

*Resources and conflict in the Asia Pacific region***Conflict in the Pacific: challenges for governance****Graham Hassall**Professor of Governance, Pacific Institute for Advanced Studies in Development and Governance,
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Exploration of the complex relationships between development and conflict in the relatively small economies of Pacific island states is an extremely important undertaking. In the past two decades attention has been drawn to a number of conflict-laden resource development projects—notably in Papua New Guinea, Solomon Islands, and Fiji (Boydell 2001). Yet these high-profile instances of conflict in the Pacific should not lead to the conclusion either that the presence of natural resources ties a state and its people to conflict or that the majority of conflicts in the Pacific are focused on large-scale natural resource extraction projects. The high-profile cases are only the most visible instances, and a far greater number remain unreported, or under-reported. Conflicts need not be violent to have a significant impact on economic development and public life: they can be played out through forms of hindrance, delay and blockage, using both formal and informal processes.

The argument in this paper is that the conflicts of most concern to the Pacific are related to two main considerations

- the structure and effectiveness of the state (including such matters as the perform-

ance of the political sector, the provision of public goods and services, and access to justice under contemporary systems of law and property rights), and

- social and economic transformation in the face of rapid globalisation (including problems of slow economic development and consequent tensions between individuals and groups of common citizenship but different ethnicity).

These triggers of conflict are among the key governance challenges confronting the region, and must be given due attention by Pacific leaders if conflict escalation is to be avoided. The fact is that violent conflict has spread in Pacific societies in the past decade over issues that are often associated with the performance of the state. It can be argued that there are ample warning signs of more to come.¹

Many of these conflicts have been analysed in terms of ethnic identity, although they can often be interpreted as a form of competition amongst political élites fuelled by uncertain relations between diverse communities, together with growing resource scarcity in the context of a seemingly predatory globalisation. Indicators of

economic growth and human development for the Pacific states issued by the major agencies are not optimistic, and geo-political rivalries continue to ensnare the small states in wider contests (UNDP 2004; Asian Development Bank 2004).

Conflict and complexity

Conflicts are complex, in the sense that they involve a great number of issues that must be considered in an interconnected way. These include

- issues of land and other resource ownership
- the interplay of local and national development aspirations
- the interplay between national aspirations and international capital and a variety of global agencies, and
- the ordering of political and legal power in their local and introduced forms.

Given that resource-based conflicts are complex, they cannot be solved by giving attention to any one area, such as revision of land tenure or strengthening of the legal, financial and institutional environment. Cultural and social factors are often downplayed, but they are equally powerful.

We need to distinguish between disputes (which can be mediated or adjudicated) and conflicts (which are usually deep-rooted). Whereas we learn from such theorists as Burton (1993:55) the important distinction between a 'dispute' which is amenable to resolution through negotiation or legal process, and a 'conflict', which exists at an ontological level and which is non-negotiable, we learn from practice that conflict discourse relies on such fundamental skills as listening, questioning, clarifying, empathising, assertiveness, and timeliness. Resolution of conflict requires skills in mapping the needs and fears of the parties

concerned, and capacities to negotiate agreements that the parties find realistic, just, and enforceable within an agreed timeframe. These consultations can take place at the peace table, the constitutional review, the market place or meeting house, the parliament, the classroom, in the media, or through the ballot box.²

Until the mid 1980s, the study of conflict in the Pacific was conducted in the context of historical studies of traditional societies, or in contact histories, or in anthropological studies focused mostly at village and inter-clan level. Political conflict has of course been studied in all parts of the Pacific, but at some point the levels of structural and physical violence involved have shifted particular scenarios beyond any single discipline such as anthropology or history or politics into a new inter-disciplinary concern for understanding how conflict theory and conflict analysis can make an impact on practice. Until violence erupted at independence in Vanuatu, and during the Kanak struggle for independence in New Caledonia, there were few studies within the region that focused on conflict analysis. In the 1980s there were very few Pacific scholars conversant with the literature on—let alone the practice of—mediation, negotiation, or treaty and accord making. The spiral of conflict that enveloped North Solomons Province probably changed the tools for analysis of the contemporary Pacific more than any other event or series of events. Most recently, conflict in Solomon Islands has given rise to a range of agreements and treaties, and some consequent scholarly analysis.³ Nevertheless, there has been little discussion as to how whole systems of governance can be refined as systems for the resolution of conflict.

Governance and state effectiveness

Endemic patterns of conflict have a way of becoming naturalised to such an extent that people and governments come to expect conflicted rather than productive relationships when it comes to resource development. When these conflicts become deep-rooted, they have a tendency to transform in structural ways that make their resolution increasingly difficult. The solutions lie in part in our perspectives on governance. The Dutch governance scholar Kooiman has defined governance as

...the totality of interactions, in which public as well as private actors participate, aimed at solving societal problems or creating societal opportunities; attending to the institutions as contexts for these governing interactions; and establishing a normative foundation for all those activities (2003:4).

This understanding of governance is useful because it notes the significant relationship between the public and the private sphere; the roles of both problem solving and opportunity creation; and the necessity of examining the context of governance relations. Governance in a modern complex setting can be understood as directed influence of social processes. It covers all kinds of guidance mechanisms which are connected with public policy processes. This means that these forms of guidance are not restricted to conscious or deliberate forms of guidance... Nor is governance restricted to public actors' (Kickert et al. 1997:2). Gossen and Mendes (2002) have pointed to the link between good governance and dealing with conflict, and explained why a government that acts with accountability, transparency and responsibility will probably experience less resource-based conflict than one that ignores these factors.

Since conflict is invariably linked to issues of human development, we need to look at the extent to which disillusion with lack of delivery of development, the failure to meet aspirations, will become a key catalyst of conflicts. Although there is insufficient evidence to suggest state failure in the Pacific, there are some concerns about state effectiveness. Some development-related conflicts have emerged from deficiencies in development planning, public administration, and legal and financial regulation. There is therefore a need to look closely at the capacity of national governments to spread the benefits of government services throughout their territories and communities. It would also be useful to re-examine the nature of relations between international actors and local and national élites, since much of the pressure for the development of the region's natural resources comes from outside the Pacific economies. Conflict is building over perceptions that development is benefiting urban élites with little regard to equity and the interests and needs of rural dwellers (Lea 1994).

Viewed historically, few if any Pacific island state constitutions have emerged from consultation at local level—they were mostly drafted by foreign experts, and agreed to by parliaments sitting for brief periods as constituent assemblies. Where a sense of alienation continues to exist, there is a need to strengthen the legitimacy of legal and constitutional frameworks through ongoing discourse that fully engages all parties—those who identify with the state and the public sphere—whatever this means in Pacific islands' context (this involves the media, the business community, national and local political élites). Although Pacific island courts, for instance, are generally held in high esteem, there is continuing concern that neither the courts nor legislatures have been able to develop an underlying customary law in their various Pacific jurisdictions.⁴

Corruption in public office is having a significantly destabilising effect on development in a large number of Pacific states at the present time and there is thus a need somehow to strengthen moral capacity in public life. This might entail dialogue on how to get those who are entrusted with making decisions over resources, for example, to promote the public good (this needs dialogue on what constitutes the public good in each context). Efforts to counter corruption through enforcement of legal sanctions are occurring, but are often too weak. Intergovernmental agencies including the Pacific Islands Forum have responded to the problem by promoting principles of good governance, which generally require the strengthening of mechanisms for accountability, transparency, law enforcement, judicial independence, and so forth. Such policies seeking to promote good governance focus on deterrents such as punishments and enforcement of accountability, but say nothing about incentives or societal rewards for proper performance. Responses to each of these challenges of governance are required at local, national and regional levels.

Another important issue is access to justice. In a recent book bearing the subtitle 'waiting for justice', Mendes and Mehmet (2003) take as their central theme how global governance institutions could be reformed so as to deliver the justice that was promised to the world's poor via the post World War II institutions. We could say in the context of the Pacific that there are several million island-dwellers who are 'waiting for development' as promised to many of them at independence.

Land and social change

One of the basic ingredients in economic development projects concerns security of land title. It is well known that in most parts of the Pacific title remains with indigenous owners, who are more often collectives of families rather than individual title holders, and that land ownership and use are major sources of dispute. Brown (2000) calls land 'a central motif of litigation' in Solomon Islands and (to a lesser extent) Vanuatu. Nari (2000) reports that governments that do not clarify land tenure and land ownership risk ongoing and endemic conflict. Frustration with the inadequacies of land tenure are a significant aspect of conflict in Solomon Islands (Tagini 2001). With regard to Fiji, Ratuva explains

...conflict over land boundaries is quite common for two reasons. The first is that the actual land boundaries are not clearly marked. Village boundaries usually consist of some assumed historical memory of the past, some generalised landforms such as a mountain or more specific but 'temporary' markers such as trees. In some cases, names of places depict the boundaries but even in these cases objectively identifying the border, which separates Vanua A from Vanua B is most contentious (2002:6).

Reluctance by landowners to move away from land tenure traditions may be linked to a lack of trust in what modern legal systems offer. The small size of Pacific islands landmasses—and of their area of arable land—is evident, and for most occupants this land is the only enduring resource they own. Their reluctance to place their trust in modern rules of tenure may therefore be justified. Unfamiliar with the law, they don't want to run the risk of being tricked out of possession. In the meantime, they are unable

to use their title as collateral against investment opportunities.

Ratuva has pointed out that the number of disputes enacted in a Pacific Islands society, such as in Fiji, is always vastly larger than the number that we become aware of

...most tensions and conflict related to land within the Fijian community go unnoticed because the media mostly covers major conflicts, which tend to lead to public inconvenience, or if the conflict involves high profile players or if they have an intensely political or ethnic aspect to it. Thus our knowledge of land conflict is limited to what is reported by the media or by official sources such as the Native Land Trust Board (NLTB), Ministry of Land (MOL) and Native Lands Commission (NLC). Most disputes are not reported to the official bodies and are sorted out locally because people see them as part of their everyday engagement and do not want...official intervention (2002:5).

In the Federated States of Micronesia, Marshall Islands and Palau disputes over land matters dominate the time of the courts. The land courts carry the main caseload, but in some instances a significant number of the cases in the higher courts are appeals from the lower courts on matters of land. Some might say that this merely indicates that the courts are doing their work. Perhaps so. The problem, however, is that land issues do not stand by themselves, but in the context of social, economic, political and other interests. These are complex relationships, and failure to address their complexity increases the risk that they will mutate from a resolvable dispute into a more intransigent conflict.

Traditional Pacific island societies have had methods for both war-making and peace-making that have evolved over time. With rapid social and political change, both

of these institutions have changed. Methods of waging war have altered dramatically, and traditional methods of peace-making are either no longer effective or have been driven from institutional and social memory. While travelling in Micronesia in 2004 I was informed on a number of occasions that it is still possible to make peace with someone from one's own group, but that this is increasingly difficult with outsiders. Let's say, for instance, that within the Federated States of Micronesia a native of Chuuk state has migrated to the urban area of Pohnpei and becomes embroiled in a dispute with a local family. How can the clan leaders get together to talk when the parties have different traditions and speak different languages? Such a cross-cultural dispute, if unresolved, may end up being handled by a district court or a land court. The point is that internal migration reduces the capacity of traditional leaders to mediate the peace. Levels of conflict will increase if development benefits urban élites with little regard to equity.

Regional responses

Governance as defined earlier in this paper alludes to a notion of responsiveness, and it is clear that the challenge to governance in the Pacific region is indeed for it to become more responsive. All societies experience levels of dispute; those that do not have sufficiently responsive mechanisms see such disputes mutate into deep-rooted conflicts. For instance, I believe there were possibilities to address the difficult issues that provoked deep-rooted conflict in Papua New Guinea over the status of North Solomons Province and the operation of the Panguna copper mine, but no early-warning-indicator schemes were in place, let alone acted upon.⁵

Conflict risk assessment suggests that governments and businesses that do not

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conduct adequate consultation with all stakeholders run the greatest risk of subsequent conflict. Governance actors must therefore be active in early-warning conflict-prevention activities. Much hard-won experience collected by UN agencies and a host of non-government organisations in the 1990s suggests that conflict resolution begins early, at the first signs of discontent, and not after conflict has broken out, by which time destructive agencies have already been committed to. Often these agencies play out until exhaustion or mutual stalemate.

One positive initiative taking place in a number of forums concerns improving understanding of corporate social responsibility. Conflict can result from a lack of development as much as from adverse affects of development, and awareness of how to do projects appropriately in a specific context has improved considerably compared to the situation a few decades ago. Building on the UN's Global Compact business guide on conflict impact assessment, for instance, International Alert and the International Institute for Sustainable Development have developed a Conflict Risk and Impact Assessment tool (Goldwyn and Switzer 2003).

In terms of political governance, the Pacific Islands Forum is currently moving to establish early-warning indicators, to facilitate implementation of the principles of the Biketawa Declaration of 2000. In the words of former Secretary-General, Noel Levi, the declaration

...clearly outlines the key principles—good governance, human rights, democracy, rule of law, indigenous rights and values, equity, etc—that underpin the Forum's peace and security efforts...(and) also outlines for the first time a clear process or procedure that our region can follow in dealing with a political crisis

involving members. This provides a practical way forward in times of crisis and will enable the Forum to take action.⁶

In 2003, under the auspices of the Biketawa Declaration, regional governments were able to respond to a request from the Solomon Islands for help in restoring law and order in the Australian-led Regional Assistance Mission to Solomon Islands (RAMSI).

Initiatives to increase cooperation amongst Pacific states are happening at both regional and sub-regional levels. Sub-regions that are taking active steps include Melanesia (the Melanesian Spearhead Group) and Micronesia, where the leaders of Guam, Palau, the Commonwealth of the Northern Mariana Islands and Yap met in 2004 (the second Western Micronesia Chief Executives Summit) to discuss cooperation in a range of areas including health care, education, transport, recycling, communications and tourism.⁷

More broadly, the Pacific states are currently engaged, through the Pacific Islands Forum, in designing a 'Pacific Plan' to enhance levels of operation and state effectiveness. A vision statement⁸ issued at the commencement of this initiative reads

[l]eaders believe the Pacific region can, should and will be a region of peace, harmony, security and economic prosperity, so that all its people can lead free and worthwhile lives. We treasure the diversity of the Pacific and seek a future in which its cultures, traditions and religious beliefs are valued, honoured and developed. We seek a Pacific region that is respected for the quality of its governance, the sustainable management of its resources, the full observance of democratic values, and for its defence and promotion of human rights. We seek partnerships with our neighbours

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and beyond to develop our knowledge, to improve our communications and to ensure a sustainable economic existence for all.

The Forum is right to see what can be done at regional level to improve governance in Pacific island states. We must hope that in doing so, any new initiatives fully engage the citizens at local level, to ensure that such initiatives fully incorporate the people's aspirations and respond to their needs, and sincerely attempt to deliver the governance for development that has been awaited for so long.

Notes

- ¹ In Papua New Guinea, for instance, the cabinet was informed early in 2004 that the security situation in the highlands was deteriorating, and could develop into a civil conflict like the one on Bougainville. Cabinet considered suspending the province's government and declaring a state of emergency, but it put off the decision because of concerns over cost, and because of fears that it could provoke confrontation between local and national politicians.
- ² Such linkages between history, culture and legal framework in delivery of justice can be amply illustrated. McCa (2000:60) describes the origins of the conflict in Mindanao, for instance, as lying in a '...deeply rooted and highly complex web of cultural, historical and structural violence and injustices encompassing land issues, poverty, disempowerment, marginalisation and poor governance'.
- ³ Notably the Townsville Peace Agreement of 15 October 2000 (Kabutaulaka 2002).
- ⁴ Hence Corrin Care (2002) writes 'the failure to adapt the common law to take account of the complexities of South Pacific societies has resulted in its becoming a threat to the operation and growth of local cultures'.
- ⁵ For example, the work of the Forum on Early Warning and Early Response (1999).
- ⁶ Address by Secretary General, Noel Levi, CBE, Pacific Islands Forum Secretariat, 2001 Pacific Islands Law Officers Meeting, Fijian Resort, Yanuca Island, 22 October 2001.
- ⁷ Scott Radway, 'Regional pact signed' *Guam Pacific Daily News*, 21 March 2004.
- ⁸ Pacific Island Forum Special Leaders' Retreat, Auckland, 6 April 2004, *The Auckland Declaration*.

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