

# Chapter 2

## Law and order across the Pacific

2.1 The major submissions to the inquiry concerned with security matters generally agreed that Papua New Guinea and the island states of the southwest Pacific are relatively stable in strategic terms and do not face any significant external military threat to their sovereignty.<sup>1</sup> There was also broad consensus that the most serious threats to Pacific security come from within states.<sup>2</sup> This chapter examines the internal security status of Pacific states through identifying the critical domestic law and order challenges that face indigenous law enforcement agencies. It seeks to understand the root causes, or triggers, of violence and lawlessness in the Pacific and examines matters such as underemployment, inter-ethnic relations, land tenure, weapons control, gender inequality and political instability.<sup>3</sup> Having explored the main causes of conflict, the committee then considers how these factors interact on occasion to bring about serious deteriorations in law and order. The committee starts its consideration of the causes of civil or political conflict with economic performance.

### Economic performance and domestic security

2.2 Breakdowns in law and order and the erosion of the rule of law are significant impediments to economic development. They seriously undermine domestic socio-economic growth and operate as powerful disincentives for local and foreign investment. Civil disorder hinders the development of tourism, reduces taxation revenue and adversely affects essential infrastructure, including transportation systems and community services like schools and hospitals.<sup>4</sup>

2.3 The following table reveals that over the past decade, the region has experienced a number of significant outbreaks of civil or political disorder.

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1 The Department of Defence and the Australian Federal Police (AFP) each suggested that these states do not face any significant external military threat. Department of Defence, *Submission 18*, p. 1; AFP, *Submission 62*, p. 6. Since the end of the Cold War, the sense that the Pacific faced any form of external threat has diminished substantially.

2 See, for example, Department of Defence, *Submission 18*; AFP, *Submission 62*; Professor Ben Reilly, *Committee Hansard*, 19 June 2009, p. 31.

3 This list is not exhaustive and does include other possible root causes including: the desire for political independence; a lack of equity in government and commercial process; the monetisation of local economies; or health and the transmission of communicable diseases. In the last instance, for example, the committee received evidence of the broader security implications that are related to the spread of the HIV/AIDS epidemic in PNG, *Committee Hansard*, 19 March 2009, pp. 15–16.

4 See Volume I, paragraphs 16.29–16.38.

**Figure 2.1 Recent breakdowns in law and order across the Pacific<sup>5</sup>**

Year	Country	Type of conflict
1998–2003	Solomon Islands	Conflict between ethnic groups
2000	Fiji	Civilian coup
	Solomon Islands	Coup
2001	Vanuatu	Constitutional crisis
2002	New Caledonia	Sporadic violence related to nickel mining
	Vanuatu	Attempted police mutiny
	PNG	Election violence and disruption
2005	Tonga	Public sector strike
2006	Solomon Islands	Election riots
	Tonga	Pro-democracy movement march and riots
	Fiji	Military coup
2007	Vanuatu	Ethnic violence
2008	Nauru	Police Station burnt down

2.4 At a meeting of the Pacific Islands Forum's Regional Security Committee in Suva in June 2008, the Acting Secretary General of the Forum Secretariat, Mr Peter Forau, identified the link between development and security:

It is a reasonable point to make that economic growth, good governance and sustainable development cannot occur in an environment of political and security instability.<sup>6</sup>

2.5 As this comment suggests, and as discussed in Volume I, the economic and security spheres are interdependent. Economic and human development cannot be achieved in an environment where there is poor governance and political instability. Conversely, a faltering or struggling economy that is unable to provide essential services for its people may create social inequalities, personal grievances or community unrest that become a security problem.

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5 This list is adapted from one provided by the AFP, *Submission 62*, p. 14. The submission suggests that instances of civil and political disorder have increased substantially in the last 15–20 years.

6 Opening Address, Forum Regional Security Committee meeting, June 2008 <http://www.forumsec.org.fj/pages.cfm/newsroom/speeches/2008-1/acting-sg-forau-speech-opening-of-2008-frsc-meeting.html> (accessed 14 January 2009).

2.6 There is a growing awareness across Pacific island states of the critical association between the capacity of an economy to meet the needs of its people and poor security relations. The link was made clear by Australia's High Commissioner to PNG, Mr Chris Moraitis:

It is a vicious circle. You cannot have growth and investment because you have a law and order problem and you have a law and order problem because no one is investing.<sup>7</sup>

2.7 In providing evidence to the inquiry, the Pacific Islands Forum Secretariat suggested that issues such as economic inequalities; land issues; weak governance capacity; unemployed and alienated youth; urbanisation; inter-group tension; and climate change have been identified as potential causes of conflict in the region.<sup>8</sup> These comments reinforce how sustained improvements in the area of economic performance, governance, education and health are essential preconditions for domestic security. Thus, good human security underpins good domestic security; poor human security has serious ramifications for the internal security of the state.<sup>9</sup>

## Unemployment

2.8 In Chapter 12 of Volume I, the committee identified concerning levels of unemployment and underemployment in the Pacific. Here, the committee considers the link between economic security, underemployment, social unrest and breakdowns in law and order in the region. The Centre for Independent Studies (CIS) noted:

The Pacific is now home to more than eight million people, of whom some five million are of working age...More than two million men—four out of five—are unemployed in towns or underemployed in villages. More than 100,000 men join the labour force annually. Most of these will never work and never earn an income. Every day, men and boys can be seen languishing in villages and towns, and by the roadside. They are bored and frustrated.<sup>10</sup>

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7 *Committee Hansard*, 19 March 2009, p. 5.

8 *Submission 69*, p. 26. This perspective was reiterated by Oxfam: 'Human security threats can escalate into national and regional security threats and general instability, placing pressure on Australia to respond'. *Submission 26*, p. 14.

9 In September 2004, in an attempt to place human security at the centre of its activities, the UN established a Human Security Unit within the Office for the Coordination of Humanitarian Affairs Commission on Human Security (<http://www.humansecurity-chs.org/>). The UN has also established an Advisory Board on Human Security (ABHS), committed to promoting human security and deepening its international acceptance, <http://ochaonline.un.org/ABHSandOutreach/tabid/2128/Default.aspx>, (accessed 3 February 2009).

10 *Submission 11*, Attachment—'The Bipolar Pacific', p. 16.

2.9 According to World Vision Australia, youth unemployment is considered 'a core reason for conflict in the region' and 'the number one issue of concern in communities'.<sup>11</sup>

2.10 In PNG, particularly in swelling urban areas, unemployment and underemployment present significant security concerns. Australia's High Commissioner to PNG suggested that there is approximately 70 per cent youth unemployment in urban centres in PNG, while the President of the Australia–PNG Business Council suggested that many of PNG's problems revolve around youth unemployment and the likelihood that in the absence of jobs, there will be 'a very dislocated generation'.<sup>12</sup>

2.11 Fiji also struggles with high youth unemployment which, if left unaddressed, could create social instability.<sup>13</sup> The Executive Director of the Australia–PNG Business Council, the Australia–Fiji Business Council and the Australia Pacific Islands Council, Mr Francis Youn, suggested that there were approximately 12,000 school leavers graduating from Fijian schools each year and current job creation is nil.<sup>14</sup> The President of the Australia–Fiji Business Council claimed unemployed youth with too much time on their hands is a significant problem in Fiji, and that petty crime is on the rise.<sup>15</sup>

2.12 Youth unemployment has been exacerbated by high birth rates and declining infant mortality, which have resulted in a 'youth bulge', or the burgeoning of Pacific youth populations. This presents a complex series of economic and security challenges. As noted in the submission by the CIS, population growth rates in PNG and Solomon Islands have been amongst the highest in the world.<sup>16</sup>

2.13 The following diagram shows that the median age for the Pacific is 20.7 (male) and 21.5 (female). The median age for Solomon Islands is even lower, at 19.5

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11 World Vision Australia, *Submission 47*, p. 6. Also see Australia Pacific Business Council, *Submission 60*, p. 2; Professor Helen Ware identified unemployment as the single most important challenge facing Pacific island states, *Submission 48*, p. 1.

12 *Committee Hansard*, 19 March 2009, p. 5; *Committee Hansard*, 25 March 2009, p. 53. For comments on the Solomon Islands, see James Cotton, 'Peacebuilding in the Pacific: the Australian military experience', *Journal of Peace, Conflict and Development*, Issue 14, July 2009, p. 4.

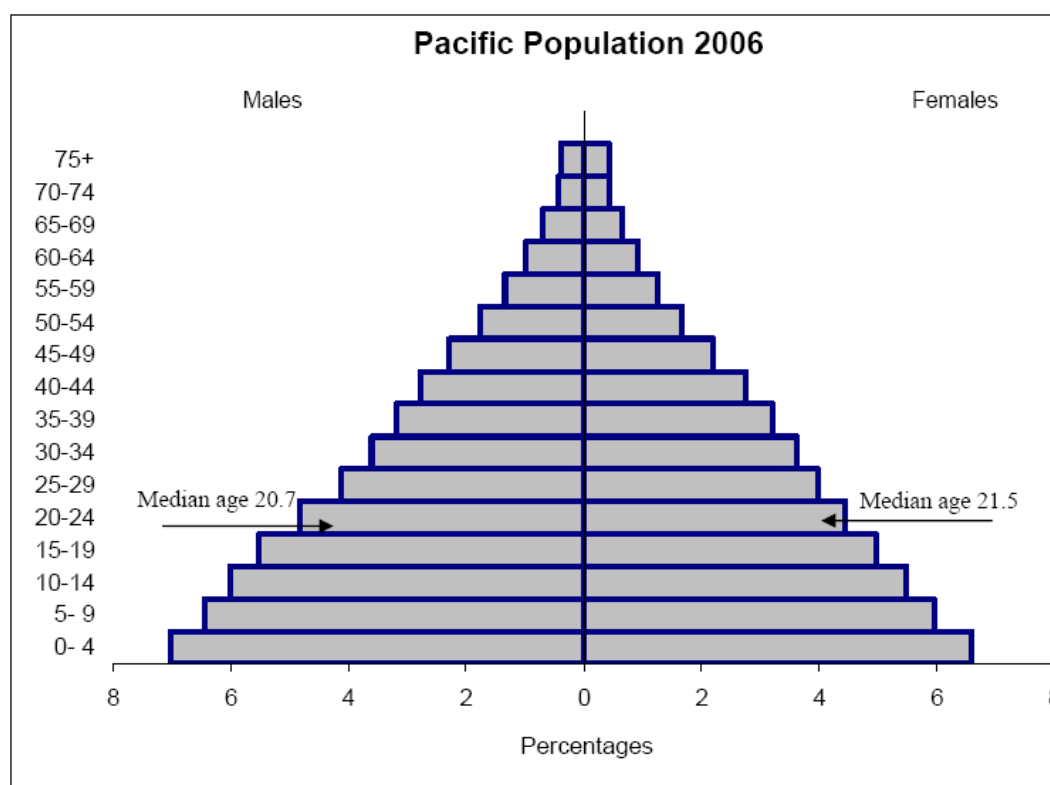
13 Australia Fiji Business Council, *Submission 58*, p. 2.

14 *Committee Hansard*, 25 March 2009, p. 60.

15 *Committee Hansard*, 25 March 2009, p. 60.

16 *Submission 11*, Attachment–'The Bipolar Pacific', p. 3. It is important to note research suggesting that a large youth population, in any society, will often be associated with outbreaks of conflict. Population Action International, 'The Security Demographic', 2003, p. 42, [http://www.populationaction.org/Publications/Reports/The\\_Security\\_Demographic/The\\_Security\\_Demographic\\_Population\\_and\\_Civil\\_Conflict\\_After\\_the\\_Cold\\_War.pdf](http://www.populationaction.org/Publications/Reports/The_Security_Demographic/The_Security_Demographic_Population_and_Civil_Conflict_After_the_Cold_War.pdf) (accessed 22 September 2009).

(male) and 19.8 (female).<sup>17</sup> In Australia, by comparison, the median age, at 30 June 2005, was 36.6 years.<sup>18</sup>



Source: *Statistics and Demography Programme, Secretariat of the Pacific Community, 2006*<sup>19</sup>

2.14 The phenomenon of youth bulge has also been accompanied by 'urban drift', whereby unemployed young people move to urban centres. In so doing, they often become disconnected from their familiar social structures, kinship groups and traditional behavioural obligations.<sup>20</sup>

2.15 The CIS drew a direct link between growing numbers of young adult men, underemployment and crime across Melanesia. Professor Helen Hughes and Mr Gaurav Sodhi argued that these men, who are bored and frustrated with their lack of

17 CIA World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/> (accessed 22 September 2009). Median age is the age at which half the population is older and half is younger.

18 Australian Bureau of Statistics, 'Population by Age and Sex, Australia', June 2005, Catalogue number 3235.0.55.001, <http://www.abs.gov.au/ausstats/abs@.nsf/0/1F51406DCEEBAC14CA256EC7007B5B4E?OpenDocument> (accessed 21 September 2009).

19 Secretariat of the Pacific Community, New Caledonia, [http://www.spc.int/hdp/Documents/hdp\\_meeting/CRGA%202006%203%205%20YOUTH%20Challenge.pdf](http://www.spc.int/hdp/Documents/hdp_meeting/CRGA%202006%203%205%20YOUTH%20Challenge.pdf) (accessed 21 September 2009).

20 The AFP suggested that 'breakdown in traditional social structures' and increased criminality go hand in hand and might lead to 'more widespread conflict', *Submission 62*, p. 7.

opportunities, become involved in robbery, protection rackets, prostitution, drug sales and gambling. Moreover, young men may also become easily recruited into criminal enterprises.<sup>21</sup> With respect to the period of social unrest in Solomon Islands between 1998 and 2003, Professor Stewart Firth has also suggested young men 'were readily recruited into the armed militias and criminal gangs of Solomon Islands'.<sup>22</sup>

2.16 Hughes and Sodhi offered a particularly bleak assessment of the connection between underemployment and Pacific security or even underemployment and international criminal activity:

Underemployment and unemployment are at the core of Pacific crime, and are the cause of the 'arc of instability'. Without employment-led growth, crime, civil disruption, and corruption will undoubtedly worsen. With major criminal interests now operating in the region, the Pacific is developing its comparative advantage as a location for international criminal activities such as people-smuggling, drug production, and arms trafficking.<sup>23</sup>

2.17 It should be noted, however, that some witnesses did not agree with Hughes and Sodhi's assessment of the implications of unemployment across the Pacific. Mr Clarke from the Australia–PNG Business Council claimed that the notion that some unemployed males were resorting to criminal activity as a way of life was an 'excessive view'.<sup>24</sup>

2.18 Nevertheless, the committee received evidence suggesting that unemployment and underemployment present a complex mix of social, economic and policing challenges and that they have contributed significantly to volatility in the region. They have led to rapid deteriorations in law and order and have created serious challenges for policing agencies.<sup>25</sup> In order to address this particular challenge in any meaningful way, the region requires well-resourced policing organisations and a combination of economic growth, increased employment and improved educational and training opportunities.<sup>26</sup>

### **Inter-ethnic conflict**

2.19 Over the last decade, many nations of the Pacific have experienced significant breakdowns in law and order as a result of ethnic conflict. Recent examples of inter-ethnic conflict include: the violence that took place between ethnic militias in Guadalcanal and Malaita (Solomon Islands) between 1998–2003; the numerous outbreaks of violence against ethnic Chinese communities in Tonga, Solomon Islands

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21 *Submission 11*, Attachment—'The Bipolar Pacific', p. 16.

22 Stewart Firth, 'Threat Spectrum', in *Australia and the South Pacific: Rising to the challenge*, Australian Strategic Policy Institute Special Report, 12 March 2008, p. 10.

23 *Submission 11*, Attachment—'The Bipolar Pacific', pp. 16–17.

24 *Committee Hansard*, 25 March 2009, p. 60.

25 See also Volume I, paragraphs 12.12–12.16 and 12.21.

26 See Volume I, paragraphs 12.24–12.37.

and Papua New Guinea; and the violent clashes that erupted as a result of ethnic violence between the people of the Tanna and Ambrym islands (Vanuatu) at the Blacksands settlement near Port Vila in March 2007.<sup>27</sup> In the last instance, three people died, properties were damaged and a state of emergency was declared.<sup>28</sup>

2.20 Many Pacific island states are home to numerous ethnic and cultural groups. In Solomon Islands, for example, there are around 75 cultural groupings (each with its own vernacular language) occupying the country's 998 islands. Dr Sinclair Dinnen, from the ANU's State, Society and Governance in Melanesia Program, outlined the challenges in Solomon Islands in the following way:

...the challenges of nation-building in such a diverse and fragmented environment are formidable. There is still little sense of unity binding the disparate communities scattered throughout the archipelago. Over eighty languages are spoken among a population of less than half a million people. The weak post-colonial state has little presence in the daily lives of most Solomon Islanders, the vast majority of whom are subsistence farmers in rural villages. Primary identities and allegiances remain implanted in language and kin-based associations rather than in abstracted notions of 'nation' and 'citizenship'.<sup>29</sup>

2.21 On numerous occasions, Solomon Islands has seen ethnic tensions escalate into communal violence. In 1998, militant groups from Guadalcanal, initially calling themselves the Guadalcanal Revolutionary Army (and later the Isatabu Freedom Movement) came into conflict with Malaitan settlers in rural Guadalcanal. In mid-1999, a state of emergency was declared.<sup>30</sup> This continued throughout 2000 when a Malaitan militia group retaliated and began to expel Guadalcanal people from Honiara. Professor James Cotton has suggested that during this period: 'parliamentary government effectively collapsed, with the prime minister and governor general displaced at gun point...by rogue members of the police force'.<sup>31</sup>

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27 In May 2009, Chinese-owned businesses in Port Moresby and Lae were ransacked and looted. The *Canberra Times* reported that the Deputy Prime Minister, Puka Temu, suggested that PNG may again need to have Australian police on the ground. 'Looting anti-Asian violence hits PNG', 16 May 2009.

28 Pacific Islands Forum Secretariat, *Submission 69*, p. 25. Blacksands is an informal settlement of people from across the archipelago, many of whom arrived as a result of natural disasters. There are at least eight separate communities with different chiefly associations, but there is no overall cohesive organisational structure. Pacific Islands Applied Geoscience Commission, *Report 507*, May 2003, p. 2.

29 Sinclair Dinnen, 'Guns, Money and Politics: Disorder in the Solomon Islands', [http://rspas.anu.edu.au/papers/conflict/dinnen\\_solomons.pdf](http://rspas.anu.edu.au/papers/conflict/dinnen_solomons.pdf) (accessed 8 September 2009).

30 R. J. May, 'Why is the Pacific not Peaceful? Examining internal conflicts in Melanesia', [http://rspas.anu.edu.au/papers/conflict/may\\_UNESCO-LIPI.pdf](http://rspas.anu.edu.au/papers/conflict/may_UNESCO-LIPI.pdf) (accessed 7 September 2009), p. 5.

31 James Cotton, 'Peacebuilding in the Pacific: the Australian Military Experience', *Journal of Peace, Conflict and Development*, Issue 14, July 2009, p. 5.

2.22 By 2003 the Tensions (as the period became known) had led to the deaths of more than 150, the wounding of over 300 and the displacement of over 50,000 people.<sup>32</sup> Law and order was only regained in 2003 with the deployment of the Regional Assistance Mission to Solomon Islands (RAMSI). Ethnic tensions again spilled over in 2006 when riots broke out in Honiara after parliament elected Mr Snyder Rini as the new prime minister. There was wide-spread belief that large sums of money had changed hands in the prime ministerial elections, funded by Chinese businessmen in Honiara, and Chinese businesses were targeted for looting and burning.<sup>33</sup>

2.23 Evidence provided to the committee also suggested that PNG is difficult to govern because of tribal loyalties and great cultural diversity.<sup>34</sup> PNG has more than 700 disparate cultural groups, speaking over 800 languages.<sup>35</sup> PNG's most well-known episode of inter-racial conflict occurred between 1988 and 1997 on the island of Bougainville between the PNG and the Bougainville Revolutionary Army, who were fighting for independence from PNG. The inhabitants of Bougainville, who regard themselves as having a separate ethnic character, claimed rights to a land rich in mineral resources.<sup>36</sup> After claiming over 20,000 lives, the conflict ended in 1997; Bougainville achieved autonomy in 2005.<sup>37</sup>

Fiji has a history of disputes between different ethnic groups. Against the perceived inequalities between indigenous and Indo-Fijians, overlaid with tensions over land and traditional ownership, Fiji has witnessed a series of military and civilian coups (1987, 2000 and 2006) and a constitutional crisis (1977).<sup>38</sup> These inter-ethnic tensions stem from 'an unwritten rule' that was a legacy of the colonial administration—that Fiji's political life would be controlled by indigenous Fijians. When parties with

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32 Oxfam Australia, *Submission 26*, p. 6.

33 Pacific Islands Forum Secretariat, *Submission 69*, pp. 24–25.

34 DFAT, *Submission 68*, p. 12.

35 Neva Wendt, 'Development in Papua New Guinea', [http://www.acfid.asn.au/resources/docs\\_resources/docs\\_papers/development-in-png\\_hr-feature\\_feb05.pdf](http://www.acfid.asn.au/resources/docs_resources/docs_papers/development-in-png_hr-feature_feb05.pdf), p. 1 (accessed 18 September 2009).

36 The submission from the Pacific Islands Forum Secretariat identifies some of the root causes of breakdowns in law and order across the Pacific. See also: James Cotton, 'Peacebuilding in the Pacific: the Australian Military Experience', *Journal of Peace, Conflict and Development*, Issue 14, July 2009 and R. J. May, 'Why is the Pacific not Peaceful? Examining internal conflicts in Melanesia', [http://rspas.anu.edu.au/papers/conflict/may\\_UNESCO-LIPI.pdf](http://rspas.anu.edu.au/papers/conflict/may_UNESCO-LIPI.pdf) (accessed 7 September 2009).

37 CIA World Factbook, [https://www.cia.gov/library/publications/the-world-factbook/geos/countrytemplate\\_pp.html](https://www.cia.gov/library/publications/the-world-factbook/geos/countrytemplate_pp.html) (accessed 18 September 2009).

38 Pacific Islands Forum Secretariat, *Submission 69*, pp. 24–25; Amnesty International, *Fiji: A paradise lost—A tale of ongoing human rights violations*, April–July 2009, p. 12.



considerable Indo-Fijian support won the elections in 1987 and 1999, indigenous Fijians resorted to violence.<sup>39</sup>

## Land tenure

2.24 Land in the Pacific is largely held under customary tenure, with relatively small tracts of freehold and state-held land. In PNG, for example, less than three per cent of all land is saleable (leasehold or freehold), the rest is customary land, transferred from generation to generation.<sup>40</sup> The notion of individual ownership may not always exist and land may be owned collectively by members of the kin group. As families increase in size, so does their need for land, which often causes disputes.<sup>41</sup> AusAID suggested that these customary forms of land tenure have become sources of social instability:

...customary tenure is subject to a range of emerging influences (including opportunities for economic development) that are challenging Pacific Island countries' ability to adapt, while maintaining tenure security. Growing numbers of Pacific islanders, particularly rapidly growing urban populations and vulnerable groups including women, no longer have certainty that their rights (or their group's rights) of access to land will be recognised by others and protected by the state if a dispute arises.<sup>42</sup>

2.25 Without a modern property rights system, land title arrangements have been an underlying cause of conflict. The Pacific Islands Forum Secretariat claimed that 'land is bound up with the grievances that underlie the conflict and crises in Bougainville, Solomon Islands and Fiji'. It explained:

Local level land related conflict can take place amongst landowner groups; between landowner groups and tenants who are leasing land; between land owner groups and state institutions needing to access land for public purposes, and between landowner groups and outside investors...land has been identified as one important cause of some of the large scale *national level* violent conflict and crises that the region has seen.<sup>43</sup>

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39 Jon Fraenkel and Stewart Firth, 'The enigmas of Fiji's good governance coups', in Jon Fraenkel, Stewart Firth and Brij V Lal (eds), *The 2006 military takeover in Fiji: A coup to end all coups?*, State, Society and Governance in Melanesia Program, The Australian National University E Press, 2009, p. 3.

40 Mr Garry Tunstall, ANZ Banking Group, *Committee Hansard*, 24 March 2009, p. 63. By comparison about 10–15 per cent of land in Fiji is either state owned or private land. The remainder is on native title, *Committee Hansard*, 25 March 2009, p. 69.

41 Dr Keerthisinghe, ACIAR, *Committee Hansard*, 20 November 2008, p. 43.

42 *Submission 65*, p. 14.

43 *Submission 69*, p. 27.

2.26 Various submitters to the inquiry suggested that land tenure arrangements need to be reformed.<sup>44</sup> Professor Helen Hughes and Mr Gaurav Sodhi, for example, advocated a system of land surveys, registration and enforcement of private property rights across Melanesia.<sup>45</sup> Yet, there was also awareness among other submitters that land reform is an extremely contentious issue and may be best dealt with indigenously.<sup>46</sup>

2.27 As identified above, in Vanuatu land ownership has contributed to tensions between groups and has resulted in outbreaks of violence.<sup>47</sup> A 2007 review of land legislation, policy and administration in Vanuatu found that land alienations (the unauthorised appropriation of land) played a significant role in Vanuatu's mobilisation for independence in 1980, and has re-emerged again on a scale which threatens the country's social and political stability.<sup>48</sup> A recent country report by Samoa to the Pacific Islands Law Officers' Network (PILON) also identified a number of land disputes over customary land that were before the courts at that time.<sup>49</sup>

## **Weapons control**

2.28 At the Fortieth Pacific Islands Forum meeting in Cairns, 5–6 August 2009, leaders expressed their 'extreme concern' over the proliferation of small arms and light weapons throughout the Pacific:

Small arms and light weapons (both legal and illegal) are used to fuel and exacerbate violence and conflict. They are widely used in armed conflict,

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44 Centre for Independent Studies, *Submission 11*, p. 3; The Australia Pacific Islands Business Council also noted that the need for the careful management of land access in the region, *Submission 60*, p. 8. See also Volume I, paragraphs 17.3 and 17.11–17.12.

45 *Submission 11*, p. 3. See also Volume I, paragraph 17.13.

46 AID/WATCH noted, 'Any Australian government involvement with changes to land ownership systems in the Pacific needs to be carefully considered', *Submission 16*, p. 2. This is largely the position of the Australian Government who have, in providing \$54 million for a Pacific Land Program to support governments in the region that wish to strengthen or improve their land systems, suggested that this money is guided by two fundamental principles: first, Australia will only support reforms that recognise the continuing importance of customary tenure; second, land policy reform must be driven by Pacific island governments and communities, not by donors. Bob McMullan, Parliamentary Secretary for International Development Assistance, [http://www.aisaid.gov.au/media/release.cfm?BC=Media&ID=4312\\_6085\\_8808\\_3679\\_6624](http://www.aisaid.gov.au/media/release.cfm?BC=Media&ID=4312_6085_8808_3679_6624) (accessed 13 March 2009).

47 Non-government organisations have suggested that traditional landowners at Blacksands have tolerated the settlement but residents have been unable to establish adequate water or electricity supply because of insecure land rights, Pacific Islands Applied Geoscience Commission, *Report 507*, May 2003, p. 2.

48 C. Lunnay, J. Fingleton, M. Mangawai, E. Nalyal & J. Simo, 'Vanuatu Review of National Land Legislation, Policy and Land Administration', 2007, pp. 3–4, [http://www.aisaid.gov.au/publications/pdf/vanuatu\\_land.pdf](http://www.aisaid.gov.au/publications/pdf/vanuatu_land.pdf) (accessed 22 September 2009).

49 See Pacific Islands Law Officers' Network (PILON), Samoa Country Report [http://www.pilonsec.org/www/pilon/pilon.nsf/Page/Country\\_Reports\\_December\\_2008](http://www.pilonsec.org/www/pilon/pilon.nsf/Page/Country_Reports_December_2008), pp. 6–7 (accessed 4 November 2009).

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terrorism, and crime and there are significant costs and impacts, including financial (healthcare) and loss of life. They can be easily produced, concealed and transferred and more often than not, threaten peace, security, development and human rights.<sup>50</sup>

2.29 Arms management and weapons security have been poor in many Pacific island states. During recent conflicts in Solomon Islands, a militia group raided and seized the police armoury in Auki (Malaita Province) and the Royal Solomon Islands Police national armoury in Guadalcanal.<sup>51</sup> In Fiji and Bougainville, the seriousness of civil violence has also been exacerbated by the use of firearms and ammunition taken from state armouries. The Pacific Islands Forum Secretariat suggested that in numerous instances, unsecured or stolen firearms have been utilised to assist in intrastate conflicts:

Small arms and light weapons stolen or otherwise obtained from security force armouries have featured prominently in the Pacific's most recent conflicts in Fiji, Solomon Islands and Bougainville.<sup>52</sup>

2.30 With respect to PNG, Dr Nicole Haley, from the State, Society and Governance in Melanesia Program at the ANU, suggested that while there have been improvements in Solomon Islands and Bougainville, arms proliferation continues to be a problem in the Southern Highlands Province of PNG:

While significant gains have been made, particularly in relation to disarmament, in Solomon Islands and Bougainville in recent years, small arms proliferation continues to be a serious problem in mainland PNG. The year long State of Emergency/Special Police Operations (August 2006–August 2007) in PNG's troubled Southern Highlands Province netted less than 300 illegal weapons, of which more than half were home made. Weapons continue to flow into the Highlands and black market ammunition remains comparatively abundant, with prices in fact declining in recent years.<sup>53</sup>

2.31 While access to small arms is of itself a real concern, it often provides a means of making a bad situation worse. Thus, it combines with other causes of conflict—youth unemployment or ethnic divisions—to create a potentially volatile and dangerous situation. The availability of firearms has therefore significant implications for the maintenance of law. Referring to the connection between unemployment, poverty and the availability of weapons, DFAT advised, regarding PNG: 'Rapid urbanisation, unemployment and poverty contribute to crime. The spread

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50 Forum Communiqué, Paragraphs 61 and 62, <http://www.forumsec.org.fj/pages.cfm/newsroom/press-statements/2009/final-communique-of-40th-pacific-islands-forum-cairns.html> (accessed 14 September 2009).

51 The Pacific Island Forum Secretariat, *Submission 69*, p. 24.

52 *Submission 69*, p. 25.

53 *Submission 56*, p. 4.

of modern weapons has magnified the impact of urban crime and tribal fighting in the highlands'.<sup>54</sup>

## Gender inequality and violence against women

2.32 Rates of violence against women in a number of Pacific island countries are amongst the highest in the world, and violence against women in the Pacific has been characterised by Amnesty International as 'one of the gravest human rights violations in the region'.<sup>55</sup> This is particularly so in PNG, where previous research has established that two out of every three Papua New Guinean women experience domestic violence and around 50 per cent have been subject to forced sex.<sup>56</sup>

2.33 AusAID's submission identified gender inequity, high rates of violence against women and the low levels of women's political participation as significant challenges for the region. In its view:

Gender equity is still a very long way off. High rates of violence against women are a significant problem and women have generally poor political, economic and social status. Women's participation in political leadership is very low—of the ten countries in the world with no female representation, five are in the Pacific. Gender inequality is a factor that impacts on economic growth.<sup>57</sup>

2.34 A recent AusAID report offered a sobering assessment of the status of women and the levels of violence perpetrated against women across Melanesia.<sup>58</sup> Violence against women is exacerbated by poverty and the relatively low status of women compared to men: women do not have land rights; they have little independent access to money; and are largely dependent on men for their economic survival.<sup>59</sup> Some traditional cultural practices have also entrenched inequality: educational access for girls; traditional customs such as bride price; 'sister exchange marriages' ('sisters' are usually cousins, but are called 'sister' in the kinship system terminology); the

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54 *Submission 68*, p. 12. DFAT added: the PNG Government is placing a high priority on increasing police numbers and other resources, with Australian support.

55 Amnesty International New Zealand, 'Pacific leaders must address high levels of violence against women', 6 August 2009, [http://www.amnesty.org.nz/media\\_release/pacific-leaders-must-address-high-levels-of-violence-against-women](http://www.amnesty.org.nz/media_release/pacific-leaders-must-address-high-levels-of-violence-against-women) (accessed 18 September 2009).

56 AusAID, 'Violence Against Women in Melanesia and East Timor: PNG Country Supplement' 2008, p. 105, [http://www.aisaid.gov.au/publications/pdf/vaw\\_cs\\_png.pdf](http://www.aisaid.gov.au/publications/pdf/vaw_cs_png.pdf) (accessed 18 September 2009).

57 *Submission 65*, p. 2. For a discussion on the connection between gender inequity and the transmission of HIV/AIDS, see *Committee Hansard*, 19 March 2009, pp. 16–20.

58 AusAID, Office of Development Effectiveness, 'Violence against women in Melanesia and East Timor: building on global and regional promising approaches', 2008, p. 1. The report, which was based on findings of an international evaluation team and focused as much as possible on women's own experience of violence, demonstrated how violence against women was a major barrier to development across the region.

59 The committee received evidence that a lack of economic power, in PNG, has forced women to seek money from transactional sex, *Committee Hansard*, 19 March 2009, p. 16.

acceptance of polygamy for men; or the fact that in PNG domestic violence is 'still not consistently treated as a crime by the police'.<sup>60</sup> The study claimed that 'Violence against women is severe and pervasive' and advocated a 'more comprehensive and effective response' to violence against women.<sup>61</sup>

2.35 In Solomon Islands, domestic violence is reported to be the most common form of violence against women and instances of sexual violence are becoming increasingly common: child sexual abuse by family members; commercial exploitation of girls (particularly related to the logging and fishing industries); sexual violence during armed conflict (1998–2003); and the rape of girls by young men.<sup>62</sup> Melanesian countries receive low ratings in the United Nations Development Programme's gender-related development index (GDI). Out of 136 countries, PNG ranks 124<sup>th</sup>; Vanuatu ranks 103<sup>th</sup>; and Fiji ranks 88<sup>th</sup>. Solomon Islands does not yet figure.<sup>63</sup> The AusAID report found:

Gang rape, payback rape, rape in connection with tribal fighting, and the torture and murder of women suspected of sorcery are distinctive features of violence against women in PNG, with the additional risk of contracting HIV...domestic violence is still not consistently treated as a crime by the police, except in the most extreme cases. Women are often pressured to drop charges and are not provided with additional sources of support. Domestic violence perpetrated by police is also widespread.<sup>64</sup>

2.36 The seriousness of gender-based violence across the Pacific has recently been acknowledged by Pacific Island leaders. At the Pacific Islands Forum Regional Security Committee Meeting in 2009, Mr Tuiloma Neroni Slade, Secretary General of the Pacific Islands Forum Secretariat, announced:

For the first time at this meeting, the issue of sexual and gender-based violence will be presented to the Committee, based on the experiences of some of our member countries. This is part of ongoing efforts to ensure that gender is adequately considered when developing policies and interventions

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60 AusAID, Office of Development Effectiveness, 'Violence against women in Melanesia and East Timor: building on global and regional promising approaches', 2008, pp. 109, 137.

61 AusAID, Office of Development Effectiveness, 'Violence against women in Melanesia and East Timor: building on global and regional promising approaches', 2008, p. vii.

62 AusAID, Office of Development Effectiveness, 'Violence against women in Melanesia and East Timor: building on global and regional promising approaches', 2008, p. 131. Other researchers claim that sexual violence against women is so common in PNG that it is seen as normative in many communities, see Carol Jenkins, 'HIV/AIDS, Culture, and Sexuality in Papua New Guinea', Asian Development Bank, April 2006  
<http://www.adb.org/Documents/Books/Cultures-Contexts-Matter/HIV-PNG.pdf>, p. 62.

63 See Human Development Indices, UN data: <http://data.un.org/DocumentData.aspx?id=117> (accessed 2 April 2009). GDI measures standard of living against three criteria: life expectancy, education and estimated earned income.

64 AusAID, 'Violence Against Women in Melanesia and East Timor: PNG Country Supplement' 2008, pp. 105–110, [http://www.ausaid.gov.au/publications/pdf/vaw\\_cs\\_png.pdf](http://www.ausaid.gov.au/publications/pdf/vaw_cs_png.pdf) (accessed 18 September 2009).

relating to peace, conflict and security matters, ensuring also that best practice and lessons learned are shared across the region.<sup>65</sup>

2.37 Pacific island leaders have acknowledged the risk that sexual and gender-based violence (SGBV) poses to human security and recognised that it has potential to de-stabilise communities. The communiqué from the Fortieth Pacific Islands Forum meeting in Cairns, 5–6 August 2009, stated:

...SGBV is now widely recognised as a risk to human security and a potential destabilising factor for communities and societies alike. It remains pervasive across the Pacific, and as it is still considered a sensitive issue in most Pacific cultures, its prevalence often goes underreported. There is an urgent need to acknowledge the prevalence of SGBV in the Pacific at all levels of the community, whether occurring in the domestic context or during conflict and post-conflict situations.<sup>66</sup>

2.38 In addition to improving the safety and security of women (and in many cases their children), improved gender equality has links with the achievement and maintenance of peace. In its submission to the committee's previous inquiry into Australia's involvement in peacekeeping operations, AusAID noted:

Women have played a pivotal peacebuilding role in the region, most notably in Bougainville (where women's involvement in security and maintaining peace was a critical element in the peace process) and in Solomon Islands...The importance of women in preventing, managing and resolving conflict has been recognised by the UN Security Council in Resolution 1325 on women, peace and security...Women's organisations can also be instrumental in raising awareness, reducing violence and building democratic institutions.<sup>67</sup>

2.39 There is also evidence that increased gender equality in leadership and decision making improves the quality of governance which has clear links with security.<sup>68</sup>

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65 Opening address by Secretary General Tuiloma Neroni Slade, <http://www.forumsec.org.fj/pages.cfm/newsroom/speeches/2009-1/sg-tuiloma-neroni-slade-frsc-meeting-opening-address.html> (accessed 14 September 2009).

66 Forum Communiqué, Paragraph 63, <http://www.forumsec.org.fj/pages.cfm/newsroom/press-statements/2009/final-communique-of-40th-pacific-islands-forum-cairns.html> (accessed 14 September 2009). Leaders are also committed to ensuring that 'all individuals have equal protection of the law and equal access to justice' (paragraph 64).

67 AusAID, *Submission 26*, Standing Committee on Foreign Affairs, Defence and Trade, inquiry into Australia's involvement in peacekeeping operations, 2008, p. 7.

68 See Senate Standing Committee on Foreign Affairs, Defence and Trade, *Australia's involvement in peacekeeping operations*, August 2008, paragraphs 16.40–16.41; 16.54–16.56; 18.47–18.48; and 18.53–18.54 which includes recommendation 24.

## Political systems

2.40 The frequency of change of government across the Pacific is in some cases an indicator of political instability. Since 1986, Fiji has had four military and civilian coups; between 1992–2004 Vanuatu saw 16 changes of government; and only recently did a PNG government serve its full five-year term. Typically, in Solomon Islands no one party gains enough votes to rule in its own right and must therefore form coalitions. No-confidence motions are common in Vanuatu and Kiribati, where in the latter case, the parliament automatically dissolves after a second no-confidence motion. Therefore, across the Pacific, there is a political culture of short government terms and short or reduced terms of service for politicians, many of whom do not survive their first term. Such instability makes it difficult for governments to pursue a sustained policy agenda; it erodes public confidence in government and creates a culture of political short termism which may encourage corrupt practices. Some submitters to the inquiry suggested that such political instability had resulted in increased corruption in government administration.<sup>69</sup> This history of political instability has had significant implications for Pacific security and for the overarching stability and structure of national law enforcement agencies.<sup>70</sup>

2.41 Again, the interrelated nature of the various security risks becomes clear. For example, political instability combined with the availability of weapons has the potential to seriously erode democratic processes in the region. Oxfam argued:

The spread of illicit firearms also threatens the operation of democratic institutions, as evidenced in PNG during the 2002 elections when up to 50 people were estimated to have been killed.<sup>71</sup>

2.42 Also, political instability may be both a symptom and a source of deep social tension, not only reflecting divisions in society but exacerbating them.

2.43 Evidence provided to the committee suggested that one of the greatest threats to security in Tonga, the only monarchy in the Pacific, is related to tensions over democratic reform.<sup>72</sup> The riots that destroyed large parts of Nuku'alofa in November 2006, which caused an estimated US\$100 million worth of damage, were linked to frustrations over the reform process.<sup>73</sup> These riots came only a year after mass protests

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69 Oxfam Australia, *Submission 26*, p. 8; Professor Clive Moore, *Committee Hansard*, 26 March 2009, p. 21; Dr Satish Chand, *Submission 2*, p. 4.

70 Australia Papua New Guinea Business Council, *Submission 14*, p. 2.

71 *Submission 26*, p. 14.

72 Australia's High Commissioner to Tonga, Mr Bruce Hunt, *Committee Hansard*, 25 September 2009. The current governance structure has been characterised by the CIS as 'a rapacious oligarchy', *Submission 11*, Attachment—'The Bipolar Pacific', p. 13.

73 In 2005, a National Committee on Political Reform had been established to consult with Tongans about democratic reform options; however, public frustration over delays in the parliament's consideration of the report were said to have contributed to riots. DFAT, Tonga County Brief, [http://www.dfat.gov.au/geo/tonga/tonga\\_brief.html](http://www.dfat.gov.au/geo/tonga/tonga_brief.html) (accessed 22 September 2009).

and strikes initiated by the public servants' union took place in response to senior civil servants being awarded a pay rise of 80 per cent. The protests and strikes lasted six weeks before the government agreed to the pay rise.<sup>74</sup> Notably, during the riots, the Chinese business sector was targeted.<sup>75</sup>

2.44 There have also been episodes of election-related violence in PNG and Solomon Islands and violence related to mining and foreign investment in the Papua New Guinea island of Bougainville, and in New Caledonia.<sup>76</sup> Additionally, the military's intervention in civil affairs in Fiji has been a source of instability. It has seriously undermined the rule of law and eroded the capacity and independence of Fiji's institutions, including the judiciary. Mr Ben Coleman, Defence, claimed:

We have the situation—and Fiji is the case study there—whereby an inappropriate relationship of the military to civilian government has obviously posed an immediate security problem for Fiji. Yes, defence would accord with the rest of government's view that that is a security problem.<sup>77</sup>

2.45 This is dealt with in more detail in Chapter 4.

### **Volatility of Pacific island states**

2.46 The committee has drawn attention to the way that the various causes of conflict can combine to result in the rapid deterioration of law and order. The example of the violence at the Blacksands settlement in Vanuatu in 2007, outlined above, would appear to tell us something about the potential volatility of some Pacific island states. In this instance, the potential for inter-ethnic conflict was exacerbated by the very low level of human security experienced by residents at the Blacksands settlement—security of land tenure, access to fresh water, vulnerability to extreme weather patterns, lack of a coherent organised community structure. What this example may suggest is that breakdowns in law and order, or episodes of 'ethnic violence', as witnessed in PNG, Solomon Islands, Tonga, Fiji and Vanuatu, are often the manifestation of much deeper or systemic social, economic or political disquiet. Conflict may present as inter-ethnic violence but the root causes are variously related to access to employment, food and water; matters of equity and opportunity; political corruption and poor governance.

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74 Pacific Islands Forum Secretariat, *Submission 69*, p. 24.

75 See, for example, Graeme Dobell, 'China and Taiwan in the South Pacific: Diplomatic Chess versus Pacific Political Rugby', CSCSD Occasional Paper, no. 1, May 2007, p. 10; Susan Windybank, 'The illegal Pacific, Part I: Organised crime', *Policy*, vol. 24, no. 1, Winter 2008, p. 35; 'The Overseas Chinese in Tonga', Tokyo Foundation, <http://www.tokyofoundation.org/en/series/sylff/the-overseas-chinese-in-tonga> (accessed 9 November 2009).

76 For a full description of the root causes of recent intrastate conflict across the Pacific, see Pacific Islands Forum Secretariat, *Submission 69*, pp. 24–25.

77 *Committee Hansard*, 19 June 2009, p. 26.



2.47 This indicates a much more complicated security dynamic: political problems become economic problems which in turn become security problems. While this reveals the interrelated or cyclical nature of Pacific disadvantage, it also suggests the multidimensional aspects of conflict and security. Thus, while it is one thing to have the policing capacity to deal with civil unrest; it is another to deal with the root causes of conflict. Dr Bob Breen encapsulated this message:

More troops, more police, more money and more consultants will not be enough. These measures are reactions to symptoms that do not attend to the deeper causes of neighbourhood problems.

Sustained higher level intervention is futile unless there is enduring and effective improvement at the community level. Secure and confident communities are the foundations for democratic governance and economic progress. Communities cannot be built or rebuilt unless there is a shared sense of security and optimism.<sup>78</sup>

2.48 The committee's 2008 report into Australia's involvement in peacekeeping operations underscored this view.<sup>79</sup>

## Conclusion

2.49 In this chapter, the committee explored some of the complex and interconnected factors that contribute to breakdowns in law and order across the Pacific, including: unemployment, inter-ethnic tensions, land tenure, access to weapons, gender inequality and political instability. The committee has also considered how these factors may interact to bring about outbreaks of violence in the form of rioting, coups, interracial conflict, and violence against women. These root causes have significant consequences for the maintenance of law and order, policing and community safety and the institutionalisation of the rule of law in Pacific islands states.

2.50 Importantly, the committee identified a series of accelerants that can lead to a rapid deterioration in law and order. For example, rapid urbanisation, unemployment and poverty contribute to crime which in turn is magnified by the availability of modern weapons. Poor arms control, in particular, can inflame levels of civil disorder and can be used to facilitate or support inter-ethnic violence or other criminal activities. In the following chapter, the committee considers the capacity of policing organisations across the Pacific to manage these breakdowns in law and order.

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78 *Submission 25, 'Australia and the South Pacific: Rising to the Challenge', Australian Strategic Policy Institute, March 2008—Issue 12, p. 52.*

79 *Standing Committee on Foreign Affairs, Defence and Trade, Australia's involvement in peacekeeping operations, August 2008, paragraphs 8.16–8.18.*

