



ALTA 2005
The University of Waikato

Abstracts from the South Pacific Legal Studies Interest Group

**INTERVENTION, FACILITATION, ASSISTANCE & COOPERATION:
EXPLORING THE STATUS OF REGIONAL INTERVENTION FORCES**

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Abstract

The practise of intervention has transformed enormously since the post-Cold War period and continues to evolve in its nature until our time in the new millennium. This transformation of ideologies and practises of intervention are being shaped by various keys forces. The general presumption of “non-intervention” and jurisdictional sovereignty enunciated in the premises of the UN Charter, has now seen a category of exceptions. Intervention in contemporary world politics and international relations has been initiated under new and artificial headings such as the defence of human rights, the restoration of a democratic regime in a ‘fallen’ state and the use of force to promote particular forms of ‘internal state arrangements’, only to label a few.

This evolution in the concept of intervention has aroused a raging sea of academic discussion especially in parts of the world where intervention has become a new and recent experience, such as the Pacific region and especially in Melanesia. Lawyers, political scientists and commentators of international law have re-stated the “intervention debate” in order to push certain interests and ideologies which are prevalent in the Pacific region. This paper embraces that context and to add a further dimension to the debate.

An overview of the existing discussions on intervention and the political bases of its development as an ideology must be delivered first in the paper to form a platform for our discussion. Some definitional aspects to intervention, its nature and role in international relations will be offered. This will highlight the need to approach intervention, not just as a legal issue, but also as an ethical and political debate.

The paper will document and describe several intervention exercises and missions within the Pacific region, to illustrate the environment to which intervention policies have been practised. These examples will form an ideal forum for later discussion and analysis.

In July 2003, a major intervention exercise commenced in the Solomon Islands under the name of RAMSI (Regional Assistance Mission to the Solomon Islands). This becomes the main feature of this paper and an extensive chapter will be raised to investigate the nature and role of RAMSI as an intervention mission. Drawing on from RAMSI, the paper will adopt an evaluative approach of the RAMSI activities in light of international rules, military practises and notions of constitutionality and state sovereignty.

This invites the paper to highlight an existing court application filed in the Solomon Islands High Court which is seeking the opinion of the court on the legitimacy and constitutionality of RAMSI. The paper will conclude with its own findings and results as to the RAMSI exercise and to draw some attention to the legal regime relating to interventions as applicable in the Pacific region.

Pluralism and Penalties

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Abstract

Former colonies and dependencies in the South Pacific do not have the luxury of entirely 'homegrown' laws. Their legal systems are burdened with a 'legacy' of transplanted laws, developed for use in a foreign country, imposed on pre-existing systems of custom and culture. As a result, many small island countries are struggling to balance the demands of law from different sources, designed to operate in fundamentally different circumstances. In addition to the conflict that occurs in areas of substantive law, where customary and introduced law may prescribe a different rule for the same situation, the two systems differ in their approach to procedure, penalties and relief. Against the backdrop of legal transplant theory, this paper considers the divide between the theory and practice of introduced law and customary law and examines the way in which conflicts have been dealt with by the courts. In particular, it uses the example of banishment to illustrate the type of problems that arise in a plural system. The paper looks at the balancing exercise which has been necessary when custom, in the form of banishment, comes into conflict with introduced law, in the form of constitutional rights.

The Saga of the Co-operative Movement in Papua New Guinea

John Mugambwa

Abstract

The cooperative movement has a fairly long and chequered history in Papua New Guinea. It thrived during the Colonial period, but declined to oblivion post-independence. The PNG Government has recently embarked on a plan to revive the co-operative movement as a forefront of its social-economic development strategy. This paper examines the downs and ups of the cooperative movement in PNG and the attempts to revive it. The question is whether it will work the second time around.

Constructing Human Rights in the South Pacific region

Sue Farran

Abstract

Consideration of the statements of, protections for, and experience of human rights in the island countries of the South Pacific region raises the question whether there can be a universality of rights and if not what this means for rights discourse in the region.