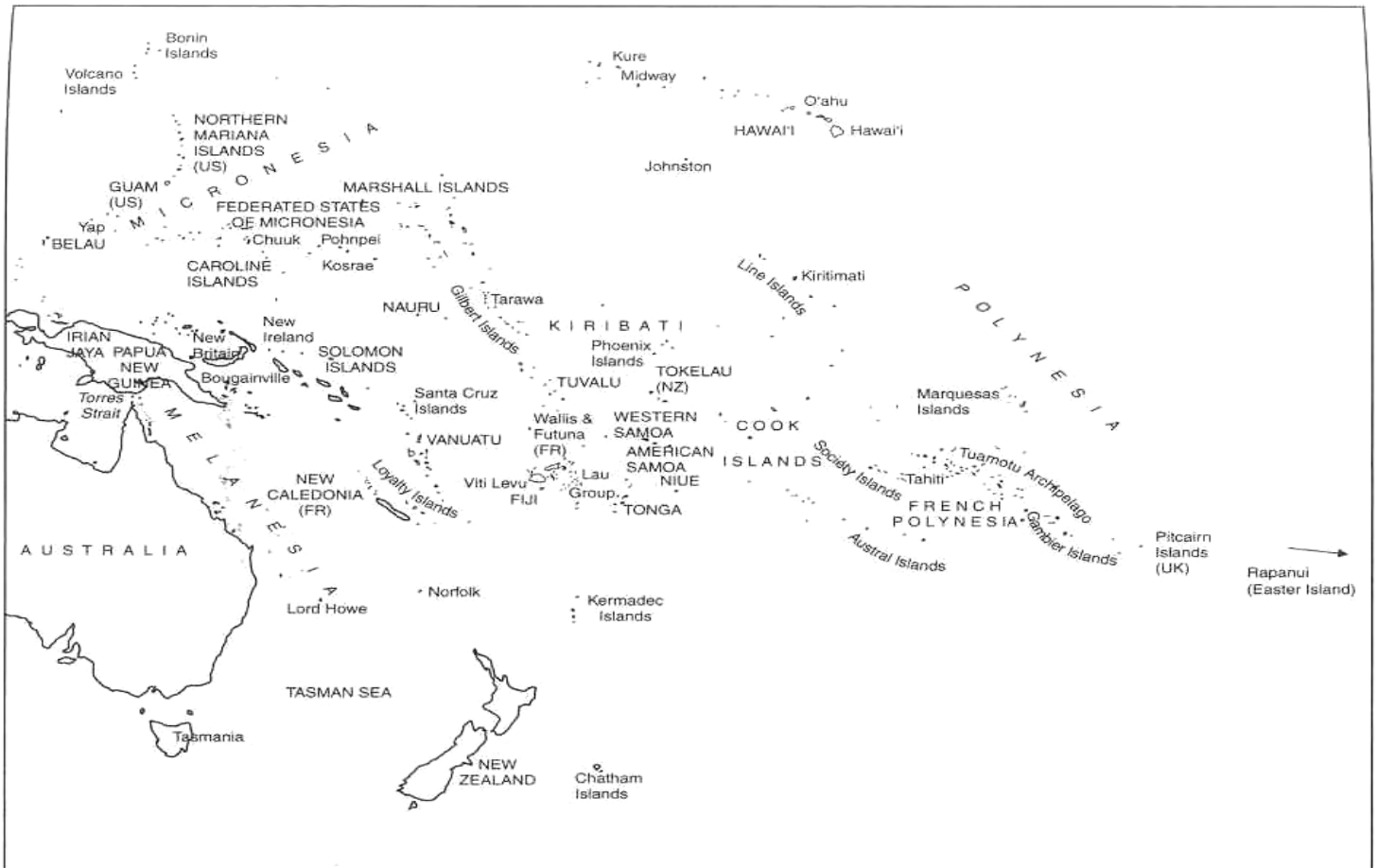




Briefing Paper for ASSI PJ
Australian South Sea Islanders,
Leadership and *Kastom* in Pacific Islands Nations
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The Pacific Islands territories are some of the most complex on earth in terms of their traditional and modern governance structures. Overwhelmingly ASSI are descendants of immigrants from Vanuatu and Solomon Islands. Given the degree of intermarriage in the ASSI community there needs to be an equal approach to both nations in any dealings and there needs to be an understanding of the governance and cultural structures, which although they have a similar cultural base, have developed quite differently in each nation.

The Nations, Territories and Regions of Oceania

American Samoa, unincorporated territory of USA
Australia
Banaba (Ocean Island), within Kiribati
Commonwealth of the Northern Mariana Islands, territory of the USA
Cook Islands, independent in association with New Zealand
Easter Island (Rapanui) Province, Chile
Federated States of Micronesia, independent in association with USA (includes Chuuk, Kosrae, Pohnpei and Yap)
Fiji
French Polynesia, an overseas territory of France
Guam, unincorporated territory of USA
Hawai`i, State of USA
Kiribati
Marshall Islands, independent in association with USA
Nauru
New Caledonia, an overseas 'country' of France
New Zealand (Aotearoa)
Niue, independent in association with New Zealand
Palau, independent in association with USA
Papua, Province, Indonesia
Papua Barat, Province, Indonesia
Papua New Guinea
Pitcairn Island, United Kingdom
Samoa
Solomon Islands
Tokelau, a territory of New Zealand
Tonga
Torres Strait Islands, within Queensland, Australia
Tuvalu
Vanuatu
Wallis and Futuna, an overseas territory of France

The Pacific region has fourteen independent nations and thirteen other dependent territories, colonies, provinces and districts governed by or in association with non-Pacific nations. Other small islands and archipelagos lie in the eastern Pacific off the Latin American coast and in the North Pacific: for instance, Ogasawara (Bonin Islands) is part of Japan but has not been counted here as a Pacific territory. The degree of association between Pacific Islands' entities and their former colonial power varies. For instance, the Cook Islands and Niue are regarded as fully independent although both are "in association with New Zealand", while Tokelau with 1,300 people has its own government but is a territory of New Zealand. The region also includes the western half of New Guinea, (now divided into two Indonesian provinces), which is often regarded as a part of Asia, and the Torres Strait Islands, which are a part of Australia. The geographic scope of the Pacific Islands does not usually include New Zealand and its indigenous Maori population, although when Maori are resident in Australia they are often seen as part of the Pacific Islands community.

Governance structures vary enormously and many Pacific nations have incorporated aspects of customary governance. These modern structures include features of government world-wide and aspects the original forms of authority. The original systems in Melanesia (New Guinea, Solomon Islands, Vanuatu and New Caledonia, with Fiji on the cusp with Polynesia) owe most to the Bigmen system where successful entrepreneurs were influential secular leaders. Customary governance is hereditary in some areas, particularly in Polynesia and Micronesia. For instance, Tonga has had a monarchy since 1857 when high chieftainships were combined into one position. Independence was restored in 1970 and a Privy Council began, comprised of the king, the cabinet and the governors of Vava`u and Haapai. The Parliament comprised nine nobles elected by the 33 nobles, along with nine elected representatives of the public, and the king's appointees who included the Prime Minister and Cabinet. Recently there has been a move towards a more democratic Parliament but effective power rests with the king and his nobility. Similarly Samoa was a chiefly society and in 1962 at independence the National Parliament consisted of 47 elected members, 45 of whom must be chiefs. Until 1990 only chiefs could vote for these members, but thereafter although only chiefs can stand, any adult may vote. In Fiji the chiefly system remains at the heart of political and socioeconomic system. Fiji began with an elected monarchy under Chief Cakabau and even in British times (1874-1970) allowed special emphasis on chiefs and after independence created a hereditary council of chiefs alongside its lower house. The head of state is elected by the Great Council of Chiefs, after consultation with the Prime Minister.

Vanuatu

In the New Hebrides (Vanuatu), jointly controlled by Britain and France since 1888, the Advisory Council had some appointed indigenous members from 1957, and later these members were elected by a restricted suffrage system. After conferring in 1973 and 1974, Britain and France replaced the Advisory Council with a Representative Assembly in 1975. There were forty-two seats, twenty-nine freely elected, six seats allocated to the Chamber of Commerce, three to the Co-operatives Federations, and four to *kastom* Chiefs, representing all four districts and elected by an Electoral College of Chiefs. After the August 1975 municipal elections and the subsequent September national elections, the new Assembly was not inaugurated for several months, due to dispute over the lack of a democratic franchise and how many *kastom* Chiefs should sit in the House. The result was that the four seats were maintained but a separate Council of Chiefs (later renamed Malvatumauri) was established in 1977 to make the selection. The National Council of Chiefs had twenty members, and the four Chiefs from the Representative Assembly also attended. In 1979, a Constitution was finally agreed to, and an election on 14 November, although boycotted by the *Vanua`aku Pati*, carried Walter Lini through as Chief Minister and finally Prime Minister on 30 July 1980. Vanuatu is a Republic with a President. Vanuatu's Constitution provides for an Attorney-General from outside the Parliament, and made provision for the Malvatumauri National Council of Chiefs. ("Mal" means chief, "vatu" means stone, island or place, and "mauri" means something that is alive.)

The Vanuatu Constitution continued the Malvatumauri in its same advisory role. The Malvatumauri has a significant role as advisor to the government on cultural affairs, a role that has evolved over the years since independence. Members of the Malvatumauri are elected every four years by their fellow chiefs sitting in district councils of chiefs. The role given to the Malvatumauri under the constitution is limited. The Council can discuss all matters relating to custom and tradition and can make recommendations for the promotion of Vanuatu culture and languages. The Parliament does not have to discuss any legislation with the Malvatumauri. In recent years the Malvatumauri has become better organised and in the

2000s established councils of customary chiefs throughout the nation and promoted the role of the chiefs in resolving disputes according to local customs. When the *National Council of Chiefs Act* was passed by Parliament in 2006 limits were placed on their powers; however this is the closest that any Melanesian nation has come to state recognition of *kastom*. The election of Island Councils of Chiefs and Island Community Councils for Port Vila and Luganville began in 2008. The Malvatumauri is now made up of the elected chairmen of the Island Councils and the Urban Councils of Chiefs.

The Solomon Islands has a similar social structure but in 1972 rejected the incorporation of customary leaders into national leadership. Papua New Guinea made a similar decision. They have chosen a less formal path for preserving *kastom*.

Solomon Islands

The British Solomon Islands Protectorate began in 1893 and ended in 1978. The Solomon Islands nation which emerged in 1978 is a constitutional monarchy with the British monarch as Head of State, represented by a Governor-General. The nation became a unitary state with two levels of government, national and provincial. There is a unicameral National Parliament, the Prime Minister is elected by secret ballot and chooses the other members of the Cabinet. The Speaker is elected by open vote by the members of the House, from outside the House, although the Deputy Speaker is a member of the National Parliament, and the Attorney-General is a public servant who sits in and can speak in the House when requested, but has no vote. The Governor-General is also elected by the National Parliament by open vote. The Constitution specified between thirty and fifty constituencies, with thirty-eight at independence, increased to fifty in 1994. There is no provision for incorporation of *kastom* Chiefs at a national level, despite nation-wide discussions back in the 1970s when the constitution was drawn up.

Area Councils as a third tier of government operated for a period after independence, but were abandoned, leaving the emphasis on provincial and national government. There have been many reviews of the provincial government system, the role of chiefs and the Constitution. In 1988 there was a review aimed at institutionalising the roles of traditional chiefs, which was shelved when the new Alliance government insisted on maintaining the 1978 *status quo* but delegated more power to the provinces over fisheries, forestry, mining, foreign investment and taxation. During the mid-1990s the National Coalition Partner government was in favour of involving chiefs, based on reasoning that the chiefs had ultimate power at the village level over land and therefore economic development. This view was abandoned by the next government, the Solomon Islands National Unity, Reconciliation and Progressive Pati which took power in 1994. In 1997 the government passed the *Area Assemblies Act*, which was challenged by Guadalcanal Province in the High Court and nullified, then upheld in the Court of Appeals. The next government abandoned the *Area Assemblies Act*. The Solomon Islands Alliance for Change (SIAC) government appointed a task force to find a cost-effective system, which produced a report and draft legislation, only to be abandoned after the June 2000 coup. However, Prime Minister Kemakeza continued to explore the recommendations of the 1987 Constitutional Review.

Discussion over Constitutional reform has remained current since then. The Constitutional Congress and Eminent Persons Advisory Council and the 'National Development Strategy 2011 to 2020' make no mention of the possibility of increasing the role of *kastom* Chiefs, stressing instead the possibility of a future Federal Constitution.

Custom and Kastom

The term “*kastom*” has been used at various times in relation to ASSI relations with their families and nations in the Pacific. It requires some clarification.

Kastom, is a *Pijin* term that can refer to shared traditions, but also to contemporary ideas and institutions perceived to be grounded in indigenous concepts and principles. Thus ‘*kastom*’ is not, as is often supposed, synonymous with the English ‘custom’, which is typically conceived as Melanesian ways from before Europeans’ arrival in the islands. In addition to its usage in everyday language, anthropologists have analyzed and debated *kastom*’s meanings. Particularly in its political uses, *kastom* is often closely tied to indigenous means of dispute resolution, or ‘*kastom loa*’, set in opposition to state or ‘government law’. The word has developed different meanings in different Melanesian countries and cultures. In the Solomon Islands, relative to Vanuatu and Papua New Guinea, the state has had little success in harnessing *Kastom*. *Kastom* is a fluid concept that is used selectively and creatively, and is for many ni-Vanuatu and Solomon Islanders a key mechanism for adapting to and channeling modernization and change. While *kastom* is most often presented as authentic and traditional, it underpins local circumstances and rights and interpretations and shifts over time. *Kastom* began to coalesce in the nineteenth and early twentieth centuries but it is not the same as customs “practiced for generations”.

Conclusion

Australian South Sea Islanders are the descendants of people from eighty different Pacific Islands. Many of their ancestors came to Australia before the colonial territories which became Vanuatu (1888/1906) and Solomon Islands (1893/1899) existed. The European international boundaries drawn in Melanesia were often quite arbitrary, splitting apart closely related peoples. This is most obvious between the southern Solomon Islands and their close neighbours in Vanuatu, and between the Western Solomons and Bougainville. Australian South Sea Islanders are a diasporic community (formed by dispersion) created between 1863 and 1904 by Australian colonial circumstances, but they carry allegiances mainly to two Pacific nation states, Vanuatu and Solomon Islands.

Given the impediments they have faced, over the last forty years Australian South Sea Islanders have made remarkable political progress in coming together as a political lobby group. They have also substantially re-linked with their island or origin; there are community links to both Vanuatu and Solomon Islands going back to the 1960s and 1970s. One the next crucial tasks for the national Secretariat is to formalize this re-linking process, particularly as Vanuatu introduced dual citizenship in December 2013. The National Australian South Sea Islander Secretariat must take great care to understand governance structures in Vanuatu and Solomon Islands and to work with the national governments of these sovereign nations.

Sincerely,



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