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Access to Justice in Post-RAMSI Solomon Islands Part 3: Pathways to Dispute Resolution

Tom Sloan, Sinclair Dinnen and Mark Rowe

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This is the final in a series of three In Briefs highlighting key findings from the *Solomon Islands Access to Justice Survey* commissioned by the Solomon Islands government and supported by the Australian government and the United Nations Development Programme (UNDP 2019a). The findings presented are drawn from the *Survey Summary Report* (UNDP 2019b). The survey assessed justice needs and barriers to effective dispute resolution in Solomon Islands, particularly for groups with recognised unmet needs, in the period following the withdrawal of the Regional Assistance Mission to Solomon Islands (RAMSI). This In Brief summarises the survey findings relating to pathways to dispute resolution. Interested readers should consult the main [study reports](#).

The survey distinguished between potential and realised pathways to dispute resolution in order to understand possible discrepancies between where respondents said they would go to resolve an issue in abstract compared to where — for those involved in a dispute — they had gone in practice. Potential pathways were ascertained by asking all respondents to identify the pathway they would follow if they experienced a particular type of dispute, while realised pathways comprised those actually followed by respondents who reported being involved in a dispute over the previous two years.

Potential pathways to dispute resolution

In the case of potential pathways, respondents were asked to identify their most likely first point of contact if they or a family member became a victim of crime, experienced domestic violence or were involved in a land dispute. Although the police and village chiefs were the most frequently identified first points of contact, there was considerable variation across the three categories of dispute (Table 1).

For victims of crime, a high proportion of responses were consolidated in the police and village chief compared to other disputes. For domestic violence, respondents were more than three times as likely to identify family (19%) than for the other two categories of disputes (6% each). Church leaders were also more commonly identified as initial contacts for domestic violence (11%). Regarding land disputes, the houses of chiefs

(9%) and local courts (5%) were both in the top five responses.

Table 1: Most frequently identified potential first points of contact for three types of dispute

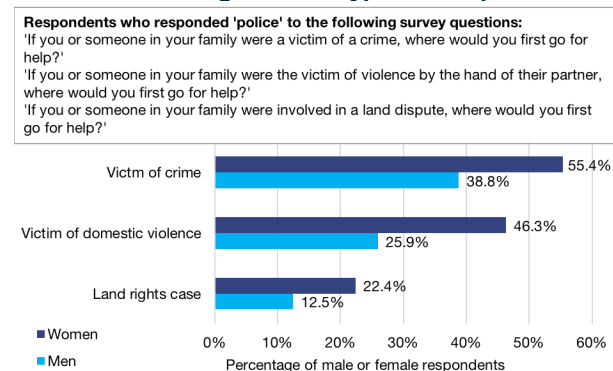
Victims of crime	Domestic violence	Land disputes
Police (47%)	Police (36%)	Village chief (41%)
Village chief (35%)	Village chief (21%)	Police (18%)
Church leaders (6%)	Family (19%)	House of chiefs (9%)
Family (6%)	Church leaders (11%)	Family (6%)
Other community leader (2%)	Friends (3%)	Local courts (5%)

Source: UNDP 2019b:77.

Variations in potential pathways identified by different groups

Significant variations according to gender were noticeable in the identification of first points of contact for different disputes. Women indicated that they were far more likely than men to go to the police for each of the three categories of disputes (Figure 1).

Figure 1: Gender breakdown of respondents who identified the police as their potential first point of contact according to three types of disputes



Source: UNDP 2019b:78.

Men were more likely to identify a broader range of informal and formal justice pathways. For victims of crime-related disputes, men were far more likely than women to select the village chief as their first point of contact (45% compared to 26%), while for land disputes men were more likely to identify the house of chiefs (16% compared to 3%). In

relation to domestic violence, men were more likely to go to the family (24% compared to 14%) and church leaders (16% compared to 6%). These findings indicate a strong preference by women for police involvement, particularly in respect of crime and domestic violence, and, conversely, less support for the informal mechanisms that were clearly preferred by men as first points of contact in such cases.

Different reporting pathways were evident among younger people and those from rural areas, both groups with recognised unmet justice needs. Younger Solomon Islanders (18–25 years) were more likely to identify the police (40%) than older demographics (37% for 26–40; 33% for 41+), with those over 41 years old more likely to identify family (23% compared to 17% for 18–25; 18% for 26–40). Those aged 18–25 were also the least likely to identify the village chief in relation to land disputes (36% compared to 45% for 26–40; 42% for 41+). While it is not possible to draw definitive conclusions based solely on these responses, these variations in attitudes towards police and informal justice mechanisms between age groups appear to be indicative of generational differences. They might also suggest growing awareness of the law and rights among young Solomon Islanders, as well as the diminishing authority and standing of village chiefs among the young in some areas — as noted in earlier research, including the 2013 World Bank study.

Solomon Islanders closer to urban areas were more likely to identify the police in relation to victims of crime (66% compared to 42% rural) and domestic violence-related disputes (46% urban compared to 33% rural). Rural Solomon Islanders were more likely to identify village chiefs in relation to victims of crime (42% compared to 12% urban), domestic violence (26% compared to 8% urban) and land disputes (45% compared to 26% urban). Perceptions of access and awareness likely contribute to the higher levels of identification of the police as first points of contact among those in urban areas.

Realised pathways to resolving disputes and variations between groups

The 18% of survey respondents who reported having been involved in a dispute in the last two years were asked to identify the reporting pathway they followed to resolve it. The most common first action across all disputes was to pursue an informal mechanism for resolution, such as visiting a village chief (22%) or consulting family (21%). This was followed by reporting the dispute to the police (17%).

Of those who had acted to resolve the issue, the majority reported it was completely (70%) or partially (14%) resolved with a high level of satisfaction (93%). This suggests that available — primarily informal — mechanisms broadly serve

to resolve most disputes. It may also reflect the relative accessibility of informal local mechanisms, particularly in rural areas, and the speedier resolutions they offer compared to formal justice services. When explaining why they selected a particular pathway, the most common reasons given by respondents were that it would easily resolve the problem (28%) or that it was the way disputes were resolved in their community (21%).

As with potential pathways, there was variation between different groups in their selection of realised pathways, particularly in terms of gender and age. Women were more likely than men to consult family (29% compared to 13%), while men were more likely to go to the village chief (29% compared to 15%) or a court (11% compared to 3%). Younger Solomon Islanders (18–25 years) were also more likely to consult family (32%) than older demographics (18% for 26–40; 13% for 41+). These findings echo some aspects of the gendered and generational variations noted in relation to potential pathways, with men and older Solomon Islanders more inclined than women and younger people to use the services of village chiefs. Women also retain a preference for another informal mechanism, namely, the family.

Implications

The 2019 UNDP study findings on justice pathways confirm the continuing importance of informal justice mechanisms in relation to a range of everyday disputes in post-RAMSI Solomon Islands. Whilst indicating important areas of continuity with the findings from previous studies, they also reveal significant — possibly growing — variations in pathway preferences according to gender, age and location. Women and younger people are demanding more formal justice options, primarily in terms of police. In doing so, they are also demonstrating less confidence than men and older Solomon Islanders in the likely justice outcomes administered by village chiefs.

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Author notes

Tom Sloan is CEO of Sustineo P/L, Sinclair Dinnen is with ANU's DPA and Mark Rowe is an independent consultant.

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