
The Australian Centre for Peace & Conflict Studies

Australia's aid program and its impact on human rights and security in the Pacific

*A Submission to the Human Rights Sub-Committee of the
Joint Standing Committee on Defence, Foreign Affairs and Trade*

by Dr Anne Brown and ACPACS colleagues
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Introduction:

1. The Australian Centre for Peace and Conflict Studies welcomes the opportunity to make a submission to the Inquiry into Australia's aid program and its impact on human rights and security in the Pacific. Our comments are focused particularly on the Centre and our research associates' areas of greatest experience and research.

2. We consider that any discussion of security and human rights in the Pacific needs to be framed by four fundamental points.

- We need to recognize and work with the strengths of Pacific life. Foremost among these strengths is high levels of **social resilience**, which are largely grounded in Pacific Island community life.
- Pacific Island states are not failing states but **emerging** states. Part of being emerging states is that there is a significant disconnection in the region between the institutions of the state and the life and values of Island communities.
- Many of the region's problems flow from this still undeveloped relationship between state and society. Recognising this has significant implications for efforts to enhance statebuilding, governance and justice and encourages a somewhat different policy perspective than that provided by the framework of state failure. In particular, understanding the region as made up of emerging states with a disconnection between state institutions and community values encourages an emphasis on supporting a **positive interface between communities and governments** and on the development of **citizenship**.
- Better operating states, a growing sense of citizenship, greater economic well-being and questions of land tenure are central to security and human rights in the Pacific. In working with these challenges it is of fundamental importance to engage positively with **communities**, as the basis for much of the social cohesion and resilience in the region. Engaging with communities is as important as working with governments and central institutions. The health of communities, which includes customary socio-political and economic life and their interaction with government, is central to states working well in the Pacific.

3. The Centre also advises the adoption of a **conflict prevention approach** to the Pacific Island region, touched on below, as coherent, holistic, but flexible policy basis for working with development and security in the region.

Human Rights and Security

Supporting peace-building and community and civil development

4. **A Conflict prevention approach:** In the context of the intense change that the Pacific Island region faces, peace-building and security are profoundly challenging goals. Peace-building is not something that is only required after conflict, but is better understood as working against violence and its sources before violence becomes entrenched. This is particularly the case in volatile situations, such as those faced by Pacific region.

5. The recent White Paper approaches security and stability through the various aspects of its focus on governance and ‘fostering effective states’, through its focus on social well-being through education and health, and most explicitly through its focus on improved regional capacity to counter transboundary threats. This broad approach is welcomed by the Centre. Security in this context is well understood as a rich category which includes social well-being and cohesion, individual human rights, and the protections afforded by the disciplined forces. (Despite this the word ‘stability’ seems only to be used directly in regard to regional responses to transboundary threats – a very narrow construction.) Nevertheless, the question of how to help states and societies confronting complex and rapid change to avoid serious, violent conflict could, and needs to be, pursued far more vigorously – security and peace-building could be far more alive as an organizing goal in AusAID and the Government’s vision of its work in the Pacific. The impact of development approaches and projects on social divisions, social resilience, or state capacities to manage conflict needs to be taken very seriously, if stability and security are to be active goals. This has direct implications for a number of questions in the Pacific, most notably land tenure issues.

6. While the White Paper is clearly keenly aware of various threats to security, there is always a danger that these threats are approached in a disparate or fragmented manner. Consistently questioning policy and projects in terms of their impact on sources of likely conflict or their capacity to support resilience brings a subtly different perspective to policy discussion, but one that is without doubt deeply relevant to the Pacific Island region and to Australia’s interests in the region. Such a focus also helps build coherence in countering threats to stability by offering a consistent and pro-active methodology to working with sources of instability and violence.

7. **Recognising resilience:** One of the starting points for conflict prevention, or for working to promote security, is awareness of the strengths or sources of stability already present. PNG and the Pacific Island states are clearly facing serious challenges and dilemmas, as a series of crises in the region indicate. Resilience and the sources of that resilience, however, are the too often unremarked backdrop to analyses of the crises and problems the region faces. Yet acknowledging the strengths of the region changes the way the region is approached. While the problems are real and pressing, if the focus is only on problems there is a danger that they are seen out of context and disconnected from either potential sources of creative response or capacities for endurance. When situations are read in this way, the responses devised will be cut off and unable to draw from local strengths and capacities. Worse, there is a danger that the responses will compound the original problems by further undermining the strengths of local societies – producing economic development projects that significantly erode social cohesiveness, for example, or strengthening

governance that fails to engage with local political aspirations and values, or security responses that fail to confront the causes of instability.

8. Acknowledging and valuing the region's social resilience and cohesiveness are vital elements in approaching development and security in the Pacific region. Working against the eruption of protracted violent conflict in the region requires seeking to understand, not damaging and where possible encouraging sources of resilience. Grasping the real strengths of the region enables us to work with those strengths and not against them. Recognising strengths within the region can also enrich relationships with Pacific Island partners, enabling stronger partnerships and mutual respect as a creative basis for good development.

9. **The centrality of community life:** The White Paper's focus on 'investing in people' through health, education, citizenship and leadership initiatives are significant orientations, fundamental to development work. Nevertheless, the role of community life in the region may not be fully recognized by these orientations. The centrality of community life, which includes the roles of customary values and practices, could be positively grasped as relevant to education and health, to citizenship formation, to economic life, to social resilience and stability in the region.

10. Where states have little capacity to provide services, but where customary or local community authority and capability remain significant, working with community level governance may be at least as valuable as supporting state institutions. There can be a tendency to see the strength of local community in the Pacific Islands as standing in opposition both to a grasp of national citizenship and also to the effective operation of parliaments and bureaucracy. While there is a gulf and often tension between the local and the national, and between society and the state in much of the Pacific Island region, there may not necessarily be an opposition. Community life in the region could be seen as a resource. Customary political, social and economic life is alive and evolving; forms of the state are also undergoing change. Despite their lack of fit, they are already interwoven in practice. Assisting the development of constructive relationships between communities and governments and between customary and introduced political, social and economic dynamics is a way of drawing on the strengths of Pacific Island states to contribute to political and economic stability and vitality.

11. Recognizing the significance, endurance and vitality of community and customary life in the Pacific Island region is not backward looking, nostalgic or romantic, as is sometimes claimed. On the contrary, it is a way of moving forward, by drawing on the resilience of Pacific societies in order to help work with the dilemmas and problems that are part of being an emerging state. This has both socio-political and economic significance. Supporting communities and encouraging constructive interaction between indigenous mechanisms and formal political systems is a way of grounding state institutions and processes within their own societies and of pursuing statebuilding and governance 'from the bottom up'. Statebuilding that takes account of and supports the constructive potential of local community, including customary mechanisms where relevant, may be a necessary complement to strengthening central state functions.

12. In regard to the **Solomon Islands**, Clive Moore (n.d.) has noted that the “conflict resolution, human security and development initiatives that have emerged so far [from RAMSI and other international aid interventions] ... are not sufficiently radical to redress the current instability of the Solomon Islands central government. Modern liberal democratic governance structures are not aligned with indigenous systems of power and authority, and so far neither the elected representatives of the people, nor the international agencies involved with rehabilitation, have implemented the central issues of reform.” Reworking the relationship between governments and ordinary citizens is necessary if there is to be a real resolution of violence and unrest. As Clive Moore (n.d.) suggests, “the village is the key to understanding development in the Solomon Islands, and . . . civil society (including the churches) is increasingly an important part of the nation, along side the formal government structure.”

Anti-corruption and good governance measures.

13. **Supporting governance:** While the peoples of the Pacific Island region and PNG have long histories and deeply rooted traditions, states as such are young. Across the region a long, difficult but still fundamentally creative process is underway as governments and communities grapple with the challenges of forging state processes that are grounded in Pacific Island societies. Many of the problems of the region reflect the profound challenges of this process.

14. Assisting the development of accountable, democratic and stable government has been identified by the White Paper as a fundamental response to the difficulties which beset the region. However, to date enhancing state functions has to an overwhelming extent been identified with bolstering central government institutions. This is very important work; however, the ‘state’ is not reducible to central institutions and strengthening governance involves more than the transfer and support of such institutions.

15. Political institutions are embedded in social and cultural relations, of which civil society, citizenry and community life are fundamental parts. The quality of political institutions and of national political life is interdependent with the quality of citizenship. To a significant extent, political institutions and processes in the region are weak because they lack roots in the patterns of legitimacy that have weight on the ground in communities. Formal political, justice, policing and administrative systems often do not fit easily with customary or local governance and justice mechanisms and cultural norms. At times the two interact destructively, becoming the context, the source, or a significant contributing factor of many of the problems which beset regional states. **Citizenship** and the **interface between state and society**, rather than only the quality of state institutions in themselves are therefore critically important to enhancing state function in emerging states.

16. **Promoting citizenship:** We consider that the importance of **citizenship**, and how to go about supporting its development, would benefit from greater emphasis – at least as much as support for central institutions. We welcome, but wish to underscore, the focus on citizenry in the White Paper. Citizenship, which develops very gradually, has arguably received much less support in the region than government institutions –

perhaps because supporting citizenship seems a more diffuse and elusive objective. Yet support for greater connection between government and communities, and for the emergence of a broader understanding of national citizenship, is fundamental to a working democracy and to accountability at all levels.

17. Citizenship, and a broader sense of community, could be sought through engagement with, not rejection of, community life at the local level. The role of community governance could be explored as a context for the formation of citizenship. Supporting broad community engagement in the search for constructive relations between government and civil society, faith based and customary groupings is also a mechanism for the growth of a sense of national community and citizenship. Support for public education that fosters the community awareness and skills that underpin citizenship, that respects and engages actively with cultural norms and that assists cross-cultural and cross-ethnic respect in the many multi-cultural and multi-ethnic societies in the region could also be a powerful tool in the region's movement towards fully mature governments, well rooted in their own societies.

18. The interface between state and society, or between international and local systems, values and expectations would also benefit from sustained attention. Pacific Islanders are working through these difficult issues at every level of community life – economic, social and political. The challenge for Australian policy is how to support the emergence of constructive interaction.

19. **Combating corruption:** Party politics and the Westminster system have not translated easily into the Pacific. Leadership has traditionally been exercised through the lineage group or the language group (*wantok* or 'one talk'). Despite the formal introduction of representational democracy along party lines, obligations to *wantok* are often more powerful than the abstract concept of a party, or than obligations to a parliament. This has resulted in very weak party systems and at times unworkable parliaments, particularly in the Solomons, PNG and more recently Vanuatu. This dynamic can be a serious obstacle to the emergence of active democratic life; at its worst it can disenfranchise populations, undermine responsible resource allocation and generate crime and corruption. This tension is also present in other dimensions of economic and political life in the region.

20. *Wantokism*, however, should not be simply equated with corruption. Within community life, it operates as a form of social welfare. Commenting on PNG, Abby McLeod (n.d.) has noted that '*Wantokism* provides a particularly strong example of the disjunction between the formal (and supposedly impartial) legal justice system and Papua New Guinean sociality. . . Foreign observers frequently render the *wantok* system synonymous with nepotism, clientelism and corruption (all of which do occur . . .). Describing the system as such, however, merely refers to the effects of the system, rather than those aspects of the system that serve to perpetuate its existence.'

21. There is a need to pay more attention to ways in which customary and introduced systems of governance can co-exist, and reinforce positive intentions and behaviour. One example would be for the Pacific Leadership proposal outlined in the White Paper (2006:43) to pay as much attention to customary leaders as those operating in

introduced systems. This would require a broader commitment to investing in people within the community sector, as well as those in “the academic, social and scientific communities, and business, as well as political and bureaucratic fields” (White Paper 2006:43).

22. Ongoing social, political, legal and constitutional adjustment and experimentation are necessary to bring greater clarity, state by state, to the relationship between customary law and introduced law, between customary legitimacy and the authority of the law and government, between local and provincial or central government, between parliamentary obligation and custom obligation, and between communal land ownership and commercial land use or ownership. All such processes of adjustment tend to generate conflict, especially if they confront established sources of power, either customary or political elite. The challenge is to forestall violent conflict.

Strengthening law and justice

23. The collapse or the weakening of the rule of law in some Pacific countries provides an opportunity to consider appropriate alternatives that could be useful in rebuilding societies torn apart by conflict and violence generated by political, social and economic change. It also presents the prospect of encouraging constructive interaction between state legal and justice systems and indigenous mechanisms.

24. Any focus on strengthening law and justice systems and institutions must include the influential role of informal justice traditions and structures. With their focus on restoration, informal justice systems can play a much bigger role in post conflict reform strategies as they often enjoy a higher degree of legitimacy and offer greater access to justice for the local population.

25. There is scope to explore how different legal systems might interact through creative integration and methods of co-existence. While there are inherent challenges and concerns surrounding aspects of customary justice (gender inequalities and human rights abuses), we advocate an infrastructure built on the best of both traditional and state approaches.

26. Alternate Dispute Resolution (ADR) could be explored for its potential to play a significant role as a bridge between the legal and justice institutions of the state and the values and life of Pacific Island communities. The consensual methods of resolving disputes with the assistance of a third party, instead of submitting to an outside arbitrator or judge, acknowledges some elements in common with traditional justice practices. Consensual techniques are common in the Pacific and provide the flexibility to work with various cultural requirements.

27. Developing and formalizing a flexible ADR model which has close links to the courts and police, could be seen as a way to develop state capacity to manage conflict while also enhancing the relationship between state and society.

28. **Human Rights:** Principles of human rights are contentious in the region, in part because of genuine conflicts of values, in part because upholding rights threatens entrenched interests, and in part because of confusion as to what human rights are

actually about. Each of these sources of contention requires somewhat different forms of response. Legislative programs and formal human rights related bodies (commissions, ombudsmen) are of critical importance. Equally important, however, is engaging communities and church, community and customary leaders in ongoing conversation about what rights can mean within their spheres of activity.

29 Campaigns promoting human rights can very easily fall prey to two, closely related pitfalls. One is the identification of rights by Pacific Islanders as something overwhelmingly alien, colonialist and threatening to their culture. The other is the presentation of rights as a message from the educated or ‘developed’ to the uneducated or ‘undeveloped’ – that ‘you’ have the problem and we’ have the answer. Cross-cultural dialogues around rights call on the capacity to listen and a context of mutual respect. They are a challenge in creating and exploring a sense of shared and expanded community for everyone involved, not just for Pacific Islanders, and so intensifying ‘us’ and ‘them’ divisions can be seriously undermining.

30 As well as referring to the individual, human rights also have a powerful role as a social good, working against patterns of harm and entrenched violence, supporting principles of mutual respect, making power more accountable, enabling more participative politics and so giving people some access to decision-making. Many of these values have significant resonance in Pacific societies. The collective good of human rights is of great value to Pacific states and societies in this time of social, political and economic upheaval. Human rights promotion can be approached as a process of exploring collective values in ways that we can all learn from. As Australians, we are not likely to promote human rights if we are not working with Pacific Islanders as genuine partners.

Improving economic management and public accountability institutions

31. **Economic development and conflict prevention:** The following comments address questions of economic development and well-being as well as economic management by keeping in view the importance of security (or conflict prevention and peace-building) and human rights to economic life. We strongly endorse the White Paper’s aim of assisting partner countries in the Pacific Islands region to reduce poverty and fulfil basic needs. We fully support the statement that economic growth, while a necessary strategy, is not a sufficient strategy for poverty reduction, and that a focus on how growth can be sustained and shared is critical. Economic development which is simply aimed at boosting macro growth indicators might not be the most important lever in poverty reduction and persistent patterns of unequal growth are frequently correlated with the emergence of serious social division and violence.

32. In discussions of the region’s economic health and its implications for stability and security, it is important to be aware of the existence of both the formal, cash economy and the **subsistence or informal exchange economy**, interacting with each other in complex ways. Greater understanding of the nature of this interaction, and of the extent to which the formal economy is underpinned by the informal, exchange economy in Pacific

Island countries is very important. In most Pacific countries, 80 to 90 percent of land is under customary land tenure, providing the basis for the informal exchange economy. Activity within the informal exchange economy includes subsistence agriculture and “a wide variety of reciprocal exchanges and redistributions that integrate whole districts in networks of mutual obligation and concern going far beyond ‘mere subsistence’” (Hooper 2005:3).

33. Growth rates and other indicators are not available for the subsistence exchange economy. The economic data available to us, such as that represented by the tables, analysis and prognosis in the White Paper, then, provide only a partial insight into the economic life of the countries involved.

34. While the informal exchange economy supports most of the population to varying degrees, it is coming under increasing strain. Hardship, and in places, poverty, is real. However, the existence of an operating informal economy, and the life that flows from that, may prove to be a major reason why the region is not facing the kind of devastation and turmoil of much of sub-Saharan Africa. Undoing the informal subsistence economy, which rests on customary land tenure, would involve undoing that fundamental source of support and resilience, while trusting in the ready availability of fully workable alternatives.

35. **Land** is a key to food and social security for most Pacific Islanders; it provides a basis for identity and is a source of social cohesion and resilience. It is thus a basic element of human security for the region. If we take security and stability seriously, and as close to the heart of development, then the potential for protracted violence in any efforts to push through radical or unwanted changes in the land tenure systems needs to be taken very seriously indeed. Many of the violent conflicts in the region have involved land. Efforts to reconstruct Pacific Island societies to adapt to external development and economic models in order to increase gross domestic product – however desirable that may be – can be highly conflict prone as well as over-riding local constructions of accountability and appropriate behaviour. Entrenching grievance will not enhance economic growth.

36. There is considerable discussion in Australian policy circles about the need to reform land tenure arrangements in the Pacific. The White Paper (2006:36-37) considers that initiatives to strengthen property rights for development projects are fundamental in the Pacific, and has outlined a **Pacific Land Mobilisation Program** with this objective. This is an aspect of the White Paper that we consider requires very cautious consideration, and much further elaboration and clarification of what kinds of initiatives are implied but not specified.

37. We are concerned by the Government’s use of the words “Land Mobilisation” in connection with this proposed program. The resentment that arose in the 1990s in PNG when the World Bank tried to push ‘land mobilisation’ is still keenly felt there, and the ensuing riots in reaction to this activity are well remembered. Our experience and close contacts with rural communities in Melanesia demonstrates to us that there is a very high risk of dispossession and the emergence of a large class of disaffected ‘landless’ people, if this matter is not approached cautiously and comprehensively (ensuring that not only the so-called land ‘owners’ are involved in consultation, but

also those who have secondary rights to access that land) and at a speed compatible with local consultative processes. We consider that the term ‘mobilisation’ is misleading, and is likely to be interpreted by many Pacific Islanders as antagonistic to their security and interests.

38. While understanding the challenges customary land tenure raises for much commercial enterprise, we question whether alienation of customary ownership rights is the best path to economic growth in significantly customary economies. This must be seen as a challenge to the flexibility of commercial enterprises and financial arrangements as much as to land tenure arrangements.

39. Land tenure is not necessarily fixed, however. An alternative path to growth may be to support Pacific Islanders in the challenging task of pursuing commercial enterprises that are compatible with local land tenure systems – systems that are themselves evolving. As a means of exploring these issues of land tenure and sustainable development, Australia’s aid program could encompass a lengthy process of dialogue across each part of the Pacific region, involving all the interest groups, to talk through the advantages, disadvantages, and values involved in various land tenure arrangements. Such a dialogue would also facilitate a means for Pacific Islanders in all sectors of society (communities, private and public sectors) to express and discuss their own ideas of sustainable development and what kinds of economic initiatives they would value and see as workable. Commitment by the Australian government to genuine partnerships with Pacific countries would be clearly evident in such a long-term dialogue process, and this would also constitute an important investment in people and support for good governance at the community level.

40. As with the lack of fit between introduced and indigenous political and social governance, so tension between indigenous and international economic dynamics is an underlying factor encouraging insecurity and conflict. These tensions need to be recognized and consciously engaged.

41. While jobs need to be generated for city dwellers, efforts could also be made to stabilize urban drift and take the reality of rural livelihoods more seriously into account in economic prognoses and planning. Working at the community level to marry informal and commercial economies is also a way of supporting a diversification of economic enterprise. Over eighty per cent of the population of PNG and the Pacific lives in rural areas undertaking largely subsistence food production for local exchange economies. Economic development efforts need to be more significantly located there than is presently the case. In this context we welcome the White Paper’s emphasis on community-driven, small-scale rural infrastructure and the pilot small and medium enterprise development program. Large resource developments could be at least complemented by many smaller enterprises compatible with and managed by local rural communities, that support community structures and provide greater economic and employment alternatives within them.

42. Such an approach would have economic and social benefit, but can also be understood as a form of conflict prevention. Viable community based enterprises can be assisted not only as an important form of poverty alleviation, but also as a way of encouraging a positive interface between the formal and informal economies and helping to manage the tension of economic change. Such enterprises would absorb some of the

pressures that contribute to **urban drift**. They could also provide a context in which more people developed a clearer understanding of the principles and mechanisms of financial **accountability** that support commercial economics.

43. Sustainable management of the **environment** is key to sustained rural sector growth. Integrated rural development based on integrated natural resource management is necessary to sustain and improve livelihoods of rural communities and to sustain resource supplies to cities. The challenge is to engage with local communities, private entrepreneurs and governments in a way that addresses this issue as fundamental to long term stability in the country. Injudicious exploitation of natural resources has often led to land and marine degradation that will take lifetimes to recover, if ever. We welcome and endorse the Australian government's commitment in the White Paper (2006:41-42) to supporting Pacific regional partners in strengthening the design, implementation and enforcement of environmental regulatory regimes, and to addressing major environmental challenges.

Partnership

44. The White Paper notes that 'Australia is a model of political stability, democracy, law and justice, economic growth and scientific achievement' (p.63). The comment is made in the context of recognizing the contribution of community and civil society, not just of the institutions of government to the achievements of Australian life. (This point also suggests the value of working with communities in the region.) However, taking the point more broadly, it is also important, if we are seeking genuine partnerships with countries in the region, to recognize that we also have things to learn from our neighbours. Rather than being a model in the sense of the template which others emulate, partnership across cultures would suggest a level of mutuality and exchange, in which we both have things to learn from and to offer to each other.

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For enquiries please contact: Executive Assistant, ACPACS
Phone: +617 336 51763 or E-mail: acpacs@uq.edu.au
or visit our website: <http://www.uq.edu.au/acpacs>

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