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States Emerging from Hybrid Political Orders – Pacific Experiences

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Abstract

This study explores current processes of state formation in the Pacific islands, focusing on Vanuatu, Solomon Islands, Tonga, Bougainville (as an autonomous region of Papua New Guinea), Southern Highlands Province of Papua New Guinea, and East Timor. It challenges the mainstream discourse on fragile states as a framework for analysis of the situation of any of these countries or regions, and argues that it is more appropriate to talk about states emerging from hybrid political orders as a common denominator. Hybrid political orders combine elements of the introduced Western models of governance and elements stemming from local indigenous traditions. In East Timor and the Pacific island countries customary governance, deeply rooted in locality, has significant implications for state capacity and functionality as well as legitimacy.

Tonga with its constitutional monarchy is transitioning to more liberal democratic forms of governance. This gradual process is driven by civil society forces that are growing in strength. In the Melanesian cases of Vanuatu, Bougainville and Solomon Islands there is negotiation of the conditions and possibilities of a ‘marriage’ between customary governance and introduced Western forms of governance, based on relatively strong customary spheres and state institutions that struggle with problems of effectiveness and legitimacy. East Timor is engaged in a conventional state-building process (with massive external assistance) focusing on the transfer and strengthening of central government institutions. The process has taken little account of customary institutions and their potential for contributing to governance and order, and has inadvertently marginalised both local culture and rural communities more generally, with considerable negative effects for Timorese state formation. In the Southern Highlands Province of PNG a vacuum of effective and legitimate governance can be found.

In all of these countries or regions there is considerable potential for state and non-state actors to play complementary roles in the provision of functions which OECD countries normally assign exclusively to the state. We also found areas of incompatibility and areas of considerable friction between state and customary institutions. These, however, are not due to insurmountable contradictions between customary and liberal democratic principles and could be overcome by processes of mutual adaptation.

These findings—large areas of complementarity, at times intense, but surmountable incompatibilities—augur well for constructive interaction between state and customary institutions which might lead to the emergence of networks of resilient governance which are not introduced from the outside, but are embedded in the societal structures on the ground.

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1. Introduction

Over the past few years, OECD members have seen ‘fragile states’ as one of the, if not the sole, major challenge to sustainable development and security. State fragility is associated with an incapacity to deal with violent conflict (or even the source of such conflict) and an inability to provide basic protection to citizens. It has adverse consequences for citizens, communities and neighbouring states. Fragile states have been identified by the international community as a significant source of regional and global insecurity. At the same time, such states do not create congenial conditions for development. In terms of the development and peacebuilding/security agenda therefore, fragile states are seen as contributors to internal and international instability as well as underdevelopment.

Accordingly, the issue of fragile states and their replacement with effective, resilient and legitimate state institutions figures prominently in Australia’s development, defence and foreign policy agendas. The past Liberal-National Government and the current Labor Government have made commitments to prevent violent conflict, guard against state failure, and focus on

state-building and peacebuilding, especially in the South East Asian and South Pacific regions. Sustainable development, national and regional security and viable nation states in Australia’s sphere of direct interest are a major issue within Australia’s foreign policy and Overseas Development Assistance policies.

It is against this background that the Australian Centre for Peace and Conflict Studies (ACPACS) was commissioned by AusAID’s Fragile States Unit (FSU) to provide new perspectives on the issue of fragile states and state-building, particularly in the South Pacific.¹ ACPACS had already questioned certain aspects of the fragile states discourse on the basis of work in Bougainville, Vanuatu, East Timor and the Solomon Islands (Boege 2007; Brown 2007; Clements et al. 2007). Building on our

¹ This paper is based on research in the context of an AusAID-funded project ‘Towards Effective and Legitimate Governance: States Emerging from Hybrid Political Orders’ which was conducted by ACPACS research staff during June 2007 to April 2008. The paper is the revised version of the project’s overview report. ACPACS gratefully acknowledges the support provided by AusAID for this project.

research and practice experiences in these countries we posited that widening the perspective and changing the focus can contribute to a deeper understanding of the issues at stake and, on this basis, new evidence-based policy approaches might be developed that would address persistent problems. The evidence strongly suggests that focusing on the problems alone (real though they are) without also taking into account the indigenous strengths of the societies in question, generates a distorted perspective on both the state and the communities. By reframing the problem in terms of community strengths and resilience we can better focus on some of the indigenous sources of state capability, effectiveness and what we call “grounded legitimacy”. FSU invited ACPACS to investigate this alternative approach through comparative research in several Pacific island countries or regions, namely Vanuatu, Papua New Guinea, Bougainville (as an autonomous region of Papua New Guinea), Solomon Islands, Tonga and also East Timor. This paper summarises the key findings and conclusions from this comparative research.

2. The conceptual and methodological approach

The starting point of this research project was a critique of the narrowness of the current political and scholarly debate about state fragility and state-building (Clements et al 2007).

The modern Western-style Weberian state hardly exists outside the OECD. Many states in the ‘rest’ of the world are political entities that do not resemble that model state.² Contemporary mainstream ‘state

talk’ in the context of the fragile states and state-building discourse—which might be better interpreted as a discourse of political science and policies of the developed OECD world—routinely refers to the ‘classical’ model of the Western Weberian sovereign state, and other states are presented as deviant cases, with evaluation of the degree to which existing states approximate the pre-existing (Weberian) benchmarks (Hameiri 2007: 138). Promoting the liberal state as the ultimate model, however, is to ignore the historical context, which is the rather recent historical emergence of the modern states, in particular in the post-colonial developing world.

Whereas the processes of state-building in Europe and the Western world took centuries, the western state forms were ‘delivered’ like products to many parts of the Global South in a relatively short time span during the era of colonisation and decolonisation. In the decades following the Second World War a host of independent ‘nation states’ came into being in the formerly colonised parts of the world, driven to a significant extent by the exhaustion of colonial powers and the specific international post-war dynamics. Both the political elites of the new states and the international (state) community at large welcomed newly achieved statehood, often confusing the formal declaration of independence with the formation of a state, unaware of the myriad of obstacles to the

² Furthermore, ‘stateless’ regions can be found even in OECD states. Dillon and Westbury make the point that remote indigenous Australia is characterised by

“a governance vacuum” (Dillon and Westbury 2007: 43), with the “vast bulk of smaller remote settlements (...) not included in any formal local government system” and government officers such as police, nurses and teachers hardly present (ibid.: 44), and they conclude that the “lack of government engagement in remote Australia might legitimately be conceptualised as akin to a ‘failed state’” (ibid.: 47) as “remote Indigenous Australia meets many of the accepted criteria for a weak state” (ibid.: 45).

latter. In many cases, at the time of independence the state was nothing more than an empty shell. Critically, in many of the newly independent states there was no history of pre-colonial unitary rule and people did not have a tradition of national identification; only a few of these states shared one common language and one common culture. Many peoples had no lived experience of statehood, not to speak of nationhood or citizenship, so this resulted in “states without nations” (Dinnen 2007: 259). There was generally little preparation for statehood, not only in terms of institutions of government, but even more so in terms of the socio-economic capacities that underpin the services that make up the functions of the state and also in terms of the formation of an identity of citizenship among the people who were to form the ‘citizenry’ and the public ‘servants’ of the state.³

Attempts to consolidate the introduced form of statehood after it had been formally established were often unsuccessful, and the attempts to impose this new form of political order came at considerable costs (as had been the case with state formation in Europe before).

In other words, the new states lacked roots in the recipient societies. The global delivery of Weberian state institutions was not

accompanied by the development of the economic, political, social and cultural structures, and capacities that in the course of the evolution of the state in European history provided the basis and framework for an efficiently functioning political order. This also holds true for the development of a committed citizenry with a sense of citizenship, expectations towards the state, ownership of state affairs and a national identity. An identity as ‘citizens’ and the ‘idea of the state’ does not meet with much cultural resonance within these societies, as people are relatively disconnected from the state, neither expecting too much from state institutions nor willing to fulfill obligations towards the state. This is because people identify themselves more as members of traditional non-state societal entities—such as clans or tribes—than as citizens of the state.

Post-colonial state-building often resulted in the formation of ‘quasi-states’ (Jackson 1990). These states benefited from juridical statehood as they were recognised as independent states in the international realm, with the principles of sovereignty and territorial integrity guaranteeing their existence as members of the international state system. These *de jure* states existed because they were recognised by other members of the international state community as ‘one of their own’, and they enjoyed international legal sovereignty (Krasner 2004). At the same time, however, they lacked domestic empirical statehood (or domestic sovereignty, authority (Krasner 2004)). They were not locally rooted at home and not capable of effectively controlling their territory and their people. Jackson contrasts *de jure* states to *de facto* states which are embedded in society and can rely on a monopoly over the legitimate use of violence, and can control territory and people. Insofar as they are also recognised by the international state community, they

³ Fukuyama makes the point that the Weberian state had “historical precedents in Asian societies and was therefore much less susceptible to capture or undermining by neopatrimonialism or clientelism” (Fukuyama 2002: 30), and Wesley-Smith posits that “in general, those places with hierarchical traditional political systems, a history of centralized forms of organization, and culturally homogenous populations have fared better than places where other characteristics prevail” (Wesley-Smith 2006: 123). In other words, the pre-colonial history of the regions that were to become independent states had an important impact on success or failure of state formation.

are both *de facto* and *de jure*. “In other words, this is the modern state in all its legal-rational Weberian splendour. This is the model the international community tries to replicate in collapsed states” (Ottaway 2003: 247). This model Weberian state with its combination of empirical and juridical statehood, however, is far removed from the realities on the ground in many regions of Africa, Latin America, Asia and the Pacific. Rather, there is “a glaring gap between *de jure* sovereignty and *de facto* sovereignty” (Ghani, Lockhart, Carnahan 2005: 1).⁴ States are ‘weak’ with regard to their implementation and enforcement capacities and with regard to their legitimacy. Today many state institutions sit uncomfortably within recipient societies.

This ‘state of the state’ in many regions of the Global South calls for a change of perspective on the realities of political order in those regions.

For a start, it has to be acknowledged that to speak of ‘weak’ states implies that there are other actors on the stage that are strong in relation to the state. ‘The state’ is only one actor among others, the state order is only one of a number of orders claiming to provide security, frameworks for conflict regulation and public goods. In particular, neither colonial rulers nor post-colonial governments were capable of establishing a legitimate state monopoly of violence in the territories that were to become ‘nation states’.

Although state institutions claim authority within the boundaries of a given ‘state territory’, only outposts of ‘the state’ can be found in large parts of that territory, in a societal environment that is to a large extent

⁴ Ghani and colleagues call this the “sovereignty gap”, and they see building effective and capable states as the means “to close the sovereignty gaps” (Ghani, Lockhart, Carnahan 2005: 1).

‘stateless’. The state has not yet permeated society and extended its effective control to the whole of society. Statelessness, however, does not mean Hobbesian anarchy; neither does it imply the complete absence of institutions. Rather, non-state customary institutions of governance that had existed prior to the era of colonial rule have survived the onslaught of colonialism and ‘national liberation’ in many places. They have, of course, been subject to considerable change and had to adapt to new circumstances, yet they have shown remarkable resilience. Customary law and indigenous knowledge as well as traditional societal structures—extended families, clans, tribes, religious brotherhoods, village communities—and traditional authorities such as village elders, headmen, clan chiefs, healers, big men, religious leaders, etc. determine the everyday social reality of large parts of the population in developing countries even today, particularly in rural and remote peripheral areas. On many occasions, therefore, the only way to make state institutions work is through the utilisation of kin-based and other traditional networks.

At the same time however, the state’s ‘outposts’ are mediated by ‘informal’ indigenous societal institutions that implement their own logic and their own rules within the (incomplete) state structures. That is, the state’s ‘outposts’ are to a certain extent ‘infiltrated’ by ‘informal’ indigenous societal institutions and social forces that work according to their own logics and rules within the (incomplete) state structures. This leads to the deviation of state institutions from the ideal type of ‘proper’ state institutions. Those institutions are captured by social forces that make use of them not in the interest of the state and its citizenry, but in the interest of traditional, mostly kinship-based, entities. State institutions—not only at the periphery, but also in the very centre of the state—become the subject of power

struggles between competing social groups and their leaders and are utilised by those groups and leaders for their own benefit, regardless of the needs of the “nation” or the “citizenry”. In a way, the whole debate about neopatrimonialism, clientelistic networks and patronage, for example in postcolonial African states, revolve around this usurpation of imported formal governance structures by indigenous informal societal forces.⁵

On the other hand, the intrusion of state agencies impacts on non-state local orders as well. Customary systems of order are subjected to deconstruction and re-formation as they are incorporated into central state structures and processes. Customary institutions and customary authorities do not remain unchanged; they are influenced by the mechanisms of the state apparatus. They adopt an ambiguous position with regard to the state, appropriating state functions and ‘state talk’, but at the same time pursuing their own agenda under the guise of the state authority and power. Taking state functions and state talk on board, however, also means to change one’s original stance. Some governments also try to deliberately borrow from and officially incorporate traditional authorities into the formal structures of the state in order to strengthen state capacities and legitimacy.

The processes of mutual permeation that have been briefly sketched here, lead to contradictory and dialectic forms of socio-political organisation that have their roots in both non-state indigenous societal structures and introduced state structures.

This complex nature of governance is further complicated by the emergence and growing importance of institutions, movements and

formations that have their origins in economic and political globalisation. Where state agencies are incapable or unwilling to deliver security and other basic services, people will turn to other social entities for support. In this situation, the actors perceived as powerful and effective can include warlords and their militias in outlying regions, gang leaders in townships and squatter settlements, vigilante-type organisations, ethnically based protection rackets, millenarian religious movements, transnational networks of extended family relations, organised crime or new forms of tribalism. The emergence of these new forces is a consequence of poor state performance, and their activities can contribute to the further weakening of state structures.

Overall then, the conventional Western perception which equates an absence of state-induced order to a complete absence of order is not a complete picture. Regions of so-called fragile statehood are generally places in which diverse and competing claims to power and logics of order and behaviour co-exist, overlap and intertwine: the logic of the ‘formal’ state, the logic of traditional ‘informal’ societal order, and the logic of globalisation and associated societal fragmentation (in various forms: ethnic, tribal, religious...) with its abundance of highly diverse actors.

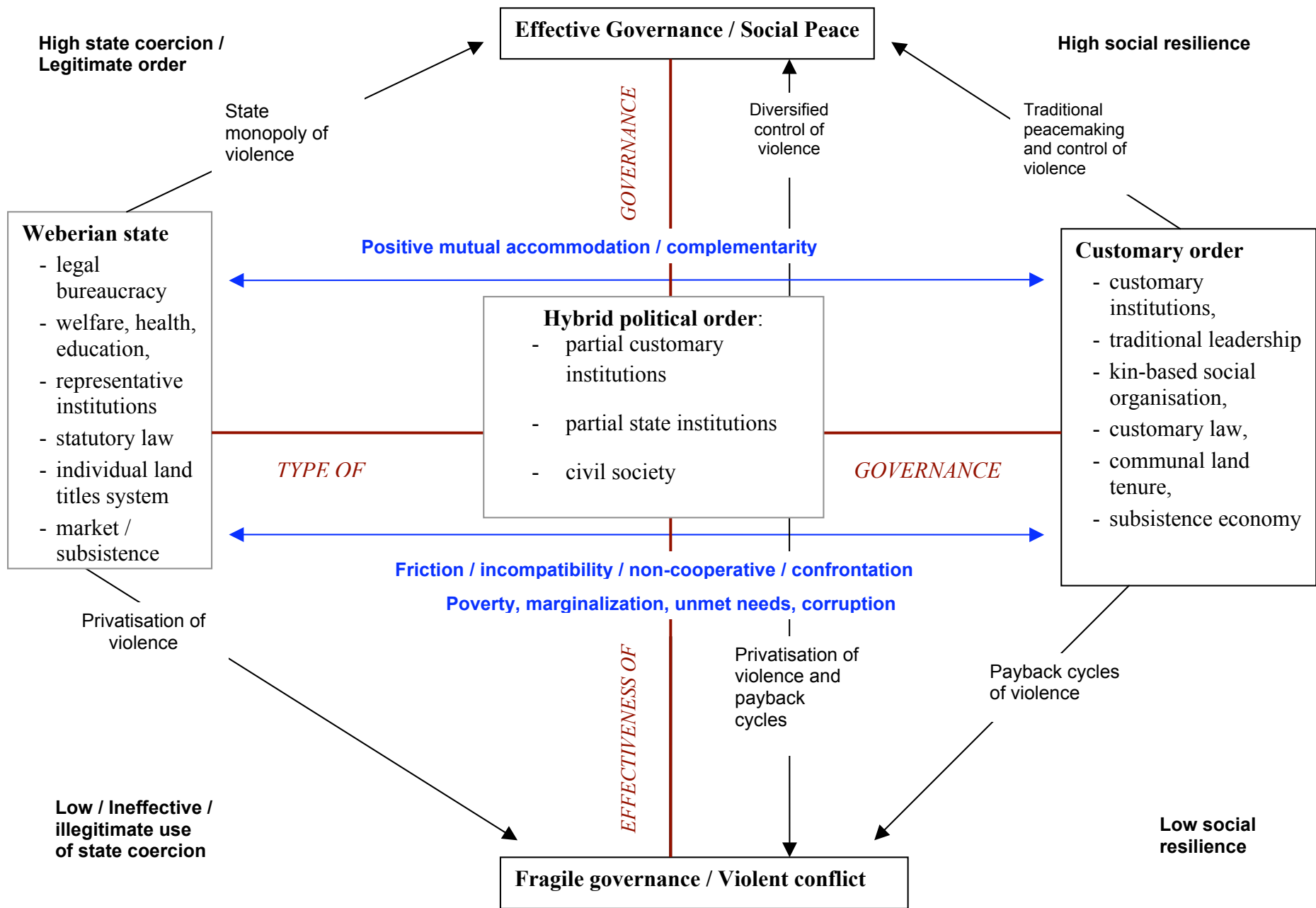
Hybrid political orders as domains of contrasting patterns of power and authority combine elements of the western model and elements stemming from the local pre-colonial autocephalous traditions of governance and politics; governance is carried out by an ensemble of local, national and also often international actors and agencies. In this environment, state institutions are dependent on the other actors - and at the same time restricted by them. The ‘state’ has no privileged position as the

⁵ For an overview of the discourse on neopatrimonialism see Engel and Erdmann 2007.

political framework that provides security, welfare and representation.

Hybrid political orders nevertheless can also be perceived as, or can become 'emerging states'. An analysis of the realities of the political orders on the ground has to address not only state institutions and their effectiveness but also the operation and effectiveness of non-state institutions from the customary as well as the civil society realms. In addition, the nature and quality of the interaction between these different spheres is important to the stability and effectiveness of the state.

Taking these conceptual considerations as a starting point, our research was guided by the following schema:



This schema is a hypothetical representation of the factors that enhance or impede functioning, effective and legitimate political order. It is important to note that the schema is an heuristic device and should not be reified.

The schema sets out the ideal types of three forms of political order and governance, namely the ideal type of the Weberian state on the one pole and the ideal type of non-state customary order on the other pole, with hybrid political order situated in between the two. Western OECD states come closest to the Weberian state in reality, while traditional Melanesian and Polynesian societies were forms of customary order (this type of political order is rarely practiced in contemporary existing polities). In the Pacific region as well as in other parts of the Global South, the hybrid type of political order dominates.

The three types can vary in the effectiveness of governance; all three types can provide pathways to functioning, effective and legitimate governance and hence social peace, and all three types are susceptible to fragility or even collapse and violent conflict. Hybrid political orders, however, seem to be particularly vulnerable as they are faced with the challenge of connecting different types of governance systems.

Hybrid political orders prevail in the Pacific region, where governance is a complex mix of liberal institutional and customary mechanisms. Without wishing to idealise custom, we discovered that there may be models of governance which draw on the strengths of social order and resilience embedded in the community life of societies in the Pacific.

Reconceptualising so-called fragile states as hybrid political orders enables us to identify and support processes of positive mutual

accommodation between modern state institutions, customary local institutions and civil society institutions which might lead to the emergence of new forms of sustainable statehood.

This novel approach to fragile states issues has been explored by means of comparative research in Vanuatu, Southern Highlands Province of Papua New Guinea, Bougainville (as an autonomous region within Papua New Guinea), Solomon Islands, Tonga and East Timor. Research focused on thematic areas that are crucial for the fragility or stability of political order, namely:

1. Political Economy;
2. Order and security;
3. Social needs and service delivery;
4. Law and justice;
5. Leadership and representation;
6. Participation and inclusion;
7. Identities and citizenship.

For each of these issue areas, the contributions and perceptions of the three sectors that represent (potential) sources of governance were analysed. These are:

- the government, public service and political actors (the realm of the state institutions);
- chiefs, elders, nobles, community leaders and other 'informal' actors (the realm of customary institutions);
- churches, NGOs, business organisations, trade unions, donor agencies, womens' groups, youth groups, community-based organisations (the realm of civil society).

The contributions of the institutions of state, customary governance and civil society in the seven thematic areas listed above were assessed according to

- capacity

- effectiveness and
- legitimacy.

Finally, the interactions between the three realms of state institutions, customary governance and civil society were discussed with regard to:

1. Substitution: the identification of functional equivalents of the state outside state institutions;
2. Complementarity: the identification of areas of overlap and (intentional or unintentional) cooperation of state, customary and civil society institutions;
3. Incompatibility: the identification of customary approaches that conflict with state and/or civil society approaches.

Assessing core state functions in light of the three dimensions of substitution, complementarity and incompatibility enables both a richer and a more realistic analysis of the strengths and weaknesses of Pacific Island countries. It underpins a broader understanding of what a functioning and effective state might look like.

3. State and society in the South Pacific: context, custom and globalization

Indigenous forms of governance are important for the everyday life of the people in the Pacific islands countries. Where customary governance is strong, widely acknowledged by state authorities and firmly rooted in locality it may be able to generate “grounded legitimacy” for the state because of an organic connection to deep sources of cultural identity and stability. Where custom is contested or ignored by state authorities it is much more difficult for state systems to build

“grounded legitimacy” and much more likely that they will be ineffectual. The stability or instability of the state, therefore, depends on how the state interacts with a wide variety of social and customary institutions. These relations are also profoundly determined by external economic, political and military dynamics, in short: the forces of globalisation. State institutions are confronted with a wide variety of internal and external challenges and their ability to deal with these will, we argue, depend to a large extent on whether they are “organically” and tightly connected to what we identify as customary institutions.

3.1. Custom matters

We found that in all six countries or regions customary governance matters. The role of customary organisation in all countries is fundamentally important to functioning governance. Its relationship to state governance, however, varies considerably, from Tonga at one end of the continuum, where the customary sphere and the state sphere are almost identical (Tonga might be called a customary state) to East Timor on the other, where the customary sphere has been largely sidelined by international organizations and the ideological orientation of the post independence state. Vanuatu, Bougainville, the Solomon Islands and Papua New Guinea are arrayed between these two poles.

What then is customary governance? This is a complex question, both in practical as well as theoretical terms. Contemporary ‘customary institutions’, ‘customary ways’ etc. are not the institutions and ways of the pre-contact and pre-colonial past. Traditional societies everywhere in the world have come into contact with outside influences; they have not been left

unchanged by the powers of — originally European — capitalist expansion, colonialism, imperialism and globalisation. This holds true even for the most remote parts of the Global South, including the countries and regions considered in this project. In practice there are no clear-cut boundaries between the realm of the exogenous ‘modern’ and the endogenous ‘customary’, but instead processes of assimilation, articulation, transformation and/or adoption are at the interface of the global/exogenous and the local/indigenous (Rumsey 2006; White 2006). We nevertheless use the terms ‘custom’, ‘customary institutions’ etc. because they expose specific local indigenous characteristics that distinguish them from introduced institutions that belong to the realm of the state and civil society.

It is clear in the Melanesian countries (Vanuatu, Bougainville, Solomon Islands, PNG’s Southern Highlands Province), that local systems of customary authority continue to provide significant levels of social order with relatively high degrees of legitimacy in the local context. This is also true of customary authorities in much of rural East Timor. It would be a mistake to imagine, however, that customary governance is therefore clear, systematised, or readily definable. There is a working, practical reality to customary governance, but it is also under considerable, increasing and variable pressures from both within and without (Southern Highlands Province is a striking example). Confusion over customary land boundaries, over the proper roles of customary leaders and at times over who should be recognised as customary leaders, is widespread and was identified as a significant source of problems and conflict in all the Melanesian cases. Even as most people, particularly in the rural areas, are closer to the values of tradition than to the

values of Western societies, they do not necessarily retain knowledge of whole traditional systems or practices in which those values are embedded.

There is an intense debate occurring in the Melanesian countries about the meaning of custom and customary leadership. To an outsider, this debate might at first seem to be essentially concerned with establishing cultural authenticity through efforts to draw clear links with the past. There is a great desire on the part of many people to establish a sense of what is truly ‘their own’ and a confidence in ‘being themselves’ in the face of rapid, often confusing and at times destructive change. Grasping one’s own traditions is one way of seeking that confidence and asserting collective identity. Moreover, custom is also a powerful source of legitimacy; and an important determinant of normative order. If people or institutions can legitimate their position or action through custom, this gives them considerable authority and power. In this way, ‘custom’ is identified as a source of collective authenticity, but it is also highly contested. Individuals and groups utilise custom for a wide variety of self interested or altruistic purposes.

Debates about custom take place at a number of different levels simultaneously. Custom generally refers to the past as ancestral tradition (however clear or otherwise past practices might be). But custom is also about what the experiences of the past can teach the present. Debates about custom focus on how people might draw from bodies of collective wisdom or practice to deal with the new situations facing contemporary social and political life. Thus debate on custom always raises questions of fundamental social values and of the shape and character of political community. Debate about leadership and

the proper relationship between leaders and communities, about systems of authority, governance and accountability (who should lead, by what right should they lead, to whom and how should they be answerable) and about gender relations are particularly prominent. The language of these debates is the language of custom—people in rural areas rarely see themselves as involved in ‘governance’, the ‘state’ or in generating higher levels of ‘political accountability’, yet these are some of the issues they are struggling with.

Now that different custom groups are living together, intermarrying, carrying out business together and so on, which custom (from the range of cultural life across the countries) is the most salient to the particular issue at hand? Who are the ‘real’ customary leaders and how can they be identified? How does custom shape ownership and usage of land under conditions of considerable change, namely intrusion of the (globalised) market and cash economy? These are questions that are widely discussed and debated, particularly in Vanuatu, Solomon Islands, Bougainville and Southern Highlands Province, PNG.

Current debates about custom also engage issues of national identity and self-determination—what constitutes local but also emerging national identities, and on what basis the people(s) can chart a collective path that enables them to address (and where necessary resist) international and globalising forces which might be inimical to public well being? This is complicated as ancestral practices were, and continue to be, largely localised. Custom as a basis for national identity, which in Vanuatu, for example, became a focus in the drive to national independence and has continued as part of the ongoing process of state formation, and which in

Bougainville is utilised in the formation of a Bougainvillean identity and state, is necessarily a modern evolution of custom, which contains but also reshapes ancestral practices. In the Melanesian context this has led to the development of what is often called *kastom*, a Pidgin derivative of ‘custom’ (Moore 2004: 27). *Kastom* has developed since the period of initial contact with foreigners and colonisation, incorporating exogenous influences into ‘original’ custom and adapting custom to those influences; indigenised Christianity in particular has become a decisive feature of *kastom*. *Kastom* is nowadays often referred to by both politicians and ‘grassroots’ people in Melanesia in order to stress their cultural heritage and the distinctiveness of their own ways from introduced ways, often depicting *kastom* as rooted in ancient pre-colonial traditions (ibid.). In fact, the strength of *kastom* is an expression of the resilience of Melanesian communities, and the concept of *kastom* is deliberately used to empower local people in confrontation with outside influences.

In other words, while custom is in some respects intrinsically conservative, it also has a strong dynamic and adaptive element. Custom is not static, but subject to change and can itself become a force for change.

By no means are all (perhaps not even a majority of) customary leaders alive to this more dynamic sense of custom, but many are nevertheless struggling to give some leadership to their communities in rapidly changing and often confusing times. Some leaders explicitly question how traditional culture might be able to play a positive role in development. There is a tremendous (and potentially creative) tension between custom as ancestral forms of social, spiritual, political and economic life (currents of which continue to have great

power) and custom as innovative forms of community life and leadership that are nevertheless shaped by, or foregrounded in tradition.

This dynamic dimension of custom becomes clear when it comes to important dimensions of change such as urbanisation, which brings together people from different regions or islands thereby mixing different customary ways. In a number of cases chiefs or other customary authorities have established mechanisms whereby different custom groupings are represented and managed by ‘local’ chiefs living in urban centres. These mechanisms are still in the process of being formed and refined in important ways, but by and large they have been contributing to social stability. The dynamic approach to custom is also clear, for example, in the way people talk about how to deal with the problem of growing poverty or growing numbers of unemployed young people, often with little clear affiliation with custom authorities. No doubt discussions of creative approaches are needed whereby custom can play a constructive role for these sectors of the population, living in novel, different and difficult circumstances. Hence the various dimensions of change—urbanisation, monetarisation, (un)employment in the cash economy and intermarriages—put severe pressure on custom, but there are clear indications that custom has a capacity to adapt and contribute to solutions of problems generated by social change. Successes vary, with positive examples particularly from Vanuatu and Bougainville, whereas the Solomon Islands and the Southern Highlands Province are more problematic.

While in the Melanesian countries, debates revolve around custom and how to preserve it, the situation in Tonga is different. As custom is deeply enshrined in

the institutions of the state, the debate in Tonga has another twist; it is focused on ‘modernisation’, particularly democratisation, and how to achieve this in ways that are compatible with custom. In East Timor, finally, the agenda of ‘modern’ state-building and the accompanying forms of competitive (party) politics and factionalism are at present overpowering any genuine debate about the role of custom in governance, with customary forms of governance marginalised and to a large extent usurped by modern (party) politics. As a result, by largely ignoring existing community and customary governance, state-building efforts in East Timor are weakening the state’s potential for legitimacy, capacity and participation.

In all of these countries discussions are needed to clarify customary roles and functions in relation to state and civil society, taking into account the different customary systems across the respective countries, and to encourage appropriate institutional mechanisms for passing on traditions and customary norms. ‘Bridging’ institutions committed to custom but able to speak with government, are capable of organizing such future-oriented debates and of providing a forum for what are often active topics of village conversation. The Malvatumauri National Council of Chiefs in Vanuatu and the Vanuatu Cultural Centre provide examples of such bridging institutions. We consider that bridging bodies of some kind, able to link custom to government and to some extent government to custom (or local communities in the case of Tonga), are urgently needed in the other countries as well.

3.2. The forces of globalisation

The countries and regions studied exist within a geopolitical space that is dominated to a very large extent by Australia and New Zealand as well as East and South East Asian countries. This wider region exists in turn within a world which has become increasingly globalised over the past decades. It is assumed by most economic and political commentators that globalisation is positive. Globalisation, however, does not necessarily or automatically result in benefits to developing countries. Nor are developing countries necessarily enabled to create the conditions within which sustainable development can occur, citizens' needs can be satisfied and flexible and responsive political systems developed.

On the contrary, globalisation can also generate the opposite consequences. What is now known as “negative globalisation” can undermine the positive outcomes that flow from trying to develop capable, effective and legitimate state mechanisms. It does so by undermining the capacity of state institutions to resist or manage external pressures or even to police internationally accepted regulations (operating customs regimes or protecting against resource stripping for example). In the Pacific, while there is not great pressure on the part of international capital to develop labour intensive industries, there is pressure to break down trade and other barriers in the international market and to secure access to whatever tradable commodities exist, regardless of the cost to social cohesion or local livelihoods. Most small to medium sized states are unable to resist these influences and Pacific micro states face an almost impossible task trying to do so. In Vanuatu, for example, communally owned land is subject to significant annexation by expatriate

Australians and New Zealanders seeking access to relatively cheap tropical sites for investment in tourist resorts, holiday properties and for retirement purposes. Although the land is held by the customary landowners, under Vanuatu law these customary landowners can lease their land to foreigners for up to 75 years. At the end of this time the owners have a right to resume their properties but only if they can compensate the lessees for capital improvements. This is proving almost impossible where hotels and expensive houses have been built with the result that short term gain to the owners is followed by long term annexation. This is one example of negative regionalisation/globalisation in the Pacific. There are many others that could be cited as well. In relation to fishing or logging licenses, for example, none of the countries in this study have been able to negotiate deals that have been mutually beneficial. In different ways these problems pose short and long term costs to the local economies.

Globalisation is generating a relatively borderless global economy, and the multinational corporate institutions that dominate this economy are beginning to pose fundamental challenges to the conceptual and geographical boundaries of the nation state.

In the first place, as we have seen from the examples above, a global market place that can transcend traditional state boundaries is generating increasing economic, political and social inequality. This is fuelling a growing sense of personal and political grievance as more and more people feel excluded from the benefits of both national development and globalisation. These grievances are connected to an expansion of lawlessness and armed violence. This is certainly the case in the urban centres of Vanuatu, the

Solomons, Papua New Guinea, East Timor and Tonga. All of these places have seen a rapid expansion of the under 25 demographic, many of whom concentrate in urban and peri-urban areas without visible means of support. They are unemployed or under-employed and resort to crime to make ends meet. This means that there are constant challenges to the development and maintenance of national legal and political regimes and an unfortunate tendency to resort to the threat and use of force to maintain order. This is so in all of the cases under review.

In circumstances where state systems did not take firm root in the first place, where domestic legal and judicial systems are weak, and where political leadership engages in corrupt and illegal activity, external actors can generate powerful negative dynamics which undermine the well intentioned behaviour of those struggling to uphold norms of good governance, whether customary or formal. Most of the states in Melanesia, for example, have been affected by external actors (both political and commercial) who have used their power and resources to advance their own interests. This external interference is sometimes blatant and sometimes subtle, but external actors are normally able to generate pressures which internal decision makers cannot resist.

It is not in the interests of international commercial interests, for example, to strengthen the regulatory capacity of either the state or the customary sectors in primary commodity economies—especially not the latter since customary orders highlight the collectivity over the individual and cooperation over competition. In the Solomon Islands, for example, in recent times, locals have been given training in sustainable minerals mining and what might constitute

appropriate regulatory frameworks for controlling foreign mining companies. The new graduates have been given positions in the Department of Mines. Because they are paid at such parlous rates and because there is no clear career progression in these departments this “social capital” is poached by the minerals companies seeking mining licences or wishing to negotiate more favourable royalty arrangements. This expropriation of local talent for transnational corporate purposes generates even weaker infrastructure and capacity in countries like the Solomons. Thus globalisation along the lines of the dominant neoliberal ideology has led to a regression from certain levels of state and regulatory capacity that have been achieved already. The “dynamics of the global system itself have undermined the mechanisms ... through which states have to be maintained” (Clapham 2003: 44). The Solomon Islands is a particular and drastic case in point. Here and elsewhere the state’s core operational and regulatory functions were deliberately reduced due to a neoliberal agenda that targeted state institutions.

To summarise, the activities of international corporations, of illegal economic entities and also the economic interests and policies of the ‘strong’ states of the developed world have contributed to the increasing fragility of states in the Global South. The South Pacific Melanesian and Polynesian states are no exception. All of the six countries or regions in this study have had to struggle with the effects of negative globalisation. It is important to be cognisant of this international context as we now look at each country in more detail before proceeding to some comparisons and general conclusions.

4. A broad spectrum of situations

Our research reaffirms the urgent need for highly contextualised analysis. Often conditions differ even across a single country.⁶ There are not consistent approaches in any of the countries studied in relation to the interaction of custom and liberal state governance. This variation is a warning against overly-generalised assessments of ‘state fragility’ and generic approaches to ‘state-building’. What is needed are highly targeted policies grounded in a concrete analysis of the situation on the ground. That is, what works in Vanuatu may not work in the Solomon Islands (not to speak of East Timor). Nevertheless, comparisons are instructive and can suggest paths forward. We have identified a number of commonalities as well as differences across the six cases, and we have identified certain ‘lessons learned’ that can be taken into consideration when reflecting on other (similar) cases. Before addressing commonalities and differences in the seven above-mentioned areas of governance, brief overviews over the general characteristics of the current state of political order in the six countries are given here as a background for the comparisons that follow. The common framework for the overviews is provided by the focus on the strength of custom and the articulation of state institutions and custom in the respective case study countries.

⁶ This holds particularly true for Papua New Guinea. Research on Bougainville on the one hand and Southern Highlands Province on the other hand reveal so strikingly different situations that the fact that these regions both belong to the ‘nation-state’ of Papua New Guinea is almost negligible. Tonga sits on the other pole of the spectrum. Given its unified structures of governance, it can actually be dealt with as one entity of analysis.

Bougainville

Bougainville represents a ‘post-war’ type of a fragile state environment. The island suffered from a decade-long (1988 to 1998) large-scale violent conflict, the bloodiest encounter in the South Pacific since the end of the Second World War. Rapid social change, most notably brought about by a large copper mining project (the Panguna mine), was at the root of the conflict. Militant protests against the mine, caused by the environmental degradation and social disintegration associated with it, escalated into full-scale violent confrontation between the PNG military and a secessionist guerrilla force, the Bougainville Revolutionary Army (BRA), transforming the conflict over the mine into a struggle for independence. However, beneath the overarching structure of that war, long-standing conflicts between different clans and other customary groups were also fought out violently.

The war period can be considered a time of statelessness in (large parts of) Bougainville. The PNG government no longer held a monopoly over the legitimate use of force, nor did the secessionist movement manage to establish one (Boege 2006: 4-6). This created the environment for a renaissance of non-state customary institutions. In large parts of the island they again took a central role in community life, due to the absence of state institutions and motivated by the desperate nature of the situation. In many places elders and chiefs again became responsible for the organisation of everyday life in a far more comprehensive manner than in the period before the war. Elders and chiefs referred to longstanding customary norms when regulating conflicts and organizing community life.

In 1997/1998 fighting came to an end. A stable process of post-conflict peacebuilding and negotiation ensued. So far, this has been

one of the rare success stories of recent peace-building endeavours, primarily because of the comprehensive utilisation of customary institutions and methods of conflict resolution and the combination of bottom-up and top-down approaches to peacebuilding. At present we are witnessing the transition from a phase of post-conflict peacebuilding to a phase of state formation, the framework of which is provided by the Bougainville Peace Agreement (BPA) of August 2001. The BPA establishes Bougainville as an autonomous region within PNG, with the option of full independence further down the track.

As an autonomous region Bougainville is not an independent state, but its far-reaching autonomy and the prospect of becoming independent in a decade or so provide the people and government with the option of building a political entity *sui generis*. In doing so, they rely heavily on the positive experiences of the post-conflict peacebuilding phase. As customary institutions proved effective in peacebuilding, there is a strong case for their utilisation in the current state-building process as well. A desire to “marry” customary and introduced institutions and processes is strong all over Bougainville. Customary institutions figure prominently in the new constitution of the Autonomous Region of Bougainville. The political order in Bougainville combines elements of the Western model of statehood (a president and parliament, a constitution, free and fair elections, a public service) and elements of customary governance (councils of elders and councils of chiefs, customary law and conflict resolution).

The specific context of current state fragility is characterised by gradual improvement of capacities, effectiveness, political will and legitimacy. Setbacks, however, cannot be excluded. The utilisation of the

complementary strengths of actors and institutions from the three realms of state, customary governance and civil society, and the appropriate management and resolution of incompatibilities, is crucial for future success. Despite severe problems, Bougainville is on a positive track. It is not appropriate to assess Bougainville in terms of ‘state fragility’. Rather, it is a hybrid political order (with strong institutions of customary governance) in the process of state formation. Custom is relatively strong, and there is considerable articulation of state and custom. The political order in Bougainville is genuinely home-grown; external assistance has been moderate (Boege 2006).

Vanuatu

Unlike Bougainville, the Solomon Islands, the Southern Highlands Province of PNG and East Timor, Vanuatu is not struggling with a legacy of recent violent conflict, nor is the country marked by entrenched problems of law and order. On the contrary, the country is peaceful and stable. Nevertheless, Vanuatu has suffered some serious localised and sporadic violence in the past and certainly faces real threats to social stability and order from the impacts of globalisation and rapid social change. Urbanisation, increasing pressure on rural resources, unemployment (particularly of youth) and the rate of effective alienation of customary land are cases in point. There is considerable friction, confusion and regulatory ambiguity in the interaction of the custom and market economies. The potential for serious social erosion, criminality and civil violence is probably greatest here. Land is under great pressure from the growth in tourism and other developments, as well as from the movement of people from outer islands to the two main towns and rapid population increase. Customary land tenure does not fit

easily with the demands of the commercial market, yet local commercial enterprise and appropriate foreign investment are vital for economic growth and the provision of services which people increasingly value.

Vanuatu's critical liability as it faces these problems is the disconnection of the formal, national political structures of government from much of the lived social reality of the country and the erosion of traditional mechanisms of social control and support without the corresponding emergence of new ordering mechanisms. It is important to recognise that independence and formal statehood are very recent phenomena for Vanuatu, only being achieved in 1980. Ever since, independence and state-building for Vanuatu has meant the development of liberal governance structures on top of many small scale, traditional, clan-based political, economic and social orders. While the institutions of the state are more or less respected, their recent emergence means that they do not have deep roots into society, and tend to be disconnected from people's values, practices and local structures of authority. This seriously weakens the state's institutional capacity to undertake some fundamental tasks of governance: to forge some consensus out of conflicting interests or needs, to adjudicate disputes, to manage change or to equitably manage national resources.

The disconnection of formal governance structures creates weak accountability measures and can engender elite competition and corruption in government, which further weakens government capacity to handle the confusions and conflicting forces engendered by social change. Nevertheless, Vanuatu is socially resilient. So far it has operated within sustainable ecological boundaries and pays considerable attention to customary actors and institutions ('kastom') which are crucial to

social order in the local context of people's everyday lives. This is not a static state of affairs as customary governance is under considerable pressure. A lively debate about 'kastom', its adaptation to far-reaching societal change and its interaction with the formal sphere of state governance is under way. What may be distinctive about Vanuatu in this context is the existence of bridging mechanisms which link government, custom, churches, and to some extent business. These can be institutions or simply regular spaces for and habits of dialogue between agencies; they assist national processes of debate. In particular, customary authorities have formed a 'hybrid' national organization loosely linking customary authorities across the country through the Malvatumauri National Council of Chiefs (MNCC). This enables a 'customary voice' to speak at the national level on issues of importance to custom, and by extension, of importance to much of the rural population, which includes approximately 80 percent of ni-Vanuatu. The MNCC and similar institutions together with government and civil society are currently addressing the particularly complex tasks of state formation. Grounded in the present hybridity of political order, Vanuatu currently is the place of a largely endogenous process of state emergence, based on strong customary institutions and relatively high levels of articulation of state institutions and custom.

Solomon Islands

Like Bougainville and East Timor, the Solomon Islands (SI) is in a post-conflict situation. The violent conflict was, however, at a considerably lower level than those of the other two cases. It was confined to the main islands of Guadalcanal and Malaita and the capital city of Honiara (on Guadalcanal) in particular. The conflict was mainly caused

by disputes over land between local Guadalcanal people and immigrants from Malaita, particularly in Honiara and in its vicinity. The land situation was aggravated by population growth and growing unemployment in the formal sector. Competition over jobs and land escalated in the late 1990s. Anti-Malaitan resentment spread among the Guadalcanalese as the Malaitans were seen as being over-represented in politics, dominating business and state administration and thus able to push the burden of social change onto the Guadalcanal population. A militant Guadalcanalese movement emerged that took over the long-standing smouldering land disputes and demanded as a ‘solution’ the return of the Malaitans to their own island. As a response to attacks on Malaitans on Guadalcanal and their forced eviction, Malaitan settlers formed their own militia and fought back. Over time, Malaitan and Guadalcanalese militias as well as the (paramilitary) police forces became entangled in increasingly complex and ‘blurred’ violent encounters. As the majority of the state security forces sided with the militias or fell into complete disarray, the state lost its monopoly over the legitimate use of violence.

Although the Solomon Islands has been identified as a “fragile state” since the tensions of 1998-2003, for the majority of Solomon Islanders life continued mostly undisturbed during the times of conflict, based on a largely intact subsistence economy and effective forms of customary governance. Nevertheless, the central government and state institutions came under severe pressure due to the tensions. In 2003 the government asked for and received outside intervention. Since then the Australian-led Regional Assistance Mission to Solomon Islands (RAMSI) has successfully assisted in the maintenance of

law and order. In its first phase RAMSI was dominated by foreign (mainly Australian) military and the police, who were extremely successful in tracking down, disarming and dissolving militias, criminal gangs and other non-state actors. However, from the very beginning RAMSI was conceptualised not as a mere police-military intervention with short-term goals, but as a far more comprehensive endeavour that also aimed at economic development, sustainable governance and capacity-building for the SI, particularly in the fields of law and order, and machinery of government.

RAMSI is in its fifth year now, and Australia has committed itself to stay for at least several more years. RAMSI is the most comprehensive and ambitious endeavour of external assistance in the southwest Pacific region. It has become clear over time, however, that the long-term state-building goals of RAMSI will be much more difficult to achieve than the immediate goals of halting conflicts and disarming militias and gangs. The more questionable dimensions of the mission are increasingly apparent. Today the general impression in SI is that RAMSI “is happening to” the country. Local ownership is lacking, and there is an over-dependency on RAMSI which is perceived as the ‘real government’ by many—a ‘government’, one has to keep in mind, that is not accountable to the people that it governs, but to external actors. The underlying causes of the tensions and the violent conflicts have not been addressed so far. Current efforts to build the capacities of local institutions have only led to limited results. Doubts that sustainable structures of political order and governance can be built ‘the RAMSI way’ are on the rise.

RAMSI today is in “an ambiguous position. On the one hand, it claims to be merely assisting a sovereign government which has invited it to be there and can ask it to leave; on the other hand it seeks to challenge that government’s procedures, policies and probity for the sake of the Solomon Islands people” (Firth 2008: 14). The people, however, have a relatively vague concept of what the state and the government is or does, because its reach is limited, its representatives have limited contact with citizens, the services provided are minimal, and it is not considered either trustworthy or reliable. Because of this, most people prefer customary mechanisms of governance to formal state institutions, with the result that formal government in the Solomons appears to be an abstract and somewhat epiphenomenal system in relation to their daily lives. Custom is still relatively strong in the local context in many areas, but dislocated from the formal state system. Customary chiefs, village elders and other traditional authorities are increasingly asking how they can utilise their traditional legitimacy and their capacities to facilitate creative change and play a positive role in development and state formation processes. The challenge facing the Solomons is how to acknowledge the diverse communities in existence within its sovereign territory, what it is that unites them, and how to establish a new compact between these groups and the state. The people of the Solomons are grappling with the complexity of these challenges and working out how family, kin and provincial identities can be combined with coherent notions of national identity and citizenship and how this can be done in ways that reinforce the strengths of both the communities and the state. Similar to Bougainville and Vanuatu, the Solomon Islands today is a hybrid political order

engaged in a complex process of state formation, albeit with the additional dynamics of external assistance, and rather poor articulation of state and custom.

Southern Highlands Province

The Southern Highlands Province (SHP) in Papua New Guinea is the richest province in PNG in terms of both natural resources and the provincial budget, and at the same time it is one of the poorest according to human development indicators. Southern Highlands is a region where customary institutions have come under immense pressure from modernisation, in particular extractive industries projects, urbanisation and the introduction of the cash economy. This has led to a considerable breakdown of customary mechanisms of governance and conflict management, not so much in relatively remote rural areas, but definitely in areas closer to urban centres or development sites. At the same time, the institutions of the state have continued to lack effectiveness and legitimacy. Transparency and accountability of state-based governance have virtually disappeared.

The national government barely penetrates the province, though the 2006/2007 state-of-emergency is welcomed by most stakeholders. The provincial government still faces many challenges to become a fully functioning government and lacks popular support from many sectors, except those directly and immediately benefiting from connections with the various public offices assembled under the provincial government, usually through thinly-veiled cash handouts.

The situation in the Southern Highlands is characterised by a considerable degree of unruliness and widespread violence at various levels, from domestic violence

through to criminal violence, to large-scale inter-group violence ('tribal warfare'), particularly concerning the access to and distribution of revenues from the extractive resources projects. Compared to the other cases, the SHP presents the most difficult environment with regard to governance and conflict management, not only in the wider provincial context, but often also in the local context. Nevertheless, islands of functionality exist in the midst of political and social fragmentation and breakdown. Human development success stories in the SHP appear thin on the ground, but there are gains being made. This is mainly due to the efforts of civil society organisations, the churches, and committed individuals (including women leaders) from various sectors. The churches in particular have demonstrated capacity, effectiveness and legitimacy.

The main problem for governance in the Southern Highlands is that the institutions and values of the introduced liberal democratic state have not (yet) taken root, customary institutions have been considerably weakened and civil society institutions struggle to survive in a non-conducive environment. There are only a few isolated connections and collaborative efforts between the spheres of state, custom and civil society. Any efforts to improve governance, however, will have to build on the cooperation of legitimate authorities and institutions from each of these spheres. The present situation in Southern Highlands Province can be accurately described as fragile (more so than the other cases, with the exception of East Timor, which is a very different story). Custom has been considerably weakened, and articulation of state and custom is low.

Tonga

The Kingdom of Tonga was unified by a Tongan chief in 1845 and ever since avoided becoming a direct colony of a European power. Tonga was proclaimed a British protected state in 1900 before achieving full sovereignty in 1970. The Tongan constitution dates back to 1875, it reinforces the power of the monarch and nobility through provisions on succession, inheritance laws, land tenure etc. As well as the powers detailed in the Constitution, the King has significant authority derived from his rank in traditional chiefly descent. Unlike the Melanesian states, Tonga has a highly centralised political system under the monarchy which is very much top-down and leaves little space for customary governance and community engagement at the local level. Moreover, unlike the other case study countries Tonga is ethnolinguistically homogenous, and it has no formal protection of custom law, as Tongan values and culture are woven into existing constitutional structures. Whereas custom in the other countries and regions studied can offer a channel to link communities with government and enhance participation, customary governance in Tonga has in many respects been subsumed into the national political elite. This reflects the rather different customary arrangements and cultural milieu, as well as different histories.

The political and social stability grounded in this system has been increasingly challenged since the 1980s, with a growing democracy movement from a strengthened civil society demanding greater participation of common citizens in governing the affairs of the state. The protracted public service strike in 2005 and particularly the riots and arson in the capital city of Nuku'alofa in November 2006 have changed perceptions of security and order, and external observers came to label Tonga as a 'fragile state' due to these

incidents. But “destructive though they were, the riots did not threaten the state itself and are hastening the small kingdom’s overdue transition to a more democratic constitution” (Firth 2008: 16).

No doubt there is considerable frustration in Tonga today about limited avenues for participation in governance, and issues of leadership, representation and political and constitutional reform are central to public debates. However, the current government has initiated steps to address concerns over the accountability and transparency of the government and state institutions; at the same time as cultural and community leaders are gradually focusing on bottom-up governance. The democracy movement is giving voice to the widespread desire for social and political change.

The Tongan constitutional monarchy combines indigenous and introduced forms of governance and is rooted in a strong cultural identity (‘the Tongan way’). It is nevertheless confronted with the need to adapt to comprehensive change both in the domestic sphere and the wider global community, due to the important role of Tongan diasporas and overseas remittances, which are crucial for a country with otherwise extremely constrained economic options and limited natural resources.

Political and social change is a potential source of unrest and instability, but for the time being the prospects for negotiated and consensual reform are good. Far from being a fragile state, Tonga is a society and state in transformation, with little external interference. The articulation of state and custom is high, given the degree to which the Tongan constitutional monarchy is embedded in custom.

East Timor

Violence in East Timor far exceeded that experienced by the post-conflict situations in Bougainville and Solomon Islands. East Timor is still in the early stages of peacebuilding and recovery, and state formation is very much influenced and hampered by the legacy of the large-scale violent conflict. National political life is highly polarised and division among key leaders can cause violence at the community level and obstruct management of problems. The social and political relationships that make up local communities in East Timor are more vulnerable and fragile than in the Pacific islands case studies.

Significant international assistance directed towards state-building appears to have been highly centralised in Dili, where it has focussed on building national government institutions. The rural majority of the population has received relatively little attention. Government institutions continue to have little capacity for outreach beyond Dili, and further they also have little connection with the customary governance practices that still provide much of the social order in the local context, particularly in rural areas. This disconnection between the government, highly centralised in Dili, and the large rural population has led to the marginalisation of both local culture and rural communities more generally. As a consequence, many people do not find themselves at home in the form and language of the state that they now supposedly inhabit as ‘citizens’. There is a widespread sense that the new state has marginalised East Timorese culture and customary life as sources of governance.

The crucial misperception of both the external actors and many in the Timorese political elite (who have often spent a long

time in exile) was to see East Timor after the liberation from Indonesian occupation as a *tabula rasa* – a place void of governance institutions where state-building could and would have to start ‘from scratch’. Contrary to that assumption, customary values and governance institutions continue to play a significant role in people’s everyday life. Indeed, since independence there has been an extraordinary resurgence of customary practices, many of which were repressed under Indonesian occupation. They contribute to conflict management, social order and social welfare in the local context, but are widely ignored by the East Timorese political elites and the international donors—with considerable negative consequences. The wide-spread violence in 2006 (four years after formal independence), violence during and following national elections in 2007 and, most recently, the near-fatal shooting of the President and the attack on the Prime Minister in February 2008 indicate East Timor’s instability. Tens of thousands of people continue to live as displaced persons in refugee camps in and around the capital, urban street gangs are a source of ongoing insecurity, the national security forces remain deeply divided, and the government depends on the protection and support of international police and military. Local explanations for the unrest are registering that fundamental values and institutions of indigenous East Timorese culture and custom that were an essential part of the struggle for independence and that remain fundamental to people’s sense of collective meaning and management of

community life are being ‘overlooked’ by the new state (Trindade and Castro 2007).

Efforts to rapidly introduce liberal governance norms and structures without paying attention to how they interact with local customary values have contributed to the erosion of institutions and cultural values underpinning order and have led to the adoption of often very poorly understood liberal norms (particularly in urban areas). As a consequence, the notion of ‘democracy’ has become widely identified with ‘conflict between competing factions of the political elite’ and with ‘top-down imposition of values’, ‘democracy’ and ‘Timorese culture’ are perceived as being antagonistic.

There is little conversation and connection between the customary and state spheres. If it continues, the failure to bridge the gap between national government structures and customary institutions is likely to cause further serious problems.

State-building efforts in East Timor are in danger of trying to produce a state that people do not recognise as their own, or from which they feel alienated in important ways. It can be hypothesised that this is a result of internal and external state-builders neglecting and (unintentionally) undermining community and customary sources of order and resilience, contributing to the ongoing instability in East Timor. While custom is still strong in East Timor, the articulation of state institutions and custom is extremely poor.

Table 1: Pacific Political Systems and Strength of Custom

Country (Independence)	Political System	Strength of Custom	Articulation of state and custom
Vanuatu (1980)	Republic/Democracy	High	Medium/High
Solomon Islands (1978)	Democracy	Medium	Low
Bougainville (2001 autonomy)	Autonomous Region/ Democracy	High	Medium/High
Tonga (1875)	Constitutional Monarchy	Medium	High
Southern Highlands Province – PNG (1975)	Province/Democracy	Medium	Low
East Timor (2002)	Republic/Democracy	High	Low

5. Similarities and differences

In this section we compare the findings from the six countries or regions, addressing the seven thematic areas of our analyses, and taking into account the dimensions of capacities, effectiveness and legitimacy as well as complementarity, substitution and incompatibility. Certain striking similarities and some notable differences are revealed.

5.1. Political economy

In all our case study countries the subsistence/exchange economy is of major importance. It is the basis of human security in general, and food security in particular, for a majority of people. This is

particularly relevant in the Melanesian cases and in East Timor, but also applies to Tonga, albeit to a lesser extent. The formal market/cash economy plays a complementary role particularly in the production and marketing of cash crops. It impacts on the lives of ordinary people on the ground insofar as cash is increasingly needed for basic social services (particularly school fees, but also health services, transport and certain basic consumer goods). However, it also plays a conflicting role as projects from the market economy can clash with the subsistence economy, particularly in regard to land use. Land use is the source of significant past and potential conflict in all six countries (with the possible exception of

Tonga). Since all questions over land involve interaction between custom and commercial economies, it is an area dogged by confusion, lack of information and often lack of mutual understanding on the part of both customary landholders and non-locals seeking commercial development.

Customary land ownership and use has come under pressure from projects that tap the rich natural resources of countries and communities, including logging (particularly Solomon Islands), tourism (for example the island of Efate in Vanuatu), fishing (the Solomons and Vanuatu) or extractive industries (Bougainville, PNG Southern Highlands Province). While economic activities in these areas in principle underpin government expenditure, they do not necessarily lead to sustainable development and can have serious detrimental social and environmental effects, not least with regard to the functioning of customary governance and social resilience. The situation in Southern Highlands Province of PNG is the most obvious case in this regard. However, the exploitation of natural resources is seen by governments as the most promising way to establish an economic base for development and for the generation of state revenues. Natural resources thus play a major role (Bougainville – mining, Solomon Islands – logging and mining, Southern Highlands Province – oil/extractive industries, East Timor – oil and gas). In the case of Tonga, which has a limited natural resource base, it is remittances that are most critical. Agriculture, industry and other branches of the formal market economy are clearly of minor importance compared to the subsistence/exchange economy on the one hand and natural resource extraction on the other hand. Unemployment (particularly

youth unemployment) in the formal economy is high. The public service is the major formal employer in all of these countries, and at the same time the domestic tax base is very narrow due to the limits of the formal economy.

This situation has considerable effects on the prospects for state-building along the lines of the Western model of the state. On the ‘subjective’ side, the absence of the link between the state and its citizens provided by the collection and payment of taxes inevitably impacts on the relationship between the state and its citizens. People who do not or cannot pay taxes (the majority of the population engaged in subsistence agriculture in these countries) are much less inclined to develop a sense of citizenship and a demand for effective central governance and accountability. To forge a meaningful relationship between the state and its citizens in view of the seemingly absent ‘glue’ of taxation poses a major challenge. The wealth of the Southern Highlands Provincial government, for example, is not based on the taxation of its people (who pay negligible sums of tax), but rather taxation (and other revenues) of the resource companies operating in the province, with considerable negative effects for the state-citizenry relationship. The absence of a domestic tax base for fully-fledged state structures leads to an over-dependence on external sources of income (aid, royalties and rents, tariffs and import duties, and in the case of Tonga, remittances) or to very limited state capacities that in some cases had to be reduced even further (e.g. the structural adjustment program in the Solomon Islands or public sector reform in Tonga). Under these conditions governments and people will have to negotiate the kind of state they want and can afford, and then see what is needed in

economic and financial terms to sustain such a state.

The potential contribution of customary governance to social welfare and order should not be underestimated; however, ideally it needs to be articulated within the overarching framework provided by the state. In this context, the notion of ‘economic growth’ will have to be scrutinised and perhaps the weight given to economic growth needs to be rethought. The social, cultural and environmental outcomes of economic growth policies have to be taken into account in a much more comprehensive manner. Traditional social safety nets, customary ownership and control of land and other natural resources, as well as customary forms of governance and maintenance of secure and orderly communities can be challenged and even destroyed by growth-oriented policies, with considerable negative effects for political order, stability and state formation.

5.2 Order and security

The maintenance of order and security is an issue in all six countries. The contribution of customary governance to order, security and peace-building is also fundamental in all cases. East Timor, Solomon Islands and Bougainville are post-conflict locations, in which peacebuilding in a whole range of dimensions—from reconstruction of infrastructure to questions of justice and reconciliation—is an important prerequisite for state stability. The Southern Highlands Province is the theatre of protracted localised low-intensity conflicts. Vanuatu and Tonga have been largely spared violent conflict, although there have been incidents of sporadic violence including riots and inter-communal fighting in Vanuatu, and the

Tongan capital city Nuku’alofa experienced heavy riots in November 2006, with the business district burned to ashes and a subsequent state of emergency declared.

The causes of instability and violent conflict are very similar in the different countries. They largely flow from the intense pressures of economic and social change coming from a globalised world. Key challenges include tension between the cash economy and the traditional subsistence/exchange economy, the growing gulf between those with and without access to cash, the position of land in the interface of the cash and the subsistence economy, and the pressures and temptations of resource extraction. These challenges are complicated by the nexus of demographic change (the ‘youth bulge’), migration and urbanisation, increasing pressure on land and other rural resources and unemployment in the formal economy. In particular, the phenomenon of large groups of disgruntled unemployed young men with no prospects in the formal economy, only minor social status and no prestige is an issue of concern for the maintenance of law and order. These individuals may have either previously been the footsoldiers of militias or armed groups, or they may form the potential recruiting pool for criminal gangs.

It would be misleading, however, to overestimate the actual violence and the dangers of instability in these countries. Most regions within these countries are orderly and secure (apart from Southern Highlands Province), and people live peaceful lives. Violence is generally confined to specific ‘hotspots’, notably the capital cities, which are the theatres of sporadic riots or inter-communal fights (Port Vila, Honiara, Mendi, Dili, Nuku’alofa) and increasing rates of crime

(Port Vila, Honiara, Dili and Nuku'alofa). Outer islands and remote rural areas are usually much safer. There is a sense of wariness or vulnerability in East Timor that national political friction might spark violence at the grassroots. East Timor also suffers from very high rates of domestic violence; along with other forms of interpersonal violence (in particular sorcery and retribution against sorcerers); domestic violence is also an issue elsewhere, particularly in Bougainville and Sothorn Highlands Province, PNG.

Nevertheless, customary institutions that can provide order and security in the local context, if not always in the face of national political competition (as in Timor), are still strong in the rural areas. In large parts of the Solomons, Vanuatu, Bougainville or East Timor it is not the institutions of the state that provide order and security, but traditional authorities like chiefs and elders who can rely on the deep-rooted respect of their people for the norms and values of their communities. In Bougainville, for example, police only have a chance to function relatively effectively and gain legitimacy when working together with the chiefs and communities. Police can only access many villages after invitation by the chiefs (although this is not a legal provision, it is the reality on the ground). Wherever the customary institutions and processes are functioning well they are largely self-regulating, and the need for state-based policing diminishes.

There is great potential for complementarity of efforts from the spheres of the state, custom and civil society, particularly the churches. Experiences from Bougainville (Boege 2008) and Vanuatu (Boege and Forsyth 2007) demonstrate that the collaboration of chiefs and police has great potential to provide order and security.

Such an approach, however, challenges the general notion of the state monopoly over the legitimate use of violence as a core dimension of statehood; but, apart from Tonga, the case study countries in reality are far from such a monopoly.

In the post-conflict cases—East Timor, Bougainville, and Solomon Islands—other issues of order and security stemming from the conflict phase still give reason for concern, particularly in regard to relatively large numbers of weapons still present in the communities, armed groups that have not joined or have not remained in the respective peace processes, or groups in society that do not recognise the legitimacy of the governments. In these circumstances more demanding programmes of weapons disposal or disarmament, demobilisation and reintegration as well as security sector reform are a necessity.

5.3 Social needs

In all six countries, the delivery of basic social services ranks highest in the expectations of people towards the state; at the same time, in all the studies, government capacities are limited. The effectiveness of service delivery varies from place to place (with towns and areas close to urban centres better served than remote rural areas) and from country to country. Tonga is far ahead of the other countries with regard to human development indicators and access to services (but even in Tonga people perceive the government as insufficiently delivering key services in health, education and water). Public sector reform aimed at cost effectiveness through reduction of numbers of public servants has contributed to further weakening of service delivery in key sectors in Solomon Islands, Vanuatu and Tonga.

In all countries the most fundamental and reliable social safety net is provided by kin groups, based on customary norms of reciprocity and sharing. This even applies to completely new circumstances, such as in the Tongan case where the Tongan diaspora extensively supports families and kin at home. Civil society institutions, most notably the churches, play an important role in service delivery everywhere, particularly with regard to health and education. The churches are generally very efficient in service delivery and are held in high esteem due to their positive role in communities. There is a wide spectrum of non-state actors engagement, ranging from Bougainville and East Timor, where almost all schools are run by the churches (with oversight and funding from the state), to Tonga where government runs nearly 90 percent of primary schools but only a third of secondary schools, with, again, the churches providing the rest. The Southern Highlands Province presents a special case as resource extraction companies are relatively efficient and successful in delivering social services in the vicinity of project sites.

In Bougainville and Solomon Islands informal education institutions (custom schools) are in operation and they provide promising approaches to education that are more adapted to the specific conditions and needs of the respective societies than the education provided by the introduced systems. To take customary knowledge (especially with regard to health) seriously and to forge links between the formal system of health and education and customary institutions outside the formal system could improve the effectiveness of service delivery. In order to tap into the wealth of traditional knowledge and also to provide a way in which custom can reflect on itself across the country in question, it

is important to have or to establish centres for the study of culture and custom. These centres could develop in ways that suit local circumstances—the Vanuatu Cultural Centre (VKS) in Port Vila (Vanuatu) provides a very effective example.

5.4 Law and justice

In all countries and regions analysed, law and justice are not exclusive realms of the state; rather, legal pluralism prevails, and customary law plays an active and relatively independent role in relation to a wide range of disputes and grievances (apart from Tonga, where customary law is formally integrated into state law). Customary law is strong in Bougainville, Vanuatu and Solomon Islands, it plays a significant role in East Timor, and although it is under pressure in the Southern Highlands Province it remains an important source of order there as well. In the eyes of people on the ground, customary law enjoys considerable legitimacy, it is perceived as providing solutions to many issues that are related to the maintenance of order and harmony in the communities and is widely seen as effective and just. This is not to imply that customary law is unproblematic. Research in Vanuatu, for example, shows people, particularly women and youth, have some complaints about biased outcomes and not having their views adequately heard or considered by local customary leaders, nevertheless, the majority still turn to customary authorities in preference to police and courts, due to accessibility, and greater familiarity with and understanding of local customary law and processes of conflict resolution (Rousseau 2003, Forsyth 2007).

State law, by comparison, is often seen as alien, difficult to understand and costly to access. Fear of police using violence can

be another factor (particularly for women and youth). People often prefer some combination of statutory law and customary law. In Bougainville, Solomon Islands and Vanuatu there is a lot of debate on where and how to draw the line between the realm of customary law and state law, how to enhance the accountability and transparency of actors who apply customary law, whether or not to formalise customary law and whether or not to pay for the respective services of traditional authorities. In these countries state actors also widely acknowledge the importance of customary law.

In East Timor the formal justice sector is extremely weak, while customary mechanisms can have difficulty dealing with crimes generated by the country's transitional political dynamics. Regarding local problems, however, there is much greater consistency of justice, with the management of most crimes and disputes arbitrated by communities largely through customary authorities.

Where customary law is strong it contributes considerably to the maintenance of order in local communities. It is important to try and integrate customary and state law and where there are incompatibilities (for example, in relation to universal concepts of human rights) to see these as challenges rather than insurmountable obstacles.

The law enforcement agencies of the state—police, courts, correctional services—lack capacity, effectiveness and legitimacy in all cases (again, apart from Tonga). We found that the Southern Highlands Province and East Timor are experiencing the most critical gaps. The reality is that state institutions are unable to assert sovereign control over all territory which means that the police and judicial

authorities possess a restricted reach and are of limited value for the maintenance of law and order on the ground. Customary institutions, where intact, are often more effective and legitimate. In many places in Vanuatu, Bougainville, East Timor, Solomons or Southern Highlands, for example, the police can function relatively effectively and legitimately only when working together with customary authorities like chiefs and elders. While it is important to improve the quality of the police, this should be done by focusing on collaboration with chiefs and other customary authorities. Concepts of community-based policing are moving in a more inclusive direction.

The same holds true for the correctional services. Notions of indigenous restorative justice (rather than introduced Western concepts of punitive justice) are very important for many people in Pacific island countries. Rehabilitation of offenders in community contexts and utilisation of customary authorities as probation (and even correctional) officers might offer more positive solutions for administering justice than the construction of more prisons. State institutions could instead provide oversight, to ensure that principles of human rights and national law are preserved.

Civil society organisations, in particular the churches and NGOs specialising in mediation and dispute resolution (for example the Peace Foundation Melanesia in Southern Highlands Province and Bougainville, or the Justice and Peace Commission in East Timor), play important complementary roles when it comes to rehabilitation and conflict prevention. They can complement efforts by state and customary institutions.

Organised crime in urban areas, large-scale resource related criminal projects and crime committed by actors and institutions from the state sphere itself (police, politicians, senior public servants) pose severe challenges to integrative, community-based approaches to law and justice. Even in some of these cases, however, customary mechanisms could still contribute. In Vanuatu, for instance, chiefs are working on mechanisms to address law and order issues in urban areas.

5.5 Leadership and representation

In all countries, apart from Tonga, there were different forms of leadership and representation in the state and customary spheres. In Tonga the monarch and the nobles monopolise state power, and these customary leaders are recognised within the state. This arrangement, however, is increasingly challenged by a democracy movement that demands changes to the undemocratic features of the Tongan state which drastically limit the representation of ‘commoners’. In the other cases, liberal democratic systems of leadership and representation are well established on paper. This, however, does not say much about the real processes of leadership selection and representation. Melanesian parliamentary systems often apply logic incompatible with liberal democratic principles (including the selection of leaders based on kin affiliations and patronage, accompanied by hand-out mentalities and necessitating significant corruption). Office holders in state institutions are often not held in high esteem by the people; complaints that Members of Parliament are remote from their constituencies are widespread in Solomon Islands, Bougainville and Vanuatu. Destructive, even violent, forms of competition between factional or party

leaders in East Timor or in the Southern Highlands Province are major causes of instability and poor systems of governance. Customary leadership, on the other hand, despite sometimes being arbitrary, self serving or ignorant, is still generally effective and legitimate when it comes to governing the affairs of the everyday life in the local context. (In Tonga, local government at the village level is weak given the highly centralised nature of government structures).

There is some doubt, however, whether customary effectiveness at village levels can be achieved at higher levels of governance. Capable local leaders often turn out to be incapable and corrupt at the national level. Some sectors of the population, mainly youth and women, have begun to question the usefulness of customary leadership. In general, however, the legitimacy of leadership is still much more based on traditional authority—and, to a certain extent, on charismatic authority (see for instance, commanders of armed groups in East Timor and Bougainville) — than on legal-rational authority in the context of state functions and positions. There is a real danger of competition between these different forms of leadership, but there are also chances for higher levels of complementarity. Attempts to identify the ‘real’ chiefs, for example, and to formalise their status and to clarify their roles in relation to state institutions are well underway in Bougainville, Vanuatu and Solomon Islands. Leaders who are capable of operating both in the customary as well as the state and the civil society realms would be the most effective.⁷

⁷ Geoffrey White points to the problematic aspects of formalizing the status of traditional leaders: “Incorporating traditional leaders in the framework of

In all cases, women and youth are under-represented as leaders in the political and customary spheres. In Tonga the discrimination of women is even constitutionally fixed (as women can only stand for positions as people's representatives in parliament). In Bougainville, on the other hand, women are provided with (limited) specific rights (three reserved seats for women in the House of Representatives). Civil society in all of these countries opens new avenues for female and young leaders. Church leaders generally enjoy high legitimacy. In all countries highly capable women leaders can be found; but generally they are more (Southern Highlands Province) or less (Bougainville) ignored and sidelined by male leaders.

5.6 Participation and inclusion

In all the studies conducted, there is a significant disconnection between national governments and communities which seriously weakens the potential for participation, representation and effective governance. All countries are post-colonial, nominally liberal democracies (with the exception of Tonga, which never had been colonised and which is a constitutional monarchy with limited rights of participation for commoners). In reality, however, the liberal democratic norms, institutions and procedures are weakly

government may have the effect of creating a new kind of leader who is more like a government official, based on appointment rather than personal reputation. Recent surveys about these issues show people making a distinction between 'real' traditional leaders and those whose status derives from appointment (...). On the one hand, there is widespread support for empowering traditional leaders so that they may be more effective in local governance. On the other hand, efforts to objectify the status of chiefs through appointments are sometimes seen as a departure from custom that may lead to lack of respect or abuse of power or both" (White 2006: 13).

appreciated by many people on the ground and do not deliver effective democratic rule. We discovered some evidence to suggest that the exercise of democracy in some of these states might even contribute to their fragility since electoral processes sometimes divide formerly integrated communities. Elections can be times of heightened tensions and even violence (in East Timor and Southern Highlands Province in particular). Whereas in some cases elections are free and fair (for example in Bougainville and Vanuatu), in other cases they are plagued with extensive fraud and corruption (Southern Highlands Province). There are a number of dimensions of Western liberal democracy that sit uneasily with high context cultures—concepts of adversarial politics, open competition, party politics and the notion of a formalised opposition to name a few. These processes are open to corruption, patronage, clientelism and conflict generation rather than conflict prevention.

Often democratic forms of government with competitive electoral processes have not generated higher levels of participation or inclusion, nor do they generate what we call "grounded legitimacy". In places where local community life is still intact, customary forms of governance work relatively well and are seen as effective and legitimate (for example village assemblies in Bougainville). This should not be taken to imply that custom is somehow qualitatively superior to liberal democracy, however, as it generates its own sets of problems and dilemmas. Women and youth, for example are generally excluded from many customary processes of decision-making. These and others divisions like the divide between nobles and commoners in Tonga generate their own discontents. The differentiation of participation and inclusion according to

categories such as age, gender and status is not acceptable from a liberal democratic point of view. Hence there are incompatibilities of liberal democratic and customary forms of participation.

There are, however, also options for complementarity. The Bougainville Constitution, for example, includes direct democratic processes, such as a provision for the recall of members of parliament, which have their roots in the customary sphere. More broadly, customary governance is itself a form of local participation that could be drawn more comprehensively into national governance and judicial institutions. State-building that does not assist constructive linkage between state institutions and customary values and practices may not be supporting democracy. This is not to say that customary governance is egalitarian. However, it forms a widespread language of socio-political and ethical community that makes sense to people—to effectively exclude it is a form of disenfranchisement. The sense of frustration and disenchantment in East Timor, for example, is in part the result of the marginalisation and undermining of what are widespread social values and mechanisms for local administration in the space of the new state.

The problem is not that customary and liberal democratic state forms of governance are irreconcilable; rather that there are destructive cycles of interaction between them which have developed over time. An example is the distorted electoral dynamics in Melanesia, caused in part by the incapacity of government to deliver services, in part by parliamentarians, unable to channel real services, viewing their roles in terms of patronage rather than wider concepts of public service, and in part by electorates seeing their vote as a

route to patronage. In order to tackle these kinds of problems there is an urgent need for discussions about what kind of democracy best suits Pacific islands societies and cultures. Instead of insisting on building systems which look like replicas of Western liberal democracies, such discussions should focus on home-grown concepts of democratic governance that build on the consultative and inclusive strengths of the indigenous cultures rather than Western-style adversarial (party) politics. There are a number of actors who could begin focusing on some of these debates. Customary leaders should be included in discussions on these questions. This is to some extent already occurring in Vanuatu with members of the Malvatumauri National Council of Chiefs taking an active part in current discussions on land and constitutional reform.

Civil society groups (especially church leaders) and intellectuals can also play a critical role in focusing discussion on what sorts of democratic processes best suit specific societal contexts. These groups are also well placed to insist on higher levels of political accountability from both customary and elected political leaders and what might constitute ‘good enough governance’. Again this assertion is not meant to idealise any of these groups. There is evidence, for example, that some religious organisations in the Pacific are as non-transparent with parishioners’ funds as governments are with public funds. These groups, however, are often the ones that play critical connecting roles between government and customary authorities.

Civil society groups in the countries included in this study are at very different stages of development. In Tonga, for example, civil society organisations have become quite strong in recent years, whereas in Bougainville or Solomon

Islands they are still rather weak. The civil society sphere, however, does provide women and youth, who often are excluded from meaningful participation both in the state sphere and the customary sphere, with new avenues for political participation. Civil society groups need to help women and youth connect to both state and customary spheres in innovative and generative ways.

5.7 Identities and citizenship

Tonga is the only country among the Pacific case studies where people exhibit a strong national identity as Tongans (even if many of them are living in the diaspora). ‘The Tongan Way’ (*Anga faka-Tonga*), which is based on the convergence of selected customary and introduced values and a deep integration of Christian religion into state and society, serves as a unifying concept that forges a strong national and cultural identity. Melanesian countries have not yet developed concepts of national identity that are as strong as those established in Tonga.

People in Melanesia generally have a weak identification with what it means to be a member of a ‘nation’ and a citizen of a state. However, they do strongly identify with what it means to be a member of a clan or village. Identities based on locality and/or kinship ties tend to be far more important than ‘national’ identities (Reilly 2004).

In the case of Bougainville, and even more so, East Timor, the wars against outside forces had unifying effects—the rising awareness of being ‘Bougainvillean’ or ‘Timorese’ became important for the self-perceptions of the people. This, however, has not led to the disappearance of internal divisions. Traditional dividing lines among the Bougainvillean populace continue to

inform social relations and politics. In East Timor there are deep political fractures, and a painful debate is underway about who ‘won’ independence, who is part of the national community and who is not. Divisions amongst the leadership are caught in this debate; it also played a key role in the crisis of 2006 and the inter-communal tensions between those from the east and from the west of the country. The case of East Timor shows that establishing ‘national liberation’ as a basis for national identity and entitlement can be dangerously divisive, as East Timorese had different understandings of, and came to different terms with, the long Indonesian occupation. East Timor offers an example of state-building that has so far largely sidelined culture and customary governance. As a consequence, many people, particularly in rural areas, feel marginalised within their newly independent state while local sources of social cohesion are being weakened. A potential basis of citizenship is being ignored, contributing to feelings of frustration and confusion.

Politics and identity in the Southern Highlands are very much based on clan affiliations, a ‘national’ Papua New Guinean identity is not widely held (even less so in Bougainville, which is formally still part of PNG). People in Vanuatu, and to a lesser degree the Solomon Islands, are in the difficult process of forging some kind of an inclusive, overarching identity by combining introduced notions of ‘nation’ and ‘citizenship’ with customary self-perceptions as members of families, clans and islands. In Vanuatu in particular, ‘kastom’ (the adaptation of customary norms and values to ever changing societal circumstances) is seen to serve as the binding force that a national identity could and should be built upon. As there are no prospects for ‘national identities’ to trump

or substitute for customary identities, and given the widespread significance of custom in people's lives across the region, this indicates a possible direction for other countries as well. This means focusing attention on how to generate a citizenship that is grounded in, or at least engages with, customary identities, paying due attention to the relationships between kin, community and 'nation'(-state). Appreciating the multiple nature of people's identities allows for a more nuanced and creative approach to citizenship. This involves engaging with village and clan identities rather than rejecting them as sources of clientelism, parochialism and division.

The churches and other civil society organisations often provide a different kind of space for people of different customary backgrounds to come together and discover an identity that transcends kin-based relationships. Indigenised Christianity in particular is of profound significance "to virtually all Melanesians, for whom religion is not a compartmentalised set of beliefs and rituals but an intimate lived experience and a strategy mobilised pragmatically to achieve private and public ends" (Douglas 2000: 6); indigenised Christianity is "arguably the key national and transnational symbol throughout Melanesia" (ibid.: 5). Building on these "superordinate" ideas of identity is critical to the development of an inclusive idea of citizenship. In general we discovered that the members of different types of civil society organisations had the most advanced understanding of nationhood and citizenship.

It is very difficult—and probably undesirable—in any of the states in question to support the emergence of ideas of nationality and citizenship that

undermine or diminish the identities, responsibilities and obligations of family, kin and clan. This means that there is a need to develop an approach to citizenship and the broader political community that recognises and harnesses these obligations. By affirming their centrality it may be possible to develop a more grounded basis for a citizenship which recognises not only individual but also collective rights.

6. Conclusions

In all Pacific countries comprehensive processes of state formation are underway. The direction, pace and driving factors of these transformations differ. Tonga with its constitutional monarchy, in which the customary and the state sphere are closely interwoven, is on the way to more liberal democratic forms of governance. This gradual process is driven by civil society forces that are growing in strength. Although it implies far-reaching political changes, it has so far not led to fragility (the riots in Nuku'alofa in November 2006 seem more likely to be exceptional rather than the norm).

Changes in the Tongan case point in the direction of 'more liberal democracy and less customary governance'. Custom in Tonga is not only somewhat different than in the other cases (Polynesian rather than Melanesian or Austro-Malay), it also was formalised in the state according to a Victorian model of statehood. The other cases tell another story. In the Melanesian cases of Vanuatu, Bougainville and Solomon Islands the re-arrangement of the relations between the institutions of the state, the customary sphere and civil society is at the heart of transformations. Here negotiation of the conditions and possibilities of a 'marriage' between customary governance and introduced Western forms of governance is under

way, based on relatively strong customary spheres and state institutions that struggle with problems of effectiveness and legitimacy. Such a ‘marriage’ offers a path to greater connection between communities and governments in the Melanesian countries, and so promises to contribute to home-grown democratic practice. Although laden with risks and uncertainties, conditions in these countries should not be seen primarily through the ‘fragile state’ lens, as they open avenues for the formation of new forms of resilient and legitimate governance.

The situations in East Timor and the Southern Highlands Province are more difficult, albeit for different reasons. East Timor is currently engaged in a ‘conventional’ state-building process (with massive external assistance), in the course of which a variety of serious problems have arisen that have to do with tensions within a ‘Western’ understanding of policies and the state. East Timor is an instructive example of the fact that “foreign pressure on weak states to build state capacity is part of the problem rather than the solution” (Tedesco 2008: 2-3). Other than in Tonga and similar to the Melanesian cases, a deeper involvement of customary institutions—which still exist and are strong at the local level, but have been marginalised in the current state-building endeavour—could contribute to overcoming the current problems of Timorese state formation. In the Southern Highlands Province of PNG customary institutions have been considerably weakened and state institutions also are weak. There is a void of effective and legitimate governance (to a certain extent filled by the churches and other civil society organisations), and future prospects are unclear.

The label of ‘fragile state’ does not bring analytical clarity to any of the cases. We should not see these countries and regions (or developing countries in general) simply as deviations from the OECD model, rather they should be assessed in their own right, according to a spectrum of possible strengths and weaknesses. It is more appropriate to talk about ‘states emerging from hybrid political orders’ as a common denominator, in line with the hypothesis that provided the starting point of our research. We have come to this conclusion by widening the scope of analysis, not only looking at the institutions of the state, but also taking into account the customary sphere and civil society, and rather than solely focusing on effectiveness of state institutions, looking also at issues of legitimacy and citizenship/identity.

We found considerable (potential for) complementarity of state and non-state actors in the provision of functions that in the OECD countries belong to the realm of the state. Law and order, for instance, are not only provided by the police and the judiciary, but also by chiefs and customary law. In contrast to our original assumptions, we found hardly any cases of substitution, that is, cases where non-state actors entirely take on state functions (or vice versa); rather, complementarity is the rule. Moreover, customary actors often sought complementarity—that is, they sought to adapt to and work with state bodies. An obstacle to more effective complementarity in many cases was a lack of organisations or opportunities that brought relevant state and customary actors together, that supported sharing of information, mutual familiarity and problem-solving.

We found certain incompatibilities of state and customary institutions, for instance with regard to issues of participation and

inclusion (limited options for women and youth in specific customary contexts) or with regard to leadership and representation (traditional authority versus legal-rational authority). However, our impression (which needs confirmation through more thorough research) is that these are not due to insurmountable contradictions between customary and liberal democratic principles of governance, but can be overcome by processes of mutual adaptation and more evolved forms of articulation. Questions of electoral dynamics and representation, for example, are complex and difficult, but they are not ‘hopeless.’ Conflict is also evident in the economic sphere between commercial market and customary approaches, especially to land. This is an area of past and potential serious friction. Again, while possible to manage, this interface requires great care and commitment, and the reduction of ambiguous regulatory environments.

These findings—large areas of complementarity, no substitution, limited but surmountable incompatibilities—augur well for mutual positive accommodation and constructive interaction of institutions from the realms of the state and custom.

Any attempts at state-building that ignore or fight hybridity will have considerable difficulty in generating effective and legitimate outcomes. Strengthening central state institutions is unquestionably important, but if this becomes the main or only focus it threatens to further alienate local societies by rendering them passive, thereby weakening both a sense of local responsibility for overcoming problems and local ownership of solutions (Temby 2007: 38).

Recognising hybridity of political order therefore should be the starting point for

any endeavours that aim at supporting state formation. This means acknowledging the capacities and legitimacy of non-state providers of security and other public goods and to integrate them into processes of building political order. Instead of taking for granted that the imposition of Western state systems is the most appropriate avenue for conflict prevention, peacebuilding and development, we posit that there are hybrid models which are more likely to deliver effective and legitimate governance and—as an effect of this—security and development. This means that it is possible to search for ways and means of ‘indigenising’ the institutions of the emerging state, of generating positive mutual accommodation of state and customary non-state as well as civil society mechanisms and institutions, which are not isolated domains on the ground, but elements of a particular ‘messy’ local socio-political context. The OECD ‘Principles for Good International Engagement in Fragile States and Situations’ acknowledge this to a point when they note that it is important to “align with local priorities in different ways in different contexts” and “to identify functioning systems within existing local institutions, and work to strengthen these” (OECD-DAC 2007:3, principle 7).

Taking the OECD Principles further, it is important to stress positive potential rather than negative features of so-called fragile states—de-emphasising weakness, fragility and failure, and focusing on hybridity, generative processes, resilience, innovative adaptation and ingenuity. This also entails perceiving community resilience and customary institutions not so much as ‘spoilers’ and problems, but as assets and sources of solutions that can be drawn upon in order to forge constructive relationships between communities and governments, between customary and

introduced political and social institutions —“taking the local seriously” (White 2006: 7). An approach to state-building that takes into account and supports the constructive potential of local community, including customary mechanisms where relevant, is a necessary complement to strengthening central state functions. For example, instead of perceiving kinship-based societal formations merely as sources of corruption and nepotism and hindrances to accountability and transparency, they can also be considered as valuable social support networks which have their own checks and balances and mechanisms of accountability. Accordingly, through engagement and mobilisation of these networks, they can positively contribute to political order.

For external actors committed to support processes of state formation it is of the utmost importance to establish ongoing dialogue with organisations and key individuals that are playing or can play ‘bridging’ roles between the realms of state, custom and civil society. These actors will need comprehensive and specifically targeted assistance. A great advantage of small states like the Pacific island countries is that regular face to face discussions with most (if not all) of the relevant actors is often feasible. ‘Bridging’ institutions and personalities can make a direct impact in small states, and there is more scope for the meaningful inclusion of the ‘ordinary citizens’ in discussion about the directions of change for the polity in far more direct ways than in the much bigger OECD states. It is possible to anticipate a very widely inclusive participatory process of negotiation about the foundations and directions of political order which allows for the gradual development of a notion of citizenship. The debate on constitutional reform which is due or which is being conducted already,

in some of these countries could serve as a focal point of such negotiation. ‘State-building’ framed in this way would allow for much more meaningful ownership on the part of the people than an endeavour that is confined to building the capacities of the machinery of government.

Such an approach takes the ‘subjective factors’ of state formation into account. State stability depends not only on capacities and effectiveness, but also on the (evolving) expectations and attitudes of the ‘citizens’. These ‘subjective factors’ are as important as the ‘objective’ factors of capacities and effectiveness. The relative illegitimacy of state institutions (and the high legitimacy of non-state institutions) poses a profound problem for state stability. The emergence of grounded legitimacy and the consequent development of a sense of citizenship are decisive dimensions for state formation. State institutions can only be legitimate if they satisfy the basic needs of the people, follow generally accepted procedural rules of governance and are grounded in an explicit or implicit compact between the state and the diverse communities upon which it is constituted.⁸

With the exception of Tonga, we discovered considerable friction between people’s customary identity as members of traditional communities and their identity as citizens of modern (‘nation’-) states. This is a challenging area for policy makers. Engagement with, not rejection of, customary community-based identities can be a beneficial part of citizenship formation in the Pacific and East Timor.

⁸ Lack of legitimacy is not only a problem for Pacific islands governments. Dillon and Westbury convincingly argue that “the legitimacy gap facing governments in remote Australia is real, and is increasing” (Dillon and Westbury 2007: 45).

Building citizenship has so far received much less support than building central government institutions. This is a major shortcoming as the main problem is not the fragility of state institutions as such, but the lack of closely knit constructive linkages between the institutions of the state and society. It is the problem of the persistent disconnect between communities and state institutions, the friction between liberal modes of governance and local practice, and hence the problem of legitimacy and citizenship. At the end of the day, the extent to which a state is rooted in society is critical for its strength, effectiveness and legitimacy. Therefore engaging with communities and non-state customary institutions is just as important as working with central state institutions and governments. “Focusing on the institutions of centralised government misses the importance of existing cultural

resources and risks reproducing problems that contributed to past conflicts” (White 2006: 14). Of course, there can be tension between encouraging local governance on the one hand and building central institutions of the state on the other; strong communities might lack the incentives to support central state institutions. The challenge is to find appropriate forms of constructive interaction.

The best outcome of such a novel approach to building state and citizenship would be that new forms of governance emerge: combining state institutions, customary institutions and new elements of citizenship and civil society in networks of resilient governance which are not introduced from the outside, but are embedded in the societal structures on the ground.

Acronyms

AusAID	Australian Agency for International Development
ACPACS	Australian Centre for Peace and Conflict Studies
CAVR	Commission for Reception, Truth and Reconciliation
FSG	Fragile States Group
FSPU	Fragile States and Peacebuilding Unit
NGO	Non-Government Organisation
PNG	Papua New Guinea
OECD	Organisation for Economic Co-operation and Development
OECD-DAC	Organisation for Economic Cooperation and Development-Development Assistance Committee
RAMSI	Regional Assistance Mission to Solomon Islands
SEF	State Effectiveness Framework
VKS	Vanuatu Kaljoral Senta (Vanuatu Cultural Centre)

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