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**Solomon Islands**

# **S**olomon Islands conflict: demands for historical rectification and restorative justice

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## Introduction

During the last eighteen months, media coverage of the 'Guadalcanal ethnic conflict' in the Solomon Islands has been my main source of information. I have also been to the Solomon Islands three times, in which I obtained some first hand information about the 'ecology' of the conflict. What has struck me most about this conflict is its illusive nature. The seeming madness of it all. One thing seems clear, that unless as a new nation we can manage the driving force behind such a social conflict, natural resources development is going to meet serious development obstacles.

This paper attempts to show that historical injustices through the process of colonisation translated through colonial land laws, capital and inadequate institutional development of the new nation state may have contributed to the current unjust social conditions underlying the current social conflict. If historically conceived injustices have a strong bearing on the current conflict, then it has to be asked what are the implications of historical injustices on development and how are such injustices to be accorded fairness. Also on the basis of such innovation, how would resource use and social stability be maintained?

The idea of restorative justice is of paramount importance in the Solomon Islands. According to Martin, restorative justice is about reparation or restoring fairness to a victim of crime (Martin 1996). In business organisations, Hartman argues that a corporate culture that values the 'good life' for its members is pursuing a just cause. He argues that justice is about a good life with its main features as morality and personal well being (Hartman 1996). But Harvey argues that such an understanding of justice is confined to entitlements or person's rights to possess certain objects neglect to take into account other harms (Harvey 1999). Despite the fact that there are many different degrees of justice, it is clearly a desired end in any social relationship. That is the idea of social justice is related to restorative justice or restorative fairness. This implies a show of fairness and mercy to victims. Thus restorative fairness is about restoration and improving human relationship to a consensus level. That is how humans should live together well.

The concern for the issue of justice in human society is not a new idea. In *Politics*, Aristotle struggled to find what would constitute the best means for men to attain the 'good life'. In his view the right, the expedient and the natural are the same thing, and that human happiness resides in conformity to some natural given pattern. (Kitto 1951:39). He asserts that through the study of history of society and its comparative analysis, knowledge for improvement is gained. The Aristotelian teleology<sup>1</sup> is perhaps one of the most influential philosophical ideas that directed the preoccupation with 'progress' and 'civilisation' that has influenced the civilising project connected with European expansion. But if the civilising project was to achieve some ultimate purpose, in the process, it has also instituted social conditions of uncertainty, particularly where it involved colonised society. This is a view developed by John Bodley in his work *Victims of Progress*, which outlines the genocide and land expropriation that accompanied colonisation of tribal societies worldwide (Bodley 1990). Clearly even a notion of justice can be illusive and therefore, the context in which justice is demanded is a necessary factor in understanding restorative justice and development in third world countries.

In the case of Solomon Islands, when consideration is given to the current conflict, it appears that the conflict is about development. The way development has been facilitated, not

only through its colonial history but within the post-colonial period, seems to sustain existing injustices or harms. Such harm is often translated in terms of covert or overt violence, which resulted in some social injustice. In either case, violence is a form of social conflict in human behaviour. In sociological literature social conflict is a form of social action. According to Coser, social conflict is defined as

...a struggle over values or claims to status, power, and scarce resources, in which the aims of the conflicting parties are not only to gain the desired values but also to neutralise, injure, or eliminate their rivals (Coser 1968).

The other features of social conflict is it involves at least two parties which engage in interactions composed of opposing actions and counter actions (Himes 1980). Parties also engage in actions to control the opposition. At the same time, one important and often unfortunate aspect of social conflict is that it has significant social consequences (Himes 1980), most of which are unintended. But while concern is directed at the current actions of social conflict, often the underlying conditions culminating in such social action are often neglected. To this end, the paper hopes to contribute understanding about the conditions leading to the conflict and to draw some conclusions for future nation-building policy.

Development in the Solomon Islands may continue to be infested with social conflict unless there is clear understanding of the conditions of unfairness and their replacement with standards or mechanisms for fairness about values, power and resource use and exchange.

But first the current conflict calls for a clear understanding about the major conditions contributing to the current state of violence. Is the Guadalcanal ethnic tension reflecting features of Coser's definition of a social conflict, that is, conflict concerning struggle over values, power and resources? Views about this social conflict vary. In April 2000, I visited Honiara and generally members of Malaitan public saw the cause of the conflict as to do with murder cases of Guadalcanal individuals throughout the history of Solomon Islands. The Guadalcanal Isatabu Freedom Movement<sup>2</sup> (IFM) was about revenge. Equally, Malaitans viewed Guadalcanal abuse or what they saw as public defilement through swearing as a legitimate cause for counter revenge. Reading *Isatabu Tavuli*,<sup>3</sup> one cannot help but notice the emphasis on 'Land is our Mother, Land is Our Life, Land is Our Future' (Unknown 2000:1). This does not mean the IFM were simply concerned with land exclusively, but it does suggest that, land is an important issue in the conflict. The Malaitan Eagle Force<sup>4</sup> (MEF) had also put out a media newsletter, which I came across in May 2000. The MET newsletter *The Eagles' View Point*,<sup>5</sup> explained that their interests lies in the compensation for properties and Malaitan lives lost in Guadalcanal at the hands of the IFM [Douglas, 2000 #58]:1).

Clearly, it seems that Malaitan problem is one of compensation for lives and properties lost in the conflict of the past 18 months. It is a secondary problem—an unintended consequence. But for the IFM, the issues of interests and values, points to a much more complicated challenge for the contemporary Solomon Islands. These are issues and interests rooted in the colonisation of Solomon Islands.

## Historical background

In 1568 the name 'Guadalcanal' was born as the result of the Spanish Explorer Alvero de Mendana writing in his diary that he had discovered the Isles of Solomon. He named the locally

known Isatabu 'Guadalcanal' after a country town in Spain (Amherst 1901; Jack-Hinton 1962; Jack-Hinton 1969; Queiros 1904). During the same trip (Coppet 1977) Mendana had 'accidentally' named the island of 'Mala-ita' formerly known as Mala or Marahiria, by asking people on the Marau sound, who pointed to Mala and said 'Mala-ita' literally meaning Mala (Island) is over there (ita).

The pre-colonial Malaita (Mala) and Guadalcanal (Isatabu) were not always in conflict traditionally. Many genealogies from Malaita are currently traceable to Guadalcanal. In Are'Are for example, people from the Tai region of currently West Are'Are (Naitoro 1993) are able to trace their maternal kinship relationship to Guadalcanal. Maternal names such *moia*; *rauketete* and *keopurumae* are traceable to Guadalcanal, especially in the northern side of Guadalcanal. There are also legends of marriage exchanges between Malaitans and Guadalcanal people. Therefore, while conflict between families, groups or even tribes have occurred in the past, there has also been relationships of kinship, marriage and exchange which suggest there were also friendly relationships. Linguistically, the Malaitans of Are'Are and Longgu in Guadalcanal are closely related (Naitoro 1993:5).

However, major change was to take place after the discovery and naming of these and other islands as '*Solomon Islands*, by the Spanish explorers. The expectation about the potential purpose for the discovered land and its people was already laid. As the Spanish explorers wrote to their King in Spain, on 20 March 1569

In my opinion, according to the reports that I have received, they (these Islands) were of little importance, although they say that they hear of better lands; for in the course of these discoveries they found no specimen of spices, nor of gold and silver, nor of merchandises, nor of any other source of profit, and all the people were naked savages...The advantage that might be derived from exploring these Islands would be to make slaves of the people, or to found a settlement in some port of one of them, where provisions could be collected for the discovery of the mainland, where it is reported that there is gold and silver, and that the people are clothed (Amherst 1901; Coppet 1977)

## Traders

For almost two hundred years following the Spanish, traders came to the Islands. Among the most important was an Englishman, Andrew Cheyne. Leaving England in 1840 he sailed to the Pacific (Shineberg 1971) basing himself in Sydney. European traders brought iron implements at the time, which the Islanders desired. Cheyne wrote about the Solomon islands during his visits to Makira and Simbo Island, about his trading experiences:

The goods most suitable for this Island are tomahawks, axes, adzes, chisels, saws, gimblets, scissors, good iron hoop, small iron pots, red cloth, gouges, files, fishhooks, assorted empty bottles and red, white, blue, green, black and yellow glass beads, large and small, and small boxes with locks and hinges (Green 1976)

The traders' effect on the inhabitants of these islands, including Guadalcanal and Malaita, was already in place before the 1874-1904 Queensland labour trade. But the large-scale commercial agriculture in Australia and in Pacific Island Countries like Fiji and Samoa had a significant impact in Melanesia, including the Solomon Islands (Naitoro 1993). While it is not known how many Guadalcanal people were indentured to work in Queensland, it is known that Malaitans numbered about 9,000 of the 64,000 indentured labourers (Moore 1985). Clearly, Malaitans and

Guadalcanal people were at this historical period affected more by foreign influences rather than by each other. But things were to change after 1904, especially on Guadalcanal.

### **Protectorate and land laws**

The British declared the Solomon Islands a protectorate of the British empire in 1893 and posted a resident Commissioner in 1896 (Allan 1957). The first resident Commissioner, Charles Woodford, chose Tulagi, among the central Islands between Guadalcanal and Malaita for the residency and pursued a policy of commercial development in the Solomon Islands (Scarr 1967). This led to large-scale land alienation of customary land for imperial investment. The first major company was the Pacific Islands company (Scarr 1967) with strong connections with the Colonial Office which obtained all its concessions. These land concessions were sold in 1906 to Levers' Pacific Plantations, a company that was formed by the soap manufacturer, Sir William Levers, to supply raw material for his factories (Scarr 1967:264–65). The demand for commercial expansion caused the colonial administration to introduce regulation for land 'confiscation' through Queen's regulation N0.4 of 1896. Native Land was defined as 'land owned by a native'. Section 10 of the regulation mentions vacant land, being defined as 'being vacant by reason of the extinction of the original native owners and their descendants' (Allan 1957; Naitoro 1993): 57& 36-7). This legal process of land 'acquisition' continued in later years. The Queen's regulation No. 3 of 1900 amended by No.1 of 1901 and by No. 2 of 1904, continued to lay down the idea of 'waste' land defined as 'land which is not owned, cultivated or occupied by any native or non-native person' (Allan 1957: 37). Under this legal framework, the colonial administration secured customary land for plantations, for the capital, and for Church buildings and properties. This dispossession of customary land is related to the present conflict.

By 1906 Levers Pacific Plantation Limited was in control of the most fertile land throughout the country, 200,000 acres in all. (Ibid 1972:33). By 1956 it had appropriated 90 per cent of the coastal fertile land under foreign control. This amounted to about 6 per cent of the total land in the country (Allan 1957:60). World War II put a brake on much of the plantation activities in the 1940s. But by this time much of the fertile land had already been appropriated for plantation activities. Guadalcanal was one of the islands heavily affected. Between 1886 and 1920, the colonial government and traders had acquired possession of 22,720 acres of land on the plains of Guadalcanal (Lasaqa 1972:29). This is the most fertile land in the whole of the Solomon Islands. Kelly T.G. of Sydney acquired all the land between Matanikau and Tenaru rivers (20,444 acres) with trade goods (Lasaqa 1972). This practice continued until World War II.

### **Land and autonomy movements**

After World War II, natives realised they had been cheated in the land acquisitions (Lasaqa 1972:29). This underlay the resentment against traders and eventually the colonial government. In Malaita, there was the perception of British oppression; translated through poor labour conditions, land cheats and a '*work thank you*' labour system, which was a local version of slavery. While, the sense of inequality created by the British as opposed to a perception of equality among the white and black Americans during World War II had contributed to the emergence of the Maasina ruru movement, it was fundamentally about land. One of the founders of the Maasina ruru movement explained the distinctiveness of the relationship between people and land and its rights

...Eerehau<sup>6</sup> explains why 'land is not taken in vain': First appeared the word (*waratoo*), then fate (*sibotoo*) and Good Fortune (*nanamaha*). From them people came into being. First arose the apical ancestors (*Rioanimae*), from them follow all genealogies down to the present time. Apical ancestors stood up and ruled over all places (on the land); in the ground they were ancestor-snakes; in the rivers, ancestor-crocodiles; in the sea, ancestor-sharks; and on the mountain tops, ancestor-eagles (Daniel de Coppet: 1984:80).

In Guadalcanal, while there were similar movements, including their participation in the Maasina Ruru movement, it was not until the 1950s that the more significant Moro movement established its active organisation. The Moro movement is named after the leader of the movement—Chief Moro. In 1957, Moro from South East Guadalcanal, had a near-death experience, in which he had a vision. In the vision he encountered the creator of the island whom he called Tsobotua. The creator explained that the island belongs to him and his people, and that the original name of the Island is Isatabu instead of Guadalcanal. Research done on the movement suggests that the near death experience was purported to establish:

- leadership autonomy over Isatabu by the creator Ironggali in the person hood of Tuimaui (the first paramount chief and cultural hero of its own right)
- the role of local leaders (chiefs) as centre for economic activities, defender of area territories and customary law,
- proclamation of political legitimacy of Moro himself as successor of Tuimaui
- the repudiation of Waste and Public Lands concepts (Davenport et al. 1967:145).

The Moro consciousness before political independence from Britain in 1978 was reflected in the demand for recognition of Isatabu Island, the role of its traditional leadership system including its customary laws and outright rejection of legal acquisition of customary land. (Davenport 1967). It is clear that these demands, made well before political independence in 1978, remain unchanged. In February 1999, Guadalcanal Premier, Mr Alebua announced that the Guadalcanal people demanded

- a structural change of the political system from a unitary system of government to a federal state system of government;
- equity in economic distribution of financial and other benefits from commercial projects located on the Island and
- social and cultural recognition of Guadalcanal people, starting restitution by compensation payment for members of Guadalcanal people killed by others since immigration to the island.

While the terminology of the demands may have altered, clearly land issue, leadership and identity, as raised prior to political independence, remains as central factors affecting the actions of their militant groups and supporters. This may explain the emphasis on 'Land is our Mother, Land is Our Life, Land is Our Future' (Unknown 2000:1). The concern over land is obviously not unique to Guadalcanal, as shown by Maasina ruru leader's explanation of indigenous relationship between people and land. It is a relationship beyond simple commerce and the ideals of the nation state.



## Effects of nation building

While the demand by the Moro movement in the late 1960s about traditional leadership role, economic control and social and cultural identity remain as imperative today as it was in the 1960s, post World War II and post Independence development exacerbated the social conditions of perceived marginalisation and dispossession. After 1953, the administrative capital in Tulagi was shifted to Honiara. The American war roads and the Japanese assault air strip captured by the Allies, formed convenient basic infrastructure for the new capital. The growth of Honiara Township started mainly as a colonial centre for administration with a few natives hired as servants of the colonial masters. While the relocation of the administrative capital from Tulagi to Honiara was seen as most convenient from the point of view of logistics, infrastructure and nation state administration, it was seen as a further violation of Isatabu territorial rights. Honiara became the central 'pull' factor for other Islanders, especially Malaitans. As the preoccupation with development and progress took hold in Honiara, Isatabu territorial rights over the area were assumed to be 'extinguished'. Honiara was now seen as a national property and one that the colonial administration should be thanked for establishing for national development. This assumption continued in the lead up to independence in 1978.

When the Solomon Islands gained political independence in 1978 (Alasia 1997), two important factors laid the foundation for post-independence Solomon Islands. The first was the setting up of a democratic constitution as a framework for the governance of the new nation state. The constitution was conceived almost in the same manner as the relocation of the administrative capital from Tulagi to Honiara more than two decades earlier. The second was the notion of establishing large commercial projects as major foreign income earner for the new nation. This too was done in a form where tribal concerns on Guadalcanal were marginalised.

## Constitution

First the establishment of the constitution. The Solomon Islands' constitution, modelled on the Westminster system of government of Britain, defined in detail the rights of individuals and appointments of positions of the administrative machinery (Alasia 1997), but failed to recognise officially the role of traditional leaders. Paradoxically, to circumvent the demands for constitutional recognition of kinship leadership a nominal recognition was provided instead. This is contained in the preamble of the constitution, which reads

We the people of the Solomon Islands, proud of the wisdom and worthy customs of our ancestors, mindful of our common and diverse heritage and conscious of our common destiny, do now, under the guiding hand of God, establish the sovereign democratic State of Solomon islands; As a basis of our united nation DECLARE that ... (e) we shall ensure the participation of our people in the governance of their affairs and provide within the framework of our national unity for the decentralisation of power (UK 1978:145).

The Constitution provided for the definition of the state, fundamental individual rights, citizenship, executive and legislature governance, the Judiciary and other administrative provisions, but left out kinship rights and tribal groups altogether. (UK 1978). This apparent constitutional exclusion of kinship collectivities has been an issue ever since.. While the measures provided under the Provincial Government Act 1981 (SIG 1981), seem to have been intended for this

purpose, it simply duplicated central government roles and, as a result, further marginalised kinship groups. This led to further demand for constitutional review, which was carried out in 1987. Mr E. Alebua (now the provincial premier of Guadalcanal) was the Prime Minister of Solomon Islands. By 4 January 1988, the final review report was sent to the Prime Minister by the review chairman, former Prime Minister late Solomon Mamaloni, on behalf of his committee members. The Members included, former Prime Ministers, Peter Kenilorea, Billy Hilly, Andrew Nori (now leader of the Malaita Eagle Force) and other government officials (Mamaloni 1988). The review report recommended constitutional change from the existing unitary system to a Federal Republic consisting of democratic union of States (Mamaloni 1988:1).

This constitutional recommendation was never implemented.. This constitutional issue has not only concerned Guadalcanal but is a concern for many parts of the Solomon Islands. Clearly, when one considers one of the demands of the Isatabu Freedom Movement in early 1999 for a constitutional change to a federal government, it seems obvious where such a demand has originated. The constitutional review report itself made the recommendation on the basis of the desire for considerable inclusion of the need for greater autonomy in terms of greater constitutional provision for kinship rights. But the issue of constitutional change remained shelved, only to be mentioned again in Alebua's demand in early 1999 as one of the demands of the IFM. Kinship participation, whether nominal or actual, has to reflect the particularity of kinship and be related to the universality of the concept of nation-state.

### **Commercial projects**

Apart from this constitutional issue, the second factor, which contributed to the present conditions of conflict, has been the commercial projects implemented since 1978. The development of fishery projects in the western part of the Solomon Islands (Hughes 1987; Meltzoff 1983), in 1972 was seen an economic preparation for political independence. Such a project required labour and since it is a national project, people from all over the Solomon Islands, including Malaitans, sought employment. Malaitans left Malaita to work in the Western Province of the Country. Equally, a similar large commercial project, though, this time in agricultural plantation, was established by the Common Wealth Cooperation (CDC) in joint cooperation with the Solomon Islands government on the Guadalcanal planes. A subsidiary company, known as Solomon Islands Plantation Limited (SIPL), was established in the 1970s (BSIP 1971). This involved large scale planting of oil palm at Ngalmibiu and Tetere on the Guadalcanal plains. The first estate, Ngalmibiu estate, was established after five years. This was followed by another five estates established between 1977 and 1992 (Naitoro 1993). Starting with 400 labourers in 1973, this increased gradually until the labour force was about 5,000 in 1992. Further expansion to at least 8,000 in the late 1990s were working in plantation of oil palm covering 6,000 hectares of land. A further 1,000 hectares of land were negotiated around the time of the beginning of the crisis. While the total labour force may have been no more than 10,000, the free movements of relatives as a result of the growth of Honiara, allowed more people to live around the Plantation area, attracted by its potential economic opportunities.

This new 'plantation community' was no ordinary environment as it brought together people of diverse cultural and social expectations. The commercial project in a sense created an 'invasive' environment in which Guadalcanal people were simply marginalised and dispossessed in their



own territory. Thus, the issue of ensuring social cohesion became necessary. While there was such a demand for greater social cohesion within the wider community of Solomon Islands, the government has not taken this up. But ignoring this would not make it go away. To illustrate this point, it is important to try and understand how different cultural groups try to live together in a plantation environment. This leads us to the idea of the 'Village Committee' established within each plantation estate of the Solomon Islands Plantation Limited (SIPL).

### **SIPL Oil Palm Project: Village Committee**

To maintain social cohesion in the plantation environment, the company supported the 'Village Committee' concept initiated and applied by the labourers. The idea is that each of the five company estates must have a committee called 'village Committee'. The Plantation estates are equated with a 'village'-like environment. But this is no ordinary village, as members of the committee represent different tribal groups. For example, the 1987 Village Committee for Okea Estate (Fifth estate), comprises five Committee members representing tribes from Guadalcanal, Malaita and Santa Cruz (Seni 1987). But because of the large number of labourers, who came from most of the nine tribes on the Island of Malaita, even such Village Committees also reflect a Malaita-dominated situation. Thus, out of six committee members, one represents Guadalcanal, one represents Santa Cruz and four represent Malaita.

Given such conditions of village committee representation, when it comes to making decisions about issues, it becomes complicated. Some of the central issues that concern the labourers which the village committee has to deal with involve Kura (Gambling), illegal occupants in labour line houses, over crowding in houses, single people living with married couples and adultery (Mauli 1981). In the case of kura or gambling, this could sometimes lead to group violence if someone lost their monthly plantation wages. If over crowding is tolerated for some and not others, this may lead to group dissension. There are different degrees of restitution for offences. In a case over adultery at Tetere estate in 1986, for example. On 27 October 1986 a case was reported that 'x' runs away with 'y's' wife. 'x' demanded a compensation of \$300 but 'y' thinks this is too expensive. According to 'x' this compensation is very reasonable because if it was to be done traditionally, it will have cost a lot more, because of the feasts involved in restitution and reconciliation (Takabio 1986). In the Tetere Village committee deliberation, they decided, what would be a comparative cost for such compensation from different provincial customs. They found that in Makira and Ulawa this would cost \$300; In Malaita this would cost \$500.00. In Isabel this would be \$300 and Eastern Outer Island \$100. The Village committee came up with an average, which was \$300. But the offender still thought this was expensive and paid only \$200. The mistress wife decided that she should pay the remaining \$100 to leave the husband.

The SIPL plantation environment has forced social groups to interrelate in which case, where offences to different cultural groups are unsatisfactorily settled, this may give rise to conditions of social and cultural subordination. Given the large immigrant labour population in Guadalcanal, it seems inevitable that social interactions related to social conflicts may have contributed significantly to the resentment against Malaitans in general. In this context it seems that Guadalcanal concerns over social and cultural status has an important bearing in the current crisis in the Solomon Islands. By June 1999, at the height of the current ethnic tension, 20,000 Malaitans displaced from Guadalcanal.

Some people have argued that the campaign of the Isatabu Freedom Movement was successful in its displacement of Malaitans. But the conflict took a sinister twist when Isatabu Freedom Movement militants kidnapped some Malaitans and killed them. It is believed that at least 18 Malaitans were killed. This was the beginning of the Malaitan militant group known as the Malaita Eagle Force (MEF). The MEF launched counter offences, which have also resulted in killing some innocent Guadalcanal individuals. In the meantime, attempts by the government to restore law and order has proven difficult. Several attempts to achieve peace between the Malaita Eagle Force and Isatabu Freedom Movement have not been successful. These attempts include (a) a task force to consider Guadalcanal demands in March 1999; (b) a Guadalcanal Peace Process Committee in June 1999; (c) the Honiara Accord brokered by Major Sitiveni Rabuka; (d) the Marau MOU in July 1999; (e) the Balasuna Agreement in July 1999; (f) the Panatina Agreement in July 1999 and the recent Buala Communique on 8 May 2000.

Most of the above attempts had in common the demand to return to the table to consider the grievances of the IFM. On the 5<sup>th</sup> of June 2000, the Malaita Eagle Force took control of the Solomon Islands government and demanded the resignation of the Prime Minister. According to the spokesperson for the MEF, the joint-operation between a faction of the Police Force and the Malaita Eagle force was to maintain law and order. The Prime Minister was placed under 'Home Care'. The demand of the MEF is for the compensation for lives and properties lost. For the IFM, their campaign remains. Perhaps a better understanding of the issues affecting IFM and its people is perhaps the best approach towards finding some form of restorative justice.

Given the historical context of the social change which affected not only the Guadalcanal people but also the Malaitan people, discussion of the notion of restorative justice becomes quite complex. The remaining part of this paper will seek to understand restorative justice in the context of a conflict, which has historical developments as a major causal factor.

## **Restorative justice**

Social justice is important. In particular it is important where restoration of fairness is morally demanded by the victims of any harms or violation. In the context of the Solomon Islands, the judiciary arm of the nation state administers official 'justice'. This is the administration and management of the penal system. Unofficially, offences against people and properties are also dealt with in the customary dispute settlement practices. The two systems seem to approach restorative justice from very different perspectives.

## **Penal system**

During 1989 a UK-based study of Solomon Islands penal system did a 20 per cent sample study of persons dealt with in the Magistrate Court from the period 1980 to 1988 [Clegg 1990 #78:3]. In a comparative analysis of types of disposal in each court of the major regions, namely Malaita, Guadalcanal (Central) Western and Eastern regions, the report suggests that Malaitans were no more criminals than other persons from these other regions. For example, in the case of imprisonment for various serious crimes, 14. per cent of the total sample, represents individuals from Western Province compared with 8.1 per cent for Malaita [Clegg 1990 #78]. This is interesting because, in terms of population, Malaita is almost three times that of Western province.

Also in the same sample, in the Guadalcanal area 7.6 per cent of the cases were imprisoned for serious offences. For offences that method of disposal was some level of fines, Guadalcanal represent 49.8 per cent, Malaita 57 per cent and western province 38 per cent. The remaining percent accounts for Eastern Province [Clegg 1990 #78]. In terms of cases settled outside of court, 7 per cent of Malaita cases are settled in this way, while for Guadalcanal it accounts for 5.5 per cent and Western Province, 3.2 per cent. This report does not suggest that Malaitans do not commit offences but it does indicate that given the population they are no more criminals than others in the country. One important outcome of this study is to show that people do reach dispute settlement outside the formal penal system. In particular in the case of Malaita and Guadalcanal, offences causing disputes are settled out of court.

But perhaps in an artificial environment as in the case of SIPL plantation, despite such innovation as 'Village Committee', the issue of the standard to be applied becomes critical. How should they decide whether certain retribution is sufficient? For example, if for 'X' retribution for adultery or property damage is certain amount of dollars and pigs, and for 'y' retribution is less, how do you arrive at a justifiable retribution measure acceptable to all parties concerned. The plantation condition in which numerous cultural groups are forced to live together, the 'Village Committee' idea seems fine, except for the problem of representation, standards and procedures. It is perhaps one contributing factor to the demands for kinship participation in decision making in the new nation state. Kinship participation here does not refer to universal representation of all kinship groups, but where each particular kinship group represents their interests in the universal concept of the state.

### **Kinship system of justice**

The idea of restorative justice among kinship groups in the Solomon Islands is generally known to vary from one social group to another. This means not only between clearly differentiated cultural groups and even within each social unit. A social unit is defined here in terms of linguistic differentiation. In Tryon's work, there are 61 cultural groups as such in the Solomon Islands (Tryon 1983). Therefore, it is likely that, there are at least that many variances in what may be conceived as appropriate retributions. In the Malaita context, while there is variance, certain major features of retribution seem to be commonly shared. For example, in cases of property damage and defilement, demands are for compensation in terms of some form of actual or nominal restoration of fairness.

Actual compensation for harms depends on the nature of the harm committed and who or what it is committed against. For example, adultery has been considered a serious offence in Malaita. Where as sex-involving non-married individuals is discouraged, retribution involving compensation in terms of kinship shell money depends on their individual character. If women are coerced, compensation may be severe. In property damage, cost of compensation is usually above the normal cost of such property if it purchased. One clear feature of kinship compensation is that it is context-specific and flexible at the same time.

The notion of context-specific is important here because, that generally value demanded for compensation is based roughly on the current general consensus of fairness and punishment. In a contemporary situation where multicultural coexistence becomes the dominant feature of urban settlements, identifying contextual fairness and punishment becomes rather complicated.

In 1989, I had an experience with Malaita Chiefs who live in Honiara peripheral settlements. Most of the chiefs originally from Kwara'ae, central Malaita, live at a peripheral settlement outside of Honiara at Kobimto Village. There were about three of these Kobimto villages. Malaitans were heavily settled in these villages. Since some of these settlers were Christians and others remained traditionalist, restorative justice can become complicated. One way they dealt with disputes was to employ Christian and traditional ideas for their restorative justice practice. The practice was that if the offender is a Christian and committed offence against another Christian believer, then retribution involved 'Mercy Praying'. This is where the parties involved come to the pastor chief to admit, reconcile and pray for forgiveness. If a Christian believer commits the offence against a non-Christian, then the compensation as appropriate to the non-believer is facilitated. What is important is that restitution and justice needs context. Clearly when considering restorative justice, context must be established.

## Conclusion

In understanding restorative justice, especially in the case of Guadalcanal ethnic tension, the context is more complicated. One context is that of the Guadalcanal people directly affected by historical changes, the other context is that of those who share the same historical experience, and finally the context of a nation.

In the Guadalcanal context, land expropriation is perhaps one of the most important factors. As described earlier, land expropriation during the colonial period must be considered for restitution. Despite any existing justification for benefits that such land expropriation may have, past injustice must be addressed and justice restored. In this context of 'unfinished business' historical injustices, some of the following issues may warrant greater consideration

- restoration of justice for land expropriated during the colonial period and currently remaining with the State.
- restoring of justice in terms of the rights of kinship-based community directly affected by commercial development projects
- restoring of justice through effective political representation that allows appropriate customary participation and recognised social group identity.

In terms of justice for customary land appropriated in the last century, the state must return traditional landowners title right to such land. If commercial projects or urban settlement now occupies such land, then negotiation to reach a long-term agreement with the state should be considered. In terms of commercial projects, there are two factors. The first is the land rights for such area to be returned to customary landowners and the second is the entitlement benefits from such projects must also be defined with the State.

These restorative measures will depend on a redefinition of the state from a coercive state to a coordinating state. In the area of political organisation and practice of democracy, it is important that a better democracy than what now exists is established: that is, a democracy that allows for the diversity of social group and identity representation rather than an idealised universal democracy that coerces social groups into becoming homogenised dispossessed individuals.

Clearly, Solomon Islands is simply rediscovering a new level of de-colonisation that should have occurred around political independence in 1978. Social stability is an essential condition

for social development in any society. The Solomon Islands is no different. But social stability requires a higher degree of social justice. In a developing nation, the coordinating role of the state is paramount. It is not so much about the imposition of state ideology but more about coordinating the concerns of its adherents. The Solomon Islands adherents are far from simply individual citizens. Its adherents are a combination of 'citizens' and 'kinship'. Therefore social development demands social stability but social stability demands an effective coordination between the notion of nation state and kinship system.

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## Notes

<sup>1</sup> Teleogy is the idea that every thing has purpose.

<sup>2</sup> IFM stands for Isatabu Freedom Movement. Previously known as Guadalcanal revolutionary Army (GRA)

<sup>3</sup> Isatabu Tavuli is a Website news letter promoting the views of IFM. The publisher has remained anonymous for obvious reasons.

<sup>4</sup> MET stands for Malaita Eagle force, a Counter Militia group from Malaita Island.

<sup>5</sup> The Eagles View point is also another Newsletter to counter the Isatabu Tavuli.

<sup>6</sup> Erehaui was a co-founder of Maasina Ruru of Arai rau, Kiu Village, West Are'Are Malaita Island.