A Sea of Troubles?
New Zealand’s Public Sector Neighbourhood

Roderic Alley*

Introduction

The 37th Pacific Islands Forum (PIF) witnessed some painful political inflammation in 2006. Its October annual heads of government meeting, held in Fiji, saw Australian prime minister John Howard face a Melanesian wall of resentment. This was instigated by a row that erupted over former Solomon Islands attorney general Julian Moti, an Australian lawyer facing extradition over child sex charges, who was sheltered by Solomon Island prime minister Manasseh Sogavare and his Papua New Guinea counterpart, Sir Michael Somare. With Australian impatience and willingness to assert aid conditionality, the temperature rose sharply. Foreign Minister Alexander Downer claimed that taxpayers deserved a far better return for what had been invested in the region.1 (Currently, Australia provides more than A$300 million annual bilateral assistance to Papua New Guinea, and its outgoings to the Solomon Islands since 2003 are treble that amount.) A decision by the Howard government to stop a visit to Australia by Prime Minister Somare was widely viewed as a setback to neighbourly relations.

Political conditions in Fiji worsened as a showdown loomed between the commander of the Fiji military forces, Commodore Frank Bainimarama, and Prime Minister Laisenia Qarase’s government, each demanding the other’s resignation. Less spectacular, but as important, was growing public disaffection with the standards of governance evident in several Pacific Islands states. In response, local leadership groups have cried foul at having been blamed for historical and structural dependencies that they claim are beyond their responsibility or remedy.

Pressures mounted with a more overt, substantial Australian intervention into Melanesia, where, with New Zealand and other PIF administrations, the Howard government has played a dominant role since 2003 in the 15-nation Regional Assistance Missions to the Solomons (RAMSI). This unprecedented involvement stemmed from Canberra’s belief that failing governance could expose the region to exploitation by activities associated with global terrorism.2 Designed not just to return civil order and secure weapons surrender, RAMSI sought to initiate broader peace reconstruction through the installation of a corruption-free, accountable, retrained and service-oriented public sector.3 This was legitimised by the PIF’s non-binding, but consensus-backed, Biketawa Declaration of 2000 committing members to ‘good governance, which is the exercise of authority (leadership) and interactions in a manner that is open, transparent, accountable, participatory, consultative and decisive, but fair and equitable’.4 The declaration adumbrated a scale of options designed to remedy internal crises, including, should it prove necessary, last-resort intervention based on PIF unanimity and host-state consent.

What do these conditions suggest for future public sector development within Pacific Island states? Will this see decay and slippage (as threatens with Papua New Guinea’s public health services losing ground in their battle against HIV/AIDS), or could the region’s current

* While accepting full responsibility for this paper, the author acknowledges the comments that Alastair Bisley provided on a draft.


3 As of 2005, 88 local police officers had been charged with serious offences, including corruption, and a quarter of the force removed from office (Wainwright, 2005, p.3).

and perhaps future political or security crises give the jolt needed to catalyse effective public sector reform (one aim of the RAMSI exercise)? Regardless of either possibility, there is little doubting its necessity – whether for the future constitutional integrity, service-delivery needs, or problem-solving capacity of fragile political entities already heavily penalised by distance, remoteness, relative impoverishment and insularity. As a valued study has warned: ‘the cost of poor governance in a small society is very large, given the extreme difficulty in recovering from the consequences of inappropriate polices and practices sustained over a long period. A national consensus on the importance of governance is needed in many small states, as is an appreciation of the ease with which the system can go off-track as a result of both domestic and external shocks’ (Commonwealth Secretariat and World Bank Task Force on Small States, 2000, p.39).

At one level, a grasp of the key issues at stake is simple: most Pacific Island citizens want improved nationwide basic services, an end to corruption, and educational facilities offering better employment and life chances. These calls have been variously conveyed through innumerable reports over the last two decades, this process itself adding a layer of complication. Now awash with recommendations, the region faces embarrassment that all this prescription has witnessed not just neglect or implementation failure, but actual deterioration in public sector standards. Lying at the core of this complication have been persisting claims and counter-claims over the cultural appropriateness of what is externally recommended – be it public agencies not beholden to traditional authority, programmes fostering gender neutrality, or rights-based entitlements. Elements of this division have permeated the PIF secretariat. Sometimes such concerns are genuine and justifiable; in other cases they provide cover for postponement or abuse of office. At some stage, however (some beginnings are already detectable), the region will need to conduct its own difficult but salutary political battle over the nature and locus of domestic public responsibility. Central here is whether performance in office will supplant kin or ethnic loyalty as the key driver in determining electoral outcomes.

In considering questions like this it is helpful to assess three avenues that have assumed salience in the relevant current policy discourse. They are: first, attempts by the PIF’s Pacific Plan (Pacific Islands Forum Secretariat, 2005) to advance one of its component objectives comprising principles of good governance; second, rights-based formulations and the possibilities they offer for enhanced ownership, participation and implementation of devolved and central public sector functions; and third, a New Zealand dimension that embraces findings from the recently published Law Commission report on human rights and culture in the Pacific, as well as associated development assistance considerations.

The Pacific Plan

The PIF Pacific Plan, endorsed by governments in 2005, resulted from a designated task force, an oversight leadership group, the Forum secretariat, and feedback from relevant donor, official and non-governmental interests. Good governance was included along with other key goals: economic growth (enhanced trade, infrastructure and private sector investment); sustainable development (poverty reduction, enhanced health, education, gender equality, cultural value protection); and security (maritime and aviation surveillance, border controls, law enforcement capacity, disaster management). Overall, the plan seeks to foster the bilateral and regional partnerships needed to support the institutional and resource commitments and political momentum needed to realise a range of specific goals. There is an assumption that the plan will remain the focus for future regional and national policy development. Necessarily, that will depend on the willingness of governments to assume fuller plan ownership, and to advance additional initiatives – including policy on migration and population growth.

So far as the Plan’s governance objectives are concerned, three aspects warrant note. First, the objectives of enhanced transparency, accountability, participation, equity and efficiency are designed to secure sustainable resource management objectives as well as function as ends in themselves. While not overtly prescriptive, this is an attempt to legitimise the activities of national organisations striving to rein in the patrimonial, client-based and rent-seeking political conduct of elites which abuse public office for private gain.

Second, locally produced working papers provided as supplementary to the published Plan offer fruitful insights into what is termed a ‘governance deficit’. They highlight gaps between what is practised and understood,
as distinct from what is required for public stewardship responsive to, and responsible for, the region’s citizens and resources. Identified is an interlocking problem where, for the most part, a lack of national political purpose, direction and leadership has aggravated, but also emerged from, serious deficiencies in financial resources, human capacity, societal fabric, and the operative transmission and communication of public objectives. In essence, these local reports suggest that the societal and institutional software needed to secure the region’s democratisation is either missing or inadequate.

These problems spiral inwards in other respects. The weakened problem-solving capacity of central public sector agencies renders them even more useful as employment and welfare bailiwicks, where nothing is risked at work that might jeopardise a salary feeding an extended family or wantok. Small, isolated and weak economies, vulnerable to the vicissitudes of weather or external economic conditions (e.g. Kiribati and Nauru), readily treat the public service as a system of welfare (Larmour and Barcham, 2006, p.175). Potential coordinating functions are weakened as parliamentarians engage in the direct delivery of services to their electoral clients, eroding political consideration of national needs.6 In turn, a vacuum in national policy analysis or formulation places even heavier reliance upon technical assistance from donor and lending agencies. Samoa’s relative success in coping with these problems has not been widely emulated (Delay, 2005).

Third, fuller usage of good governance criteria is seen as assisting in recognising how local conditions compare internationally. Recently the World Bank has attempted to survey governance capacity through a cross-national comparison identifying six components: voice and accountability (measuring political, civil and human rights); political stability and absence of violence (assessing the likelihood of violent threat to, or changes in, government, including terrorism); governmental effectiveness (measuring the competence of the bureaucracy and public service delivery); regulatory quality (measuring what the Bank considers ‘market unfriendly’ policies); rule of law (quality of contract enforcement, judicial independence, incidence of crime); and control of corruption (assessing not just abuse of public power for private gain, but emboldened corruption comprising state capture by élites). Two comparisons are cited here, which are especially relevant given the PIF Secretariat’s decision to employ all six World Bank governance criteria for purposes of ongoing assessment throughout the region.7

Table 1: Rule of law: selected PIF countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Percentile rank (0–100)</th>
<th>Standard Error</th>
<th>Number of surveys/polls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiji</td>
<td>2005</td>
<td>47.8</td>
<td>0.23</td>
<td>3</td>
</tr>
<tr>
<td>Kiribati</td>
<td>2005</td>
<td>72.9</td>
<td>0.26</td>
<td>3</td>
</tr>
<tr>
<td>Marshall Is</td>
<td>2005</td>
<td>46.4</td>
<td>0.38</td>
<td>2</td>
</tr>
<tr>
<td>Nauru</td>
<td>2005</td>
<td>77.3</td>
<td>0.76</td>
<td>N/A</td>
</tr>
<tr>
<td>Palau</td>
<td>2005</td>
<td>52.2</td>
<td>0.76</td>
<td>N/A</td>
</tr>
<tr>
<td>P N Guinea</td>
<td>2005</td>
<td>18.8</td>
<td>0.16</td>
<td>8</td>
</tr>
<tr>
<td>Samoa</td>
<td>2005</td>
<td>84.1</td>
<td>0.26</td>
<td>3</td>
</tr>
<tr>
<td>Solomon Is</td>
<td>2005</td>
<td>19.3</td>
<td>0.26</td>
<td>3</td>
</tr>
<tr>
<td>Tonga</td>
<td>2005</td>
<td>63.3</td>
<td>0.26</td>
<td>3</td>
</tr>
<tr>
<td>Tuvalu</td>
<td>2005</td>
<td>87.9</td>
<td>0.33</td>
<td>1</td>
</tr>
</tbody>
</table>


Notes: For this and Table 2, percentile rank indicates the percentage of countries worldwide that rate below the country score identified (subject to margin of error). Higher values thus indicate better governance ratings. For this and Table 2, the Cook Islands was listed in the survey, but without data being available for either of these dimensions.

6 Ibid.
7 For an application of these and related criteria to Fiji see Azmat Gani and Ron Duncan, ‘Fiji’s Governance Index’, paper presented to the Fiji Uptak, ANU/USP, 1 September 2004, at www.uspp.ac.fj/fileadmin/files/institutes/piasdg/government.
Table 2: Voice and accountability: selected PIF countries

<table>
<thead>
<tr>
<th>Country*</th>
<th>Year</th>
<th>Percentile rank (0–100)</th>
<th>Standard Error</th>
<th>No surveys/polls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiji</td>
<td>2005</td>
<td>50.7</td>
<td>0.19</td>
<td>4</td>
</tr>
<tr>
<td>Kiribati</td>
<td>2005</td>
<td>72.0</td>
<td>0.20</td>
<td>3</td>
</tr>
<tr>
<td>Marshall Is</td>
<td>2005</td>
<td>89.4</td>
<td>0.21</td>
<td>2</td>
</tr>
<tr>
<td>Nauru</td>
<td>2005</td>
<td>80.2</td>
<td>0.21</td>
<td>2</td>
</tr>
<tr>
<td>Palau</td>
<td>2005</td>
<td>89.4</td>
<td>0.21</td>
<td>2</td>
</tr>
<tr>
<td>PN Guinea</td>
<td>2005</td>
<td>45.4</td>
<td>0.15</td>
<td>2</td>
</tr>
<tr>
<td>Samoa</td>
<td>2005</td>
<td>67.1</td>
<td>0.20</td>
<td>6</td>
</tr>
<tr>
<td>Solomon Is</td>
<td>2005</td>
<td>53.1</td>
<td>0.20</td>
<td>3</td>
</tr>
<tr>
<td>Tonga</td>
<td>2005</td>
<td>42.0</td>
<td>0.19</td>
<td>4</td>
</tr>
<tr>
<td>Tuvalu</td>
<td>2005</td>
<td>82.1</td>
<td>0.20</td>
<td>3</td>
</tr>
</tbody>
</table>

Source: D. Kaufmann, A. Kraay and M. Mastruzzi, op. cit.

Such comparisons might convey more about unsatisfactory global conditions than they do about Pacific locations, suggesting the need (notwithstanding possible local resistance) for a benchmarking scale restricted to PIF members. At any rate, it is clear that public sector reform cannot progress in the absence of an effective rule of law, or legislative systems giving voice to constituents and holding political executives to account.

The Pacific Plan now faces the task of having to earn its persuasive credibility among élites most in need of what it recommends for cleaner public services – namely, enhanced audit, an ombudsman, judicial training, and codes of leadership accountability. These calls are not new. In 1997, PIF leaders endorsed eight principles of accountability, many being neglected, whether for reasons of malfeasance, technical skill shortage, or the continuing inadequacy of national statistical services.8

To prosper, the Plan’s good governance agenda will probably require a willingness to develop hybrids, where, according to national circumstances, different mixes of non-state actor, local level, central and regional functions might blend. Fraenkel (2005, p.266) believes that the most important issue is not one of fitting together indigenous and ‘western’ modes of governance, but rather how best to graft formerly village-based, highly personalised styles of leadership onto government in newer and inevitably more impersonalised, post-colonial state settings.

Powell (2005, p.234) favours policies that encourage investment in a national environment, indirectly endowing state legitimacy through enhanced rural indigenous institutions with a capacity to enforce social norms and resolve collective action problems. For tidy minds that may seem a recipe for chaos, but exigency demands compromise. Certainly, lead functions would require clear identification – possibly via a strong local personality of standing, publicly committed to making such a local mix work. With a pressing need to move beyond its current capital city ‘Honiara fixation’, that prescription makes eminent sense for the Solomon Islands.

The need to acknowledge the significant legitimising functions performed by informal structures and beliefs, built on the known social space of personal

8 The eight principles included: public and parliamentary disclosure of budgetary processes; full auditing of government, state-owned enterprise and statutory corporation accounts; similar disclosure of public loan agreements or guarantees; open competitive tendering of all government and public sector contracts; effective disciplining of financial regulation contravention; parliamentary committee empowerment for full financial disclosure; adequate resource allocation for auditor-general and ombudsman activities; and safeguarding of central bank monitoring, advisory and independence functions. Implementation difficulties acknowledged by Forum economic ministers include either the lack of, or ambiguous or inadequate, legislation; defective enforcement capacity; and deficient regulatory processes. Forum economic ministers June 2001, ‘Governance and Accountability: report on implementation of Forum’s eight principles of accountability’, at www.Forumsec.org.fj/docs/FEMM/2001.
allegiances rather than formal structures of authority, seems imperative throughout much of Melanesia. The dominant public policy paradigms – often rational, centralist and hierarchical – discourage thinking that includes the admittedly messier, but potentially as fruitful, diversity of strategies. These include what Pope (1997, p.19) has termed a ‘transparency of relationships’.

This highlights a need for different Pacific Island locations to evolve home-grown philosophies of working subsidiarity. Paying lip service to principles of local delivery involvement, but often ignoring them in practice, donor behaviour could alter by having to operate through validated forms of devolution.

Other incentives encouraging hybridisation of governance functions – for example, fuller use of church and inter-faith processes – include the imperative need to confront a worsening spread of HIV/AIDS (Cullen, 2006), and whole-of-government approaches looking to comprehensive security as a principle in guiding post-conflict reconstruction on Bougainville. For any of these initiatives, however, the risk of failure remains high in the absence of functioning political rights.

In sum, while the Pacific Plan has addressed key public sector requirements under a good governance rubric, its standing as a creation of the intergovernmental process, and one largely financed by Australia and New Zealand, remains subject to the vicissitudes of national compliance. For Iosefa Maiava, delivering the 2006 Siwatibau Memorial Lecture, support for the governance objectives of regional cooperation has been patchy and slow, possibly because it has been driven by outsiders ‘with specific agendas and interests that are not always selfless’.9 However, economic assistance programmes encouraging local entrepreneurship are more likely to avoid the charge of neo-colonialism than those that are dominated by public or private organisations of donors (Rondinelli and Montgomery, 2005, p.21). Placing the PIF on a firmer statutory basis, a process currently in hand, could help foster procedures where, as in the OECD, prescriptive interchange between governments is diverse, routine, reciprocated and non-confrontational.

**Human rights**

A rights-based approach to public sector reform in the Pacific is both more direct and less inhibited by the sovereignty sensitivities that were required to navigate the Pacific Plan. The capacity of rights issues to cause discomfort can prove positive by politicising demands for enhanced public sector capacities and deliveries of service. But what is needed to link advocacy pressures to observable institutional outcomes? Bridging functions include processes of community participation extending beyond voluntarism – indispensable though that remains – as well as legislative reform.

The Regional Rights Resource Team offers an example of a Pacific-based organisation that offers technical and policy advice in Fiji, Kiribati, Solomon Islands, Tonga and Vanuatu. Its goals include the development of a human rights culture rather than project attempts to insert a rights-based approach into public sector conduct (Jalal, 2005). Though this project has limited resources, it has benefited through the heightened salience of human rights in donor agendas, extending in some instances to the withholding of funds in the event of serious rights violations by potential recipients.

Corruption constitutes a major rights violation throughout the Pacific. Transparency International, with research funded by the Dutch government, has promoted attempts under its national integrity system to assess corruption and foster reform on a holistic basis. The key pillars of this system include: public awareness; public anti-corruption strategies; public participation; a fostering of ‘watchdog’ agencies, and appropriate roles for the news media; and judiciary, private sector and international cooperation.10 Larmour and Barcham (2006), investigating the integrity system’s application to Pacific Island states, found pillars in place for most functions, but an absence of monitoring capacities, and no country with ‘an official, dedicated, independent anti-corruption agency … though the Ombudsman Commission in Vanuatu (modelled on that in PNG) has the task of investigating and reporting on infractions of the mandatory “leadership code” affecting politicians and senior officials’ (Larmour and Barcham, 2006, p.176).

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10 For a full listing see J. Pope, Transparency International 2000.
More broadly, the region’s observers link rights needs to associated institutional development requirements. Peebles sees the lack of a human rights intergovernmental system as an indication of the immaturity of the PIF as an effective regional structure (Peebles, 2005, p.195). He recommends the establishment of an Oceanic Human Rights Charter (Peebles, 2005, p.199-212). Powles (2005, p.262) identifies a need to find ‘ways of protecting and promoting tradition and culture, recognising that it is not static and is always evolving, while also acknowledging the universality of international human rights’. Hassall (2005, p.241) notes weak legislative capacity, including representative modes that ignore national need, abuse of position for private gain, incompetent law-making, ineffectual monitoring of the executive and, in totality, inadequate response to the needs of the people.

A far higher level of representation of women in the region’s legislatures is essential (See Table 3).

At official levels, reticence in the advancement of human rights has been evident, although a Pacific Island leaders meeting in Auckland in April 2004 pledged support to the PIF secretariat in enhancing the governance capacities of Forum members and related agencies by encouraging the creation of national human rights systems. However, tension persists between human rights advocacy and Pacific Island governments on grounds that criticism from within entails loss of face to foreigners, or on grounds of cultural relativism (Jalal, 2005, pp.5-7). The establishment of national human rights bodies, in accordance with the Paris Principles, has been slow, as has ratification of relevant international instruments – for example, compliance with International Labour Organisation codes on collective bargaining and worker organisation.11

In attempting to work directly with Pacific Islands governments on rights issues, the United Nations Development Programme (UNDP) has affirmed that objectives of good governance for sustainable growth, equitable development, lasting peace and social cohesion will not occur without an integration of human rights into development policies and legislative frameworks. The UNDP has also claimed that ‘responsive and accountable institutions of governance are often the missing link between antipoverty efforts and poverty reduction’ (UNDP, 2000). That provides useful guidance, but a more critical test of the salience of human rights is the extent to which the issue assumes conditionality within future European Union and other development assistance profiles.

Viewed in combination, human rights advancement, legislative reform (including public accounts committee functions), the representation of women, and civil society engagement will be severely tested in delivering

### Table 3: Representation of women in Pacific Island Forum legislatures (lower or single house)

<table>
<thead>
<tr>
<th>Country</th>
<th>Elections</th>
<th>Seats</th>
<th>Women</th>
<th>% Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Zealand</td>
<td>Sep 2005</td>
<td>121</td>
<td>39</td>
<td>32.2</td>
</tr>
<tr>
<td>Australia</td>
<td>Oct 2004</td>
<td>150</td>
<td>37</td>
<td>24.7</td>
</tr>
<tr>
<td>Fiji</td>
<td>May 2006</td>
<td>71</td>
<td>8</td>
<td>11.3</td>
</tr>
<tr>
<td>Samoa</td>
<td>Mar 2006</td>
<td>49</td>
<td>2</td>
<td>4.1</td>
</tr>
<tr>
<td>Vanuatu</td>
<td>Jul 2004</td>
<td>52</td>
<td>2</td>
<td>3.8</td>
</tr>
<tr>
<td>Tonga</td>
<td>Mar 2005</td>
<td>30</td>
<td>1</td>
<td>3.3</td>
</tr>
<tr>
<td>Marshall Is</td>
<td>Nov 2003</td>
<td>33</td>
<td>1</td>
<td>3.0</td>
</tr>
<tr>
<td>P N Guinea</td>
<td>Jun 2002</td>
<td>109</td>
<td>1</td>
<td>0.9</td>
</tr>
<tr>
<td>F S Micronesia</td>
<td>Mar 2005</td>
<td>14</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Nauru</td>
<td>Oct 2004</td>
<td>18</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Palau</td>
<td>Nov 2004</td>
<td>16</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Solomon Is</td>
<td>Apr 2006</td>
<td>50</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Tuvalu</td>
<td>Aug 2006</td>
<td>15</td>
<td>0</td>
<td>0.0</td>
</tr>
</tbody>
</table>


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11 The 1991 Paris Principles, endorsed by the United Nations, recommend, inter alia, the assumption by national human rights institutions of a broad competence to advise, recommend and report on national human rights conditions, monitor legislative enactments, investigate rights violations, encourage ratification of international instruments, and promote rights education and anti-discrimination initiatives.
the key policy outcomes identified in the 2000 Millennium Development Goals. These encompass poverty eradication; universal primary education; gender equality and women’s empowerment; reduction of child mortality; improvement of maternal health; combating HIV/AIDS, malaria and other diseases; and the development of global partnership in development. Regrettably, implementation of these objectives has been hampered by the failure of Pacific governments to engage legislatures and civil society interests prior to their endorsement (Morgan, 2005, p.12).

**New Zealand’s engagement**

As security conditions deteriorated in Fiji, more seriously on Bougainville, and then in the Solomon Islands, New Zealand’s focus on governance reform has sought to assist constitutional rehabilitation, judicial, police and rule of law functions, and some limited assistance to human rights advocacy through non-governmental initiatives. Revealing a small increase, total New Zealand development assistance stood in 2006 at 0.27% of gross national income, which included increased disbursements to Melanesia.

In the last decade the most overt intervention by New Zealand for purposes of public sector refurbishment occurred in the Cook Islands. After the Cook Islands economy deteriorated sharply, in 1996 New Zealand instituted a wide-ranging programme through a series of ‘tough love’ austerity measures involving public sector downsizing, sale of state assets, a value-added tax, stimulation of private sector-led growth, and strengthening of financial and economic management. Since then, the Cook Islands has received technical assistance for short-term training programmes. Other bilateral examples include law and justice sector enhancement (Fiji); community policing (Bougainville); service delivery and institutional strengthening (Samoa); and correction facility services (Vanuatu).

Worthy and laudable, these initiatives nevertheless operate within a framework that is constrained by inadequate funding. Given those constraints, what more could be done? The Millennium Development Goals, already assuming a prominent role in New Zealand’s development assistance profile, require stronger recipient national monitoring and ownership though civil society and governmental partnerships. New Zealand could further assist here, as it might with expertise in policy development and delivery of improved urban governance, property rights settlement, law reform and youth employment.

The United Kingdom’s Department for International Development has established useful methodologies regarding the utilisation of non-state actors for the articulation of development assistance need and its delivery. New Zealand could encourage such an approach in PIF locations. Non-state providers could include individual practitioners, firms, citizen-based organisations, non-governmental organisations and faith-based bodies. Relevant research designs concentrate on policy dialogue by government with such providers; the regulation, oversight and monitoring functions that they can perform; facilitation, including access to finance and information; and the actual commissioning of service delivery (Batley, 2006, pp.193-6).

The New Zealand Law Commission’s October 2006 study *Converging Currents: custom and human rights in the Pacific* argues that the development of a Pacific jurisprudence will occur only as Pacific nations find ways to better integrate custom and human rights as sources of law. Far from threatening custom, it is maintained, human rights can help it to develop and survive in a modern world. Such harmonisation, it is hoped, will work towards a cultural legitimating of human rights by advancing them in ways that reflect the values of Pacific societies. While the survey excludes issues relating to property rights, governance, corruption, self-determination, intellectual property and non-customary restorative justice from in-depth consideration, it displays a willingness to test the extent to which existing custom coexists with human rights regarding the current role of women in the Pacific. Findings from this study warrant Pacific exposure and response.

12 Relevant citations from this study include: ‘It is clear that Pacific women have real cause to consider their treatment under custom law to be unjust’ (7.1); ‘A belief that political leadership is the preserve of men is deeply ingrained and regularly expressed’ (7.27); ‘In some cases systematic bias is apparent in local government, particularly where this is in the hands of traditional leaders who are overwhelmingly male’ (7.31); ‘Violence against women is a major concern in the Pacific’ (7.35); ‘The evidence is compelling that custom law is substantially controlled by men and is often used to subordinate women’ (7.56); ‘Pacific women who speak out on human rights are generally comfortable with adapting it to reflect human rights. Their main concern is to amend the male monopoly on custom’s interpretation and application’ (7.58); and ‘We believe that the issue of women’s rights may be the key to greater acceptance of human rights generally in the Pacific’ (7.62).
Looking ahead

This paper has noted the ambivalence that persists throughout the Pacific Islands towards public sector reform. This reflects the continuing impact of a dichotomy bequeathed by decolonisation’s awkward grafting of indigenous authority systems onto the ‘legitimation of administrative structures which had been established by colonial powers for colonial ends’ (Ghai, 1990, p.2). While colonialism may not have stinted on the scaffolding of public bureaucracy, this did not foster institutional accountability, or function in an environment dedicated to providing the education and information systems needed to build a national citizenry. While needing continued external technical expertise, enhanced public sector capacity in the Pacific will not emerge without the bracing provided by representative institutions organised and motivated to hold executives to account, nor without systems of law operating to professional standards of independence.

The setting’s diverse cultural and physical spaces can prove advantageous as an antidote to formulaic recommendations for public sector enhancement. Recognition and use of different local modalities could lessen current abuse of central political and administrative systems for private ends. Existing cultural and national rivalries need not obstruct the region’s learning from itself. Samoa’s relative success in handling development assistance through its stability, local high-level championing, restriction on the number of donors, and integration with national planning warrants regional attention (Delay, 2005, pp.434-5).

Advocates of public sector reform in the Pacific face difficulties across a variety of fronts, as perceived external intervention consolidates primary loyalties among élites and power holders, who are disinclined to venture into the uncharted territory of greater recruitment of women into positions of public sector responsibility. Much of the existing public sector apparatus, concerned to maintain job security under conditions of high and continuing unemployment, remains averse to risk-taking or utilising non-state interests for civil society engagement and service-delivery partnership purposes. That will have to change, however, in order to fulfil agreed Millennium Development Goal targets.

Given the scant resources available to several small to very small Pacific Island entities, pooling and rationalisation of some functions – for example, in statistical services, border control technologies or telecommunications (as in the eastern Caribbean) – makes plausible sense. This will need stronger partnerships based on proven willingness to collaborate. Currently, however, there is no mistaking the caution evident throughout the region towards enhanced intergovernmental cooperation – whether from globalisation (a promise or a threat?), dominant Australian financial and political capacity, or the role of even bigger players (the European Union, China). That attitudinal barrier is not insuperable, but reciprocity built on mutual respect will be required if it is to be overcome.

References


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