



July 2013
Research Report

Promoting equity and managing conflict in development



Justice Delivered Locally

Systems, Challenges and Innovations in Solomon Islands

Matthew Allen, Sinclair Dinnen, Daniel Evans and Rebecca Monson



THE WORLD BANK

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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Legal Vice Presidency
The World Bank

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Foreword and Acknowledgements

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

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

Glossary

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

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.