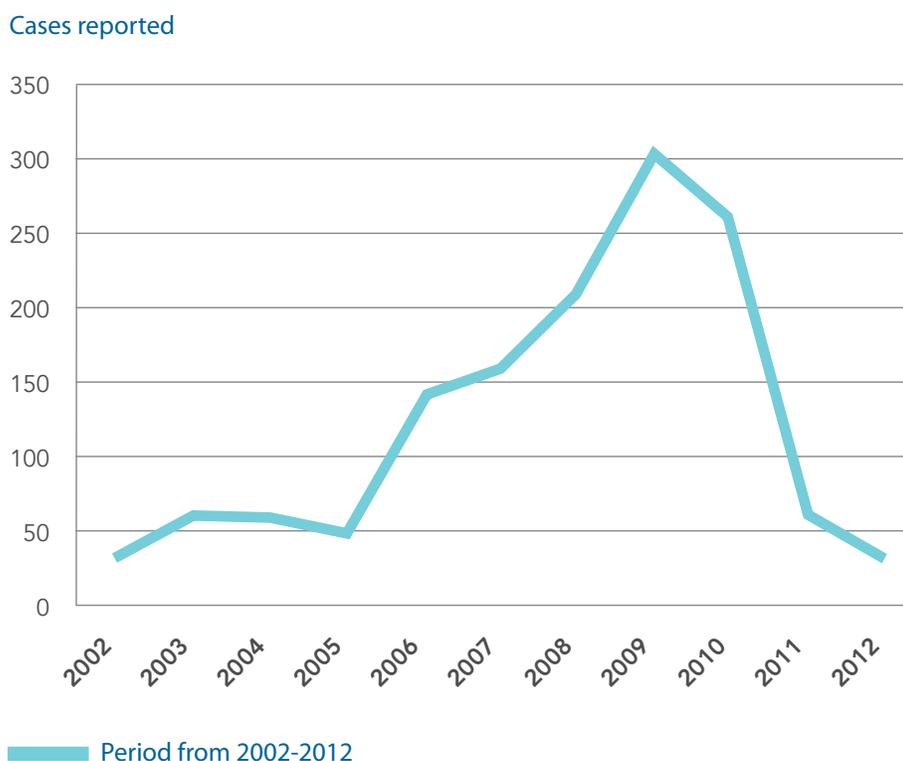
Support services for victims of domestic violence are predominantly located in Honiara. The Honiara-based Family Support Centre (FSC) and the Tenaru-based (approximately 10 kilometers to the east of Honiara) Christian Care Centre are open to individuals who reside outside of Honiara, although they are mainly used by the capital-based population. This is perhaps not surprising, given the expense involved in traveling to Honiara from the provinces. While no formal support services were encountered during the fieldwork, churches sometimes offer “safe houses” for women and children.

<sup>58</sup> Unpublished data provided by the RSIPF Sexual Assault Unit, Rove Police Headquarters, August 2012. Guadalcanal province hosts the country’s capital, Honiara.

Data collected by the FSC show that the number of people accessing their services in relation to domestic violence (see figure 1) has fluctuated over the last 10 years. FSC staff explained that the

2006 increase was due to more intensive awareness activities conducted by the Centre, although could not explain the drop in recent years.

**Figure 1. Cases of Domestic Violence Reported to the Family Support Centre (2002–12)\***



\*Figures to June 2012

### 3.5. OTHER TYPES OF COMMON DISPUTES/GRIEVANCES

Numerous other common local-level disputes and grievances were raised across the research sites, the most prevalent of which were theft, gossiping, swearing,<sup>59</sup> gambling (*kura*), divisiveness caused by the formal political process, accusations of sorcery, and damage caused to food gardens by unrestrained animals. These problems often lead to open conflict,

including violence. Much disputation and grievance is interrelated; for example, swearing and theft are commonly linked to alcohol consumption. Disputes related to land will typically surface when heavy drinking takes place and in turn, land-related disputes are often a trigger for additional offenses, including serious violence and even homicide. Particularly serious offenses such as murder, rape, incest, and severe physical assaults are relatively

<sup>59</sup> As was noted above, swearing can be a particularly serious breach of *kastom* in most parts of Solomon Islands depending on the context in which the utterance is made. It was observed that particularly serious swearing often involves reference to sexual relations with an immediate family member or consuming bodily excrement.

Table 1. RSIPF Recorded Matters by Offense 2010–13\*

Offense	2010	2011	2012	2013**
Murder	15	13	13	3
Manslaughter	0	1	0	0
Grievous Bodily Harm	37	50	53	9
Common Assault	846	737	695	50
Assault Occasioning Actual Bodily Harm	239	265	243	7
Simple Larceny (Theft)	805	858	608	112
Break-in	418	332	275	54
Indecent Assault	56	53	47	8
Incest	4	6	7	0

\* Data provided by the RSIPF Crime Statistic and Records Office, Rove, Honiara, August 16, 2012 and April 5, 2013. "Recorded matters" refers to matters where the police have opened a file following a complaint and have assigned a "running number" to the file.

\*\* Figures current to March 31, 2013

rare, as reported by interviewees and according to police data (see table 1).<sup>60</sup> Figures for recorded matters of rape throughout the country appear in table 4.

**Theft:** Theft (referred to during the fieldwork as "stealing") was a commonly cited problem and in some communities was rampant and of constant concern. Typical items stolen include clothing, household utensils, mobile phones, animals, and garden crops. More often than not it was said that the police would not act when instances of "small-scale" theft were reported.

**Political Division:** Division caused by the electoral process was most severe in Renbel province, although this issue was also raised in Malaita province and observed in Guadalcanal province (box 5). Renbel is the smallest province in Solomon Islands,

both geographically and by measure of population. The electoral process, both at a national and provincial level, results in massive social upheaval for the small communities of Rennell and Bellona islands, which are polarized along candidate lines often well after the election period. This is perhaps reflective of small communities characterized by strong familial ties (where almost everyone is related in one way or another). Those older community members interviewed said that such a phenomena was relatively new and can be partly traced to the 1992 introduction of discretionary funding in the form of constituency development funds (CDFs) (see discussion in section 2); the splintering of the tribal vote when candidates from the same tribe run against one another; and linked to this, an increase in the number of candidates who now stand in provincial and national elections. Subsequent fieldwork suggests that in some communities, CDFs

<sup>60</sup> According to the High Court, which deals with the most serious criminal offenses, in 2011, 54 new criminal files were opened. Fifty percent of these (27) were sexual offenses, including rape, attempted rape, incest, and indecent assault; 43 percent were violent offenses (23.2), including murder, manslaughter, attempted murder, assault, and robbery; and 7 percent (3.8) were "other," including arson, money laundering, false declarations, embezzlement, larceny, and conversion (Palmer 2012, 13–18).

are accepted as a political fund to reward supporters of individual MPs.<sup>61</sup> There was little discontent or agitation observed, as supporters of unsuccessful candidates are content to wait four years (Solomon Islands' election cycle) for their preferred candidate to be elected so that they would benefit from the funds.

Political divisiveness undermines social cohesion and has the potential to result in open conflict, especially in the run-up to elections. Not only was this cited during the fieldwork but there have been numerous instances of documented violence in Solomon Islands linked to the election process, including at

### Box 5. *Chupu* Ceremony in Kakabona, Guadalcanal Province



*Chupu* Ceremony at Kakabona, Guadalcanal province, 2010.

The electoral process and elections are a potential source of divisiveness and conflict in Solomon Islands. In late 2010, members of the research team witnessed a reconciliation ceremony, or *chupu* (see glossary), between supporters of the incumbent Northwest Guadalcanal MP and supporters of the former losing MP at Kakabona village to the immediate west of Honiara. The language of *kastom* and Christianity were entwined in all of the speeches given. For example, one of the chiefs present urged the parties to “forget about the past and build on the future based on the Christian beliefs and values.” The *chupu* exchanged included a *talina* (shell money), live pigs, and food. A local priest prayed, and the supporters of the current and previous MPs shook hands. Similar ceremonies have taken place in other parts of the country, one as recently as June 2012—almost two years after the national election.

<sup>61</sup> This fieldwork was carried out in June and December 2012 in Western, Choiseul, and Malaita provinces. Given the relatively small number of communities visited and people interviewed, it is not possible to extrapolate these findings across the country.

the local level, although not of the scale and intensity of election-related violence in neighboring Papua New Guinea. This was particularly acute during the elections spanning the tension period, involving especially the national election of 2001 and the provincial elections of 2002.<sup>62</sup> Elections have also produced violence in urban areas, most notably the riots in Honiara and Auki following the 2006 national election.

**Sorcery:** Sorcery and supernatural powers are widely believed in across most parts of Solomon Islands, including among practicing Christians. Sorcery was regularly raised as a cause of disputation and disharmony at the local level in Malaita province and as a particularly serious problem in Isabel province.<sup>63</sup> While sorcery is a criminal offense in Solomon Islands,<sup>64</sup> it is typically the accusation of sorcery and the accompanying harassment, threats, and violence directed at those alleged to have practiced it that is the source of violence and community disharmony. Accusations of sorcery are usually leveled against elderly men and (especially) women. In a village visited in Isabel province, it was said to be a common practice for groups of young men to shower a house of an elderly man with rocks in the belief that the occupant was practicing sorcery. In Buala, the provincial headquarters of Isabel province, it was observed that there were limited food items for sale at the market because people fear illness from consuming “cursed” food. Accusations of sorcery are often made when unexplained events occur, such as sickness or untimely death. Accusations are also common when someone experiences “bad luck,” for example, when food gardens fail or when a student fails at school. While not as prevalent as in neighboring Papua New Guinea, accusations of sorcery have been linked to violence and homicide as demonstrated in box 6.

### Box 6. Sorcery in Isabel Province

Sorcery is said to be a major problem for Isabel communities and one that both the state and local systems struggle to deal with. In recognition of the problem, members of the Melanesian Brotherhood (*tasiu*, see glossary) of the Church of Melanesia took the initiative to work with a number of communities to discourage sorcery practices. This was in response to allegations of sorcery-related deaths.

In 2007, a small group of *tasiu* under the leadership of a head brother were mandated to deal with what was regarded as a growing sorcery problem. Part of the strategy employed by the *tasiu* involved revealing those said to be involved in practicing sorcery. The group of *tasiu* traveled throughout Isabel province and held public meetings where alleged sorcerers were revealed. This was clearly a risky strategy, as one case in Buala village demonstrated. The case involved a group of *tasiu* who revealed the identity of the sorcerer said to be responsible for the death of a man. When the son of the deceased learned of the identity of the alleged sorcerer, he physically assaulted the man, who was elderly and frail. As a result of the attack, the accused sorcerer died and a murder case was referred to the police.

<sup>62</sup> For violence linked to the 2001 national election, see Moore 2004, 172. For violence linked to the 2002 provincial elections in Solomon Islands see, for example, *Tepaika v Regina*, High Court of Solomon Islands, October 27, 2005. In the most recent national election of 2010, violence flared in Auki in Malaita province, Lata in Temotu province, and Tulagi in Central province, which involved violent acts against rival candidates’ supporters.

<sup>63</sup> Anecdotally, sorcery is also a common cause of community disharmony and grievance in Western and Guadalcanal provinces, despite the fact that it was not routinely raised during the fieldwork in those two provinces. It was evident that in all places visited, sorcery is a sensitive topic that is not often openly discussed with outsiders. While sorcery was once practiced widely in relation to social conflicts in Renbel province (referred to as *kuba*), the research discloses that today it is not commonly considered a trigger of disputation or grievance.

<sup>64</sup> Penal Code [CAP 26], s. 190. This provides that a person who “performs any magic ritual .... of which there is a general belief... that harm may be caused to any person; or has in his possession, without lawful excuse, any article commonly associated .... with harmful magic” is guilty of an offense. Prosecutions for sorcery-related offenses are infrequent. A senior police prosecutor based in Honiara indicated that in his 17 years of prosecuting, he had prosecuted only one sorcery offense. He attributed this to a lack of knowledge of the law with regard to sorcery and to people’s general inclination to remain silent around alleged sorcery offenses.

## 4. Navigating Justice in Contemporary Rural Solomon Islands

At the local level, disputants call upon three types of justice systems to resolve and mediate their disputes: the *kastom* system, state institutions, and the church. These systems are not entirely separate and discrete, but instead are frequently linked and overlapping and may interact in both positive and negative ways. Further, these systems and the relationships between them manifest in various configurations across Solomon Islands such that it is not possible to talk about a single or uniform system of local-level justice.

While the *kastom* system is by far the most commonly invoked, all three systems are under immense stress. In no one locality visited were all three systems working in an effective manner. Indeed, in most places, the state system was seen as largely irrelevant primarily because of its absence, while in many other places, local nonstate systems were under extreme pressure and appeared to be largely ineffective in managing everyday disputes. This may be a legacy of the tension in some areas, although more generally, it reflects the effects on local systems of broader processes of socioeconomic transformation. Solomon Islanders express a strong desire for more effective articulation between the three systems that can enhance the capabilities of all of them, based on a locally driven or “bottom-up” approach to state-building. This is a positive message and one that opens up considerable potential for socially attuned and locally driven reform processes.

Highlighted in this section of the report are popular experiences with and perceptions of the effectiveness and legitimacy, key limitations, and gender-specific aspects of each of the three systems. Also examined are the multiple configurations and interactions between the three systems in practice.

### 4.1. THE KASTOM SYSTEM

In this report, the term *kastom* is generally used to refer to the social norms and practices that make up local approaches to dispute management and everyday social regulation in communities. These norms and practices derive their legitimacy from a claim to some form of “customary” or “traditional” authority exercised by local “chiefs,” both individually and collectively, rather than from the state. They are also informed by cultural heritage, which varies widely from place to place. Among the people interviewed for this report, the *kastom* system is without doubt the most frequently utilized and relevant justice system. Some references to *kastom* suggest that it is something that has “always been” and is unchanging, but *kastom* is best regarded as fluid and in a process of continual change.

The terms “custom,” “customary law,” and “*kastom*,” often used interchangeably in common parlance, have been the subject of much debate. They are not defined with any precision in Solomon Islands’ legislation. Historically, *kastom* has often been used in Solomon Islands as a political discourse in opposition to the state or in opposition to “the West” or “the modern.” However, as demonstrated through the use of specific examples below, this is a false dichotomy. *Kastom* systems do not function independently from the other systems under discussion, including the state. Further, while the *kastom* justice system is often talked about as a discrete phenomenon, it is important to note that local “justice” practices have always been embedded in the larger social systems that once governed all aspects of social relations in traditional Solomon Islands societies. For example, in addition to managing conflict, these systems regulated gender relations and provided the socialization processes that structured the passage of young people into adulthood. The erosion of critical aspects of these encompassing systems, as well as the more general weakening of the state, have also undermined local regulatory practices, including the capacity to effectively manage local disputes.

### Contemporary chiefly structures<sup>65</sup>

In all of the provinces visited, chiefly structures were present at various political levels: ward, district, and in one instance, provincial. The structures encountered were typically referred to as “houses of chiefs,” “chiefs’ panels,” and “councils of chiefs,” and less frequently, “chiefs’ courts,” “chiefs’ hearings,” “*kastom* courts,” “chiefs’ committees,” “councils of elders,” and “court of chiefs.” These structures invariably evolved from, and once had connections with, the state. Only one of these bodies was observed in action during this research.<sup>66</sup> The analysis here thus derives primarily from conversations with chiefs and leaders, from those who had either witnessed or been a party to a dispute, and from documents provided. From these sources, the following general observations can be made:

- In all places visited, these various chiefly structures deal predominantly but not exclusively with customary land-related matters.
- Typically, a written constitution governs the various chiefly structures. This document establishes the specific make-up of the organization and includes, among other elements, its mandate, composition, and jurisdiction. In some places, these constitutions are quite detailed and appear akin to legal documents (see box 7).
- It appeared that only “tribal chiefs” sit in the various chiefly structures under discussion. An important distinction must be drawn between tribal chiefs (sometimes called *kastom* chiefs) and what are commonly referred to as “village chiefs.” Tribal chiefs are members of the original landowning group and owe their position to their lineage. Village chiefs are appointed to play a community governance role and will be involved in managing day-to-day, non-*kastom*-related



A public hearing of the Dala House of Chiefs, Dala north, Malaita province, November 2012.

disputes, and often in overseeing community work efforts.<sup>67</sup> Village chiefs are not necessarily of the landowning group and may have been raised in other communities. The distinction between tribal and village chiefs was observed in Malaita and Isabel provinces, but was not seen to apply in Renbel, Guadalcanal, and Western provinces (where the position of village chief does not exist). In Guadalcanal and Western provinces, a loosely comparable position to village chief appears to be, respectively, the *taovia* (leader) and the “village organizer.”

- Typically, each chiefly structure will be headed by a single “paramount chief,” often elected by his brother chiefs, and involve an executive committee, including a secretary.

Some interlocutors traced contemporary chiefly structures to a legislative amendment in 1985 that meant all customary land-related disputes had to first be dealt with via “traditional means” before they could be entertained by a local court.<sup>68</sup> However,

<sup>65</sup> The discussion here is confined to organized chiefly structures and does not pertain to the role of individual chiefs or leaders who are found in most communities in Solomon Islands and who often play an important dispute-management role.

<sup>66</sup> A hearing of the Dala House of Chiefs was observed in Dala north in Malaita province in November 2012. The matter related to an accusation of sorcery stemming from the death of an elderly individual. The hearing took place in an open market building and was attended by around 100 men, women, and children.

<sup>67</sup> *Kastom* disputes are generally considered those related to land and various familial and social problems, including, in some places, disputes around bride price and male-female relationships. In this context, non-*kastom*-related disputes are generally those detailed in community bylaws or rules and may include issues such as theft, pigs destroying food crops, swearing, gambling, and the like.

<sup>68</sup> This requirement was introduced by the *Local Court (Amendment) Act 1985* (sometimes referred to as “Nori’s Act,” after former politician Andrew Nori, who introduced the bill in parliament).

while this amendment undoubtedly had the effect of formalizing the role of chiefs and bringing them together as a collective, chiefly structures predated this law.

The colonial government had broached the issue of incorporating indigenous leadership into government as far back as the 1920s (see section 2.2). In the 1950s, reform efforts were made at the local level, when countrywide native councils were established with “village chiefs” (that is, headmen) on the government payroll (Premdas and Steeves 1985, 40).<sup>69</sup> With impending independence, deliberations over the development of the Independence Constitution explored the role of chiefs in the new Solomon Islands state. Despite talk of chiefs playing a part at the national level, it was at the local level where efforts to integrate their role remained. Moore states that it was decided that chiefs were to be absorbed into area committees/councils, and in 1975-76, area committees/councils elected paramount chiefs to represent tribal groupings (Moore 2010). With the suspension of area councils in 1998, chiefs now operate completely outside of the official government system.

Below is an analysis of the various chiefly structures encountered during the fieldwork, based largely on how those structures should operate in theory. In practice, they do not always function as intended and many are extremely weak or on the verge of collapse. Weakness associated with chiefly power is not a new phenomenon and can be traced in part to the violence inflicted by the colonial state, leading to the undermining of local polities. It has been argued that one of the reasons for the widespread and relatively rapid acceptance of Christianity and “government” across most of Solomon Islands was the inability of many of the older structures to effectively solve or mediate disputes.<sup>70</sup> More recent concerns have focused on the fact that these bodies are comprised almost entirely of older and

middle-aged men (McDougall 2008b). In the small community of east Bellona in Renbel province, for example, chiefly structures were criticized for their inability to make decisions affecting people from other tribal groups. The continuation of the chiefly bodies into the future without some form of outside support has been questioned by other researchers:

...at least since the second World War, such institutions have not been autonomous sources of authority that simply exist in villages waiting to be harnessed. They are not separate from a government, and while they have continued on the steam of dedicated men...for decades, it seems to me highly unlikely that they will continue to do so. (McDougall 2008b)

### **Isabel province**

The chiefly system in Isabel province is relatively formalized and institutionalized. In 1975, the people of Isabel began establishing a system of chiefs and houses of chiefs across the province. The Isabel Council of Chiefs (ICC) is led by a paramount chief. In 1984, the Isabel Provincial Assembly passed a resolution recognizing the ICC and its role and power to deal with matters of “tradition and custom.” Under the resolution, the power of chiefs was extended to settling disputes in customary law; “taking an active involvement in the setting of land boundaries and the settlement of land disputes”; and improving “documentation of custom and decisions for preservation purposes and to avoid future disputes.”<sup>71</sup>

The ICC draws its membership from eight district houses of chiefs, whose geographic jurisdiction is defined by the eight language groups that were used by the colonial administration to divide Isabel province into administrative districts. Below this are ward-level chiefs. There are 16 wards in Isabel, and each has at least one ward-level house of chiefs, though some have two or three.

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<sup>69</sup> As concerns local-level justice responsibilities, the *Native Administration Regulation No. 10 of 1953* prescribed the following duties, among others, to headmen: “[to] cause any native suspected of having committed an offence triable by a Native Court to be charged before such Court”; and “[to] prevent to the best of his ability the commission of any offence by any native.” The 1953 Regulation followed the *Native Administration Regulation of 1922*.

<sup>70</sup> On this, in relation to Renbel province, see Monberg (1991).

<sup>71</sup> A copy of the 1984 Resolution was obtained from Geoffrey M. White. See also an extract of the 1984 Resolution in White (1993).

The ICC and district houses of chiefs all have written constitutions (see box 7) and observe a high degree of formality in their meetings. While village chiefs are not necessarily inherited roles, ward- and district-level chiefs attain their position in large part through their membership in a widely recognized chiefly line of descent. Such chiefs are generally the son of the eldest daughter from the chiefly line, and will generally choose one of their sisters' sons as their successor, although in some instances, they may choose their own son.

The Isabel Provincial Administration provides funding to the ICC and the various houses of chiefs, the only province encountered during the research to do so. According to the Isabel province Provincial Secretary, in 2011, the ICC received SBD\$36,000, the eight district houses of chiefs received SBD\$3,000 each, while various ward-level houses of chiefs received a total of SBD\$16,000 (that is, SBD\$1,000 each). According to the Provincial Treasurer, the same amounts had been budgeted in 2012.

#### Box 7. Excerpts from the Constitution of the Isabel Council of Chiefs (June 2004)

##### **Section 6: Qualification for Membership of the Isabel Council of Chiefs**

*To be a member of a House of Chiefs... a person shall be an indigenous leader of a community in Isabel Province.*

##### **Section 6: Qualification for Membership of the Isabel Council of Chiefs**

- *To represent the collective views of the Chiefs and Leaders of Isabel to Provincial and National Government and to other Organizations both within Solomon Islands and internationally.*
- *To mediate in land, social and customary disputes.*

##### **Section 14: Special Meetings**

*Special meetings to mediate in disputes or to solve communal or individual problems, which require the advice and decision of the whole Council or some members from the Council, shall be held when the need arises.*

##### **Section 24: Functions of the Paramount Chief**

*He shall Chair and mediate on major land and customary disputes.*

#### **Malaita province**

The colonial government's institutionalization of "chiefs" as "traditional leaders" was continued by Malaitans through the *Maasina Rule* movement (see section 2.2 above). This movement dominated social and political life on Malaita from the mid-1940s until the early 1950s, and its activities included the establishment of an island-wide system of chiefs, customary courts, and councils. A hierarchy of councils from the district to village level was established, headed by a "Federal Council." The influence of the *Maasina Rule* period endures today.

While forms of chiefly organization vary across Malaita province, in most places it is comprised of male "clan chiefs" who hold genealogical seniority within the clan, and "tribal" or "paramount chiefs," who are usually the chiefs of the historically senior clans within Malaita's regional traditional ritual systems, which are variously referred to as "houses," "panels," or "councils" of chiefs. While many contemporary leaders claim genealogical seniority, many also advance their status by distributing and sharing wealth, contributing to bride price and compensation payments, and using their education to assist

relatives in dealing with government bureaucracy. As on Isabel province, many communities also have “village chiefs” who are elected or appointed by their communities and have functions distinct from the clan or tribal chiefs, as described above.

### **Western province**

Typically at the village level in Western province, there is a single chief (*bangara* in many of the local languages, but also *lala’aha*, *palabatu*, *uiniame*, and *lekasa*), who is from a chiefly line from the major tribe in the area. Such chiefs may have responsibility for one or several villages. Under the leadership of the *bangara*, there are tribal elders who head subtribes within the region. Chiefs’ spokesmen and village organizers are principally appointed from among tribal elders to help the *bangara* manage village affairs. In some areas, the *bangara* and tribal elders form the governing body at the village level known as the “council of elders,” “chiefs committee,” or “village committee.”<sup>72</sup>

The position of village organizer has existed in Western province since the 1980s. Today, the role of the village organizer includes acting as a liaison between communities and the provincial government, a feature of which is assisting in the collection of business license fees. There are 53 village organizers on the Western province payroll. All three actors—chief, village spokesman, and village organizer—may play a role in relation to dispute management. Owing to the absence of chiefs in many villages in Western province, village spokesmen often end up acting in their stead. (During the research, chiefs were present in only two out of 13 communities visited in Western province, the remainder apparently residing in Honiara or elsewhere.) At the constituency level<sup>73</sup> are councils of chiefs that generally take the form described above. For example, there are functioning councils of chiefs in Marovo and Kolombangara. Like the other council of chiefs discussed, they deal predominantly with customary land-related disputes.

### **Renbel province**

In traditional Renbel society, there was no organizational structure bringing together a collective

of chiefs. The Polynesian societies of Rennell and Bellona had individual hereditary tribal chiefs who were responsible for their own tribal groups. As elsewhere, this changed with the colonial government’s system of indirect rule, under which the government selected headmen with exclusive responsibility to administer justice, including the establishment of courts comprised of tribal chiefs. According to the present chairman of the west Rennell Council of Chiefs, in the lead-up to independence, the representative of Renbel in the Legislative Assembly worked with Renbel chiefs to establish councils of chiefs. The councils, which had one representative from each tribe, were presided over by a paramount chief elected by consensus. The role of the councils was to make common rules that tribal chiefs enforced, and also to mediate conflicts, mainly over land.

The contemporary chiefly system of Renbel province is the least institutionalized of those documented and was observed to be extremely weak. Following the 1985 amendment to the *Local Courts Act*, the councils became preoccupied with customary land-related disputes and were said to have abandoned their broader community governance and maintenance of order roles. Today, the only council of chiefs that is functioning across the province, albeit sporadically, is the West Rennell Council of Chiefs. According to the secretary of the council, its last sitting was in 2010 and involved the hearing of two customary land-related disputes. Parties paid a SBD\$250 “court fee.” At the time of the research, roughly one year after the 2010 hearing, decisions had not yet been handed down. A host of negative comments about the council were expressed during the research, the most common being accusations of bias. It was said that the breakdown of similar councils in Bellona and east Rennell was linked to community distrust and illegitimacy.

### **Guadalcanal province**

All tribes and clans on Guadalcanal are members of the two original clans on the island referred to locally as “big line” and “small line.” Under these two lines there are various sublineages that are held

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<sup>72</sup> Debra McDougall suggests that most villages/areas in Western province do not have formal councils of the nature described here (personal communication, February 2013).

<sup>73</sup> Constituencies are the geographical areas from which national MPs are elected. There are 50 constituencies across Solomon Islands.

together by claims to common land ownership. Sublineages have chiefs (who can be equated with tribal chiefs in the present discussion) responsible for land-related matters and relationships with other sublineages. At the village level, however, men who demonstrate leadership qualities are appointed chiefs and are referred to as *taovia* (leaders).<sup>74</sup> Their role is to look after the day-to-day affairs of people, and their jurisdiction is limited to their village of residence. Today, chiefly authority has become closely associated with control over land, particularly as a “trustee” of registered land on behalf of a landholding group (Monson 2011). The most formalized and institutionalized chiefly structures that were encountered during the research on Guadalcanal province were on the plains in the northeast, and were apparently associated with the development of the oil palm plantation.

#### **Kastom dispute resolution: jurisdiction, procedures, determinations**

There is no legislative basis for *kastom* dispute resolution, other than the provision of the *Local Courts Act*, which requires customary land disputes to be referred first to chiefs to be dealt with according to “traditional means.”<sup>75</sup> Furthermore, the links between chiefly structures and the state are generally informal and *ad hoc*, contributing to widespread confusion at the local level about the extent to which each system should deal with which specific issue. With the exception of Isabel province, no state financial support was seen to be provided to these bodies. The use of one system over another in a given situation will depend on a variety of factors. Any one of the three systems may be—and indeed are—drawn on to manage any type of dispute/grievance, and may be called on concurrently.<sup>76</sup> Nevertheless, two areas of disputation are usually regarded as the primary domain of the *kastom* system:

- First, customary land-related disputes will almost always initially be dealt with using *kastom*. Even prior to the 1985 legislative requirement, such

cases were considered the province of chiefs throughout Solomon Islands. The 2011 *People’s Survey* confirms this position, with 77.4 percent of all rural respondents nominating chiefs as the institution that they would turn to in seeking help to resolve a land dispute (ANU Enterprise 2012, 142). Similarly, in recent quantitative research among Solomon Islander tertiary students, 70 percent of respondents nominate “traditional authorities and elders” as the appropriate group to “resolve disputes over land,” with only 14 percent favoring the national government (Leach et al. 2011, 51). The role of chiefs in land disputes is important, as chiefs are commonly considered to possess the genealogical knowledge (or the “stories” or “*kastom* stories” relevant to the land) necessary to make a determination.

- Second, the *kastom* system will often be called on to deal with social and familial problems, especially when disputes and grievances revolve around the payment of bride price, involve instances of adultery, or relate to the payment of compensation.<sup>77</sup> In these cases, the *kastom* system is usually not a formally constituted committee of chiefs as has been described above. Rather, it will typically involve senior men (and sometimes women) with a connection to the parties, who will mediate the problem, drawing on both *kastom* and Christian beliefs and frequently working with religious leaders.

When dealing with land-related disputes, the various chiefly structures adopt procedures that borrow heavily from the Western judicial system and Christian doctrine. Parties to a dispute will appear and answer questions, either from the other party and/or the panel of chiefs. Oftentimes, written records of deliberations and decisions will be kept by an individual nominated to do so. Site inspections may take place in cases involving customary land disputes. Chiefs will deliberate and frequently a written record of the decision will be produced. These

<sup>74</sup> For a further discussion on the appointment and role of *taovia*, see Kabutaulaka (2002, 64–80).

<sup>75</sup> *Local Courts Act* s. 12(1).

<sup>76</sup> Factors that are likely to determine which system is used in a given situation include: the financial resources of the parties involved; the configuration of community, church, *kastom*, and state authority in the given locality; the gender and age of the parties; the subject matter of the dispute; and the relationship between the disputing parties.

<sup>77</sup> Usually efforts will be made at the immediate family level to resolve these matters before the wider services of the *kastom* system are sought. Bride price is not practiced universally in Solomon Islands, including among several Polynesian communities such as Renbel province and Tikopia, as well as in Western and Isabel provinces.

judgments are often typed and sometimes evoke a mixture of Christian and quasi-legal discourse. Various manifestations of the chiefly structures incorporate an appeal mechanism allowing parties aggrieved with a decision at one level to have the option of appealing to a higher level (for example, ward level to district level). A right of appeal was the case in Malaita and Isabel, but was not observed in the other provinces. Because of these formalities, some interviewees had difficulties discerning the difference between chiefly bodies and local courts.

Parties pay to bring a case before the various chiefly structures (“*buyem chief*” in Pijin). Payment most often takes the form of meeting the costs of transport, accommodation, and food, which may be in addition to or in lieu of a monetary sitting fee. Fees generally ranged from SBD\$50 to SBD\$500. The 2011 annual *People’s Survey* (ANU Enterprise 2012, 145) found that 62.5 percent of all respondents expect to pay for assistance in resolving a land-related dispute (in the state or nonstate system).<sup>78</sup> Parties can typically request a chief to step aside if he is perceived to be biased, most often because he is related to a party or has a personal interest in the subject matter. To avoid perceptions of bias, full councils of chiefs might adjudicate a particular matter outside of their geographical jurisdiction. Chiefly dispute resolution is often, but not always, open to the public.

The goal of *kastom* processes regarding criminal offenses is primarily to “cool” hostilities and restore community harmony rather than to determine guilt or innocence (see box 8). Traditionally, *kastom* systems had a variety of responses at their disposal, including banishment, the performance of sorcery against the offending party or parties, corporal punishment, or even death. Today, common responses, in addition to processes associated with reconciliation such as mutual prayer, apologies, shaking hands, and the holding of *kastom* ceremonies, are the imposition of a fine and/or compensation payments.<sup>79</sup> In addition to money (“hard cash”), compensation may take the

form of traditional currency (such as shell money, *talina*, red feather money, *tafuliae*, *bakia*, *bokolo*) food items, mats, pigs, and so forth. In some places, chiefly-imposed corporal punishment in the form of public whippings has taken place, especially for youth. Whipping routinely occurs in the Gilbertese communities of Wagina in Choiseul province, Titiana in Western province, and in Honiara.<sup>80</sup> Whippings take place in the public meeting house (*maneaba*) for acts such as public drunkenness and sexual offenses.<sup>81</sup>

### Box 8. The Titinge Shooting, Guadalcanal Province

In August 2010, the RSIPF, with the support of RAMSI military members, responded to a call for assistance in the vicinity of Titinge village on the outskirts of Honiara. Rival groups of youths were throwing rocks at one another. Upon the arrival of the RSIPF and RAMSI military members the youths turned upon them, resulting in damage to vehicles and equipment. During the ensuing confrontation, a man from Peochakuri village on the Weather Coast was shot and killed by a RAMSI military member. In the tense post-shooting atmosphere the potential for retaliatory attacks was a live concern. Senior members of RAMSI (following guidance from their local counterparts) and the RSIPF presented *chupu* consisting of shell money, a pig and food items to the family of the man. They also pledged to resolve the matter with the family of the man. Members of the Guadalcanal communities visited during the research often referred to this *chupu* as evidence of the capacity of *kastom* processes to “cool” a dispute and allow parties to work towards a peaceful resolution more quickly and effectively than the state justice system.

<sup>78</sup> The province break down was as follows: high in Guadalcanal (85.3 percent), Isabel (85.8 percent), and Temotu (78.6 percent) provinces, and low in Choiseul (29.6 percent) and Western (38 percent) provinces.

<sup>79</sup> For a detailed account and analysis of a *kastom* ceremony at Ranongga, Western province, see McDougall and Kere (2011, 151–53).

<sup>80</sup> Wagina and Titiana are Gilbertese settlements of migrants from the former Gilbert Islands, now part of Kiribati. The Gilbertese were settled by the British between 1955 and 1971 in response to overpopulation on their home islands.

<sup>81</sup> Acts of public whipping are common and, for example, took place among the Gilbertese community in Honiara in June 2012. This is despite efforts in 2006 by government officials, including the Public Solicitor and the Commissioner of Police, to convince Gilbertese community leaders to stop the practice. The fieldwork disclosed that the practice of whipping is supported by sections of the Gilbertese community, including sections of youth.

## The involvement of women in the *kastom* justice system

### Women chiefs

While women chiefs remain the exception, they do exist, especially in the matrilineal provinces of Guadalcanal and Isabel.<sup>82</sup> For example, woman tribal chiefs from Buala and Tholana in Isabel province identified during the fieldwork were from groups with political authority, often described as “landowning tribes.” Two other women chiefs from Koge village on Isabel province were village chiefs and were appointed because of their leadership in the church.<sup>83</sup> In keeping with the role of village chiefs, part of their mandate involved organizing the community when the male leaders and men were away from the village.

*“Lo olketa big dei taem olketa man go fishing, mitufala (woman chiefs) nao kolem olketa woman fo waka. Olketa chief wea go ia talem mitufala wanem fo duim taem olketa go.”*

[On major occasions when the men are away fishing, the two of us (women chiefs) call the women and organize the work. The chiefs instruct us on what to do while they are away.]

- Woman chief, Koge, Isabel province

Youth spoken to in Koge said that the women chiefs were appointed to ensure gender balance and that women and girls also had other women they could go to with problems.

Two women chiefs in ward 27 of west Kwaio, central Malaita, are both from chiefly families and were appointed as members of their tribal house of chiefs (the Kwainafa’a House of Chiefs) and the ward-level council of chiefs (the Laulana Council of Chiefs). Their appointments, both confirmed in July 2007, entailed their nomination and endorsement by tribal chiefs within their ward and an oath-taking ceremony (administered by a commissioner of oaths who was a

member of the Malaita provincial administration).<sup>84</sup> As tribal chiefs, part of their role is said to include the management of land-related disputes and involvement in the formulation of community rules. According to one of the women chiefs interviewed, the two were specifically mandated by their male chiefly peers to deal with serious offenses involving women, including rape. This was consistent with the rationale expressed by male focus groups in Maa and Ngariwane villages in west Kwaio, who said that certain matters were culturally more appropriate for women to deal with.

Generally, the men spoken to in west Kwaio were aware of the appointment of the two women tribal chiefs and expressed strong support for them. The women in Maa village were aware that one female tribal chief had been appointed, but were uncertain as to her role or if she was still active. They did not yet feel that they could go to her to discuss their problems. In Ngariwane village, the community had also appointed two female village chiefs who were said to deal with a range of problems involving women, as well as “minor” problems not involving compensation. Women explained that the community appointed these female chiefs following acknowledgment that women often felt unable to seek help from male chiefs about certain problems.<sup>85</sup> On Guadalcanal province, the woman chief’s status was highly contested. Among most of the women, this appeared to be primarily a matter of contestation around her family’s claim to chiefly status rather than the fact that she was a woman; however, among the men interviewed, there was broader contestation about whether a woman could ever be classified as a chief on Guadalcanal province.

Amid the discussion (and often contestation) over who is and is not entitled to call him or herself a chief in Isabel, Malaita, and Guadalcanal provinces, there was a lively debate about the character and role of *kastom* leadership and authority and the need to adapt local systems to the new challenges

<sup>82</sup> McDougall (2008b) has also made reference to women chiefs on Ranongga island in Western province.

<sup>83</sup> Having been appointed village chiefs, unlike tribal chiefs the women had not been ordained/blessed by the church.

<sup>84</sup> Only one of the women tribal chiefs is presently carrying out her role, as the other has taken up studies to become a nun.

<sup>85</sup> The appointment of women tribal and village chiefs in west Kwaio is a reflection of a broader acceptance by communities there of the leadership role of women. It was also reported during the research that chiefs in ward 26 are considering appointing women to their council of chiefs. Apart from the various women chiefs, ward 27 is one of the only two wards in Malaita province to have elected a woman as their provincial member, having done so in mid-2000. Similarly, following the RSIPF-led community officer pilot (see discussion in section 5), west Kwaio was the only place across the country where chiefs nominated women community officers for the three wards in their region.

associated with ongoing socioeconomic change. While for many this is primarily about strengthening existing power structures and getting more state recognition of and support for chiefs, for some it opens up more radical possibilities for reimagining the institution of chief, including contemplating the appointment of such nontraditional candidates as women and youth leaders—though women of high status, but not necessarily of chiefly title, are not without historical precedent across Solomon Islands. Among some groups, there are particular words to describe women of high status who were regarded as leaders, for example, *daki taovia* or *daki lavalava* (big woman) on Guadalcanal and *vuluvulu* in Marovo Lagoon and other parts of Western province.

### **Women in dispute management**

In most instances, women are absent from the most public and formal forms of dispute management through the *kastom* justice system. This was generally the case in all of the places visited, irrespective of variations in descent and land tenure. Throughout the research, women classified the mediation or resolution of *kastom*-related disputes as predominantly the domain of men. Women are also said to have no public role (as a spokesperson or witness) in customary land disputes.<sup>86</sup> However, women regularly carry out a behind the scenes role in matters dealt with by the *kastom* system. For example, it was said that the wives of chiefs will often act as intermediaries between women and their husbands. Women are also involved in organizing *kastom* reconciliation efforts, which are often pivotal when it comes to addressing *kastom*-related disputes and grievances. In many places, but particularly matrilineal societies, women stressed that they are also the custodians of “*kastom* stories” and knowledge relevant to land, although in some places, they complained that men would profess to speak on their behalf on issues of genealogy. In Isabel province, the women of the Mother’s Union (see below) asserted that they were the real problem solvers and were somewhat critical of male chiefs, saying, “they are good at talking, but we don’t see much action” and “they contribute to the problems in lots of places” (Dinnen and Haley 2012, 27).

Nevertheless, the extent and importance of women’s influence through their “behind the scenes” roles vary both geographically and according to the nature of the dispute or grievance, and are often unrecognized publicly. It is not uncommon for women to find out about land and natural resource agreements only after male leaders have reached a decision. According to people in many parts of Solomon Islands, *kastom* dictates that women “*no save tok*” (cannot/must/should not talk) about land and they must “stand behind” men when it comes to speaking about and dealing with land in the public arena (see Monson 2010, 2011, 2012). This viewpoint corresponds to the social norms that often limit the ability of women to speak in public arenas, and to the fact that it is generally (but not always) men rather than women who speak in public. It also reflects the views of some that women lack the skills to speak effectively and persuasively in public (Monson 2012). However, there is also evidence that *kastom* and Christianity offer women more opportunities to participate in decision making and dispute resolution than does the state legal system.<sup>87</sup>

The above observations are confirmed by the 2011 *People’s Survey*. Only 12.3 percent of respondents in rural areas stated that women helped to solve land disputes within their community. Instead, the primary role of women was considered to be one of assisting with “*disput lo family*” (family-related disputes), with 66.3 percent of rural respondents nominating women as playing a role in this regard (ANU Enterprise 2012, 154). A limitation in the question posed is the built-in assumption that a “land dispute” revolves around a single identifiable issue or a transaction capable of resolution (or indeed, that land disputes are ever really resolved). The management of a land-related dispute will typically involve multiple public and private interventions over a long period of time, in any instance of which women may play an instrumental part.

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<sup>86</sup> Women have, however, played prominent documented roles in protesting logging activities. During the research, confrontations between logging companies and women were described in Vella Lavella and Morovo Lagoon in Western province, and women sustained injuries at the hands of logging company security.

<sup>87</sup> See McDougall (2003).

### **Women as users of dispute-management services**

Quantitative data indicates that women are more inclined than men to seek church or police intervention when it comes to dealing with major family or community disputes, although chiefs remain the preferred actor for both genders (66.2 percent for men and 52.8 percent for women) (ANU Enterprise 2012, 140). Other quantitative data indicates that “traditional authorities and elders” are the preferred forum for land-related disputes (73 percent for men, 62 percent for women), while 28 percent of women compared with only 9 percent of men want to see provincial governments play a greater role in land disputes (Leach et al. 2011, 52). The authors of the research suggest that:

[t]his is likely to reflect a preference for decision-making processes within the regionally based authorities in which women have had greater access and some level of involvement, compared with clear limitations on their ability to participate in national government, or to be adequately represented at traditional levels of decision-making. (Leach et al. 2011, 52)

The *People’s Survey* further asked whether women would seek help from a man or a woman if they were involved “*insaet wanfala bigfala raoa o dispiut*” (in a major argument or dispute). On average, women were three times more likely to say they would prefer the help of a man than of a woman. This was as high as 93.4 percent in Choiseul province, 92.1 percent in Isabel province, and 84.7 percent in Temotu province (ANU Enterprise 2012, 156). There are perhaps a number of reasons for this, including the proviso that the problem be one of a “*bigfala*” (big) nature that would equate to a land-related dispute or a dispute involving violence, issues in which men have had a long-standing dominance.

Although a feature of chiefly structures is their openness to the public, women rarely attend chief’s meetings. Reasons offered by both women and men included a lack of knowledge, interest, and/or time. It has been documented that women and children are often advised to stay away from meetings regarding land disputes, particularly if there are no police present (Monson 2010, 2). Even if women do attend, such attendance does not necessarily equate to a right to voice an opinion. On the other

hand, although some persons interviewed strongly asserted that women had no role in *kastom*-related disputes, others stated that women could play a role in a house of chiefs or in a sitting of a court. Among arguably the most socially conservative group of Malaitans, the Kwaio-speakers of central Malaita, women have been able to acquire a high degree of expertise about *kastom* (see Keesing 1982b, 201, 221–25). A male youth focus group in west Kwaio, Malaita, supported the appointment of women community officers, stating that women were easier to approach because unlike the older men, they generally give the youths an opportunity to express themselves without assuming that they are the troublemakers.

Research participants in Malaita province described a particular way that women played a role in preventing the escalation of violence. If a woman or group of women witness a physical fight involving men to whom they are related and intervene in a particular way, the men will cease fighting. This was referred to by some as “*kastom swearing*,” and it usually entails a woman or group of women challenging the men who are fighting and swearing at them, or alternatively, throwing a piece of women’s clothing over the men. Reference would be made to the consequences of continuing to fight, which might be related to breaching a cultural *tambu* (taboo). If the men were to continue fighting, they would be required to pay compensation. It has also been documented that women have played similar *kastom* roles in stemming the first manifestations of conflict in Temotu province (Higgins 2008, 4).

### **4.2. THE STATE JUSTICE SYSTEM**

Solomon Islands inherited the British Westminster system of government, including the accompanying justice agencies typically found in contemporary British Commonwealth states. This means there is a court hierarchy and the relevant criminal and civil state justice apparatuses, including a police force. The tension years inflicted considerable damage on the integrity and functioning of the Solomon Islands state, including its policing and justice systems. Fear and intimidation paralyzed the courts, prisons were emptied, and the police effectively collapsed. The failure of state-administered law and order has been viewed by some as both a contributor to and a consequence of the tension, as well as a

factor in the expansion of the initial conflict into a situation of opportunistic lawlessness.<sup>88</sup> Restoring and strengthening the rule of law, primarily through technical assistance and capacity building, has thus been a key priority of RAMSI's post-conflict engagement in Solomon Islands. Substantial financial and human resources have been deployed to this end over the course of the past 10 years, with large numbers of international personnel serving in both operational and advisory positions in the police, judiciary, correctional service, and associated legal and support agencies.

Although the conflict and its aftermath may have been the breaking point, shortcomings in the state justice system were apparent well before the dramatic events that engulfed the nation from 1998 onward. An incremental process of institutional degradation was evident across state institutions during much of the post-independence period. An important consequence of this reality was one of the key concerns recorded during the research: the difficulties that those living outside of Honiara and the main provincial centers have in accessing

state justice services. These complaints need to be understood against a background of years of neglect of the justice system by successive Solomon Islands governments. There has been a consistent lack of policy leadership, while funding and other forms of government support have been inadequate. The deteriorating quality of the existing infrastructure—court houses, police stations/posts, accommodation, and so forth—is one manifestation of this longer history of neglect. The improvements that have occurred are usually a result of donor intervention rather than government initiative. The challenges facing the justice system have been compounded by the stresses of population growth and increased levels of mobility, as well the broader processes of socioeconomic change that have led to rising levels of contestation, disputes, and antisocial behavior. Cumulatively, these have placed growing pressure on an already fragile system.

The current state justice system is highly Honiara-centric. The most functional state justice institutions are found in the capital, where the vast bulk of judicial and police officers and accompanying resources are



Opening of the new RAMSI-funded Buala Police Station and Isabel Provincial Police Headquarters, Buala, Isabel province, August 2012.  
*Image courtesy of the Police Media Unit, Royal Solomon Islands Police Force.*

<sup>88</sup> For a discussion on this issue, see Braithwaite et al. (2010, 43–45).

located. As of June 2013, out of the eight Solomon Islander magistrates, five are posted in Honiara, and all principal magistrates except one are located in the capital. All High Court judges are located there, as are the bulk of public solicitors and prosecutors.<sup>89</sup> This concentration leaves the rural population with limited or no ready access to state justice services. Most citizens that do manage to utilize state justice services do so at its lower levels—the police, court circuits, and to a lesser extent, local courts. For those resident in Honiara, Auki (Malaita province), Gizo (Western province), or Kirakira (Makira Ulawa province), there is also the possibility of accessing the services of a magistrates' court presided over by full-time resident magistrates.<sup>90</sup> Similarly, public solicitors operate in Honiara, Auki, and Gizo to provide free legal advice and representation, although this is mainly restricted to criminal cases. The police presence across Solomon Islands is confined to Honiara, provincial capitals, what were once classified as provincial substations, and a number of strategically located police posts. Out of a serving police force of 956, some 644 officers are stationed in the capital, which is also the location of the police headquarters.<sup>91</sup> On the whole, the police are not particularly mobile, and for most communities there is little ability or, more importantly, willingness to use police services, except in cases involving “serious” offenses, substance abuse, and disputes around natural resource development—cases with which local systems are least equipped to deal.

Those interviewed almost universally expressed negative views of the state justice system, and reserved particular dissatisfaction—in some cases hostility—toward the police. If their attitudes are any indication, it is evident that the police have not secured the confidence of the majority of community members following the partisan role they played in the tension.<sup>92</sup> However, despite the fact that the contemporary state justice system is perceived as marginal to the majority of Solomon Islanders and is the subject of almost universal criticism, state justice institutions are nevertheless viewed as legitimate and the research discloses a strong call for an expanded and more proactive state presence at the local level. This was the case even in those places that have historically been viewed as resistant to “government law,” such as parts of Malaita province. Citizens clearly appreciate and want a functioning state justice system, but judge the current manifestation to be falling far short.

In fact, those interviewed generally had high, and in some cases unrealistic, expectations concerning state service provision, given the country's current economic challenges, namely its limited financial resources and the highly constrained sources of medium-term economic growth.<sup>93</sup> It was not uncommon to hear calls for the establishment of police posts in what appeared to be relatively stable communities already located relatively close to existing police posts/stations, and requests for the placement of chiefs on the government payroll. Although such appeals may be legitimate reactions to an underfunctioning state, they are not within the ability of the current Solomon Islands government to deliver.

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<sup>89</sup> As of May 2013, there were 17 Solomon Islander lawyers working in the Public Solicitors Office located in Honiara (plus two yet to be admitted to practice) and three posted in provincial locations (two in Auki, Malaita province and one in Gizo, Western province). There were nine Solomon Islander prosecutors working in the Office of the Director of Public Prosecutions in Honiara (with two on study leave), and no officers located in the provinces. (In 2011, one public prosecutor was posted to Auki; however, this position was vacated following the recall of the resident magistrate to Honiara.)

<sup>90</sup> While a magistrates' court building is located in Lata, Temotu province, as of June 2013, there were no resident magistrates located there.

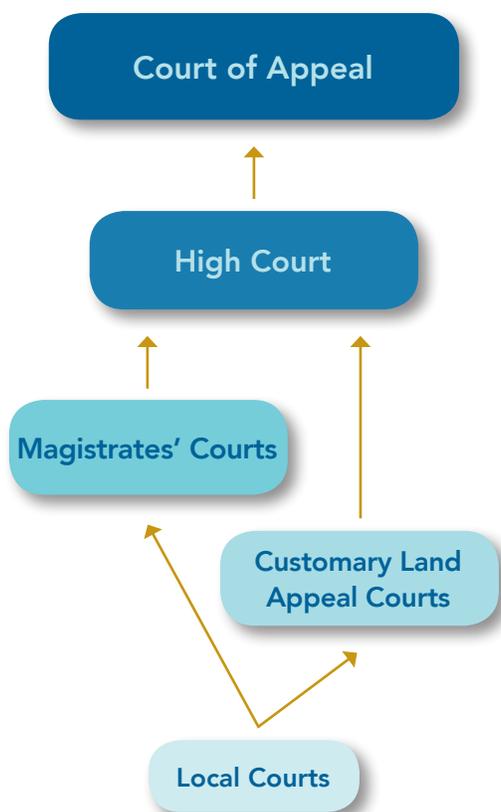
<sup>91</sup> Data provided by the Media Unit, Royal Solomon Islands Police Force, July 2012.

<sup>92</sup> This is also confirmed by the annual *People's Surveys* conducted on behalf of RAMSI. The 2010 survey posed the question, “[d]oes the respondent have trust and confidence in the RSIPF?” From a sample of 4,898 persons interviewed, some 40.4 percent responded in the positive (ANU Enterprise 2011, 88). The 2011 survey did not ask an identical question. A comparable question from the 2011 survey was “[h]as the RSIPF improved in the last five years?” From a sample of 4,966 respondents, some 40 percent thought that they had not, while some 24 percent said that they had (ANU Enterprise 2012, 88). A prepublished version of the 2013 *People's Survey* (ANU Edge, “The People's Survey 2013” (Canberra, Australian National University, 2013) asked the same question as the 2011 survey. From a sample of 3,041 respondents, some 26.5 percent thought that the RSIPF had not improved in the last five years, while 29.8 percent thought they had. (Three fewer provinces were visited for the 2013 survey than for the 2011 survey.) Unlike focus group discussions conducted as part of the 2010 survey, the JDL research did not encounter any people indicating that “they have renewed trust and confidence in the RSIPF.”

<sup>93</sup> This is elaborated on in World Bank (2010).

Figure 2. The Court Hierarchy of Solomon Islands

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### The court hierarchy

On paper, the Solomon Islands court hierarchy is comprised of four tiers (see figure 2). At the lowest level are local courts and customary land appeal courts. Above local courts are the magistrates' courts, which have jurisdiction over minor criminal offenses and civil disputes, but primarily hear the former.<sup>94</sup> The High Court hears the most serious criminal offenses, but the bulk of its case load is civil in nature.<sup>95</sup> Finally, there is the Court of Appeal, which is made up largely of foreign justices, typically sits biannually for two weeks, and as its name suggests, hears only appeals.

In reality, for the vast majority, courts—including the lowest-level local courts—are not visible and are largely irrelevant in everyday dispute resolution. To the extent they are used, court proceedings are not well understood by the parties, as the formal English language used and the common law rules of evidence are completely foreign to most.

The following discussion focuses on general findings concerning those elements of the court system that are meant to service the local level. A recurring concern across these institutions is one

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<sup>94</sup> In 2011, it was reported that 86 percent of new magistrates' court matters were criminal, with new civil matters comprising 11 percent. See Palmer (2012, 16).

<sup>95</sup> In 2011, it was reported that 72 percent of new High Court matters were civil, with new criminal matters comprising 10 percent. See Palmer (2012, 14).

of centralization and lack of access. It is common to hear of litigants regularly traveling from their home province to Honiara to receive information on the status of their case. This also fuels tension at the local level between “those men” who travel to Honiara and the rest of the community who feel kept in the dark.

### Local courts

In theory, the court level of most relevance to the majority of rural-based Solomon Islanders is the local court.<sup>96</sup> Like similar first-level jurisdiction courts in Melanesia, local courts are presided over by a number of lay decision makers, the rules of evidence do not apply, and lawyers are generally prohibited from appearing.

The historical evolution of local courts has been documented elsewhere (see Evans, Goddard, and Paterson 2011). However, it is important to reiterate the critical shift that occurred in the 1990s, when rationalization and centralization processes led to the suspension of area councils and a shift of

logistical and administrative support for local courts to Honiara. The latter reportedly occurred for the same reason that area councils were said to have been suspended: to save money at a time when government finances were in a perilous state.<sup>97</sup> The current oversight of the day-to-day functioning and management of local courts falls to the chief magistrate located in Honiara, who is assisted by a number of Honiara- and provincial capital-based clerks. This, coupled with the general degradation caused by the tension, has rendered the local courts the most dysfunctional level of court operating in Solomon Islands today. At the opening of the legal year in 2013, the Chief Justice commented that the state of local courts continued “to stick out like a sore thumb” and that it was “now a matter of great concern that these courts are not sitting regularly as they ought” (Palmer 2013, 13).

Today, the local court system is essentially moribund, plagued by systemic problems and years of neglect. In effect, it has become anything but local. There are 18 local courts “on the books” across Solomon Islands; however, from 2010 to 2012, sittings were generally confined to a number of central locations, which in many instances corresponded with those that are already home to permanent magistrates’ courts or court circuits.<sup>98</sup> According to the Central Magistrate’s Court, in 2010, six local court sittings occurred across the country. In 2011, this figure increased to 13, while in 2012, some 11 sittings were held. By contrast, in 1977, there were 65 native courts operating permanently across the country (Campbell 1977, 45). Despite having an extensive civil and criminal jurisdiction, the courts are currently hearing matters related only to customary land disputes, and still face a backlog of 350–400 cases.<sup>99</sup> Local courts are also criticized for being overly formalistic, and mirroring the process of higher courts with lengthy sittings, prohibitive expense, and potentially, confusion on the part of users. This poor performance contrasts with that of the similar village court system in neighboring Papua New Guinea, which hears thousands of cases weekly (Evans, Goddard, and Paterson 2011, 19).



A court sitting, possibly a Native Court, at Sinalagu, East Kwaio, Malaita province, early 1960s. Image courtesy of the Keesing Family and the Roger Keesing Papers, Mandeville Special Collections Library, University of California, San Diego.

<sup>96</sup> Previously, local courts were referred to as native courts. Upon independence in 1978, their name was changed.

<sup>97</sup> Although it has been noted that prior to the 1990s, area councils had already returned their responsibilities for local courts to the national judiciary due to staff shortages (Premdas and Steeves 1985, 11).

<sup>98</sup> According to the Central Magistrate’s Court, in 2010 and 2011, sittings took place in Auki, Malu’u, Buala, Honiara, Lambi, Tetere, Gizo, Lata, Kirakira (and other locations on Makira), Sikaiana, and Tulagi.

<sup>99</sup> One local court, the Malu’u Local Court in north Malaita, was hearing a limited number of criminal and civil matters beside customary land disputes.

The problems associated with the local court system are not simply tied to inadequate recurrent funding or staffing. In 2011, government budgeted SBD\$1.49 million for the local court system, although only SBD\$197,168.79 was spent (SBD\$567,500 of this allocation was transferred to other parts of the national judiciary).<sup>100</sup> In 2012, the budget was SBD\$530,000. In addition, there are presently 10 full-time public servants working on the system, with recurrent funding in 2012 for a further eight positions.<sup>101</sup> Full-time clerks based in the provinces have little to do given that the courts rarely sit. At the same time, the current local court system is very expensive. In fact, on a daily basis, local court sittings cost more than those of the magistrates' court. A local court clerk based in Auki shared detailed figures that indicated that one local court sitting (lasting 15 days) would cost the state SBD\$25,000. This figure does not even reflect the full cost, as witness transportation and accommodation must also be borne by parties to the case.

Despite their current underperformance, local courts are of prime importance to the wider judicial system not only because, in theory at least, they are the level of court closest to the rural populace, but also because customary land disputes must be heard by a local court before they can proceed to a higher level. Higher courts thus routinely refer land cases to local courts despite their manifest inability to hear matters and the fact that these courts are not sitting in many parts of the country.<sup>102</sup>

### Magistrates' courts

While there are five permanent magistrates' courts located across Solomon Islands, five out of eight Solomon Islander magistrates are posted in

Honiara.<sup>103</sup> In recent years, Auki, Gizo, and Kirakira Magistrates' Courts have typically been staffed by only single second-class magistrates with limited jurisdictional powers, and there have been lengthy periods with no resident magistrates at all.<sup>104</sup> Because of the prescribed penalty, *kwaso* production is beyond the jurisdictional capacity of a second-class magistrate, for example, which is a significant concern in Malaita province in particular in light of the prevalence of *kwaso*-related offenses.<sup>105</sup>

Cases that cannot be dealt with by the resident magistrate must await hearing by a visiting court circuit from Honiara. A court circuit typically involves an Honiara-based magistrate traveling to specific provincial locations, usually provincial capitals, together with a court clerk, a public solicitor, and a police prosecutor.<sup>106</sup> Usually a court circuit will last one week and deal with a limited number of criminal matters, prioritizing those in which defendants plead guilty. A police officer at Buala Police Station, Isabel province, noted that the only way to deal with defendants who plead not guilty was to try and negotiate with their lawyers in order to secure a guilty plea. In 2011, out of some 60 scheduled court circuits, only one-half went ahead, a figure that has only marginally improved since 2009, when over one-half of all organized circuits were canceled. In addition to magistrates traveling from Honiara, in those provincial locations where full-time resident magistrates are located (that is, Malaita, Western, and Makira provinces), "internal" court circuits also take place, which entails that the resident magistrate travel to places within the province in which he or she is posted.

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<sup>100</sup> Figures provided by the Budget Unit, Solomon Islands Ministry of Finance, August 2012.

<sup>101</sup> Figures provided by the Central Magistrate's Court (March 2012), based on the national judiciary establishment for 2012.

<sup>102</sup> The incumbent Chief Justice has pointed out that "a large percentage of old files" before the High Court still awaiting determination are those before the "land courts" (Palmer 2012). Records indicate that as of March 2012, there was a backlog of approximately 600 civil cases before the High Court, with a large number of these awaiting determination by other courts (SIG-RAMSI Support Facility 2012, 30).

<sup>103</sup> This figure does not include three RAMSI-funded magistrates (engaged as of June 2013), who, towards the end of 2012, moved from an in-line to an advisory role, meaning they should no longer adjudicate cases. One of the Solomon Islander magistrates was slated to vacate the bench in June 2013, leaving seven magistrates to serve the whole country.

<sup>104</sup> As of June 2013, there were no resident magistrates posted in Lata (the position has not been occupied for over five years, despite the existence of three full-time staff at the court), and for lengthy periods of 2011 and 2012, there was no resident magistrate posted in Auki. As of the same date, the composition of magistrates in Solomon Islands was as follows: four principal magistrates, three second-class magistrates, and one first-class magistrate, with one principal magistrate soon to leave the bench.

<sup>105</sup> At the time of the fieldwork, there was a single second-class magistrate posted in Auki. As of May 2013, this magistrate had been promoted to a principal magistrate with jurisdictional ability to hear *kwaso* production matters.

<sup>106</sup> Police prosecutors travel from Honiara despite the fact that there are also police prosecutors located in those provinces where court circuits take place.

The magistrates' court circuit system was cited as a cause of universal frustration by police and parties. The constant cancellation of court circuits has substantial flow-on effects at the provincial level that do not always seem to be fully appreciated:

- An increased unwillingness on the part of defendants to answer summonses, given the burden of transport costs and lost income/livelihood opportunities responding to previous circuits that were canceled or did not dispose of their matter. As time passes, it also becomes increasingly difficult to trace the location of defendants and witnesses.
- A backlog of outstanding cases that become increasingly difficult to clear. While reliable data collection is a further key weakness of the magistrates' court, police indicated that at the time of the fieldwork, there was a backlog of some 436 cases in Malaita province and an estimated backlog of 200 cases in Isabel province. Other provisional statistics roughly accord and would indicate a backlog of 422 cases in Malaita province (including serious sexual assaults) with 360 arrest warrants to be served, and a backlog of 156 criminal matters in Makira province dating back to 1990 (SIG-RAMSI Support Facility 2012, 34). Such figures naturally fuel skepticism among complainants, communities, and the police that justice will ever be served.
- Stresses in other parts of the state justice system, including the requirement that a defense lawyer, magistrate, and police prosecutor clear their schedules to enable them to travel on circuit. Significant time and resources of the provincially based police are also spent in preparing for circuits that then get canceled.
- An unwillingness by police to pursue new cases. One of the reasons police proffered for not following up on reported matters or for referring

matters back to communities for possible resolution was the irregularity of court circuits and the existing backlog of cases. Community dissatisfaction around the failure of magistrates' court circuits is commonly directed at police. Complainants and accused alike, frustrated at having expended considerable money, time, and energy in answering summonses, often turn to the RSIPF seeking to be compensated when their cases do not proceed.

The cancellation of circuits stems from a combination of factors, including a failure to plan sufficiently in advance (especially around securing the release of necessary funds for transport and accommodation<sup>107</sup>); a lack of intra-agency communication; insufficient manpower; changes in the court circuit list that are not sufficiently communicated in advance; logistical difficulties, including the cancellation of flights and ships; and administrative weaknesses in the Central Magistrate's Court (which organizes the circuits). A case study of the operation of the court circuit system relating to Buala, Isabel province, appears in box 9.

For those who make it to a magistrates' court, most criminal defendants, especially those facing serious criminal charges, will have access to a public solicitor.<sup>108</sup> Most civil litigants cannot afford the services of a private lawyer (the vast majority of whom also practice in Honiara) and capacity constraints limit the ability of the Public Solicitor's Office (PSO) to take on their cases. Accordingly, most civil litigants fall through the cracks, severely limiting the ability of citizens to bring important matters before a judicial body. Honiara has benefited almost exclusively from the provision of full-time, donor-funded expatriate advisers attached to the PSO and the Office of the Director of Public Prosecutions (ODPP).

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<sup>107</sup> This involves ensuring that imprest accounts are replenished so that sufficient funds are available.

<sup>108</sup> In July 2012, the PSO citing a lack of manpower announced an unofficial policy of not representing criminal defendants in the magistrates' court, except children and cases involving serious criminal offending.

## Box 9. A Case Study of Magistrates' Courts Circuits to Buala, Isabel Province

There are no magistrates located in Isabel province. In 2010, four magistrates' court circuits were scheduled to visit Buala, the capital of Isabel province. Prior to the first scheduled circuit arrival in February 2010, a police officer stationed in Buala traveled to Honiara in order to photocopy and distribute police briefs and to ensure that approximately 100 summonses were endorsed by a magistrate for service across Isabel. Close to the first sitting date, police stationed at Buala traveled around Isabel to locate defendants and serve summonses. This involved two teams, each comprised of four officers, traveling by outboard motor boat around the island for around seven days, requiring rental of a boat as well as the use of a RAMSI boat. A police officer located in Buala estimated the cost of this exercise at between SBD\$10,000–SBD\$15,000, mainly for fuel and travel allowances for the eight officers. While the police were serving summonses, they made use of their time by carrying out other policing activities, including receiving stolen properties, attending to new complaints, and raising awareness among community members.

The first circuit scheduled for Buala proceeded in February 2010 for five days as planned and disposed of approximately 70 cases. The second circuit for 2010 was scheduled to proceed in May and the same process detailed above took place. While the police were in the process of serving summonses—and approximately one week prior to the scheduled court circuit—notice was received from the Central Magistrate's Court in Honiara that the circuit would not proceed, as there was no magistrate available. Although a radio message was broadcast across Isabel advising the public of the cancellation, on the first scheduled sitting day, a number of defendants who had been summoned turned up for court. These individuals expressed their dissatisfaction at the police, many asking that the police cover their transport costs. A further court circuit sitting was scheduled for August 2010, but this was also canceled because there was no magistrate available. A final court circuit was to proceed in October 2010, but the holding of the Premier's Conference in Buala meant that police could not attend to the circuit. The sitting was rescheduled, but after summonses had been sent to and endorsed in Honiara, it was canceled yet again.

The financial costs incurred by the magistrates' court in holding a five-day circuit in Buala were approximately SBD\$5,622. This mainly entailed the transport, accommodation, and allowance costs involved in sending a magistrate and a clerk from Honiara. Added to this figure is the cost of a public solicitor as well as the cost of a police prosecutor (approximately SBD\$4,700). Additional costs are incurred in having a police officer attend Honiara prior to the circuit. Lost manpower in circuit cancellations are also significant. Based on budgeted figures for other resident provincial magistrates, the recurrent staffing costs of having a permanent resident magistrate and clerk in Buala—a desire expressed by many of those interviewed— would vary between approximately SBD\$63,000 and SBD\$90,000 per magistrate and approximately SBD\$32,000 and SBD\$40,000 per clerk, depending on the class of magistrate and the level of clerk. Two additional issues in relation to the placement of a permanent magistrate in Buala are the lack of housing and the absence of a court building.

## The police

The damage to the RSIPF during the tension years has arguably been the most enduring. Fragmentation along ethnic lines reflected deep divisions within the RSIPF that have yet to be fully reconciled, while public confidence was severely undermined by the partisan role played by elements of the police during the conflict. Although most marked in areas such as Guadalcanal's Weather Coast, where mainly Malaitan police combined with militants in a violent joint operation against Guadalcanal fighters and villagers, lack of public trust and confidence in the police extends much further afield.<sup>109</sup>

The total number of police in Solomon Islands as of April 2012 was 1,061 active officers,<sup>110</sup> representing a ratio of police to citizens of approximately 1 to 486, based on a total population of 515,870 from the 2009 census (Solomon Islands 2012b, 1), a figure that is broadly comparable to other Pacific jurisdictions.<sup>111</sup> However, although the RSIPF has 28 police posts and police stations located outside of the Honiara town boundary, over half of all police officers are posted in Honiara. Only 5.8 percent of RSIPF human resources are allocated to Malaita province, which accounts for 26.67 percent of the national population (see table 2).

Across the country, a number of remarkably consistent concerns in relation to the performance of the RSIPF were conveyed. Some criticisms appear to be valid, others seem to be misdirected frustration at other parts of the state system (for example, canceled circuit courts), and some stem from misconceptions about their role. The distinction between civil and criminal matters is not well understood; family and land-related disputes are routinely reported to police with an accompanying expectation that they will act. Police stated that responding to these concerns diverted efforts and resources away from what they



New police recruits, RSIPF Police Headquarters, Rove, Honiara, Guadalcanal province.  
Image courtesy of the Police Media Unit, Royal Solomon Islands Police Force.

perceived to be their “real” job.<sup>112</sup> Similarly, in some places, people did not appreciate the different functions of the police and the judiciary, and ire at what is seen to be lenient court sentences was thus leveled at the police. Finally, police are often frustrated in their attempts to follow up on reported matters, with potential witnesses in what are often small communities fearing retaliation from alleged offenders or their families.

What should, in some instances, be shared burdens are oftentimes visited solely upon the police. For example, in the absence of a coordinated, multidimensional intervention involving education and health professionals, *kastom* actors, the church, and policy makers in Honiara and provincial centers, the substance abuse plight detailed above is unlikely to diminish anytime soon. The sheer pervasiveness of the problem augers against any type of quick fix, and a police response is always going to be a blunt instrument—as soon as a *kwaso* distillery or marijuana crop is seized by the RSIPF, another invariably appears.

<sup>109</sup> While the most visible displays of conflict involving the RSIPF during the tension period took place in Malaita, Guadalcanal, and Western provinces, illegal acts by members of the RSIPF—such as the threatening display of firearms, discharging of firearms, and other instances of disorderly behavior—took place in most other provinces, including Renbel, Central, Temotu, and Makira. Further, while there is some evidence in the 2010 People's Survey suggesting an improvement in popular perceptions of the RSIPF in recent years, this appears to be contradicted by the findings of focus group discussions undertaken as part of the same exercise.

<sup>110</sup> Figure provided by RSIPF Human Resources and is accurate as of April 13, 2012. The actual establishment figure (i.e., budgeted for figure) is 1,134, representing a shortfall of some 73 officers. The figure provided by RSIPF Human Resources differs from the figure provided in table 2 in this paper.

<sup>111</sup> Figures from 2006 show a police to citizen ratio of 1:1,423 for Papua New Guinea, 1:452 for Vanuatu, 1:321 for Fiji, and 1:506 for New Zealand, and a Pacific average of 225–238 police per 100,000 citizens (Goode 2010, 23). For various qualifications in relation to these figures, see Goode (2010, 24).

<sup>112</sup> It needs to be observed here that frequently civil disputes in Solomon Islands escalate into criminal matters, a point visited earlier when looking at the main types of disputes across the country (see section 3).

Table 2. Police Distribution Across Solomon Islands\*

Province	Population**	% of Population	Number of Police	% of Police Force	Number of Women Officers
Honiara	64,609	12.52 %	266	24.7 %	45
Guadalcanal	96,613	18.73 %	53	4.9 %	9
Malaita	137,596	26.67 %	63	5.8 %	2
Western	76,649	14.86 %	81	7.5 %	15
Choiseul	26,372	5.11%	10	0.93 %	3
Makira	40,419	7.83%	34	3.16 %	2
Isabel	26,158	5.07%	20	1.86 %	4
Renbel	3,041	0.59%	4	0.37 %	0
Central	26,051	5.05%	24	2.23 %	2
Temotu	21,362	4.14 %	18	1.67 %	4
Headquarters	NA	NA	504	46.8%	64
<b>TOTAL</b>	<b>515,870</b>	<b>100%</b>	<b>1077***</b>	<b>100%</b>	<b>150****</b>

\* Figures provided by RSIPF Human Resources and various provincial police headquarters, August 2012.

\*\* Figures from 2009 Census (Solomon Islands 2012b, 1)

\*\*\* This total figure differs by 16 from that provided by RSIPF Human Resources in April 2012. This can be explained, in part, by fluctuations in police figures between April and August 2012, such as nonactive officers returning to duty and the recruitment of new officers.

\*\*\*\* This total figure differs by 22 from that provided by RSIPF Human Resources in April 2012 (at which time there were said to be 172 active women police officers). This can be explained, in part, by fluctuations in police figures between April and August 2012, such as nonactive officers returning to duty and the recruitment of new officers.

As documented elsewhere, key criticisms of the RSIPF include:<sup>113</sup>

**Wantokism.** Long-standing concerns about nepotism, or *wantokism*, on the part of individual officers heads the list of concerns. This involves officers favoring kin, often by turning a blind eye to illegal activities or by subverting or undermining criminal investigations. Naturally, problems—real or imagined—pertaining to *wantokism* are most alive in those areas where officers are stationed within their own language group. Beyond *wantokism* are the reciprocal obligations that come with close friendships, work relationships, and *tabu* (in-law

relations. This can be especially pronounced for police stationed in remote areas who may be reliant on their host communities for the provision of garden areas, food, and/or shelter.

Most people who raised the issue of *wantokism* and favoritism contended that the most effective way to counter it was to have officers stationed outside of their home province and frequently rotated. This is difficult to implement in practice, however, given the absence of housing, food markets, and social support networks for outsiders in many provinces. As a result, police must rely on their own kinship ties for basic needs. At the time of the fieldwork, 15 out of 18

<sup>113</sup> The issues identified concerning police have been documented in: the qualitative research component of the 2011 People's Survey (ANU Enterprise 2012, 90–91); the "Independent Review of the RAMSI Participating Police Force's (PPF's) Capacity Development of the Royal Solomon Islands Police Force (RSIPF), Final Report" (unpublished, Honiara 2009); Dinnen and Haley (2012); Dinnen and Allen (2012); and various unpublished documents produced under the University of Queensland's "Working with Local Strengths" project.

officers stationed at Buala were from Isabel province; all seven officers stationed in Malu'u were from north Malaita; and all five officers in Renbel province were from Rennell.<sup>114</sup> The officers spoken to generally agreed that rotation and postings to other provinces were one way to tackle the issue of *wantokism*, but they also pointed out the difficulties that arise in policing areas without an intimate understanding of the local context, *kastom*, or language. It is also clear that the situation described here is not solely one of belonging to the same language group as your host community; it is also an issue facing officers from every province when they find themselves policing small communities where friendships and relationships are easily formed and it is almost impossible to remain detached and anonymous. There are also many positive aspects to *wantokism* as it relates to policing that need to be acknowledged, including assistance offered by *wantoks* during investigations.

**Failure to Act.** A lack of police presence and a failure to respond to reports and requests for assistance were commonly raised. Police claim that this is due to the absence of logistical capacity, that is, a deficit of police vehicles, boats, fuel, and other necessary equipment and a consequent reliance on RAMSI. (This was contested in some provinces by community members who indicated that police are regularly seen in vehicles.) The RSIPF is severely underresourced and suffers from poor financial management and communications systems.

In Malu'u in north Malaita, police reported that to leave the station they needed to ask the permission of RAMSI officers to use the one RAMSI vehicle available.<sup>115</sup> Also in Malu'u, the RSIPF reported that a vehicle that had been provided by RAMSI had never returned from maintenance work being undertaken in Auki, the provincial headquarters, and was believed to have been taken over for use by police there, as had the outboard motor for the police boat. While RAMSI had supplied a boat for Malu'u officers, there were no officers with the requisite certification to commandeer it (Dinnen and Haley

2012, 20-21). Reported comments by the Provincial Police Commander in Isabel province demonstrate similar concerns: "At the moment, we just have to do what we can. In most cases we cannot attend reported cases and do community work since we are handicapped."<sup>116</sup> Low levels of morale among many provincially based officers were observed throughout the research, together with a submissive acceptance of the status quo—a belief that things would never improve, with an accompanying lack of enthusiasm to carry out their role. This comment from a serving police officer in the 2011 *People's Survey* is reflective:

Being a policeman is not really a good job. You think it will give you status and a good career but it doesn't. That is, there are frustrations, it is difficult for police to do their job well because of a lack of resources, and they are subject to much criticism. (ANU Enterprise 2012, 90)

Police failure to act can have repercussions on the standing of community leaders. Matters are often referred to police by chiefs and leaders with an expectation that the police will act. When nothing transpires, this is said to reflect badly on them as local leaders. Community members expressed frustration:

*"The police just stay in town and they never come here. Or, if the police do turn up, they simply take notes, go away and never come back."*

- Woman participant, Fulisango village, Malaita province

*"Las yia olketa polis kam fo tok nomoa, no kambak. Taem ripotim case, mifala wait wait, polis no kam. Sapos oketa elda nao duim [stretem rowa], den hem finis nao."*

[Last year the police came and only spoke to us. They didn't come back. When we report a case we wait and the police don't come. If all of the elders do it [resolve the problem] then it is finished.]

- Young woman participant, Samasodu village, Isabel province

<sup>114</sup> With regard to Malu'u Police Station, the messages conveyed around requests for a rotation of police personnel were later acknowledged by the then Acting Commissioner, "Local police officers stationed there [at Malu'u] served for too long which impacts on the way they execute their duties. That is one reason why people in the area want fresh people and we are going to address that." See *Solomon Star*, July 30, 2012. This pronouncement was shortly followed by the replacement of the five officers located there.

<sup>115</sup> There are no longer PPF officers posted at the Malu'u Police Station, with the final PPF officers withdrawing on February 13, 2012.

<sup>116</sup> See Daniel Namosuaia, "Poor Logistics, a Major Policing Problem for Isabel," *The Solomon Star*, July 25, 2012, 10.

**Reactive Policing.** Another common criticism is that the RSIPF practices a reactive rather than proactive mode of policing. An unwillingness or inability by police to adopt a more active role, including through the conduct of regular patrols, was frequently contrasted with the policing approach practiced during the colonial era, when police would undertake lengthy tours using government boats and extensive foot patrols with overnight stays in villages.<sup>117</sup> This created a high level of visibility and enabled citizens to raise matters directly with officers.<sup>118</sup> A senior officer stationed in Auki, Malaita province, explained that today, officers are reluctant to leave their family behind and would seek a touring allowance whenever they stayed away from their home. Given an apparent history of failure to pay touring allowances, officers were said to be disinclined to undertake patrols. Some also felt that RAMSI's heavy reliance on mobility assets (including helicopters, vehicles, and boats) made the RSIPF more dependent on motorized transport and less willing to undertake strenuous foot patrols.

Today, despite often having vehicles, several communities recounted somewhat facetiously that the only time police were sighted outside of their station or post was when traveling to provincial headquarters on payday or when using state resources to go fishing. In Rennell, over the past few years the local police had been humorously referred to as "the Fishing Division." Some people interviewed said that even when police do visit, there is inadequate information sharing and they commonly met with the same people (men) rather than a cross-section of the community.

*"Olketa police ya no really save lo olketa villages blo mifala ya, but olketa save tumas lo olketa reef for fishing."*

[The police don't really know about our villages, but what they really know about is all of the reefs for fishing.]

- Male participant, Vakambo Village, Marovo, Western province

*"Truck government givim olketa police ya, hem no for work wetem ya, hem for lukoutim firewood nomoa."*

[The truck the government gave to the police, they don't use for work, it's only used for looking for firewood.]

- Male youth, Hunda Village, Kolombangara, Western province

**Inappropriate and Partisan Behavior.** Police are perceived to be commonly involved in the public drinking of alcohol and other forms of inappropriate behavior. Other messages relayed included a lack of professionalism and discipline: officers not wearing uniforms and/or not turning up to work. A *kwaso* cook in Malaita detailed the extent of police involvement in his business, claiming that they request a free supply of *kwaso* in exchange for advance notice of any planned raids.

*"Olketa [police] law enforcers time olketa wearem uniform and law breakers time olketa no werem unifom."*

[They (police) are law enforcers when in uniform and law breakers when not in uniform.]

- Male Community Leader, Borosuvu, Kakabona, Guadalcanal province

Moreover, the RSIPF is not seen as a neutral player when it comes to the most fractious community problem—the bitter and protracted disputes around logging. Community members involved in disputes with logging companies feel intimidated and helpless in the face of the allegedly partisan role of the RSIPF in providing security and escort services for loggers, while failing to investigate the grievances raised against the companies. Although an enumerated goal of the RSIPF in its 2010–2013 Strategic Direction is to "protect natural resources," there is a perception that the police are willing to support loggers and not act on behalf of landowning groups when they register complaints about the alleged illegality of timber operations.<sup>119</sup> Community

<sup>117</sup> See, for example, Gina (2003, 159–84); Tedder (2008), and Kenilorea (2008).

<sup>118</sup> In 1964 and 1965, the police establishment was increased by the addition of the Police Field Force, which was used, among other tasks, to patrol remote parts of the country and the inaccessible hinterlands of the larger islands (Royal Solomon Islands Police 1981).

<sup>119</sup> Complaints about the partisan role of police in logging disputes were recorded in Penjuku and Gepae villages in Western province, Liwe and U'hu villages in Malaita province, and Samasodu in Isabel province. The research in Leona village in Vella Lavella, Western province, indicated that the community had been involved in three disputes with logging companies in recent years. Community members complained of the partisan conduct of the RSIPF, who rarely responded to their complaints, yet were much more responsive to requests from the logging companies who were in a position to pay.

members also complained about the heavy-handed tactics that the RSIPF and company security employed when breaking up peaceful protests by local women, some of whom allegedly sustained injuries as a result of these interactions. The frustration, helplessness, and profound feelings of injustice occasioned by the perceived bias of the RSIPF in such circumstances are clearly expressed in box 10, which contains an extract from a letter published in a local newspaper.

#### Box 10. Letter from a Resident of Hurepelo Village, Katova District, Isabel Province

I ask you head of RSIPF – why did you not act promptly on these loggers demands without investigating the nature of the complaint and the documents that support it, or check why these villagers chased the loggers in the first place before they sought your support?... I tried to reason with you RSIPF to pull out your police officers and the company from the land, because they shouldn't be there in the first place and because we cannot afford a lawyer, but the answer I got was, "get a lawyer" and "if you take matters into your own hands we would arrest you." I didn't take and would not take matters into my own hands – but did you? Who can arrest you? Who can I trust to investigate this issue? Who can be my pillar of justice, truth and honesty? How can I fight against these financial giants such as [name of logging company]? Can anyone help me and the low and not so financially sound people of Solomon Islands?

J. Palmer, "RSIPF Escorts Loggers,"  
*The Solomon Star*, January 31, 2012.

Discussions with senior RSIPF officers in Western province—and follow-up conversations with officers located at police headquarters—confirmed that the RSIPF does receive payments from logging companies. Such payments usually take the form of transport costs, accommodation, food, and other monetary benefits. These are paid in addition to officers' normal salary and touring allowance.

#### Donor support to the state justice system

Following the RAMSI intervention in 2003, external support to the state justice system and the RSIPF in particular increased to unprecedented levels. RAMSI has been the main donor in the areas of policing and "law and justice," with no other actors of significance occupying these spaces. A significant proportion of RAMSI resources has been directed at rebuilding the RSIPF, which effectively collapsed during the tension. From July 1, 2013, the nonsecurity program of RAMSI, including its law and justice "pillar," transitioned mainly to Australia's bilateral aid program.

As with other international policing and justice interventions, most of the assistance has been to centralized, state institutions in the form of a variety of capacity-building programs. Thus, the majority of RAMSI support is directed at improving the functioning of national-level justice institutions based in Honiara. While RAMSI assistance has been critical to reviving organizations and agencies that had largely disintegrated during the conflict, the scale and form of assistance provided to date raises questions about long-term sustainability, of which RAMSI is acutely aware. RAMSI has also contributed to what can be termed the "alibi effect," with domestic actors neglecting their own responsibilities in the knowledge that RAMSI will in all likelihood fill the void.<sup>120</sup>

The RAMSI Participating Police Force (PPF) is made up of officers from various Pacific countries, although in the past they have been predominantly Australian and, to a lesser extent, New Zealander.<sup>121</sup> In addition to having a strong presence in Honiara, PPF officers

<sup>120</sup> On the issue of sustainability, in 2011, RAMSI provided approximately two-thirds of the costs of policing in Solomon Islands, around double the amount of support provided by SIG. Also, World Bank analysis undertaken for the JDL project (Haque 2011) indicated that RAMSI is meeting a large proportion of costs across other parts of the justice sector. For example, it finances a large part of expenditure of the Ministry of Police, National Security and Correctional Services, and the national judiciary. At the same time, SIG allocations to the police and justice sectors have typically been flat or declining in real terms over the same period.

<sup>121</sup> Although the figures fluctuate, as of January 2013, there were 146 PPF officers in Solomon Islands, 71 percent of whom were Australian, 12 percent New Zealander, and the remainder, 17 percent, from other Pacific islands.



A member of the RAMSI police contingent, PPF, with surrendered/confiscated weapons, 2003. Image courtesy of the Regional Assistance Mission to Solomon Islands.

were also stationed in all of Solomon Islands' provinces. Initially the PPF played an in-line policing role, and were particularly active in the investigation of "tension matters" (crimes that took place during the civil conflict, especially homicides); however, as the exigencies surrounding the intervention subsided and priorities shifted, they have adopted a capacity-building mandate, working with and assisting Solomon Islands' counterparts. A significant part of the current PPF role involves providing logistical support to the RSIPF. Since August 2011, the PPF has progressively withdrawn from provincial locations. In

mid-2013, the force had withdrawn from all but three places across Solomon Islands: Honiara, Auki and Gizo.<sup>122</sup> The contingent of PPF officers as of January 2013 was 146—having peaked at around 330—the vast bulk of whom reside at the Guadalcanal Beach Resort on the outskirts of Honiara.<sup>123</sup>

There have been some paradoxical consequences to the foreign assistance (see Dinnen and Allen 2012). Throughout the fieldwork, the RSIPF were compared unfavorably with the PPF.<sup>124</sup> The PPF is generally viewed as proactive, well-resourced, responsive, and impartial (and it is largely immune from the pressures of local social relations that are seen to corrupt local institutions, such as *wantokism*). The persistence of these local perceptions of a strong PPF has accentuated negative comparative evaluations of the RSIPF as a less efficient, competent, and trustworthy force. In this sense, the continuing presence of the PPF perpetuates the lack of public confidence in the RSIPF.

*"The PPF are good because they are not biased. They stick straight to the law. There is too much wantokism in Melanesia."*

- Male, Penjuku village, Nggatokae, Western province

*"We would like a presence blo RAMSI lo olgeta places ia. Olgeta local police don't care. Waitem pay nomoa. Gud fo RAMSI police to monitor their [the RSIPF] work."*

[We would like a RAMSI presence everywhere. The local police don't care. They only wait for their pay. It's good for the RAMSI police to monitor their [the RSIPF] work.]

- Male, Chea village, Marovo Island, Western province

*"Mifala save wantok business tumas. Sometimes mifala putim case go lo police but nomoa ia because wantok business. If govman sendim RAMSI go back*

<sup>122</sup> In areas where PPF police are not located, single PPF police advisers will regularly visit and mentor senior local police officers, in particular, Provincial Police Commanders.

<sup>123</sup> In July 2012, the Australian Federal Police announced the formation of a Specialist Response Group to be based in Canberra and capable of responding to emergencies in the region, including Solomon Islands. See "Federal Police Launch New Response Unit," *Australian Broadcasting Corporation*, July 5, 2012, available at <http://www.abc.net.au/news/2012-07-05/federal-police-launch-specialist-response-unit/4112902/?site=sydney>.

<sup>124</sup> This is not purely a PPF/RSIPF phenomenon. For example, the large influx of foreign lawyers working in the Public Solicitor's Office resulted in some citizens wanting to engage what they viewed to be a superior and impartial expatriate lawyer.

*bae mifala sori tumas. Mifala needim RAMSI fo stap lo Solomon."*

[We are too involved in wantok business. Sometimes we report a case to the police but it doesn't proceed because of wantok business. If the government sends RAMSI back we will be really sorry. We need RAMSI to stay in Solomon Islands.]

- Male, Ungelle village, Rendova, Western province

There are also the corrosive effects of high levels of dependence on the PPF for logistical and other forms of support among the RSIPF. One senior RSIPF officer in Auki, Malaita province, put it bluntly: "No RAMSI. No help." High levels of dependency are also seen as having contributed to a lack of policy leadership and support among relevant parts of the SIG and bureaucracy. In this vein, the strong emphasis on restoring policing may have inadvertently served to obscure the need for more fundamental and wide-reaching institutional reform, including at the local level, in order to better meet Solomon Islands' future justice and policing needs.

In light of the realignment of RAMSI resources and personnel, there are also very real concerns about the sustainability of many of its achievements to date in the policing and justice fields. In particular, these relate to the fiscal capacity of the SIG to provide adequate support to its police force and justice institutions, as well as the capacity of these institutions to manage the likely future pattern of conflict stresses associated with a growing reliance on natural resource development as the mainstay of the national economy. Questions around the sustainability of donor interventions, including RAMSI, are not purely a 'law and justice' phenomena. The same can be said about donor assistance in a variety of areas, including in the health and education sectors, although the scale and method of aid delivery that RAMSI deployed, particularly in the fields of policing and justice, has been without precedent in Solomon Islands.

The substantial level of donor assistance to Solomon Islands in recent years has not reached most parts of the country, however, and there have been few attempts to engage, directly or indirectly, with those nonstate rule systems that remain critical to the management of everyday disputation in most rural localities. (An exception is the Community Officer pilot project initiated by the RSIPF, which is discussed in section 5.3 below.) While it is clearly not plausible for donors to lead the process, they have not made real concerted efforts to engage with the underlying conflict stresses that fuel rising levels of disputation and community dysfunctionality in many areas. It is evident that the SIG needs assistance in this regard, and the international engagement has so far missed the opportunity to address the need for adaptive institutions to manage the changing nature of grievances that affect the bulk of the population.

### Women's involvement in the state justice system

There are few women decision makers in the state justice system at present, reflecting the paucity of women at the higher levels of public service and government more generally.<sup>125</sup> There are no women justices on the Court of Appeal and the High Court,<sup>126</sup> although two out of eight of the current serving magistrates are women, including the Acting Deputy Chief Magistrate. Although local courts essentially do not function, records indicate that there are currently no female local court presidents, vice-presidents, or justices. (This can be contrasted with the situation in Papua New Guinea, where concerted efforts have resulted in the recent recruitment of more than 700 women village court magistrates.) As of May 2013, in the two main public legal offices, the PSO and the ODPP, there are six and four women lawyers, respectively.<sup>127</sup>

<sup>125</sup> Data provided from the Ministry of Public Service (September 2012) indicates that 38 percent of Solomon Islands' public servants are women, and 12 percent of senior positions are occupied by women.

<sup>126</sup> Only one woman justice has sat on the High Court bench since independence, an expatriate judge funded by the Commonwealth Secretariat.

<sup>127</sup> Figures provided by the PSO and the ODPP. This is out of a total staff of 22 lawyers for the PSO (including two trainees) and a staff of 11 prosecutors for the ODPP. The ODPP has a further two women officers who are studying overseas full-time.

The RSIPF is making efforts to increase the ranks of women police officers, and current policy calls for 30 percent of each intake of new recruits to be women.<sup>128</sup> As of April 2012, there were 172 active, serving women officers, representing roughly 16 percent of the force.<sup>129</sup> Women also occupy two senior executive positions; as of June 2013, the highest position in the RSIPF, that of commissioner, was occupied on an acting basis by a woman (with the incumbent formerly occupying the position of Assistant Commissioner of Corporate Services). There was also a woman chief superintendent (Director of Human Resources). Women police officers tend to serve mainly in Honiara and the provincial capitals (see table 2 above). RSIPF Human Resources personnel confirmed these findings, and indicated that the nature of the work in provincial headquarters and Honiara was “more suited” to women officers. Most marked is the figure for Malaita province, which shows that as at June 2013 only two women police officers are serving over 25 percent of the whole Solomon Islands population comprising some 68,364 women (Solomon Islands 2009b, 6).

Women in all provinces and field sites visited made little use of the state justice system, with the exception of the Kakabona area (to the immediate west of Honiara). In this area, a number of women had direct experience with the state system, including in accessing the police, the PSO, and the courts. One likely explanation is the reasonable physical proximity to these services compared to other communities. Another is that a number of NGOs are active in the area, and many of the women there have a relatively high level of understanding of their rights compared to women elsewhere in Solomon Islands (the same might also be said of the men).

The issue of reporting domestic violence to police has been discussed in section 3.4 above. During the tension period in particular, sexual violence, especially rape, was common (see Amnesty International 2004; Allen 2007; Brown Beu and Nokise 2009). As frequently occurs in conflict settings, sexual violence against women and girls appears to have been used as a deliberate strategy to “provoke or punish an enemy, assert control over a rural community or impress one’s peer group” (Allen 2007, 7). However, not a single prosecution has been brought before the courts in relation to these assaults linked to the conflict, although 20 cases of sexual offenses were investigated following a large spike in reported rape cases to police in 2003 and 2004 (following the arrival of RAMSI, see table 3 below).<sup>130</sup>

Two specific factors were posited to explain the non-prosecution of tension-related sexual offenses. First, women feared reprisals from their alleged attackers or the family of their alleged attackers should they give evidence in court. Second, in relation to Guadalcanal complainants, who were particularly targeted on the Weather Coast of southern Guadalcanal, the issues discussed previously around the inability of woman to openly discuss issues of a sexual nature may explain an unwillingness to proceed, despite having initially reported the matter to police. Finally, it could be argued that RAMSI’s approach during its initial arrival was not conducive to the prosecution of such crimes, as it mainly concentrated its energy and resources on targeting specific, higher-level individuals involved in the conflict and on prosecuting homicides, especially multiple homicides.

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<sup>128</sup> This policy does not appear to be strictly adhered to in relation to individual recruitment rounds. For example, figures for the second recruitment round of 2012 indicate that 12 of the 70 recruits chosen were women (17.14 percent).

<sup>129</sup> Figure provided by RSIPF Human Resources and is correct as of April 13, 2012. As discussed, the present police establishment is 1,134, and the current number of active officers is 1,061. This can be contrasted with the situation in 2005, when reportedly there “were about 144 women in a force of 1000 police” (Greener, Fish, and Tekulu 2011, 20). In June 2006, the proportion of female RSIPF members was reportedly 12 percent, in June 2007, it was 13 percent (Winter and Schofield 2007, 7), and in June 2008, it was said to be 13.5 percent (Winter, Schofield, and Duituturaga 2008, 6). By comparison, women presently make up 14.5 percent of the correctional services (prison) establishment (CSSI 2012, 23).

<sup>130</sup> Information provided by the RSIPF Sexual Assault and Family Violence Unit, Rove Police Headquarters, Honiara, July 2012. Citing police statistics, it has been documented that “over the 8-9 months to August 2004 [i.e., following the arrival of RAMSI in July 2003] there was a 10 per cent increase in the reporting of sexual assault matters to police” (UNICEF, UNESCAP, and ECPAT 2008, 27). No indication is given of whether the alleged assaults took place during the tension period. The number of domestic violence cases reported to the Honiara-based Family Support Centre also increased dramatically over 2003 and 2004 (see figure 1 above).

**Table 3. Number of Recorded Rape Cases in Solomon Islands, 2000–13\***

Year	Number of Recorded Rape Cases
2000	20
2001	35
2002	55
2003	162
2004	170
2005	65
2006	61
2007	39
2008	45
2009	41
2010	34
2011	59
2012	33
2013**	4

\* Data provided by the RSIPF Crime Statistic and Records Office, Rove, Honiara, August 16, 2012 and April 5, 2013. “Recorded matters” refers to matters on which the police have opened a file following a complaint and have assigned a “running number” to the file. According to the Officer-in-Charge of the Crime Statistics and Records Office, all of the complainants in the rape cases recorded were female.

\*\* Figure current to March 31, 2013.

### 4.3. THE CHURCH SYSTEM

The Christian church is the center of village life in most rural Solomon Islands communities. According to the 1999 census, 98 percent of Solomon Islanders described themselves as Christians:<sup>131</sup> 32.8 percent were members of the Anglican (Church of Melanesia) denomination, 19 percent were Roman Catholics, 17 percent were members of the South Sea Evangelical Church (SSEC, which emerged from the Queensland Kanaka Mission), 11.2 percent were Seventh-day Adventists (SDA), 10.3 percent were Methodists (United Church), 2.4 percent were members of the Christian Fellowship Church, and 1.8 percent were Jehovah’s Witnesses. The remaining 5 percent were identified as a mixture of Baha’i, Christian Outreach

Church, Assembly of God, pagans, and other faiths, particularly evangelical or “charismatic” churches (Solomon Islands 2002, 36–39).

There is a strong geographical pattern to church membership due to the historical pattern of missionization in Solomon Islands.

- Guadalcanal province is predominantly Roman Catholic, with some Church of Melanesia (Anglican) and SSEC communities.
- People on Isabel province overwhelmingly belong to the Church of Melanesia, accounting for 96 percent of the population (White

<sup>131</sup> At the time of this writing, the 2009 census figures pertaining to religious affiliation were yet to be released; however, it is not anticipated that there will be much variation from the 1999 census figures, other than an increase in the percentage of the population identifying as belonging to evangelical/charismatic churches.

2006), although a new, breakaway church was encountered in one area during the research.

- Renbel province is predominantly SSEC, but the SDA Church also has a large following.
- The SSEC, Roman Catholic Church, and Church of Melanesia all have large followings on Malaita.
- Western province is predominantly United Church, with a small but significant minority of the population part of the Christian Fellowship Church.

### The church and dispute management

Most people are affiliated with a church congregation that meets in their own village or one nearby. Church leadership structures vary across denominations, but in general terms, most congregations have a church committee and a number of local church officials who are elected or otherwise appointed by the congregation. These committees and officials preside over a wide range of village affairs, and often have a significant role in dispute management within their villages.

Christianity has influenced local justice systems and everyday social regulation in a variety of highly complex and variable ways:

- Christianity influences the rules that regulate social behavior;
- the churches and church organizations provide a range of leadership structures and authority roles within communities;
- church organizations provide arenas in which members can discuss and possibly mediate and/or resolve social conflict and grievances; and
- church organizations may establish and enforce new sanctions for breaches of social norms. For example, Christianity has been associated with

the introduction of new sanctions that in many instances replaced older forms, such as the use of excommunication in place of execution.<sup>132</sup>

Church-based dispute-management processes are most commonly used to resolve marital and family disputes. The research found that common matters in which church leaders and committees may be involved include spousal conflict related to marital affairs and conflict within or between families, for example, in relation to premarital pregnancy. On some matters, churches may not directly address the underlying dispute or grievance, for example, criminal offenses, but may nevertheless play an important, frequently ceremonial, role when it comes to reconciliation between the parties. However, one exception is Rennell, where almost all communities encountered indicated that the church also has an important role to play in bringing parties together to help to resolve customary land-related disputes. This consensus arose despite the fact that the Renbel population predominantly belongs to SSEC and SDA churches, which generally frown on *kastom* and becoming involved in land-related disputes.<sup>133</sup>



SSEC Church, Manakwai village, north Malaita, Malaita province.

<sup>132</sup> Some scholars suggest that Christian missionaries may have introduced the idea of mediation to some parts of Solomon Islands and effectively replaced blood feuding (Tippett 1967). The situation concerning Renbel province confirms this to some extent, as blood feuding virtually ended overnight upon the mass conversion to Christianity in 1938.

<sup>133</sup> Other researchers have discussed the role of churches in land-related disputes, indicating that “[a]ddressing disputes over land has become a big part in the work of church leaders and groups”. See Bird 2007,11.

Church-based processes generally emphasize counseling and mediation and often involve a high level of privacy (see box 13). Disputes or problems will most commonly be addressed through mutual prayer, a response that may not appear to an outsider as a form of dispute management or resolution. One researcher has observed that across Solomon Islands, “[p]eacemaking through prayer may be both the most foundational and the most prevalent form of conflict mediation” (McDougall and Kere 2011, 150). Some research participants, however, were critical of the strong emphasis on prayer and forgiveness, and the fact that churches will often not become intricately involved in adjudicating and determining the right and wrong of the matter. Recourse may also be found from a combination of counseling, group Bible readings, confessions, and announcements of forgiveness. Both the church and *kastom* system share a strong restorative dimension involving forgiveness and reconciliation.

All mainstream churches in Solomon Islands have detailed written rules or guidelines that members agree to follow (see box 11), though it is not clear the extent to which these rules are enforced. In theory at least, some of these rules can have a direct bearing on the manner in which church members handle certain types of disagreements and disputes between themselves and other Christians. In some instances, these rules/guidelines prohibit the use of civil litigation between church members. Local-level church leaders are required to follow the protocols set out in the manuals/constitutions and ensure that they are followed and applied to their members. However, in relation to matters that are not detailed in these various church rules (for example, disagreements between spouses or minor disputes between church members), church leaders generally have leeway to approach the issue as they see fit and will typically adopt the processes discussed above.

#### Box 11. Samples from Church Manuals

The **South Seas Evangelical Church Administration Manual (2011)** includes the following prohibitions:

- No SSEC Christian should take another Christian for civil cases before the law courts. Christians are to solve their problems among themselves with God’s help. (1 Cor 6);
- No SSEC Christian should demand or receive compensation from any person for any evil done to him or her because of the work of Christ on the cross (1 John 1:9, Philippians 4:13);
- No SSEC Christian should initiate and involve in wrong land disputes because of the Christian teaching of stewardship;
- No SSEC Christian should chew betel nut, smoke tobacco, smoke marijuana, drink alcohol or be involved in gambling.

Local church elders hear the matter and sanction wrongdoers with either a warning that he or she must “put right what has been wrong” or with exclusion from church activities for one–two months. Provision is made via an appeal process for a further and final hearing before a higher body.

The **Seventh-day Adventist Church Manual (2010)** applies to all SDA members worldwide. It contains a chapter with a number of reasons why members shall be subject to “discipline,” including:

- Violation of the law of God, such as worship of idols, murder, stealing, profanity, gambling, Sabbath breaking, and willful and habitual falsehood;
- Sexual abuse of children, youth, and vulnerable adults, fornication, promiscuity, incest, homosexual practice, the production, use, or distribution of pornography, and other sexual perversions;

- Physical violence, including violence within the family;
- The use, manufacture, or sale of alcoholic beverages;
- The use, manufacture, or sale of tobacco in any of its forms for human consumption;
- The use or manufacture of illicit drugs or the misuse of, or trafficking in, narcotics or other drugs.

Civil litigation and adversarial proceedings are discouraged: “[w]hile there are, in the modern world, occasions for seeking decrees of civil courts, Christians should prefer settlement within the authority of the Church...” (SDA 2010, 60). Two possible sanctions are a vote of censure or a vote of removal from church membership. An appeal mechanism is a feature of the SDA disciplinary process.

**The Constitution of the United Church of Solomon Islands** lists as misconduct requiring discipline: sexual immorality; drunkenness and public nuisance; abuse of spouse and children; causing bodily harm to another person or malicious damage to another person’s property; or a breach of any criminal offense under the laws of Solomon Islands. The pastor or minister records the responses of the alleged wrongdoer and makes a recommendation to a higher church body. Disciplinary measures may include: pastoral counseling, reprimand and warnings, and pastoral “rest” for a period of 3–12 months from “non-salaried church commitments and duties.” A detailed appeal mechanism is in place for those aggrieved with the decision handed down.

Difficulties arise when parties to a dispute or an exchange are from different denominations with different rules and procedures. For example, Church of Melanesia and Catholic Church adherents may require bride price before allowing a girl to marry, or may expect compensation in order to resolve a dispute. The SDA and SSEC churches generally ban or restrict bride price and compensation payments. Where SSEC or SDA members comply with these expectations, their own church authorities may sanction them for doing so. More broadly, adherents of different denominations are less likely to listen to leaders or members of other churches, let alone follow church processes or instructions. This has been raised in the context of the tension, when the militants’ inability to “listen” to leaders of different denominations frustrated efforts by the Church of Melanesia to “calm” the fighting militants (Brown Beu and Nokise 2009, 37). Church rivalries are another source of conflict that was raised intermittently

during the research. Often such rivalries will center on which church is the most “righteous” or who are the “true believers.” This is not a new phenomenon. During the colonial period, a district officer reported that “the bitter rivalry and competition between missions are the direct and indirect cause of at least fifty percent of the troubles and squabbles which the district officer is called upon to settle” (Barley, quoted in Boutilier 1983, 66). Intra-church rivalries also occur, as demonstrated in box 12.

Significantly, it was observed during the research that the communities with the highest degree of conflict also had very fragmented church membership. More specifically, the greatest level of conflict and discord encountered throughout all of the research was in a community in west ‘Are‘are, Malaita province, which was comprised of members of five different denominations.

## Box 12. Division within the Christian Fellowship Church (CFC), Western Province

The CFC was founded in 1960 as a breakaway movement from the Methodist Mission. The CFC has been said to combine “Methodist doctrines with ancestor worship, traditional chiefly hierarchy, modern corporate business ventures and agendas of rural development...” (Hviding 2011, 52). The CFC has been viewed by outsiders and many Solomon Islanders of other denominations as a cult.

Based on the core values and principles under which it was founded, the CFC has instituted land reforms that involve pooling the land resources of tribes (*butubutu*) under a common holding of the church. This has allowed the CFC to invest in a wide variety of initiatives, including coconut, palm oil, copra, and forest plantations. Income from these investments, particularly forestry, has enabled the CFC to provide education, health, and other basic services to its members. Accordingly, CFC communities have effectively become self-reliant and the church has emerged as an organization with strong political and economic influence, not only in Western province, but also at the national level.

In the second half of 2011, disagreement emerged among the CFC leadership that has resulted in ongoing, and in some instances, violent conflict. This has a profound effect on CFC communities. Based on field interviews in CFC villages and transcripts of interviews with CFC leaders, the driver of the conflict is reportedly a push by a son of the church’s founder (the current member of parliament for North New Georgia constituency) to reform or “revive” the church. This idea is said to be strongly opposed by the “middle management” of the CFC. This has divided most CFC communities into two groups, pro- and anti-reform, the former being locally referred to as “group B” and the latter as “group A.” This division manifests in a number of ways. In Madou village on the Vonavona Lagoon of North New Georgia, 19 pro-reform families were forcefully removed from their community in May 2012; accompanying the expulsion was the burning of several houses. During a visit to the Munda market in July 2012, it was observed that vendors belonging to the two groups sat opposite one another and did not interact. During interviews with anti-reform CFC members in various CFC communities, it was made clear that pro-reform members would not be allowed to access various shared services, such as schools and clinics.

### Women and the church

In Solomon Islands, as in other parts of Melanesia, Christian doctrines and church women’s groups play an important role in structuring the opportunities available to women, particularly in relation to training, leadership, and networking. While there are few women clergy in Solomon Islands, church women’s groups, such as the Mothers Union of the Church of Melanesia, Catholic Mothers, the Dorcas Society of the SDA, the Women’s Fellowship of the United Church, the Women’s Association of the SSEC, and the Women’s Ministry of the Assemblies of God Church, are highly visible and provide significant avenues and roles for women in leadership, decision making, and dispute management. Generally, women who play an important role in dispute management within their communities are leaders of the local or regional church women’s group.

Women exhibit a strong preference for using church-based processes to manage conflict. In part, this may reflect the greater range of formal leadership opportunities offered to women in the church compared to the *kastom* system. For example, when undertaking research on community officers in west Kwaio, Malaita province, respondents repeatedly mentioned that women’s leadership roles within church structures had proven to the community the benefits of including women in positions of power. It was apparent that these experiences created a “space” for women to take on roles that were traditionally in the male domain. It has also been suggested that under the banner of church women’s groups, women in Solomon Islands have been able to experience a “socially-sanctioned release from their daily obligations,” whereby it is “difficult for men to prevent women from attending... as

they (churches) are strongly respected in Solomon Islands” (Scheyvens 2003, 30). During the research, women advanced further pragmatic reasons why church-based processes are favored when it comes to managing disputation: a preference to utilize church services for “family matters” and “private matters” owing to the privacy afforded; a belief that the church system is cheaper and quicker and involves the exchange of fewer material goods in reconciliation ceremonies; and a greater respect for the church accompanied with a belief that if church teachings and directions are not followed, “bad things” will invariably follow.

However, although the church has had an impact on creating a platform for women’s involvement in community governance, the emphasis of some churches on forgiveness and reconciliation in cases of domestic violence, and teachings that reinforce

the man’s role as head of the family unit and the sanctity of marriage, may have negative outcomes for women.<sup>134</sup> For example, women in Manakwai village in north Malaita asserted that “good Christians” cannot speak out against abusive husbands. One woman explained, “if our husbands beat us we know we need to become better wives, so we come back, pray with our husbands for forgiveness and it is finished” (Dinnen and Haley 2012, 18). Still, there are a number of instances in which church groups acted to support women against domestic violence. For example, in addition to the work of the Anglican Sisters of the Church of Melanesia and the Christian Care Centre in providing shelter and services for women victims, there are the activities of the Mothers’ Union, which include counseling (see Scheyvens 2003, 36), and the SDA church conducts an annual “violence and abuse” awareness week in Solomon Islands every August.



Members of the United Church Women’s Fellowship, Rukutu village, Marovo, Western Province, 2008.  
Image courtesy of Dr Rebecca Monson, the Australian National University.

<sup>134</sup> The negative impacts of colonization and missionization in Solomon Islands on traditional women’s agency and gender relations is discussed in Scheyvens (2003, 25).

### Box 13. Marital Counseling by the Mothers Union, Isabel Province

A married woman in Isabel province discovered that her husband had an “O2,” with whom he had had a baby. The woman’s uncle encouraged her not to make the problem “too big,” but subsequently, the man had another affair and the couple fought on a regular basis.

Upon learning of the couple’s problems, the leader of the local Mother’s Union group requested that the woman visit her. The woman explained that she had caught her husband at the other woman’s house and had sworn at and hit the woman. She wanted to separate from her husband, as they continued to argue all the time.

The leader of the Mother’s Union told the woman that,

...the only way to resolve this is to show love. Not just with your body. Call him with a soft voice, hug him, slowly he will realize he is wrong. But if you are cross, if you swear, the problem won’t be solved. So from now until next week, try this, and look at the outcome.

According to the leader of the Mother’s Union, the wife followed the instructions and found that she and her husband argued less. She also said that her husband admitted all that he had done, and apologized.

The leader of the Mother’s Union advised the wife to take the man’s mobile phone from him so that he could not remain in contact with the other woman. According to the leader, the couple has reunited and is now happy together. The leader also met with the husband, and they discussed a number of issues, including his alcohol consumption. She counseled him in relation to trust, and explained that because of their history, his wife struggles to trust him. She advised him to stop drinking, and work hard to regain his wife’s trust.

#### 4.4. CONFIGURATIONS, VARIATIONS, AND INTERACTIONS AMONG THE THREE SYSTEMS

Just as particular manifestations of the state, *kastom*, and church systems vary from place to place, so does the nature of the interactions and configurations between the three systems. Frequently the resolution of a dispute will simultaneously invoke appeals to *kastom*, church, and state rules, doctrines, or processes as a means of reaching a satisfactory outcome. Based on observations during the research, a number of general findings characterize these interactions:

- *Kastom* and church-based dispute resolution are, in general terms, seen as intertwined and mutually supportive, with common underlying goals and values: the restoration of group relationships and community cohesion at the local level. By contrast, the state justice system is often seen as a distinct, parallel system focused on individual retribution and punishment. This is not to essentialize nonstate approaches, as
- retribution or punishment are in many instances valued as appropriate responses to certain kinds of wrongdoing, and *kastom* and state processes are seen as complementary. For example, groups interviewed in north Malaita frequently criticized the state justice system for what they perceived as weak punishments for *kwaso* producers. This criticism was met with an accompanying desire for the state to imprison or heavily fine *kwaso* producers as a means of deterrence and to set an example for would-be offenders.
- While both Solomon Islanders and outsiders sometimes juxtapose *kastom* and Christianity, in practice they are interwoven in a variety of ways. For example, references to Biblical stories and characters and Christian doctrine are regularly mixed with oral histories, and church organizations often act as forums in which disputes can be resolved. In addition,

almost all forms of dispute management will incorporate prayer, church leaders and chiefs often act together in confronting wrongdoers and in responding to problems (see box 14), and church leaders often play a prominent role in forms of dispute resolution that are seen as based in *kastom* rather than the church. Such interconnectivity is perhaps not surprising, as in many areas of Solomon Islands, there has been a history of male leaders responsible for ritual affairs. In Malaita, for example, “church chiefs” were encountered, and it is common for chiefs also to be church leaders—as it is common for church leaders or chiefs to be members of local courts.

#### Box 14. Adultery Case in Buala, Isabel Province

A recently married couple visited the Church of Melanesia priest in Buala village, Isabel province, concerning a marital problem: the husband had been having an affair. According to the priest, the couple chose to use the church as a means of resolving their problem because they wanted the matter to be dealt with in a private manner. Generally, *kastom* chiefs’ hearings are public events. Similarly, once a matter is reported to police it quickly becomes public knowledge. A complicating feature of the case was that the husband had had an affair with a married woman. The priest advised the young couple to pray together for forgiveness; he then referred the *kastom* settlement (involving compensation) to village chiefs with a specific request that the chiefs keep the matter private. On this basis, the husband paid compensation to the spouse of the woman with whom he was having an affair. The woman involved also paid compensation to the man’s wife. Accordingly, the matter was said to have been settled using complementary church and *kastom* procedures.

- Nonetheless, the relationship between *kastom* and the church varies considerably from province to province. For example, in Western province, the church appears to be the foremost institution involved in dispute management, facilitating reconciliation and forgiveness and even *kastom* compensation.<sup>135</sup> The situation in Malaita province is markedly different, however. Although it is true that the mainstream churches play a key role in village organization, governance, and dispute redress, they have more of a support role in dispute management that often brings them into conflict with other forms of authority, especially the “traditional” authority of chiefs. Typically, the church plays a secondary role to the *kastom* form of dispute management, with parties coming together after the payment of compensation for further reconciliation through prayer.
- Another factor in the relationship between *kastom* and the church is that of denomination. Church and *kastom* forms of dispute resolution are much better integrated in the Anglican and Catholic communities, for example; in the SSEC and SDA communities, by contrast, there are long-standing tensions and animosities between the church and *kastom* forms of authority. This creates difficulties when disputes arise between SSEC or SDA followers and followers of other Christian churches or non-Christians.
- The state system is regarded as “introduced” or foreign (often referred to as “white man’s law”), whereas *kastom* and the church, despite also incorporating many introduced features, are seen as representing a more indigenous approach to dispute management. Chiefs at Ngalitoo on the Weather Coast of Guadalcanal province evocatively captured the feelings expressed by many when they explained, “*law hem wanfala written process, kastom hem no written process, hem stap inside lo mind blo mifala, hemi stap inside lo blood blo mifala.*” [The law is a written process, *kastom* is not written, it is inside our mind, it is inside our blood.] Despite the fact that

<sup>135</sup> The observations recorded here in relation to churches in Western province are confined to the SDA and United Church communities, not the CFC. Further, it is acknowledged that church leaders may also be chiefs or from chiefly families, so that resolution by church leaders may, in some instances, be resolution by chiefs.

the current incarnation of the *kastom* system in many respects emerged in connection with the state system, the contemporary state justice system is not, as of yet, regarded as belonging to the people or necessarily delivering services for the benefit of all. Rather, the current state system is seen as another structure to which citizens appeal when convenient. Equally, it is a system which they resist and undermine when it is in their interests to do so. Nevertheless, there is a widespread perception that *kastom*/ church and state justice systems can, and should, complement one another. The nostalgia for the local justice architecture of the colonial period is an example—in the minds of those interviewed—of how such a complementary relationship can work.

- The state system is heavily reliant on the *kastom* system when it comes to resolving or managing disputes at the local level. Police may refer reported cases to chiefs to be dealt with in totality, including breaches of state penal legislation (see boxes 15 and 17). Police will also approach chiefs and community leaders to help identify and apprehend alleged offenders. However, just as community actors can facilitate these processes, they can equally frustrate state action. For example, the fieldwork revealed instances of chiefs and community members actively protecting individuals wanted by the police. Many of those interviewed, especially chiefs, were quick to point out what they viewed as an imbalance in the relationship between state and *kastom*; while the latter was willing to assist the former, this was not viewed as reciprocal. On numerous occasions respondents said that chiefly appeals to the police for assistance more often than not went unanswered.
- Though there is a degree of jurisdictional overlap and most cases will be subject to multiple interventions, in general the three systems are often seen as having “core” areas of operation. One interview subject shared a view that others corroborated throughout the research:

### Box 15. Fighting between Two Brothers in Kia Village, Isabel Province

An individual was drinking alcohol late into the night, disturbing the community. His elder brother asked him to refrain from making noise. An argument ensued, leading to a physical altercation in which the elder brother was injured. He reported the case to the police officer located at Kia the next morning. The officer conducted an investigation and concluded that the problem was a family one and was best resolved through *kastom*. The complainant agreed and the officer referred the matter to a village chief. The village chief conducted a short hearing and ordered the offender to pay the appropriate compensation rate to the elder brother. The younger brother paid the compensation and the matter was considered settled.

*“Generally, it depends on the nature of the problem. Moral issues go to church. Land issues go to chief. Family problem, family deal with it, before it goes to the chief. It goes to the chief if the family is not able to deal with it.”*

[Moral issues go to the church. Land goes to the chief. Family problems are dealt with by the family, before it goes to the chief. It goes to the chief if the family is not able to deal with it.]

- Woman participant, Kia village, Isabel province

As several of the case examples demonstrate, often the best chance of resolution, mediation, or reconciliation is achieved when the various systems work in a manner that is complementary and reinforcing (see box 16).

### Box 16. Theft of an Outboard Motor in Kolombangara, Western Province

In June 2011, a yacht mastered by visiting expatriates moored outside Hunda village on Kolombangara Island in Western province. When the owners of the yacht were absent, thieves broke in and stole an outboard motor engine. The yacht owner reported the matter to police located at Gizo and Ringgi. A team of police investigators traveled to Hunda village, and in an effort to identify those responsible for the theft, the police solicited the help of community leaders, who tasked the community youth leader with finding the thieves. The youth leader worked through his network in the area to identify the perpetrators. The community leaders and the youth leader then contacted police in Gizo and informed them of the identity of the alleged thieves, who were arrested when the Gizo Police traveled to the Dughore area.

## 5. Contemporary Innovations

While local systems remain the dominant and preferred system for managing everyday disputes, the research makes clear that the *kastom* and church systems are simply incapable, on their own, of dealing effectively with certain newer forms of disputation and conflict. This is particularly so in the face of a gradual retraction of state justice and policing services and the consequent “decoupling” of these services from local systems. Two further interlinked challenges are relevant here: the erosion of social cohesion and a declining respect for local leaders. To counter these more negative developments, a number of provincial and local-level innovations described in this section are provided as examples of resilience and experimentation in community governance practices from which policy makers can potentially learn valuable lessons.

Chiefs, elders, and church leaders may have deep knowledge of local context, but it is often their very embeddedness in local networks that can also contribute to and accentuate problems when they themselves are a source of, or a contributor to, disputes and grievances. Social cohesion is a critical factor in enabling the enforceability of decisions issuing from the local *kastom* system. Successful enforcement depends in large part on the parties’ acceptance of the resolution and communal pressure to comply. Increasing levels of social fragmentation undermine this acceptance and the effectiveness of social pressure, thereby leading to an accumulation of unresolved matters and ultimately, to the erosion of the legitimacy of these systems and their agents. Community members recounted several examples where chiefly pronouncements were ignored with impunity. A common expression heard was that chiefs “lack teeth to bite,” meaning that they have no power to enforce their directions. In these cases, there is an expectation that the state will respond to “newer” types of social problems, leading to increased frustration when it invariably fails to do so.

*“Today it is hard to respect chiefs. We are educated and have rights. The chiefs don’t meet our expectations. I’m not sure how to strengthen chiefs. They can’t work today. I don’t think this generation will respect chiefs so we must go to the system of the white man.”*

- Male youth, Tingoa, Rennell Island, Renbel province

It is against this background that repeated calls were heard for the provision of external assistance to local systems, particularly to chiefs, in order to strengthen their capacity and ability to enforce decisions. Specifically, interlocutors called for:

- greater legal recognition of *kastom* regulation
- more training and awareness work among chiefs
- the establishment of a code of conduct for chiefs
- support from the police and state courts in backing the resolutions of local systems.

However, perhaps the most common appeal heard from chiefs and others was that they be paid by the state for their services. This was often framed in terms of the extent to which community service diverted them from livelihood activities. Some of those interviewed pointed out that chiefs were carrying out a role similar to, or more demanding than, police, and that they should be paid at a commensurate level. (In a similar vein, a senior police officer in Auki, Malaita province, stated that many community members, including chiefs, would request to be paid for the provision of information that would assist police in their investigations.)

Yet, while contemporary patterns of social and economic change have impacted adversely on the capabilities of each of the three systems to manage contestation, in some cases, communities have developed their own innovative coping strategies. These strategies often entail attempts to forge more

effective linkages between systems and, in particular, between *kastom* and state justice systems. Such initiatives provide insight into how policy makers can devise reforms whose strong local foundations would give them a greater prospect of success than those whose principal drivers are external.

The capacity for innovation, adaptation, and reconfiguration among community governance systems is not a new phenomenon in Solomon Islands. Recent history demonstrates how these local systems have been able to absorb outside influences, adapt to change and each other, and in the process, become increasingly hybridized. A number of social movements have emerged in different areas over time that illustrate this inherent resilience. These have generally sought to assert local autonomy and self-regulation, usually in opposition or as an alternative to the social ordering administered by colonial or postcolonial governments. Movements such as the *Maasina Rule* in Malaita province, the Moro Movement in Guadalcanal province, and the Christian Fellowship Church (CFC) in parts of Western province (see box 12) have involved an imaginative blending of *kastom* beliefs and practices with elements of Christian doctrine as the basis of distinct local systems of governance. While it has been the millenarian aspects of some of these movements that have attracted most outside attention, in another sense they can be viewed as bold experiments in reconfiguring community governance and initiating processes of locally driven development. The extent to which these movements reproduce or mimic state forms and continue to interact with state and other external authorities has often been overlooked in the focus on their more parochial and exotic qualities.

In the case of the CFC this has also included the provision of subsidies to members to pay government school fees and taxes, as well as the movement's direct engagement with the global economy primarily through commercial logging. While the CFC appears to undertake many of the functions more usually associated with statehood and may indeed have been an alternative state for its members when the formal government system was incapacitated during the tension, it more usually works with and through the state. In the view of one scholar, the CFC represents a way of reconfiguring authority and organizing the state in a manner that more closely aligns with local social forms and priorities—an alternative form of state-building to

that being driven by government and donors in Honiara, but state-building nevertheless (Hviding 2011). According to Hviding, the CFC “demonstrates more general patterns in the Melanesian capacity for building large-scale projects in ways that are founded in local social relationships but that may reach far beyond the local – and that in the process may well also encapsulate aspects of external capitalist forces, and challenge, converge with and re-position the state” (2011, 81).

On a less grand scale, there are many other examples of resilience, experimentation, and innovation in community governance practices in different parts of the country. A desire to actively participate in their own governance is evident in most Solomon Islands communities, despite the growing stresses associated with socioeconomic change. Community members often expressed this in terms of a desire to “take control” of their own problems and be involved in their amelioration. These popular sentiments draw on deep historical traditions of autonomy and self-regulation in Melanesian societies. Their contemporary manifestation includes the various initiatives aimed at retaining a high degree of autonomy over the form and workings of community governance, including attempts to innovate and reinvigorate local structures and mechanisms. At first glance, this wish to retain local control appears to be inconsistent with another sentiment that was expressed in many localities, namely the call for greater engagement with the state system. The latter response often draws on nostalgia for former times when government was perceived to have a more continuous and effective presence in rural areas, with linkages between centralized administration in Honiara and rural communities, as well as between state and local *kastom* systems. However, rather than being mutually exclusive, these simultaneous demands for local autonomy and greater engagement with the state are, in fact, quite compatible, as they indicate a strong desire for more effective articulation between local and state systems that enhance the capabilities of both.

Examined below are three examples of initiatives that provide evidence of local innovation and resilience combined with demands for greater engagement with the state. These are (i) community-based efforts to establish new forms of governance institutions (or reinvigorate previous forms), (ii) provincial-level governance initiatives, and finally, (iii) the Community Officer project that the RSIPF trialed recently.

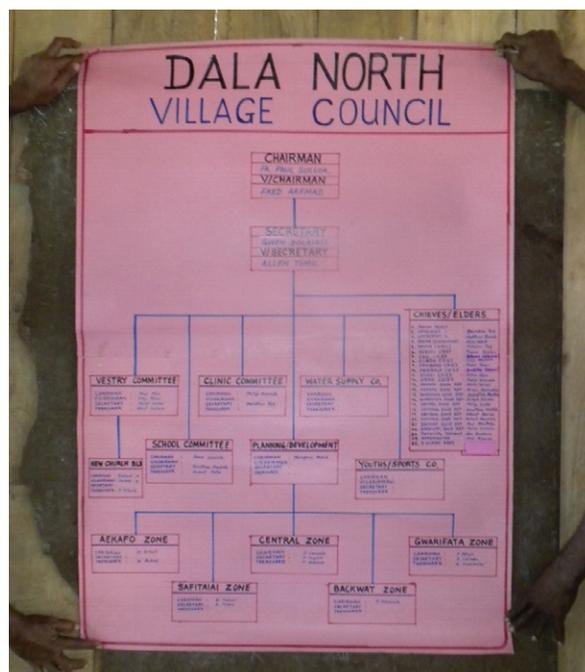
### 5.1. COMMUNITY-LEVEL GOVERNANCE INITIATIVES

Rural communities across Solomon Islands have been experimenting with a range of organized governance structures. The most common of these configurations are variously described as “village committees,” “village councils,” “village associations,” or “advocacy committees,” and they exhibit varying degrees of formalization. At the highest level of organization are local associations established and guided by elaborate written constitutions that outline, among other points, issues pertaining to organizational make-up, function, and regulation. These associations are often envisaged as catalysts for development through their potential for mobilizing local resources and attracting external assistance. The mimicry of state forms that is often entailed in this kind of experimentation alludes to local hopes that the desired engagement with state or other external actors is more likely to eventuate if local systems are reconfigured in a manner that renders them more legible to these actors and more compatible with external systems of administration. This is an interesting variation of James C. Scott’s notion of “seeing like a state,” and in these cases involves local actors reconfiguring their own systems in order to make them more visible to, and thereby more open to engagement by, external actors who “see like a state” (Scott 1998).

For example, in an effort to gain state recognition, those more formalized local committees and associations will typically register as charitable trusts with the Registrar of Companies in Honiara.<sup>136</sup> The formation of these formalized entities is often guided by educated community members (including the Honiara-based diaspora and retired public servants), lawyers, or local NGOs using precedents from elsewhere. These efforts appear to take place primarily to pursue “external” linkages and prospective material support. Community leaders believe that in order to access donor-, NGO-, and government-funded projects, they require a high level of organizational formality, which will reflect favorably on them with prospective funders. In a number of instances, these kinds of organizational

structures are, in fact, required by NGOs/donors seeking to implement local-level “projects.” Several people interviewed also emphasized the importance of these structures in enabling the community to communicate with provincial and national members of parliament with a unified voice.<sup>137</sup>

Another type of village committee is less formalized and more internally focused. These were found across all of Isabel province (where they were generally referred to as village committees) and were common in Western, Guadalcanal, and Malaita provinces, though they were not encountered in Renbel province. This type of organization appears to be a legacy of the old area council system of local government and also shares similarities with contemporary church-based governance systems. These committees play a significant role in people’s daily affairs in the village, and typically draw their membership from tribal chiefs and appointed



A graphical depiction of Dala north Village Council, Malaita province, July 2011.

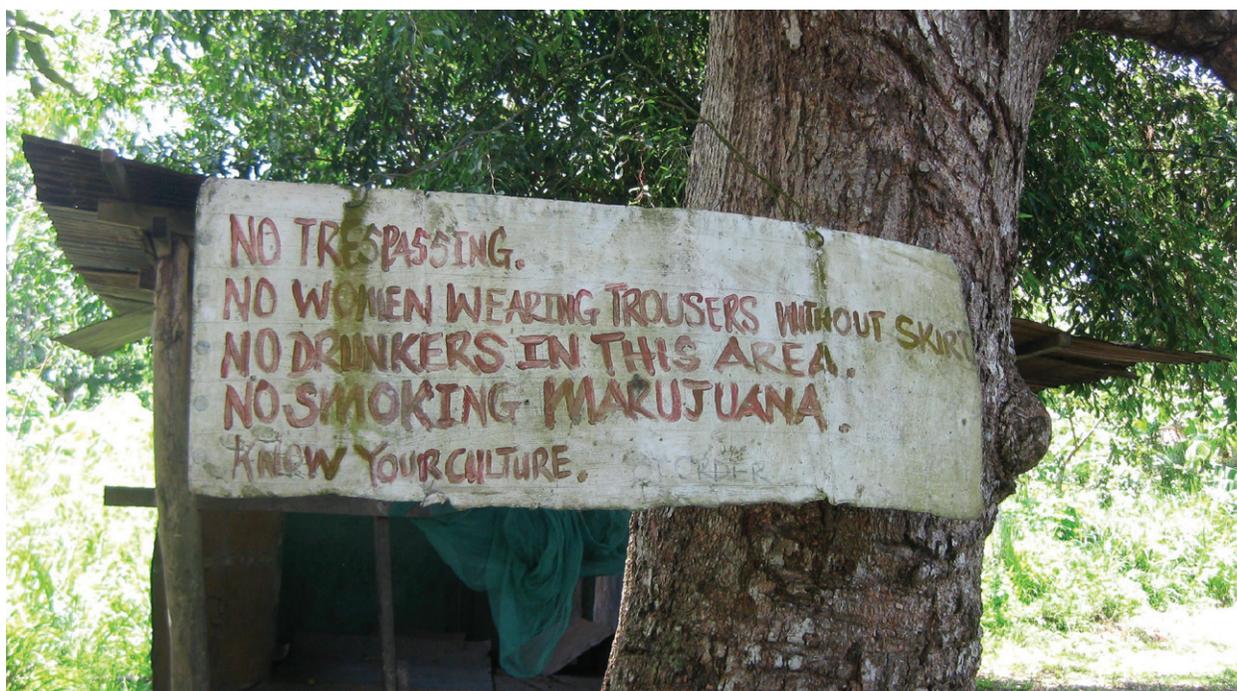
<sup>136</sup> This is done pursuant to the *Charitable Trusts Act* [Cap 55] and provides for the groups to be incorporated.

<sup>137</sup> A review of a number of community associations registered as charitable trusts with the Office of Register of Companies in Honiara and discussions with the Registrar of Companies confirmed that the primary motivation behind the formation of these trusts is to gain some type of formal recognition by the state and to serve as a channel for communities to access donor and government funding. At a more prosaic level, the formation of charitable trusts is also said to assist in setting up bank accounts.

chiefs, as well as from various sectoral committees such as the Church, Education, Youth, and Health Committees. Women often play a prominent role in the Church Committee in particular. The role of these village groups varies according to local circumstances and priorities. Often they seek to guide village-based development, coordinate various communal activities, and provide a unified voice for the community. The community does this by formulating plans for community development and overseeing their implementation. For example, in Isabel province, certain days are set aside for community work, which the village committee coordinates. The committee may also play a significant role in everyday dispute management. Again in Isabel, it is one of the key forums to which an aggrieved party may refer a problem that they are unable to resolve themselves or between families.

With the exception of Renbel province, another widespread community governance initiative is the elaboration of informal community rules, laws, bylaws, and ordinances. These were encountered in the more structured communities visited and

were most prolific in those communities that were also seeking to have their various local committees registered as charitable trusts. Such laws, which have no formal legal status within the state justice system, are in part a response to the absence of effective state regulation at local levels. With the suspension of area councils in 1998, the extensive village bylaws administered at this level of government were made obsolete. These new informal laws tend to mimic the state criminal laws. They are often written down and displayed prominently in community halls or churches or on community notice boards. Prohibited behavior is listed, and there is usually a provision for sanctions in the form of fines that can be paid in cash or with traditional currency. Saeghera village on Ghizo island, Western province, provides a typical example. Saeghera's written laws (previously displayed in the church before someone removed them) included prohibitions on the consumption of alcohol, marijuana, and *kwaso*, as well as a stipulation that there should be no stealing and gossiping, and that women should not wear trousers. Breaches were to result in a SBD\$50 fine or an equivalent payment of *bakia* (shell money).



Notice of prohibited activities, Tutuva Village, Northeast Plains, Guadalcanal province, September 2010.



Public notice detailing village prohibitions at Komuvaolu Village, Weather Coast, Guadalcanal province.  
Image courtesy of David Jones, Australian Federal Police.

Strong powers of enforcement (in theory, if not always in practice) are associated with state justice and the police in particular. By imitating the form and, in some cases, the substance of state law, local leaders are hoping that external support might be forthcoming to assist in their enforcement. At Chea in Western province, a participant in the leaders focus group reflected this sentiment:

*“Big ting ting blo mifala, by-laws ia bae govman baekem, givim penalties lo olgeta wea breakem... we expected the police to carry out enforcement but nomoa.”*

[A strong thought that we had is that the state will back [our] by-laws and will give penalties to those who break them... we expect the police to carry out enforcement but this has not happened.]

- Leader, Chea village, Western province

The impact and effectiveness of local laws can be seriously undermined by the failure of state actors to carry out their enforcement roles. Whether due

to omission or commission on the part of the state system, the practical effects are likely to include considerable frustration among local leaders who expect such local initiatives to be welcomed and supported by government authorities. For example, leaders in Saeghera had become increasingly concerned about the number of uninvited “visitors” driving to the village from Gizo town, particularly on weekends, in order to find a quiet spot to consume alcohol. Among other things, community leaders were concerned about the safety of their children as a result of the presence of intoxicated drivers. In response, they posted a notice on a bridge leading into the village explaining that unauthorized visitors were unwelcome and that alcohol consumption was prohibited. However, police from Gizo, who, according to some locals, were regular unauthorized “visitors,” forcibly removed the notice, saying it was illegal. There appears to be little consistency in the approach adopted by agencies such as the police in relation to these local attempts to strengthen community regulation. In contrast to the Saeghera experience, for example, a senior officer in Auki in Malaita province stated that police were willing to assist with the enforcement of community rules and in fact, encouraged the drafting of such rules.<sup>138</sup>

Set against the progressive weakening of *kastom* systems in many areas, a connection with the state system, however tenuous, was viewed by many interviewed as likely to induce a higher level of deterrence, and even fear, among potential troublemakers. Some older people linked this quality to the perceived strictness of the administration of state justice in earlier times. In the context of a wider discussion about the decline of the village organizer system from the 1980s, one participant in the leaders’ group discussion at Vakombo, Western province stated:

*“We need the sting of the law to make people fright letelbet.”*

[We need the sting of the law to make people a little frightened.]

- Leader, Vakombo village, Western province

<sup>138</sup> It was not discerned in practice whether police were actually assisting with the enforcement of such rules.

There appears to be a “shadow of the law” dynamic at work here. Linking mechanisms between different rule systems, such as through a village organizer or a community officer, creates the possibility, however remote, of state enforcement. This can thereby act as a disincentive/deterrent in a classic “crime and punishment” sense. Similar sentiments were expressed during an evaluation of the Community Officer project (see below), where some people felt community members became more self-regulating after community officers were appointed. Whereas previously the prospect of police intervention was remote in the extreme and thus of little deterrent value, there was now at least a chance of police action at some future time. Although this possibility is unlikely to be sufficient to deter serious wrongdoers, it may, nonetheless, deter illegal or antisocial behavior on the part of less-committed individuals.

## 5.2. PROVINCIAL-LEVEL GOVERNANCE INITIATIVES

Deliberations about strengthening community governance systems and integrating them into larger administrative systems are also being held in a number of provinces. The wider ongoing debate about constitutional reform and state organization in Solomon Islands tends to influence these discussions, as well as growing pressure from rural communities to improve service delivery and enhance local development opportunities. Much of the following discussion focuses on the legislative development of various hybridized governance forms, involving attempts to develop systems of administration that include roles for *kastom* and church actors, as well as government officials. With the exception of activities in Isabel and Choiseul provinces, these initiatives are yet to manifest in any real form and exist largely on paper. In many instances, impediments to implementation include questions around the legality of the proposals and the scale of resources involved in establishing the various structures required. Further, none of the initiatives described are linked with any overarching national approach; in fact, the initiatives are being undertaken in a context in which state organization at the subnational level is in a state of flux. As discussed, central-level reform efforts focus on strengthening the constituency as the level of government with responsibility for service delivery at the local level. Provincial governments have fared badly as a result of this reorganization and remain chronically underfunded.

### Isabel province

The best known example of governance innovation at the provincial level is Isabel's distinctive “Tripod” system, which has developed organically over time with little, if any, external input. This homegrown system has three legs, namely *kastom*, government, and church. At its apex is the Isabel Council of Chiefs, which brings together the Paramount Chief of Isabel representing *kastom*, the Provincial Premier representing the government, and the Bishop of the Church of Melanesia representing the church and the Isabel Diocesan Council.

According to the terms of a 2004 iteration of a memorandum of understanding in relation to the Tripod, the Premier, Paramount Chief, and Bishop meet from time to time or when the need arises. This is referred to as a “Tripod Meeting.” A “Tripod Conference,” consisting of the Isabel Provincial Executive, the ICC, and the Isabel Diocesan Council, should also occur every two years.

Although the realization of the Tripod remains largely aspirational, the idea appears to enjoy wide support among local and provincial government leaders. The Isabel model seeks to recognize and build on the three main sources of authority and legitimacy in the province, with the aim of building them into an encompassing framework of governance covering the entire island. A tiered set of structures has been established to administer the system. At the most local level are the village committees, which include broad representation of chiefs, women, and youth, as well as sectoral interests such as health and education. Following older administrative classifications, there are also ward houses of chiefs and above them, district houses of chiefs. The highest level mechanism is the ICC. The provincial administration has provided some financial support to these mechanisms, as senior provincial officials are keen to involve chiefs in provincial planning activities and support their traditional role in maintaining order at village levels.

Although the chiefly system appears stronger in Isabel than in other provinces, there are similar concerns to those found elsewhere with regard to its actual and potential role. These include the fact that chiefs are predominantly senior men and that there are regular complaints about the inappropriate behavior of some chiefs and their involvement in divisive and predatory activities; there is also increasing

competition and uncertainty surrounding claims to chiefly status. Considerable variation exists in the different kinds of chiefs and the manner in which they acquire their status, including both hereditary and appointed chiefs. Against this backdrop, one of the most promising developments in Isabel is the healthy debate going on about the institution of chiefs, including their role, who should be appointed to these positions, and how the appointment process should be carried out; this debate also includes active consideration of the appointment of women and youth leaders as chiefs. Local advocates of the interests of women and young people, including the powerful Isabel Mothers' Union, are playing a leading part in this debate.

Likewise, the role of the provincial administration in developing the Tripod system appears to be contributing to a rethinking of the institution of chiefs, which is opening up space for, among other things, consideration of a more inclusive and meritocratic process of appointment. While there is a real risk that this process might serve to reinforce the powers of male leaders, this is not an inevitable outcome. It is an ongoing process of reconfiguration whose parameters continue to be worked out and whose ultimate aim is to develop a hybrid system of provincial-wide governance that is attuned to Isabel's social characteristics and local development priorities.

### Western province

Although the interest in strengthening and reconfiguring community governance in Western province is a response to long-standing dissatisfaction with the quality of service delivery from the central government, it has also been considerably influenced by current debates about the introduction of a federal system of government. With local systems still under enormous stress due to logging operations in areas such as Marovo Lagoon, pressure for reform also comes from communities.

The province drafted the *Village Community Governance Ordinance 2010*, which provides for the recognition and empowerment of chiefs and for the establishment of various committees, including

village and elders' committees, and ward councils of chiefs. Under the ordinance, chiefs will have the ability to enact community bylaws or rules over defined matters (similar to those once overseen by area councils) and must "maintain law and order and good village community government." A feature of the ordinance is the incorporation of village community governance structures as charitable trusts, and the requirement that communities establish a "village development plan" to "guide the development aspiration of the people and the village community."

An official in the revitalized framework envisaged in Western province is the village organizer (see discussion above). Under the new ordinance, the village organizer is intended to serve as a link between the provincial government (and other external agencies) and the community, and work closely with the local *kastom* system, including in helping to settle minor disputes. Village organizers are unique to Western province. Previously they were employed under the now defunct area council level of government. Since the suspension of area councils in 1998, one of the main roles of village organizers has been the collection of provincial government revenues, although they also play a dispute-management role in many communities. Today, village organizers are elected individuals, typically elderly men, and are paid a small monthly allowance by the Western provincial government.

### Malaita province

The principal driver of community governance discussions in Malaita province appears to be the wish to devolve service delivery from the provincial capital, Auki. Discussions at the provincial level are focused on decentralization, and a detailed policy document outlining a decentralization policy has been produced.<sup>139</sup> The policy proposes five regional governing zones, based on the old colonial subdistrict divisions. Under the proposed framework, regional ministers and members of the Malaitan provincial government will preside in each region. Regional councils comprised of chiefs, ward members, and other representatives of local groups, including women, will advise the ministers and members of

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<sup>139</sup> This is the "Summary of the Alliance for Reform, Change and Regional Development Government Policy Statement" of May 2011 prepared by the Policy, Planning and Management Unit of Malaita province.

the provincial government. It is envisioned that regional councils “and traditional justice systems” will be empowered to “make and enforce by-laws to cater for civil and ‘cultural’ cases” (Malaita Provincial Government 2011, 5). Further, “informal governance systems” will be recognized and supported “where appropriate.”

### Guadalcanal and Makira Ulawa provinces

Detailed provincial ordinances exist in Guadalcanal province (the *Moli Ward Chiefs Council Ordinance 2010* and the draft *Guadalcanal Province House of Chiefs Ordinance 2012*) and Makira Ulawa province (the *Makira Ulawa Province Council of Chiefs Ordinance 2006*), which aim to formalize their various chiefly structures.

The Makira Ulawa ordinance establishes a “Great Council of Chiefs” that operates at the provincial level in a similar fashion to the Isabel Council of Chiefs. Recent discussions in Makira have focused on whether their council of chiefs can sit as a standing committee of the provincial assembly. Proponents of this proposal hope to give chiefs as much authority as possible, and envisage that bringing them into the assembly will increase their standing and give them some type of formal governing authority.

Presently in draft form, the *Guadalcanal Province House of Chiefs Ordinance 2012*, like its Makira equivalent, also seeks to establish a province-wide “Great House of Chiefs” comprised of ward-level chiefs. A number of functions and powers are prescribed to the Great House of Chiefs, including acting in an advisory role for the provincial assembly and the executive. The *Moli Ward Chiefs Council Ordinance 2010* seeks to create a myriad of criminal offenses, many of which are of a “customary nature” and impose “customary” penalties (something that Malaita province has previously endeavored to do). A long-running feature of provincial-level discussions is a desire by some to see consistent *kastom* penalties and payments applied on a province-wide basis. This call appears to be in response to two imperatives: the difficulties that are recounted in determining which *kastom* rules should apply in cases of internal migration and settlement when parties come from different culture groups, and what is seen as the

escalating costs of *kastom* payments. Arguably, however, these penal offenses and sanctions are beyond the power of the province to enact.<sup>140</sup>

### Choiseul province

While not visited during the research, a well-known initiative in Choiseul province that is supported by the Choiseul provincial government is the Lauru Land Conference of Tribal Communities (LLCTC). In existence since 1981, the LLCTC describes itself as the only comprehensive NGO in Choiseul province. It endeavors to bring together *kastom*, church, and citizens in order to, among other aims, encourage contextually relevant development; deal with customary land-related issues, including development; and educate leaders and communities on various issues, including the sustainable management of natural resources. It draws heavily on church doctrine and *kastom*. In the past it has partnered directly on a number of projects with the international NGO, the Nature Conservancy. Like many of the other groups discussed, the LLCTC is governed by a written constitution and was registered as a charitable trust in 1995.

### 5.3. COMMUNITY OFFICERS AND LOCAL POLICING INITIATIVES

The only recent example encountered during the research of a state agency consciously drawing on past experiences in order to try and improve its capacity to operate more effectively in rural areas was the “Community Officer” (CO) project of the RSIPF. The history of COs and the reasons behind their appointment have been documented elsewhere (see Dinnen and Haley 2012). Initiated in late 2009, this project appointed COs in 23 rural locations, covering every province of Solomon Islands. The primary aim was to extend the reach of the police to the community level through a local lay person (the CO) who would work with both local chiefs and the RSIPF in a quasi-policing role. The project was influenced by the older Area Constable model and the Community Auxiliary Policing scheme in neighboring Bougainville. At the time of this writing, the CO project remains a relatively isolated and modest initiative that continues to suffer from a serious lack of support and is not yet embedded in any larger governance system, unlike the old Area

<sup>140</sup> The *Provincial Government Act 1997* details areas that are within the legislative competence of provincial assemblies. The imposition of penal sanctions is not within the legislative power making of provinces.

Constable system. It also operates in the absence of other devolved state justice institutions, such as local courts, that would enable it to achieve its full potential as one aspect of a wider engagement with the state justice system.

Dinnen and Haley's recent evaluation of the CO project reveals its generally positive reception in those communities where COs have been appointed, as well as among members of the RSIPF with whom they have interacted (2012). Among other reasons, community support for the project is another indication of the desire to establish (or reestablish) effective linkages with the broader government system that many rural communities feel they have lost in recent decades. For example, one man in Leona village on the island of Vella Lavella, Western province, said that the introduction of the CO marked the "return of government," while another commented that "the CO makes us feel like the government is now with us" (Dinnen and Haley 2012, 30). In practice, the RSIPF has been unable to provide regular supervisory visits to COs in many areas, which has been a source of great disappointment both to the COs themselves, as well as to members of their communities anticipating a more tangible form of engagement with the larger government system.

In large part due to the lack of support from the RSIPF, the role of the CO has evolved organically in accordance with the configuration of local systems and priorities in particular localities. While retaining a broad policing orientation in most places, significant variations in emphasis are apparent in different places. In some areas, the CO serves primarily as an enforcer of chiefly authority; in others, these officers operate more independently as mediators of local disputes and promoters of community peace (see box 17). In yet others, the CO has adopted a broader governance role, similar in many respects to the village organizer still found in parts of Western province.

One might reasonably assume that COs operating with little external supervision are highly susceptible to capture by local elites and, in particular, chiefs. While some COs operate largely as enforcers of chiefly authority, the evaluation also found several instances of individual COs whose actions were subtly moderating the exercise of chiefly powers. The most notable example was the case of the "unofficial" women COs in west Kwaio, Malaita province. Some of the women COs carved out a role as effective intermediaries between chiefs and local youths, who often felt intimidated and powerless in the presence of senior chiefs. Women

#### Box 17. A Fight between Two Brothers in Avu Avu, Weather Coast, Guadalcanal Province

In Avu Avu village on the Weather Coast of Guadalcanal province, a knife fight took place on an evening in 2010 between two brothers who had a history of difficult relations. The CO and others managed to separate the brothers, and workers from the Avu Avu Health Clinic attended to the injuries that they sustained during the fight. The day after the altercation, the CO walked for one hour to the Avu Avu Police Post to report the incident to the RSIPF. The police instructed him to return to the village and bring back the two brothers and the local chiefs who had witnessed the fight and were familiar with the history of the matter.

After discussions between the various parties at the police post, the police told them to go back to the village and settle the dispute in accordance with *kastom*. The CO, who was also identified as a *kastom* chief and church leader, subsequently organized a reconciliation ceremony during which both brothers agreed to forgive one another. An exchange of pigs, shell money, and Solomon Islands currency took place, presided over by the CO and attended by the brothers, their families, the chiefs, and church leaders. In the words of the CO, "During the presentation of gifts, I gave more encouragement talks on love of each other, respect of *kastom* ties, law and order in the community, religious worship and to be more conscious about life than what you are every day."

COs also played a prominent role in educating the chiefs about the views and concerns of local youth in a manner that did not antagonize the elders and that generally produced positive outcomes for the youth. This could be seen as a demonstration of an innovation at the local levels—in this case, initiated by state authorities—that has the potential to transform existing institutions and practices, rather than simply reinforce them. In a similar vein, while all the COs officially appointed under the scheme were men, the evaluation found strong support among both men and women for the appointment of women COs. This reflected a widespread view that men and women brought different qualities to the role and that there was an important and complementary role for both.

There are a number of additional homegrown policing endeavors that are attempting to fill the void left by the absence of police. As such, they are motivated by similar concerns that drive the growth of private or hybrid initiatives aimed at fostering local security in many parts of the world. Some of these initiatives in Solomon Islands were initially supported by local RSIPF and individual PPF officers but tended to weaken once that support disappeared. Again this is an indication that though communities are capable of innovating and mobilizing in the face of new and growing local problems, they require some form of external support to enable these local efforts to survive and develop over the long term. This does not necessarily require the commitment of substantial resources, but as the CO evaluation pointed out, it does need a committed and sustained relationship between the relevant government authorities—in this case the RSIPF—and local communities.

In two areas in Malaita province (the Malu'u area of north Malaita and Dala village of central Malaita), communities enrolled youth to act in quasi-policing roles, linking with chiefs. According to those interviewed, both of these initiatives had promising beginnings but waned due to a lack of remuneration and support from the RSIPF. A Fijian PPF officer started a further initiative in Ghatere village, Kolombangara, Western province. Unfortunately, the initiative faded when some of the volunteer COs started asking for allowances and the Fijian PPF officer departed. Local RSIPF officers began a more advanced local policing model in Rennell, Renbel province in 2010 on the advice of a PPF adviser. This initiative, which was not endorsed by RSIPF police command and was distinct from the CO project outlined above, involved police assistance to communities in setting up a number of "community policing committees." In some instances, these committees carried out their role for a number of weeks or months before they finally ceased. There were a variety of cited reasons for this collapse, including a failure of police at Tingoa, the provincial headquarters, to follow up on the reports of the committees and a failure to pay committee members. Some youth were particularly skeptical, viewing the committees as a way for police to avoid their policing responsibilities and shift the onus of maintaining law and order onto community members while they could "relax."

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<sup>141</sup> A number of COs were appointed either by communities or local RSIPF officers beyond the auspices of the official RSIPF CO.

## 6. Conclusion and Next Steps

The aim of the JDL research is to inform government efforts to improve justice service delivery across Solomon Islands. This report endeavors to fill a critical evidence gap, describing the nature of the disputes and grievances affecting rural Solomon Islanders, the harms that impact them most severely, and the various mechanisms that are utilized to obtain redress. It also focuses on the choices that citizens take in managing disputes—the factors that influence their preference for state or nonstate answers to problems, how they interact with institutions in an effort to manage those disputes, and their level of satisfaction with the chosen courses of action.

The research identifies four broad areas of disputation that are common in the sites studied: social order problems (including those arising from substance abuse); development and land-related disputes; those arising from NGO, donor, and government projects at the community level; and marital disputation and domestic violence. The development challenge revealed in this paper can be stated quite simply: many people in rural Solomon Islands do not have access to either effective state or adequate local systems to enable them to mediate or equitably and durably manage and resolve the disputes they face.

This paper is targeted toward providing an understanding of the contemporary realities and general concerns of rural Solomon Islanders. The findings from this research, together with additional research being carried out under the JDL project on local-level courts, will offer recommendations aimed at stimulating discussion among Solomon Islanders and informing ongoing government–donor dialogue and programming. These recommendations will be presented in a forthcoming policy document. At this stage, a number of general observations can be made about the future direction of justice reform and efforts to address disputation and grievance at the local level in Solomon Islands.

First and foremost, the preliminary analysis points to the need for a shift in how justice reform is pursued in

Solomon Islands. The provision of justice and security services is likely to involve cooperation between government and donors for the foreseeable future, yet it is clear that the model pursued in the future has to be different from that which has been used to date. A long-term view needs to be taken on issues of justice and security, rather than the current (and unrealistic) program-based time horizons. A focus on outcomes rather than inputs is also required. To the extent that engagement with state institutions and capacity building remains an important method of delivering aid, that engagement needs to be more targeted, strategic, and better informed by an understanding of context. The dominant approach to justice and security assistance up to this point has been to work with state justice institutions such as the police and courts on an expansive reform agenda, with a particular focus on capacity building in those institutions based in Honiara. An alternative approach is required, one that grapples with the challenges of delivering basic dispute-management services to a population that predominantly resides in rural areas, and is informed by an understanding of the justice needs of citizens.

Meaningful interventions to address some of the key problems raised by the JDL research require an incremental, gradual, and targeted approach, based on an assessment of the most promising reform space. Reformers need to look to institutions, processes, and actors that are evolving in capable and appropriate ways to address the grievances and disputes that have been outlined. Importantly, institutional reform also needs to be better informed by an understanding of the structural, organizational, and fiscal challenges that have led to institutional failures and poor justice outcomes, and the historical drivers behind the “retreat of the state” that citizens repeatedly lament.

Reformers should also be prepared to look beyond the state’s adjudicative and law enforcement bodies as the only potential actors involved in managing disputation and crime. Satisfactorily resolving the range of disputes uncovered by the JDL research will

also involve administrative and legislative bodies, as well as various nonstate actors. The ultimate aim is to improve the legitimacy, inclusivity, equity, and accessibility of all mechanisms (state, nonstate, and hybrid) that are capable of peacefully and durably managing disputes. Adequately addressing various newer and intractable forms of disputation and grievance may simply be beyond the capacity of any one system or agency, however. Thus, new approaches, involving state and nonstate actors, as well as those outside conventional adjudicative roles, need to be tested.

## Annex. List of Field Sites

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Province	Field Site/Village	Date of Visit
<b>Guadalcanal</b>		
	Kakabona	19 September 2010
	Borosughu	20 September 2010
	Tutuva	21 September 2010
	Pitukoli	23 September 2010
	Ngalimera	23 September 2010
	Suaghi	24 September 2010
	Vutu	27 September 2010
	Ngalito'o	27 September 2010
	Isuna	29 September 2010
	Peochakuri	30 September 2010
<b>Isabel</b>		
	Zaguto	25 January 2011
	Kia Group 4	26 January 2011
	Kia Group 3	27 January 2011
	Kia Group 2	28 January 2011
	Kia Group 1	29 January 2011
	Babahero	31 January 2011
	Dedeu	1 February 2011
	Samasodu	2 February 2011
	Moloforu	3 February 2011
	Jejevo	4 February 2011
	Koghe	5 February 2011
	Hageulu	6 February 2011
	Bara	8 February 2011
	Buala Village Group 1	9 February 2011
	Jejevo (Buala region)	10 February 2011
	Buala Village Groups 2 and 3	11 February 2011
	Tholana	14 February 2011
	Buala Village Groups 4 and 5	15 February 2011

Province	Field Site/Village	Date of Visit	
<b>Renbel</b>			
Rennell	Hutuna	4 April 2011	
	Tegano	5 April 2011	
	Niupani	6 April 2011	
	Tebaitahe	7 April 2011	
	Lavagu	8 April 2011	
	Teabamagu	11 April 2011	
	Kanaba	11 April 2011	
	Tahanuku	12 April 2011	
	Hatagua and Gongona	13 April 2011	
	Tigoa and Babae	13 April 2011	
	Nukuma'anu	14 April 2011	
	Magae and Kagua	15 April 2011	
	Bellona	Tongomainge	16 April 2011
		Matamoana	17 April 2011
Pauta		18 April 2011	
Matangi		19 April 2011	
Anua		19 April 2011	
<b>Malaita</b>			
	Kwai Island	25 June 2011	
	Faumamanu	26 June 2011	
	Gounabusu	27 June 2011	
	Olomburi	27 June 2011	
	Manawai	28 June 2011	
	Ma'asupa	29 June 2011	
	Rara	30 June 2011	
	Tarapaina	1 July 2011	
	Fanalei and Fouele	1 July 2011	
	Oloha	2 July 2011	
	Liwe	3 July 2011	
	Uhu	4 July 2011	
	Wairokai	6 July 2011	
	Takwa	11 July 2011	

Province	Field Site	Date of Visit
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### Malaita

Manakwai	12 July 2011
Arao	13 July 2011
Ambu	14 July 2011
Arabala	15 July 2011
Malu'u	16 July 2011
Talakali	16 July 2011
A'ama	17 July 2011
Folotana	17 July 2011
Busurata	17 July 2011
Kilusakwalo	18 July 2011
Gwaunatafu	18 July 2011
Fulisango	19 July 2011
Dala North	19 July 2011

### Western

Penjuku	21 November 2011
Chea	22 November 2011
Rukutu	22 November 2011
Vakambo	23 November 2011
Seghe	25/26 November 2011
Lokuru	28 November 2011
Ughele	29 November 2011
Dunde	30 November 2011
Kindu	1 December 2011
Hunda	5 December 2011
Ghatere	6 December 2011
Koriovuku	8 December 2011
Titiana	9 December 2011
Saegheraghi	11 December 2011

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