
Symposium

Working with Legal Pluralism in the Francophone & Anglophone Pacific Islands

25 September 2014 | Seminar Room 1.04 Coombs Extension
Australian National University



Legal pluralism, by which we mean the simultaneous existence of several different legal orders in the same territory, is a reality in many parts of the world including in the Pacific island countries. While all states in the region have their own systems of national law and judicial administration, these exist alongside norms and institutions that derive their authority from 'custom' or 'tradition', and, in many places, from Christianity and churches. In

practice, these 'non-state' systems of social and legal ordering continue to play a significant role in everyday life in local communities. This is particularly so in rural areas where the state often has a limited presence. It is also often the case in situations where the state has withdrawn in the face of violent conflict, as, for example, in recent conflicts in Bougainville and Solomon Islands. This complex reality of legal pluralism is now widely acknowledged by both scholars and development practitioners, although there is little consensus on how to engage with it in a practical sense.

Pluralism raises both problems and opportunities for a range of different issues, such as access to justice, security and peacebuilding, respecting and promoting human rights and the maintenance of cultural values and ontologies. It is also a very important issue for some Francophone countries in the region, as it raises questions of decolonisation, multiculturalism and political cohesiveness. Understandably, there is a vast range of responses to these issues in the region, and this symposium is an opportunity to present and debate some of the competing approaches from both the French and English speaking Pacific island countries. Drawing on case studies from different parts of the region, contributors to the symposium will interrogate the range of ways states can interact with non-state forms of social ordering, the advantages and disadvantages of the various approaches, and the sorts of agency that non-state orders have to influence policy in this field.



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Draft program

8:30	Coffee
9:00	Opening and welcome: Professor Veronica Taylor, Dean, ANU College of Asia and the Pacific & M. Eric Soulier, Conseiller de Coopération et d'Action culturelle, Ambassade de France à Canberra / Counsellor (Cultural and Scientific), Embassy of France
9:15	Miranda Forsyth: Setting the Scene: A Typology of Legal Pluralism / Vers une typologie du pluralisme juridique
9:45	Sinclair Dinnen: Engaging Locally: Community Policing Innovations in Bougainville & Solomon Islands / Discuter le pluralisme les innovations communautaires en matière de police
10:15	Morning tea
10:45	Michael Goddard: The Trajectory of Pluralism in the Evolution of Papua New Guinea's Village Courts / Les transformations du pluralisme dans l'évolution des cours de justices des villages de Papouasie-Nouvelle-Guinée.
11:15	Siobhan McDonnell: Legal pluralism in land dealings; moving beyond the romanticism of chiefs / Le pluralisme juridique et les affaires de terres: au-delà d'une vision romantique des chefs.
11:45	General discussion on the morning papers
12:00	Lunch on site
1:00	Introduction by Serge Tcherkezoff.
1:05	Patrice Godin and Jone Passa: Custom, Law, Society: A sociological and anthropological point of view / Coutume, Droit, Societe: un point de vue socio-anthropologique.
1:45	Round table discussion, introduction by Patrice Godin and Jone Passa: New Caledonian Citizenship: Discussions in progress / La citoyenneté calédonienne discussions en cours.
2:15	Melissa Nayral: The 'Conseil municipal' (local council) of Ouvea (New Caledonia): The Emergence of an autonomous political arena / Le Conseil Municipal d'Ouvea: vers un champ politique autonome
2:45	Afternoon tea
3:15	Allison Lotti: The customary law in Wallis and Futuna, between tradition and modernity / Le droit coutumier à Wallis et Futuna, entre tradition et modernité
3:45	Tamatoa Bambridge: Legal pluralism in French Polynesia: contemporary determinants / Le pluralisme juridique en Polynésie française: quelques déterminants contemporains.
4:15	general discussion on the afternoon papers, facilitated by Salmah Eva-Lina Lawrence
4:45	Keebet von Benda-Beckmann: Summation and Closing
