



Competing Visions and Converging Realities? Justice and Security Governance in Post-Conflict Bougainville and Solomon Islands

Sinclair Dinnen

The Australian National University, Australia

Abstract

This article examines narratives and practices of post-conflict recovery in Bougainville and Solomon Islands respectively, with particular emphasis on the governance of justice and security. The original visions and pathways to recovery differed markedly in each case. Drawing on local strengths, including traditional leadership and customary practices of reconciliation, was integral to Bougainville's aspirations for peacebuilding and the shaping of its post-conflict social and political order. Under the auspices of a major Australian-led regional intervention, Solomon Islands followed a more conventional state building approach that made few concessions to the significance of local non-state social institutions and actors in relation to justice and security. Despite these initial divergences, recent years have seen growing areas of convergence in both places, notably around acknowledging the importance of practical hybridity between state and non-state forms of justice and security governance.

Keywords: Conflict and post-conflict recovery; hybridity; Bougainville; Solomon Islands.

Introduction

The Pacific Islands' two most serious internal conflicts since World War II took place in Bougainville and Solomon Islands, respectively. Bougainville's Crisis (1988-1997) resulted in significant loss of life and destruction of property. Triggered by local grievances at the Panguna mine, the crisis escalated into a major secessionist uprising. As Bougainville emerged from conflict in the second half of the 1990s, ethnic tensions erupted in neighbouring Solomon Islands. What became known as 'the tension' (1998-2003) led to a collapse of government authority and breakdown of law and order. Different pathways out of conflict were pursued in each place. Bougainville embarked on a locally-led peace process with a modest level of external assistance, whereas Solomon Islands' transition was facilitated through a substantial regional intervention.

Deliberations and plans for post-conflict recovery looked quite different in each case. Bougainville's broad vision had a distinctly hybrid quality, one that envisaged drawing on its customary values and practices in building a new political order. While confidence in local social institutions and ways of integrating these into state structures informed Bougainvillean aspirations, few such considerations were evident in the approach initially adopted under the regional intervention in Solomon Islands. Instead, the direction and character of post-conflict recovery reflected prevailing Western liberal orthodoxies about the primacy and form of statehood deemed necessary for security, stability and development.



This article examines the contrasting visions of recovery and development in these two post-conflict Pacific Island settings, with particular emphasis on the governance of justice and security. Adjustments have inevitably occurred in both places relating to fiscal, capacity and other factors, including changes in the wider environment. Bougainville's commitment to forging its own distinct approaches remains integral to its aspirations for self-determination and political independence, although the realisation of substantial change in justice and security governance remains slow and partial, owing to a range of issues. Concerns with reconciliation and peacebuilding that dominated the immediate post-conflict period have also given way to other considerations as Bougainville's circumstances have changed. These have included shifts towards more inclusive forms of governance, demonstrated by the enhanced participation of women and other non-traditional actors in the proposed new system of community government. In Solomon Islands, continuing reliance on informal approaches to dispute resolution and community safety at local levels and the constrained reach of the state, have fostered increased attention to hybrid approaches linking state and local social orders in rural areas. This represents a broadening of the institutional formalism and state-centrism associated with the Regional Assistance Mission to Solomon Islands (RAMSI)'s early efforts and is evident in initiatives around community governance and safety, as well as ongoing policy discussion about 'traditional governance'. Looked at comparatively, these shifts and modulations attest to areas of practical convergence in both neighbouring post-conflict settings despite their different starting points.

The article draws on past and ongoing research into local justice and policing practices in Bougainville and Solomon Islands. Previous work includes several applied research projects involving extensive fieldwork, including interviews and focus group discussions with a range of local actors, from members and leaders of different communities, police and justice officials, to representatives from other government agencies and civil society organisations. Specific projects included an independent evaluation of a donor-funded Community Policing Program in Bougainville (Dinnen and Peake 2013a), an evaluation of a Community Officer Pilot Scheme in Solomon Islands (Dinnen and Haley 2012) and a study of community justice across five Solomon Islands provinces (Allen et al. 2013). Ongoing research is part of an Australian Research Council Discovery Project examining community-level regulation and rulemaking in different parts of the Pacific Islands.¹

The following section provides background for Bougainville, including outlining its social and historical settings, recent conflict and peace process. It also outlines the broad vision for its post-conflict recovery, focusing on its aspirations for justice and security governance. That is followed by a section on the practical outcomes of policing and justice reforms during the post-conflict period. The next two sections on Solomon Islands adopt a similar approach. The first provides background to the tension, including perceptions of state withdrawal from rural areas during the post-independence period. Beginning with the regional intervention, the second section looks at how an initially narrow state-building focus has gradually broadened through growing acknowledgement of non-state actors in justice and security governance. The article concludes with broad reflections about the implications of these shifts and modulations in each case.

Bougainville

Conflict, Peace and New Beginnings

Bougainville was arbitrarily incorporated into the territory of New Guinea during the late 19th century colonial carve-up of the Southwest Pacific. Located on the eastern fringes of modern-day Papua New Guinea (PNG), Bougainville's estimated population of 340,000 people live predominantly in rural settings, with most people reliant on small-scale agriculture, fishing and cash-cropping. While subject to considerable variation, local forms of social organisation revolving around *kastom* and kinship, remain central to everyday life. Compensation and reconciliation remain integral to dispute resolution practices administered by traditional leaders in most communities.

Bougainville has a long history of resistance to colonial and other forms of external domination. The Australian administration's decision to proceed with the construction of the giant Panguna mine in central Bougainville in the 1960s met with strong local opposition. Protests were responded to violently by PNG's newly formed police mobile squads, seeding negative perceptions of police that continue to this day. Many Bougainvilleans opposed the incorporation of their islands into the independent state of PNG in 1975. Although temporarily defused by the establishment of a system of provincial governments, local discontent resurfaced dramatically with the Bougainville Crisis in the late 1980s.

The Crisis started following acts of sabotage at Panguna committed by landowners and workers who were aggrieved over unequal benefit sharing arrangements and the adverse environmental and social impacts of the mine. PNG authorities responded with a heavy-handed 'law and order' operation involving police mobile squads and the PNG Defence Force. Indiscriminate violence by PNG security forces contributed to the escalation of a localised dispute into a wider secessionist struggle. Over time, the situation fragmented into multiple small-scale conflicts and vendettas involving local groups and factions. Withdrawal of all government services during the Crisis, including police and courts, threw communities back entirely on their own

resources. Drawing on their customary authority, chiefs acquired renewed prominence in governance and order maintenance in communities across Bougainville, although they were challenged in many places by young men with guns.

Bougainville's official peace process started in 1997 with a series of extended meetings and negotiations. An unofficial peace process was already underway in many areas, involving chiefs, as well as women's organisations, church groups and NGOs. Observers have noted the important role of these local actors and their skilful adaptation of older cultural forms of peacemaking and reconciliation (Braithwaite et al. 2010; Howley 2002). The contributions of traditional leaders to peacemaking and their moderating influence on former combatants enhanced their standing and that of customary forms of reconciliation.

Bougainville was granted special status as an Autonomous Region under the 2001 Bougainville Peace Agreement (BPA), with provision for its own constitution and government. The BPA stipulated a wide range of powers to be transferred from the PNG national government to the Autonomous Bougainville Government (ABG), including powers to establish Bougainville's own public service, police force and court system, criminal laws and human rights protections.² The contentious issue of political independence was deferred, with Bougainville permitted to hold a non-binding referendum on its political future at a later date. As well as forging a new political relationship with PNG, Bougainville's leadership envisaged a different kind of social and political order in the Autonomous Region of Bougainville (ARB). The ARB's foundation documents³ outlined what some scholars have termed a 'hybrid political order' and others a 'liberal-local hybrid', a polity combining aspects of customary governance with the attributes of liberal democratic statehood (Boege et al. 2008: 4; Wallis 2012). Customary authority and traditional leadership were seen as residual local strengths to be drawn upon in building state structures with local legitimacy and sustainability in post-conflict Bougainville, whether as an autonomous region or a future independent state (Regan 2002). Developing linkages between customary and state institutions was a recurring theme throughout the foundation documents.

Bougainville Constitutional Commission (BCC),⁴ reported that people wanted 'links between *kastomary* authority and the formal system of government to be established Such links should both help to strengthen *kastom* and add to the acceptability of the introduced system of government in the eyes of our people' (Bougainville Constitutional Commission (BCC) 2004: 51). The Constitution that eventuated called for the inclusion of traditional leaders within the ABG, stating that '[t]he clan structure and customary leadership of Bougainville communities shall be recognised and strengthened' and '[t]he roles, responsibilities and authority of traditional leaders shall be recognised at all levels of government'.⁵

Traditional leaders were incorporated into the Councils of Elders (COEs) created by the *Council of Elders Act 1996* (COE Act 1996), primarily as a vehicle of peacebuilding but later as a *de facto* system of local-level government. COEs were empowered to maintain security, settle disputes and facilitate reconciliation in council areas.⁶ Their hybrid character was demonstrated in provisions allowing COE members to be either selected by elections or by custom, and by allowing for non-customary members, including women and youth, as well as chiefs. Theodore Miriung,⁷ the architect of the COE system, saw them as providing the basis for 'a symbiotic relationship between customary authority and state authority', enhancing the standing of the former and legitimacy of the latter (Regan 2002: 23). Inclusion of liberal provisions relating to selection and membership of COEs reflected Miriung's ambivalence about customary authority as a basis for a modern system of government. He recognised that such authority was 'essentially autocratic' and might only be viable as 'a transitional measure' (Regan 2002: 23). Broader processes of economic and social change were, in his view, likely to lead to growing demands for a more democratic system of government.

Deliberations about policing and justice in post-conflict Bougainville also emphasised linkages between different sources and forms of authority. These acknowledged the contribution of customary approaches and traditional leadership during the Crisis and the need to build on local strengths. In addition to deterrence and punishment through criminal laws, the ARB's justice system would also reflect Bougainville's strong restorative traditions, including reconciliation.⁸ Similar aspirations were expressed in the new Constitution, which called for recognition of the 'customary system of justice based on the restoration of peace through the restoration of harmony in relationships between people' (*Constitution of the Autonomous Region of Bougainville 2004*, Section 13).

Policing and Justice in Post-Conflict Bougainville: From Vision to Implementation

Expectations of a radical change in policing and justice practices in the ARB have, perhaps not surprisingly, been only partially realised. Significant practical constraints and other developments have intervened, including some of the broader changes anticipated by Theodore Miriung. Commitment to the original vision nevertheless continues in ABG policy deliberations and documents.

Restoring policing following the Conflict was a sensitive issue given past abuses by the PNG police. According to the BCC report, these had 'left a scar in the minds of many Bougainvilleans'.⁹ The desire for a different kind of policing was signalled

in the adoption of a new name, the Bougainville Police Service (BPS). Since 1998, the New Zealand government has provided police assistance focused on training community-based police, specifically the Community Auxiliary Police (CAP). These lay police are expected to work closely with community leaders and COEs.

There are currently around 200 regular BPS officers based in three regional centres (Buka, Arawa and Buin), and approximately 350 CAP members located in each region.¹⁰ Although part of the same organisation, successive evaluations (Dinnen and Peake 2013a; McGovern and Taga 2009; Tennant and Cowley 2019) have indicated a bifurcation between the CAP and BPS in terms of their development and policing practices. The broadly positive contribution of the former to order maintenance at community levels is regularly contrasted with the continuing difficulties faced by the latter.

A 2009 evaluation described the BPS as ‘a weak institution, suffering poor morale, bad discipline and low effectiveness’, which was attributed to inadequate numbers and resources, and deficiencies in leadership, management, accountability and professionalism (McGovern and Taga 2009: 10). Similar findings were made in 2013, including low levels of public confidence in the BPS reflecting antipathy to what many locals viewed as a continuation of discredited PNG policing (Dinnen and Peake 2013b: 576). The most recent evaluation found ‘significant capacity issues affecting BPS’ ability to effectively deliver policing services, including vacancies in senior leadership positions, shortages of specialist investigation and prosecution skills, supervisory/disciplinary issues ... and a shortage of funds/support for logistics’ (Tennant and Cowley 2019: 25).

With control over policing yet to be transferred to the ABG, it is not surprising that the BPS shares many of the same challenges as the PNG police. The observation made in a 2010 report that the BPS ‘more closely reflects a provincial police command of the Royal Papua New Guinea Constabulary (RPNGC) rather than the semi-autonomous body that it planned to become’ remains largely valid today (Shaw 2010: 16). The BPS’s current chief, a seasoned officer with over 40 years of service in Bougainville and elsewhere in PNG, has ‘not seen much change’ with the establishment of the BPS.¹¹

While the BPS continues to resemble the RPNGC, the CAP come closer to fulfilling aspirations for hybrid policing approaches (Dinnen and Peake 2013b). As part of the BPS, CAP officers are bound to uphold state law and are subject to supervision by the regular police. However, their everyday policing requires them to cooperate closely with community leadership, including chiefs. Occupying this liminal space enables them, in theory at any rate, to act as intermediaries between *kastomary* and state-base orders, thereby contributing to the symbiotic relationship envisaged by Theodore Miriung.

Other research indicates promising outcomes with the CAP in terms of crime prevention, improved police interactions with women, and complementarity between state and non-state security providers (Cooper 2017).¹² Concerted efforts have been made to increase the representation of women in the CAP. Figures from 2020 show that out of a total of 349 auxiliaries, 283 were men and 66 were women (Putt and Dinnen 2020: 13). However, many challenges remain. Recent fieldwork suggests a varied picture in CAP performance in different parts of Bougainville, reflecting significant variations in local contexts. Attempts to overcome the bifurcation between the two branches of the police have had limited success.

There have also been changes in Bougainville’s broader social and political environments since the end of the Conflict. The referendum provided for under the BPA was held in late 2019 and an overwhelming majority (97.7%) of Bougainvilleans opted for independence (Regan et al. 2022). Although a non-binding outcome, post-referendum ABG policy is increasingly framed in terms of ‘independence readiness’.¹³ This is motivated, in part, by the need to show outside observers, both in PNG and the international community, that Bougainville is ready to assume the responsibilities of independent statehood. It includes demonstrating capabilities to maintain peace and stability.

In this regard, growing concerns about crime in parts of the ARB have led ABG leaders to demand tougher approaches to law enforcement. For example, the current President, Ishmael Toroama, has called for firmer action against criminals, criticising existing policing approaches.¹⁴ While there is no suggestion of abandoning community-led policing, there is acknowledgement that additional capabilities and more robust approaches are needed to manage serious crime. Some Bougainvilleans view the BPS as weak and ineffectual and reluctant to confront serious lawbreakers.¹⁵ Reflecting these attitudinal shifts, Bougainville’s new draft Constitution, prepared in anticipation of independence, refers to the police as a ‘force’ rather than a ‘service’.¹⁶ Rebuilding other parts of the ARB’s justice sector remains a work in progress. Financial and capacity constraints remain enduring challenges. Restoration of services following the Conflict involved the gradual return of PNG justice agencies, including the courts. Preparations for transferring control over law and justice from the national government to the ABG, as provided for under the 2004 Constitution, have progressed in recent years, although they still await enabling legislation and finalisation of funding arrangements. While adaptations have been made by some agencies, as with the CAP, the institutional shape of the sector remains largely that found elsewhere in PNG. As one long-term adviser remarked, ‘not a lot has happened to make law and justice different to that in PNG’.¹⁷

Community justice provides most opportunities for developing the linkages envisaged in the foundation documents. This is recognised in current ABG planning documents, including the *Bougainville Integrated Strategic Development Plan 2023-2027* (BISDP) (BCCB, Clause 8). The BISDP sees the law and justice sector, including the police, working closely with:

community stakeholders and partners, such as Bougainville veterans, chiefs and clan groups, women and youth groups, as well as national and international stakeholders, in fostering and supporting programs and initiatives that support continued efforts towards reconciliation, peacebuilding and the rule of law in all Bougainville communities. (Autonomous Bougainville Government (ABG) 2023: 26)

The recently enacted *Bougainville Community Courts Act* (BCCA 2024) follows the migration of powers over Village Courts to the ABG. Closely modelled on Village Courts, the renamed Community Courts are tailored to ABG plans for a community justice system drawing on customary forms of social regulation. Like Village Courts, they will be hybrid courts with a legislative basis and a degree of state oversight but will operate less formally and incorporate customary dispute resolution approaches (Evans, Goddard and Paterson 2010). Although capable of dealing with a broad range of disputes, Community Courts are limited by the community justice orders they can issue and the powers they can exercise. They will not be able to hold formal criminal proceedings and serious offences must be referred to the police.

Community Governments also have an important part to play in community justice. Established under the *Community Government Act 2016* (CGA 2016), they replace COEs as Bougainville's second tier government. While the transition from COEs to Community Governments is ongoing, the latter represent a model of decentralised governance built around grassroots participation and self-sufficiency. They are expected to address a wide range of issues including service delivery, land and environment, economic development, and peace and security in their areas. This includes making rules 'for the peace, order and good government' of their particular areas (CGA 2016, s. 26).¹⁸ Community Courts will help ensure compliance with these rules (BCCA 2024, s. 7(2)(b)). The ABG is preparing model rules for Community Governments to adapt to their local needs. These will likely address health and hygiene, governance, revenue raising, and prohibitions against behaviour that jeopardises individual safety, property security and community cohesion.¹⁹

Replacement of COEs with Community Governments is about providing a more professional system of local government suited to Bougainville's changing circumstances and needs.²⁰ Amongst their most striking features is the provision for gender parity in membership. While the COE Act 1996 allowed for the inclusion of women, on average, women only comprised around 15% of COE membership (Bronnimann 2019). The CGA 2016 ensures parity by providing a 50% gender quota. The positions of chair and deputy chair of each of the ARB's 47 Community Governments alternates between male and female ward representatives at each electoral cycle. Thus, while 45 out of 47 Community Governments elected male chairs in the first elections in 2017/18, this was reversed following the 2021 elections, with 45 out of 47 electing women chairs.

While it is too early to evaluate their impact, these changes have significant potential to contribute to normative shifts and build more inclusive, democratic forms of governance. ARB is currently the only place in the Pacific Islands to have adopted full gender equality in local-level government. Interviews with chairwomen of Community Governments confirm that many challenges remain, including resistance amongst some traditional leaders and other men, and limited support to prepare and enable women to fulfil these new roles.²¹ At the same time, women leaders have been, and continue to be, active agents of change, drawing skilfully on their cultural status in Bougainville's predominantly matrilineal societies to pursue greater participation in decision-making in the post-conflict social and political order (George 2018).

Solomon Islands

Context, History and Conflict

The Solomon Islands archipelago, located 1,800 kilometres off Australia's north-eastern coast, shares similar social characteristics to neighbouring Bougainville, including high levels of socio-linguistic diversity and a widely dispersed and predominantly rural-based population. Administered as a British protectorate from 1893, Solomon Islands became independent in 1978.

Colonial administrators used a system of indirect rule that entailed pragmatic accommodation with local forms of authority and leadership. Village-based officials were appointed and came to wield considerable power as middlemen between colonial and local social orders (Kabutaulaka 2008). 'Native courts' and 'native councils' were established to preside over matters of 'native custom', which enabled traditional leaders to assume a formal role in dispute resolution. Colonial authority was actively contested in different areas at various times, with *kastom* acquiring ideological significance in indigenous narratives of resistance to British rule (Akin 2013).

Decolonisation involved building the institutional façade of a modern system of centralised government. However, these hastily assembled structures had shallow foundations and limited reach beyond the national capital, Honiara. State consolidation has been complicated by factors such as the country's fragmented geography, social diversity, and emergence of a corrupt nexus between politics and rapacious and poorly regulated extractive industries, primarily logging. Solomon Islands fares poorly on most social and economic development indicators and remains highly dependent on international aid.²²

While rapid urban growth is taking place around Honiara, approximately 74%²³ of the estimated population of 720,000²⁴ live in rural areas. Contemporary forms of community revolve around complex interplays of kinship and exchange relations, friendships, church membership and myriad claims to customary land. Many Solomon Islanders rely on informal governance arrangements for their everyday welfare and justice needs, and on subsistence agriculture, fishing and cash cropping for daily sustenance.

Dissatisfaction with the workings of the centralised government system has generated recurring debate about political decentralisation, including proposals for federalism. Many Solomon Islanders share a perception of progressive withdrawal of government from rural areas during the post-independence period and a widening gap between Honiara and the rest of the country in terms of economic and political power (Dinnen and Allen 2016). Although provincial governments were established in 1981, their relationship with the political centre remains unclear, marked by uncertainty over allocation of responsibilities, and perennial underfunding (Cox and Morrison 2004).

Vestiges of the old colonial system of indirect rule were carried over after independence. The native councils became area councils and native courts became local courts in 1987. Area councils comprised elected members whose functions included raising basic taxes and licence fees and formulating policies relating to local issues such as land use and tourism. They could also enact by-laws, including to regulate social order in their areas. 'Council messengers' and later 'area constables' were empowered by the *Local Government Act* to assist in the enforcement of council by-laws and local court decisions. These local officials served as intermediaries between different kinds and scales of authority — state and *kastom*, local and national.

Area councils were abolished in the late 1990s against a backdrop of the Asian financial crisis and donor pressure to reduce public expenditure. This led to the effective demise of the official local-level government system. It also ended the role of area constables who had provided a critical link between local council areas and the state justice system, referring serious matters to the police and state court hierarchy. In addition to their mediating role between the multiple local rule systems, being part of a larger administrative system enabled area constables to connect with a range of government services (Dinnen and Allen 2016). Local courts survived, although only hearing customary land disputes rather than the more extensive array of local disputes managed previously (Evans et al. 2010: 11).

While many factors underlay the tension that erupted in the late 1990s, the limited presence of government in many rural areas contributed to growing contestation and instability at local levels. It was also a factor in the failure to prevent conflict escalation during the five years of tension-related crisis. Some observers have drawn a direct association between the dissolution of the local-level government system with its policing and justice dimensions and the tension, including claiming that the demise of 'local policing and justice systems removed restraints on anti-social behaviour that were formerly available' (Scales 2003: 9).

The more familiar narrative of the Solomon Islands crisis highlights ethnic tensions arising from internal migration. Resentment had grown amongst elements of the Guadalcanal population, particularly amongst those living in the remote and undeveloped southern Weather Coast. Armed skirmishes occurred between rival militias. The small police force — the Royal Solomon Islands Police Force (RSIPF) — fractured along ethnic lines, with some elements siding with militant groups. These developments led to a breakdown in government authority and rampant lawlessness in Honiara and several other areas. By 2003, it was clear that the beleaguered and deeply divided Solomon Islands government needed an external circuit-breaker. Earlier peacemaking attempts, which relied on compensation payments, had failed and rapidly became corrupt (Fraenkel 2004). Following an official request, Australia agreed to lead a regional intervention, the RAMSI.

The RAMSI Intervention and Beyond — From State-Centrism to Bringing Society Back in?

Whereas Bougainville's peace process and post-conflict pathway have been driven by local actors with a shared vision of social and political development, the Solomon Islands crisis prompted a major intervention, designed, led and largely implemented by external actors. As we have seen, Bougainville's vision for its post-conflict social and political order had a hybrid quality, one that sought to draw on local strengths in building new governance systems. In contrast, the initial RAMSI vision for post-conflict recovery was premised on prevailing Western notions of liberal peace and Weberian statehood, with few concessions

to the particularities of Solomon Islands history or local context. The lack of such concessions also reflected a view held by some observers that cultural factors were a significant contributor to the Solomon Islands crisis (Fraenkel 2004).

The RAMSI intervention aligned with a broader strategic framing around the security threats posed by state failure that had been embraced in many Western capitals, particularly following the events of 9/11, 2001. This framing viewed state-building and economic liberalisation as an antidote to problems of conflict, instability and underdevelopment in the Global South. While novel in the Pacific context, RAMSI was an antipodean version of the 'liberal peace' interventions occurring in other conflict-affected regions of the world (Barbara 2008). The mission's mandate combined security and development objectives. Restoring security and stabilising government finances were early priorities, followed by longer-term efforts aimed at economic recovery and rebuilding government institutions.

At its height, the police-led mission comprised around 330 frontline police (the Participating Police Force (PPF)), mainly from Australia and New Zealand, with smaller contingents from Pacific Island states and supported by 1,800 military personnel. Civilian advisers were placed across a range of central government agencies. The PPF initially operated in an executive policing capacity, focused on law enforcement and restoring security. They later assumed a mainly advisory role with the RSIPF, aiming to build 'a high quality, professional and credible policing service'.²⁵ This entailed a familiar repertoire of training and mentoring programs, physical infrastructure and equipment, and managerial and accountability systems (Dinnen and Watson 2021). RAMSI also provided support to the wider law and justice sector, including providing magistrates, lawyers, clerks and prison officials (Wesley 2023: 122-130).

Although RAMSI evolved and gradually became better at listening to local voices (Braithwaite et al. 2010), it remained fundamentally state-centric in orientation and demonstrated little interest in engaging with non-state institutions. Set against the country's recent history, this was a missed opportunity to re-establish critical linkages between the administrative centre and rural communities, and between formal and informal kinds of governance.

Most Solomon Islanders continue to rely on informal community-based approaches for managing everyday disputes and ensuring personal safety, particularly in rural areas. The prevalence and diversity of local approaches was documented in the Justice Delivered Locally (JDL) research undertaken on behalf of the Solomon Islands Ministry of Justice and Legal Affairs (Allen et al. 2013).²⁶ It found three broad and overlapping justice or rule 'systems' distinguished by their main source of authority and principal actors: state (e.g., police), church (e.g., church officials/members) and *kastom* (e.g., traditional leaders/chiefs).

These local approaches vary in configuration and efficacy across rural communities and are under considerable stress from broader socio-economic changes. For example, population mobility and inter-generational friction have eroded customary authority, and these approaches are ill-suited to new forms of disputation, such as those involving commercial extractive projects, such as logging or mining. The JDL research and later surveys (United Nations Development Program (UNDP) 2019) reveal the prevalence of parochial disputes in many rural communities, including substance abuse and associated violence, land disputes (frequently linked to logging or other extractive projects), family disputes and domestic violence. While starting as minor issues, they can quickly escalate in the absence of accessible or functioning justice mechanisms, whether local (non-state) or state.

Local approaches, nevertheless, retain a high degree of legitimacy and Solomon Islander critics are often asking for assistance to strengthen them rather than abandon them altogether. Many rural communities have been actively working to improve their governance systems under new pressures. The JDL research reported extensive order-making experimentation in rural areas, including the elaboration of community rules or by-laws, often aimed at addressing local social order problems. While widely used under the old area council system, today's community rule-making is wholly unofficial, lacking any legal basis since that system's demise (Dinnen and Pedeverana 2023). It tends to take on two broad forms. The first is locally-initiated, where communities codify their unwritten rules and norms in response to social order concerns. The second is where external actors, typically the police or NGOs, promote the adoption of model by-laws, often as part of broader crime prevention programs. Fieldwork findings suggest that the first, more organic, form is generally more effective and sustainable, while the latter often falters once the external engagement wanes or ends.²⁷

Alongside initiatives to strengthen local coping mechanisms, there have been growing demands for more effective linkages to state justice, particularly the police (Allen et al. 2013: 70). These reflect both the weakening of customary authority and the desire for stronger enforcement powers of the kind associated with police to deal with new and mounting social order challenges. There is also evidence of shifting attitudes amongst sections of the population in respect of preferred justice pathways. For example, a 2019 UNDP access to justice survey indicated that women and younger people are demanding more formal justice options, suggesting they have less confidence than men and older Solomon Islanders in the justice outcomes

administered by chiefs (UNDP 2019). Demands for greater engagement with state justice also reflect a wish for more effective integration between community and state justice, an aspiration for hybrid approaches similar to neighbouring Bougainville. In the context of Solomon Islands' recent history, these demands also attest to a widespread desire to reverse the perceived decoupling between state and society that characterise narratives of state withdrawal.

A rare example of engagement with justice beneath the state during RAMSI involved the modest Community Officer (CO) pilot scheme. Initiated by the RSIPF in 2009, the pilot introduced community officers into 20 ward-level rural communities. The aim was to extend the police reach to rural communities with COs acting as liaison between the RSIPF and local chiefs. COs, who were mostly men with authority in their community, such as chiefs, retired police officers and church leaders, worked voluntarily and lacked special legal powers. An evaluation found that although there was little improvement in RSIPF responsiveness, the pilot had strong community support and was viewed by rural villagers as signalling a return of absent government (Dinnen and Haley 2012). In evoking the 'shadow of the law', the mere presence of the CO contributed to perceptions of improved safety. It also represented official acknowledgement of the legitimacy of local forms of authority and regulation, with COs working with communities rather than ignoring or trying to displace them. The evaluation further found that while broadly supportive of existing power relations in most places, some COs were working in creative and innovative ways to moderate the exercise of chiefly power and represent the interests of subordinate groups, including women and youth. This indicated the potential of hybrid justice to facilitate progressive change rather than simply reinforce an inequitable status quo.

Findings from the JDL research and CO evaluation influenced the design of the later Community Governance and Grievance Management (CGGM) project, an initiative led by the Solomon Islands Ministry of Provincial Government and Institutional Strengthening, with support from Australia and the World Bank. Launched in 2014, initially in Rennell, Bellona and Makira-Ulawa provinces, and subsequently in Malaita and Central, the project aimed to use COs to strengthen linkages between local governance and justice mechanisms (whether customary, religious or secular) and external government systems. Evaluations have generally been favourable. For example, a 2017 survey found that 76% of people in project communities reported direct benefits, 59% experienced improvements in the accessibility of community grievance mechanisms, 77% found improved effectiveness of these mechanisms, while 68% perceived improvements in linkages with government (World Bank (WB) 2017: 15). Extensive data collected through baseline studies and surveys indicated that COs successfully carved out useful roles in local justice settings with multiple rule systems, including in places where resource or development projects present significant challenges.²⁸ COs have also been able to directly mediate social order disputes that chiefs have struggled with, including those related to substance abuse. While successful in generating and strengthening community governance, sustaining vertical linkages with external state actors has been problematic. This attests to continuing challenges around the presence and responsiveness of state in rural Solomon Islands.

More than two decades after the tension ended and seven years since RAMSI departed, discussions around state-building and security governance in Solomon Islands increasingly acknowledge the need to engage with both state and non-state sources of authority and institutional forms. Key national strategic and planning documents outlining broad visions for the country's development and security now regularly reference the role of non-state actors and institutions, including in building more effective linkages with relevant state bodies. For example, the *Solomon Islands Government's National Development Strategy 2016-2035* calls for the empowerment of 'traditional institutions in their roles in maintaining peace, law and order in rural communities', while also recognising the role of churches in post-conflict reconciliation (Solomon Islands Government (SIG) 2016: 46). Likewise, the government's *National Security Strategy* highlights the need to 'develop and strengthen the informal justice system' (SIG 2020: 14).

Traditional governance became a major national debate in 2018, centred around a draft *Traditional Governance and Customs Facilitation Bill*, which proposed a tiered system of councils of chiefs at national, provincial and ward levels, and the codification of customary laws. The bill was withdrawn following extensive criticism, including about the lack of consultation, drafting flaws, doubts over the feasibility and desirability of codifying custom, and concerns about the compatibility of traditional governance with democratic principles, especially regarding gender inclusiveness, given the patriarchal basis of traditional authority in Solomon Islands. Debate around traditional governance is likely to continue. Its currency at the highest levels was signalled in the renaming in 2019 of the former Ministry of National Unity, Reconciliation and Peace as the Ministry of Traditional Governance, Peace and Ecclesiastical Affairs.²⁹

The broadening of discussion beyond the narrow state-building focus that prevailed under RAMSI, at least in its earlier phases, attests to the difficulties of building and sustaining a Weberian state in Solomon Islands, especially given fiscal, capacity and other constraints. These challenges have become more evident since the withdrawal of RAMSI and its substantial resources. There appears to have been an accompanying shift away from the mission's focus on institutional deficiencies in need of fixing to a more tempered perspective that recognises and leverages local strengths. More broadly, there is recognition of the scope

and need for different approaches to state-building, including those that build from the bottom up. Such shifts and modulations indicate points of convergence with neighbouring Bougainville, including those addressing frictions and incompatibilities between different sources of authority and forms of governance.

Conclusions

Bougainville and Solomon Islands share much in terms of geography, culture and history, as well as their recent experience of major conflict. Contrasts drawn between these two Pacific Island neighbours tend to highlight their divergent pathways out of conflict and approaches to post-conflict recovery and development, although this article has also shown signs of convergence. Bougainville's broad vision for post-conflict recovery aimed to develop a government system — encompassing justice and security — tailored to its distinct circumstances, with a strong emphasis on culture and traditional leadership. This approach rejected, in part, the previous justice and policing arrangements in Bougainville prior to the Conflict, deemed inappropriate and heavy-handed. It also embraced the perceived local strengths, including community, chiefs and traditions that had helped it through its protracted crisis.

While commitment to building a new social and political order remains, a range of factors has impacted efforts to implement these aspirations. These include issues of capacity and funding, and the slow and incomplete transfer of powers from PNG to Bougainville. It is also clear that Bougainvillean leaders were not advocating a back-to-the-future scenario but rather were actively seeking to build structures that work in the real world and could potentially equip the ARB for future political independence. In justice and policing, this approach has meant developing them as part of integrated systems of governance and relationships that connect different sources of authority and legitimacy within a functioning polity. It also reflects adjustments, such as evolving policing priorities to meet new challenges in the wider environment like the rising incidence of serious crime.

Significant challenges persist in accommodating traditional leadership with commitments to inclusive and democratic governance, notably in relation to gender equity. While resistance to change continues in some quarters, there is evidence that this is reducing and that some men, at least at ABG level, are accepting greater participation by women in decision-making and leadership. This reflects women's active agency and the facilitating role played by international actors, including donors and NGOs, in promoting gender empowerment in post-conflict Bougainville. Although the involvement of international actors in the peace process was low-key, their influence around gender empowerment has been significant.

The substantial and prolonged regional intervention in Solomon Islands entailed a much heavier footprint in shaping the vision and narrative of post-conflict recovery, especially concerning the flow of resources into policing and justice. RAMSI's approach, based on an externally constructed liberal state-building narrative, was largely disconnected from the realities of Solomon Islands itself. The JDL research and subsequent surveys, including RAMSI's own Peoples Surveys, revealed that these broader strategic framings diverged from the actual security issues experienced by people in the country, which were largely parochial concerns, such as personal safety, substance abuse and family disputes.

RAMSI's departure allowed more space to highlight local security priorities and also to acknowledge that local strengths — similar to those in Bougainville — can be drawn upon in developing affordable and sustainable approaches. There are important lessons to be learnt from Solomon Islands' experiments with various forms of intermediary actors and mechanisms for bridging divides, such as COs and the CGGM, about how these strengths might be developed. As in Bougainville, debates about traditional governance have generated powerful counter-narratives from women and others concerned about its compatibility with more inclusive and democratic forms of participation and decision-making.

In summary, both Bougainville and Solomon Islands are converging on acknowledging the importance of - and shaping a practical hybridity between - local and state forms of justice and security governance.

Correspondence: Professor Sinclair Dinnen, Department of Pacific Affairs, The Australian National University, Australia. sinclair.dinnen@anu.edu.au.

- ¹ ARC Discovery Project (DP200103576), *Community Rule-Making in the Pacific Islands as Regulatory Innovation* (led by Professor Miranda Forsyth).
- ² *Bougainville Peace Agreement* clauses 114,123, 276 and 295.
- ³³ These included the *Bougainville Peace Agreement; Report of the Third and Final Draft of the Bougainville Constitution* (Bougainville Constitutional Commission, July 2004) and the *Constitution of the Autonomous Region of Bougainville 2004*.
- ⁴ The body responsible for drafting the ARB Constitution.
- ⁵ *Constitution of the Autonomous Region of Bougainville 2004*, Section 13, subsections (1) and (2).
- ⁶ Council of Elders Act 1996. Section 24.
- ⁷ Theodore Miriung was premier of the Bougainville Interim Government until his assassination in 1996.
- ⁸ *Op cit*, p.55.
- ⁹ *Report of the Third and Final Draft of the Bougainville Constitution*, p.230.
- ¹⁰ Interview with Francis Tokura, Deputy Commissioner RPNGC and Chief of the Bougainville Police Service, Buka, 04/04/2024.
- ¹¹ Interview with Francis Tokura, Chief of the Bougainville Police Service, Buka town, 4 April 2024.
- ¹² Although reliable data is scarce, an early study found that the CAP were responsible for most incidents (approximately 86%) reported to the regular police (Lewis 2011).
- ¹³ An Independence-Ready Mission Program was launched by ARB President Ishmael Toroama in April 2021, calling on members of the Bougainville House of Representatives, and other community leaders, to prepare their constituencies/communities for independence by promoting progress in social welfare, good governance, economic and infrastructural development. See: ‘Toroama launches Independence Ready Program’, ABG Press Release, 1 April, 2021. <https://abg.gov.pg/index.php/news/read/toroama-launches-independence-ready-program#:~:text=The%20Autonomous%20Bougainville%20Government%20has,in%20the%20Tonsu%20Constituency%20today.>
- ¹⁴ For example, see President Toroama outlines law, order issues. *Loop PNG*, 31 December 2022. <https://www.looppng.com/png-news/president-toroama-outlines-law-order-issues-116421>.
- ¹⁵ Discussion with my ANU colleague Anthony Regan, a longtime constitutional and policy adviser to successive Bougainville administrations, including the current government. He suggests that reluctance on the part of the BPS to adopt more confrontational approaches with lawbreakers stems from concerns about being accused of acting like the discredited PNG police (discussion with A.J. Regan, Canberra, 27 May 2024).
- ¹⁶ First Draft Constitution of the Republic of Bougainville, Section 136. Prepared as part of independence readiness and dated 6 May 2024.
- ¹⁷ Interview with Luke Clancy, 20 April 2023.
- ¹⁸ To take effect, these rules must follow a designated procedure, including approval in writing by the ABG Minister of Community Government. Moreover, Community Government rules will be invalid to the extent they are inconsistent with an existing PNG or Bougainville law (CGA 2016 Section 26(7) and (8)).
- ¹⁹ Interviews with officials in the ABG Department of Community Government indicated that model rules were likely to cover matters including community health and hygiene, revenue raising, and community safety and social order.
- ²⁰ Interview with Puaria Kamariki, Acting Secretary, ABG Department of Community Government, 15 November 2022.
- ²¹ Interviews undertaken with Community Government chairwomen and members in Arawa and Buka, 18 November 2022 and 20 November 2022. See also: IFFES 2021.
- ²² Solomon Islands country brief, DFAT. <https://www.dfat.gov.au/geo/solomon-islands/solomon-islands-country-brief>.
- ²³ Solomon Islands urban population increases by 5.3 per cent. Solomon Islands Government portal: <https://solomons.gov.sb/solomon-islands-urban-population-increases-by-5-3-per-cent/>.
- ²⁴ Solomon Islands country brief, DFAT. <https://www.dfat.gov.au/geo/solomon-islands/solomon-islands-country-brief>.
- ²⁵ RAMSI Annual Performance Report 2007-08. <https://www.dfat.gov.au/sites/default/files/appr-solomon-07.docx>.
- ²⁶ The Justice Delivered Locally (JDL) research was undertaken in five of the country’s nine provinces by local and international researchers. Some 86 rural communities were visited, and more than 3000 individuals participated in focus group discussions.
- ²⁷ Examples of community rule-making were seen during recent fieldwork in Central and Malaita provinces in August-September 2023. The fieldwork is part of the abovementioned ARC Discovery Project (DP200103576).
- ²⁸ Interview with Ali Tuhunuku, Honiara, 02 September 2023. Mr Tuhunuku is an independent researcher and consultant who has been involved with COs and the CGGM since the initial pilot project in 2009 and has led several baseline studies.
- ²⁹ See Solomon Islands Government website: <https://solomons.gov.sb/ministry-of-traditional-governance-peace-and-ecclesiastical-affairs/>.

References

- Akin DW (2013) *Colonialism, Maasina rule, and the origins of Malaitan Kastom*. Honolulu: University of Hawai'i Press.
- Allen M, Dinnen S, Evans D and Monson R (2013) *Justice delivered locally: Systems, challenges and innovations in Solomon Islands*. Washington DC: World Bank.
- Autonomous Bougainville Government (ABG) (2023) *Bougainville integrated strategic development plan 2023-2027*.
- Barbara J (2008) Antipodean statebuilding: The Regional Assistance Mission to Solomon Islands and Australian intervention in the South Pacific. *Journal of Intervention and Statebuilding* 2(2): 123-149. <https://doi.org/10.1080/17502970801988040>.
- Boege V, Brown A, Clements K and Nolan A (2008) *On hybrid political orders and emerging states: State formation in the context of 'fragility'*. Berlin: Berghof Research Centre for Constructive Conflict Management.
- Bougainville Constitutional Commission (BCC) (2004) *Report of the third and final draft of the Bougainville constitution*.
- Braithwaite J, Charlesworth H, Reddy P and Dunn L (2010) *Reconciliation and architectures of commitment. Sequencing peace in Bougainville*. Canberra: ANU ePress.
- Bronnimann K (2019) Wakabaut long pawa: The Bougainville Community Government Act. Masters Thesis, University of Auckland, New Zealand. <https://researchspace.auckland.ac.nz/handle/2292/47320>.
- Cooper J (2017) Expanding at the margins of the state: A field experiment on community policing in Papua New Guinea. Paper presented at European Political Science Association 7th Annual Conference, 23 July, 2017.
- Cox J and Morrison J (2004) *Solomon Islands provincial governance information paper*. Canberra: AusAID.
- Dinnen S and Allen M (2016) State absence and state formation in Solomon Islands: Reflections on agency, scale and hybridity. *Development and Change* 47(1): 76-97. <https://doi.org/10.1111/dech.12212>.
- Dinnen S and Haley N (2012) *Evaluation of the community officer project in Solomon Islands: Justice for the poor research report*. Washington DC: World Bank.
- Dinnen S and Peake G (2013a) *Bougainville community policing project. Independent evaluation*. Ministry of Foreign Affairs and Trade (New Zealand). <https://www.mfat.govt.nz/assets/Aid-Prog-docs/Evaluations/2013/Bougainville-Community-Policing-Project-BCPP-Independent-Evaluation-February-2013-Public-Version.pdf>.
- Dinnen S and Peake G (2013b) More than just policing: Police reform in post-conflict Bougainville. *International Peacekeeping* 20(5): 570-584. <https://doi.org/10.1080/13533312.2013.853961>.
- Dinnen S and Pedeverana L (2023) Order-making in the shadow of the law: community by-laws in Solomon Islands. *DEVPOLICYBLOG*, 9 October. <https://devpolicy.org/order-making-in-the-shadow-of-the-law-solomon-islands-20231009/>.
- Dinnen S and Watson D (2021) Police reform in a post-conflict context: The case of Solomon Islands. *Policing: A Journal of Policy and Practice* 15(1): 387-398. <https://doi.org/10.1093/police/paz078>.
- Evans D, Goddard M and Paterson D (2010) *The hybrid courts of Melanesia. A comparative analysis of Village Courts of Papua New Guinea, island courts of Vanuatu and local courts of Solomon Islands*. Justice and development working paper series 13/2011: 1-42. Washington DC: World Bank. <https://hdl.handle.net/10986/18107>.
- Fraenkel J (2004) *The manipulation of custom: From uprising to intervention in the Solomon Islands*. Wellington: Victoria University Press.
- George N (2018) *Bougainville, Papua New Guinea: Gender and participation in the wake of a partially 'gendered' peace agreement*. Melbourne, VIC, Australia: Monash Gender Peace and Security. <https://espace.library.uq.edu.au/view/UQ:69d5ed8>.
- Howley P (2002) *Breaking spears and mending hearts*. London and Sydney: Zed Books and The Federation Press.
- Kabutaulaka TT (2008) Westminster meets Solomon Islands in the Honiara riots. In Dinnen S and Firth S (eds) *Politics and state building in Solomon Islands*: 96-118. ANU E Press. <https://press.anu.edu.au/publications/politics-and-state-building-solomon-islands>.
- McGovern J and Taga M (2009) *Bougainville community policing project: Independent evaluation, December 2009*.
- Putt J and Dinnen S (2020) *Reporting, investigating and prosecuting family and sexual violence offences in Papua New Guinea*. Canberra, ACT: Department of Pacific Affairs, Research School of Pacific and Asian Studies, Australian National University. https://dpa.bellschool.anu.edu.au/sites/default/files/publications/attachments/2020-06/dpa_fsv_report_2020_final_25_june_no_bleed_smallfile.pdf.
- Regan AJ (2002) Bougainville: Beyond survival. *Cultural Survival Quarterly* 26(3): 20-24. <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/bougainville-beyond-survival>.
- Regan AJ, Baker K and Oppermann TC (2022) The Bougainville referendum and the question of independence: From conflict to consensus. *The Journal of Pacific History* 57(1): 58-88. <https://doi.org/10.1080/00223344.2021.2010683>.
- Scales I (2003) "The flourishing of local level governance after the coup in Solomon Islands: Lessons for reform of the state." Unpublished paper presented at the Symposium on Governance in Pacific States: Reassessing Roles and Remedies, Canberra, Australian National University, 30 September–2 October 2003.
- Shaw RA (2010) *Bougainville police restructure project – final report*. Buka: Bougainville Police Service.

- Solomon Islands Government (SIG) (2016) *National Development Strategy 2016-2035. Improving the social and economic livelihoods of all Solomon Islanders*. Honiara: Ministry of Planning and Aid Coordination. <https://solomons.gov.sb/wp-content/uploads/2020/02/National-Development-Strategy-2016.pdf>.
- Solomon Islands Government (SIG) (2020) *National Security Strategy*. Honiara: Ministry of Police, National Security and Correctional Service. <https://pacificsecurity.net/resource/solomons-national-security-strategy/>.
- World Bank (WB) (2017) *Solomon Islands governance & grievance management project: Mid term review sustainability study*. Washington DC: World Bank. <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/397271540909545604/the-community-governance-and-grievance-management-project-mid-term-review-sustainability-study>.
- Tennant S and Cowley D (2019) *Bougainville community policing programme: Evaluation report*. New Zealand Foreign Affairs & Trade, Aid Programme. <https://www.mfat.govt.nz/assets/Aid-Prog-docs/Evaluations/2019/Bougainville-Community-Policing-Programme-Evaluation-report.pdf>.
- United Nations Development Program (UNDP) (2019) *Solomon Islands access to justice study survey summary report*. Honiara: UNDP. <https://www.undp.org/pacific/publications/access-justice-survey-summary-report-solomon-islands>.
- Wallis J (2012) Building a liberal-local hybrid peace and state in Bougainville. *The Pacific Review* 25(5): 613-635. <https://doi.org/10.1080/09512748.2012.728242>.
- Wesley M (2023) *Helpem Fren*. Australia and the Regional Assistance Mission to Solomon Islands. Melbourne, VIC: Melbourne University Press.

Legislation Cited

- Bougainville Community Courts Act 2024*
Bougainville Council of Elders Act 1996
Bougainville Community Government Act 2016
Solomon Islands Local Government Act 1964 (as amended)
Solomon Islands Traditional Governance and Customs Facilitation Bill