



Community Order-Making in Melanesia Part 1 – Empirical Findings

Miranda Forsyth, Sinclair Dinnen, Ali Tuhanuku and Anthea Roberts

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Green Valley, an informal settlement in the midst of the urban sprawl of Solomon Islands' capital, Honiara, was formerly known as a difficult place to live. Nighttime brawls, the sale of home-brewed *kwaso* and rampant petty theft regularly kept families awake and forced small shops to close before dusk. Women felt unsafe walking around, taxis and buses were reluctant to drop people off in the settlement, and the police were not responsive when called. During past episodes of urban unrest, the residents from Green Valley were often the first ones on the frontline. However, during Solomon Islands' last major riots in 2021, the Green Valley 'boys' did not attend. These days, local shops stay open later and people quieten down by 10 pm.

Local community members attribute this transformation to new community by-laws that were introduced around 2020. Formed from a combination of strong community leadership and processes of dialogue and collaboration, the by-laws are administered by a committee of volunteers and supported by a local 'taskforce' that conducts patrols every evening.

Green Valley is just one of many communities we visited over the past four years as part of our research into community laws, often called by-laws in Papua New Guinea (PNG), Bougainville, Vanuatu, Solomon Islands and Fiji. We have found a spectrum of formality in these laws: some are broad principles prominently displayed on village billboards, some are circulated solely within the community, and yet others are 'checked' and signed by state officials. We view this production of by-laws as part of an efflorescence of local-level order-making aimed at reinvigorating community governance in the face of multiple stresses.

Of course, the creation of community by-laws is not new, and nor is scholarly attention to it. Anthropologist William Rodman's classic 1985 study of a Vanuatu community's self-made rules — "A Law unto Themselves": Legal Innovation in Ambae' — was one of the first to document a village inventing its own binding rules. In the decades since Rodman's work, scattered studies and reports have documented isolated examples of community by-law creation in Melanesia, and their association with governance innovation. However, no-one has fully theorised or compared their broader significance across Melanesia. As a result, while we know they *can* work spectacularly well in some situations, we do not know *why* some succeed and others fail to get off the ground. Is it purely good luck and good leadership? Does state or donor support help or hinder? Are national, provincial or local government structures relevant at all?

Through a comparative analysis, our research has sought to answer these questions, seeking to understand and to theorise the varying conditions in which they emerge and either thrive, stagnate or collapse. In Part 1 of this two-part In Brief series, we set out our broad empirical findings, and in Part 2, we explain our initial theorising of these findings through the lens of an adaptive cycle.

What drives the emergence of governance innovations like community by-laws?

Among the factors driving these innovations, we highlight three particularly influential ones:

Limited or episodic state presence and service provision: The 'absent present state' (Bainton and Skrzypek 2021) emerged as a recurrent theme across research sites. Most communities visited felt neglected by the state, even in urban areas. In rural areas, many communities had only limited connection with state services, commonly a health post, school or community police post. Community law-making was viewed as both a practical necessity and an attempt to attract and connect with the state and other sources of support.

Social crises: Many communities develop by-laws in direct response to an accumulation of social problems. The most common were endemic substance abuse, particularly home-brewed alcohol such as *kwaso* in Solomon Islands and marijuana; high levels of public violence leading to insecurity for girls, women and local businesses; family and sexual violence; teenage pregnancy; and noise and disruption, especially at night.

Efficacious individuals or organisations: We found that initiatives involving community law-making were often driven by a single 'efficacious actor', such as a community leader or an inspired local police officer, or by a committed organisation, such as a church or non-government organisation. This individual or organisation provided a 'node' around which new governance mechanisms grew.

How are these (new) orders institutionalised?

Three key methods stand out:

Formalisation through documentation and visual representation: Many by-laws are written down as enumerated rules with accompanying penalties, often signed by community leaders and sometimes also endorsed by state officials. In this way, they can become a vehicle for ongoing processes

of negotiation around local autonomy and power-sharing among community members and between their leaders and representatives of the state. In several communities in [Solomon Islands](#) and PNG, by-laws are prominently displayed on community noticeboards, thereby also serving declarative purposes.

Inclusive committee structures with dialogic decision-making processes: New institutional arrangements are often devised to support by-law implementation. These typically include elaborate committee structures, potentially extending participation to those excluded from older forms of community decision-making, while also drawing on traditions of dialogic decision-making. There may also be dedicated enforcement mechanisms, such as local police and community patrols, often comprised of previously wayward youth.

Economic factors recognised: In many communities, a significant driver of deviant behaviour is the need for cash in local settings where legitimate income-generating opportunities are scarce. The promotion of community by-laws is often accompanied by serious efforts to devise new opportunities for local youth. This demonstrates how the promulgators of by-laws are often highly attuned to the economic and other underlying factors that contribute to deviant behaviour.

What leads to contestation, disruptions and challenges?

Community by-laws can face different forms of disruption over time. Two significant ones include:

Economic pressures competing with by-law objectives: Local economic realities can undermine community rules. For example, by-laws prohibiting production and sale of home-brew and marijuana face persistent challenges due to the lucrative nature of the trade and lack of alternative income-generating opportunities. This effect is accentuated when community leaders are known or suspected of indulging in or benefiting financially from these illicit activities.

Unmet expectations of state support: Communities often develop by-laws with expectations of complementary support from state institutions. We were often told of community crime prevention programs that initially involved local police. However, when police priorities changed, or when police officers failed to respond, community leaders felt undermined, and the efficacy of community by-laws diminished through non-enforcement. Such an outcome illustrates how the effectiveness of hybrid governance arrangements depends on reliable partnerships with relevant 'bits of state'.

When disruptions occur, what leads to resilience?

Communities demonstrate various paths to resilience following disruptions. Three key factors supporting recovery include:

Practices of accommodation: Resilient community governance systems demonstrate flexibility through allowing practices of accommodation to emerge. Many communities have gradually developed certain tolerances; for example, balancing human rights and religious and cultural norms around women's dress by pragmatic acceptance of different dress codes inside and outside of village boundaries.

Inclusive and participatory approaches: We found that communities with diverse local stakeholders who actively participate in governance processes tend to be more resilient. In other words, communities that actively seek to involve women and youth in rule-making show greater adaptability than those where 'consultation' is largely performative.

Tangible benefits: Governance innovations are more likely to persist when communities experience concrete improvements. In an urban settlement in Fiji, by-laws have helped lower the risk and fear of eviction. In an urban settlement in Honiara, as the settlement's reputation improved, residents have gained better access to the financial means to rent accommodation. These material benefits have created a positive feedback loop, reinforcing commitment to effective community governance, even when specific rules faced challenges.

Part 2 of this In Brief explains our use of an adaptive-cycle lens to help predict the divergent trajectories of community experiments with by-laws that we have observed in our research.

Notes on authors

Miranda Forsyth is a professor at the School of Regulation and Global Governance (RegNet) at the ANU. Sinclair Dinnen is a professor at the Department of Pacific Affairs at ANU. Ali Tuhonuku is an independent researcher and consultant in Solomon Islands. Anthea Roberts is a professor at RegNet, ANU.

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dpa@anu.edu.au

bellschool.anu.edu.au/dpa

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