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Abstract

In recent years, three states in the Middle East have worked to develop new constitutions that aim to reflect new national identities, following long periods of political instability and conflict. In Palestine, Iraq, and Afghanistan, varying means have been utilised to seek to ensure the constitutions are grounded in the will of the people, however this has been defined. Expressing the identity of the nation through a constitution has been made even more problematic in these cases, however, due to the legacies of colonialism in which traditional ways of national organisation were fractured, not only in the Middle East but across the colonised world.

Given the shared inheritance of a colonial past, it might have made sense if those involved in the recent constitutional development of the three nations had looked to the last major exercise of nation-forming, that took place from the 1960s to the 1980s in the remaining colonial territories in the Pacific.

My paper addresses one constitutional development exercise in particular, that of Papua New Guinea, and attempt to draw helpful comparisons with the more recent exercises in Afghanistan, Iraq, and Palestine.

Nation Building in the Pacific: Comparisons with the Middle East?

What lessons can be drawn from one of the world's most recent exercises in decolonisation in the Pacific Island states for nations in turmoil in the Middle East? Can the experiences of people moving from years of colonisation be of value to people who are attempting to rebuild their nations following long periods of civil war, invasion, and strife? In this paper, it will be suggested that it may be worthwhile to examine some of the features of the political constitution of the Pacific Island states when considering the situation of states in the Middle Eastern region that have been grappling and are continuing to grapple with ways of constituting themselves in a post-colonial and post-conflict era. It will suggest
reasons for establishing an informed dialogue between the two regions, rather than for the traffic to be one-way only.

There are three reasons for a more extended consideration:

- States in the Pacific, and in particular those societies in the southwest of the region, including in Papua New Guinea and Solomon Islands, are artefacts of the period of colonial expansion by the European powers, and how they are geographically constituted (their borders) is more of an outcome of inter-power negotiations in the capitals of Europe than a representation of pre-existing cultural and social patterns. Much the same can be said about the situation across the Middle East – and in particular Iraq and the Arab states to its west.

- Within each state in the Pacific, and again most particularly in the southwest, the colonial enterprise overlaid a structure of tribes, language groups, and cultural practices that interacted in shifting patterns of partnership and hostility with one another - a product of the environment of islands and isolated highland valleys that led to the creation of small and distinctive social groups. Again, tribal, cultural, social and religious differences have been a characteristic of societies in the Middle East.

- Finally, there is a need for wariness with regard to a too-ready acceptance of the idea that transmission of organisational and cultural concepts should be one-way. The acknowledgement that the highlands region of New Guinea is one of the first sites for the independent beginning of agriculture – in the world – put paid to the idea that understanding of plant and animal domestication proceeded outwards from an origin in the Fertile Crescent, and the lesson from this should be that one should remain open to a two-way flow of ideas.

This paper will begin by situating the matter at hand in the discourse of decolonisation and state formation around the world, before going on to explore at greater length the particular approach that was taken in the case of the largest Pacific Island state, Papua New Guinea. It will conclude by seeing what can be learned for those who are involved in contemporary and indeed future exercises in constitutional development and new state formation.

Decolonising in the Pacific

The period between 1962 and 1980 represents the last phase in the history of decolonisation and nation forming, that began in the late eighteenth century and especially characterised the middle decades of the twentieth century.

Beginning with Samoa in 1962 and ending with Vanuatu in 1980, the two decades spanned the decolonisation and independence of Nauru, Fiji, Papua New Guinea, the former Gilbert and Ellice Islands, Solomon Islands, and the Marshall Islands. In each case, the arrival of independence came with the development of a constitution that was intended not only to establish the new state and its various organs but to actually embody it. This idea of a constitution that represents the
aspirations and beliefs of the citizens it constitutes of course has a long and worthy provenance, as is shown in the famous words that begin the Constitution of the United States of America (‘We the people of the United States in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America’).

Coming as it did at the end of the age of decolonisation, the period of nation-forming in the Pacific can perhaps be seen as also reflecting some of the lessons learned from the preceding era of wholesale decolonisation in much of Africa and Asia. This period, about which Harold Macmillan famously observed ‘the wind of change’ in operation, saw a dramatic surge in the number of colonies gaining independence (in 1960 alone no fewer than seventeen new nations joined the United Nations), but in many cases their constitutions, which usually established a pluralist democracy did not last long before being revoked, repealed, or substantially amended. One reason for this short shelf-life was the difficulty in finding an agreed means of representing the disparate elements that constituted the new nation. Coupled with the perceived urgency of decolonisation, this meant that some voices were heard more prominently than others, who, thus disenfranchised, sought alternative means to exert their identity in the new nation of which they were a part. In the most drastic of outcomes, military coups and civil wars such as those in Congo and Nigeria brought much suffering and have cast a long shadow in terms of continuing patterns of disruption. The experiences of newly independent states, especially those in Africa, were not lost when the next wave of decolonisation and constitution writing took place in the Pacific.

This was not, of course, the first time that comparisons were drawn between the new world of the South Pacific and the old world of Africa. Much of the thinking that informed and shaped colonial administrative practices, for example, was learned in Africa, including the principles of indirect rule championed by Frederick Lugard and based on his experiences in Nigeria in the early part of the twentieth century. But in this case, it was an example of what not to do that was being learned.

What characterised constitution making in the Pacific from the early 1960s was a tendency that they should be ‘home-grown’. This was in contrast to the more widespread, until then, practice of a new nation’s constitution for independence being, firstly, the outcome of a collaboration between the nationalist leaders and representatives of the metropolitan power, and, as a result, dependent for its legitimacy ultimately on the authority of that power’s legislative body. So, for example, the Sierra Leone (Constitution) Order in Council of 1958, or the Trinidad and Tobago (Constitution) Order in Council of 1961, were both instruments of the British Parliament. As the constitution then provided the authority for all
subsequent legislation of the new state, this legislation was similarly dependent ultimately on the British Parliament.

In the Pacific, a more varied approach to forming, and then adopting, an independence constitution was evident. Beginning with Samoa, which achieved independence in 1962 after two conventions (in 1954 and 1960) and a UN-sponsored plebiscite in 1961, and concluding with Vanuatu, where moves towards independence were complicated by the history of joint colonisation by Britain and France and came about in 1980 following protracted negotiations in Paris, a range of methods were followed. However in every case, at least some attention was paid to making it clear that the constitution—and hence the state it represented—was rooted in its own soil, or to use the legal word, was autochthonous. This is most obvious in the preambles to the various constitutions, which contain words like these, taken from the Republic of Kiribati:

_We the people of Kiribati_, acknowledging God as the Almighty Father in whom we put our trust, and with faith in the enduring value of our traditions and heritage, _do now grant ourselves_ this Constitution establishing a sovereign democratic State.

Or these, from Papua New Guinea:

_WE, THE PEOPLE, do now establish_ this sovereign nation _and declare ourselves_, under the guiding hand of God, to be the Independent State of Papua New Guinea.

Just why phrases such as these made it into each constitution is a question of some interest, and it is even more so for the Pacific Island states whose constitutions came about more or less autochthonously. Of these, the example that I believe is most illustrative is that of Papua New Guinea, whose independence arrived in 1975, at approximately the mid-point of the decolonisation era in the Pacific.

**The case of Papua New Guinea**

The area of land and sea that came to be the independence state of Papua New Guinea has been occupied, it is thought, for around 60,000 years, and there is evidence of agricultural activity from around the same time as in the Middle East and central Asia. Although it was known to early Portuguese and Spanish explorers European colonisation did not occur until from the second half of the nineteenth century, when the eastern half of the large island of New Guinea was claimed by initially Germany and then by Great Britain (the western half was controlled by the Sultan of Tidore and then the Dutch).

Following Federation in 1901, Australia took over responsibility from Britain of its territory in New Guinea, and assumed further responsibility under the League of Nations for the former German colony after the First World War. From then until
1975, the eastern half of New Guinea was administered by Australia as the Territory of Papua and New Guinea (later Papua New Guinea).

Papua New Guinea is a geographically intimidating place, with high mountain ranges – some of which are snow capped, in a country only 6 degrees south of the equator – and islands separated by wide sea channels. Situated amid the Pacific ‘rim of fire’, it suffers from the effects of seismic turbulence including volcanic eruptions, earthquakes, and tsunamis. With more than 800 languages, the 5.8 million-strong population is probably the most diverse on earth. Prior to European colonisation, there were complex interrelationships among its many tribes and language groups, with sophisticated trading and marriage links that traversed the highlands to the coast and from island to island. Despite this, there was little sense of a shared body or ‘imagined community’, and this situation continued right up until independence in the 1970s.

The decision for independence, Australia’s Prime Minister at the time made clear, ‘was about Australia, and Australia’s view of her own proper place in the world’ (Whitlam 1973) and was not a response to a mature nationalist independence movement (such as was the case in many other colonies). Like decolonisation elsewhere in the Pacific, it was a late product of the ‘wind of change’ described in 1960 by Macmillan and was an artefact as much as anything of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the United Nations Trusteeship Council. By and large, it did not reflect the will of the people, judging at least by the reception given to the series of visits by the Trusteeship Council during the 1960s – one response being that ‘if people from Russia and Liberia said the Territory was ready for independence they were lying to God’ (United Nations Trusteeship Council 1968).

Nevertheless, independence was inevitable. The challenge for the small number of Papua New Guinean nationalists and the Australian administration involved fostering a sense of shared national identity - indeed the ‘imagined community’ described by Anderson (1983) – that would be most likely to prevent the geographical entity constructed by colonialism from breaking apart once the unifying ‘glue’ of the colonisers had departed.

The response to this challenge was one that was learned, at least to some extent, from some of the negative experiences from the earlier wave of decolonisation. Rather than the state being constituted through a dialogue between a relatively small band of indigenous political leaders and civil servants in the colonial office, it was decided that it should be grounded in the native soil and given its authority by representing as far as possible the wishes of the people themselves. Only by doing this, it was considered, would it be possible for the people, many if not most of whom were uncomfortable with the idea of independence, to embrace the national project.

There was another very strong reason for taking this course that was less of a
negative reaction to earlier experience and more of a response to the type of cultural and political structures in existence in Papua New Guinea. Anthropologists have long identified that societies in the western Pacific are predominantly egalitarian in nature, with decisions made by consensus after a period of debate which in theory at least is open to all group members. An Australian Minister (Paul Hasluck) described what he saw of this during the 1950s using the rather uncomplimentary phrase ‘government by jabber’ (Hasluck 1976):

I saw something of it. The men sat around talking. They all seemed to be talking at once. Voices rose in excitement or they subsided to murmurs. The jabbering often went on for hours. Then all at once as though someone had said, ‘Well, that’s it. Let’s go’, the confabulation ceased. They were of one mind - unless someone started the jabber again.

Of course a Papua New Guinean observer of the Minister in parliament at the time might have seen the same type of behaviour. Nonetheless, Hasluck saw the consensual approach to decision making that was characteristic of many social groupings in Papua New Guinea. In order to gain commitment to an outcome as dramatic as independence in a national union with others who were at best unknown and at worst traditional enemies, it was going to be necessary to harness this ‘government by jabber’. And so the consultation process was born.

In practice, this meant a large and at times unwieldy exercise involving more than 600 meetings of what were called ‘discussion groups’ around the Territory over an eighteen month period from early 1973. It was made clear in initiating the program of meetings that discussion was to be directed along specified lines, and was driven by a series of discussion papers that covered topics from citizenship, relations between levels of government, to the head of state and emergency powers. Records of the discussions were kept and used in the preparation of the report that led to the constitution.

As the discussion program unfolded it became apparent that the opportunity for debate permitted Papua New Guineans to explore and begin the own the idea of the nation itself. This was intended by those responsible for crafting the process. By tapping into a pattern of discursive decision making that had, up until then, been the default approach to matters concerning the traditional social unit – the tribe, or more usually the clan or the village group – the framers of Papua New Guinean independence cleverly made this strange and new concept of the nation in some ways normal and commonplace. The approach taken here had some resonance with Habermas’ concept of discourse ethics, especially in its emphasis on communication frameworks within societies, as well as harking back to the more well-known Enlightenment understandings of rationality and universality (Flyvbjerg 1998). At the time, it was regarded as representing a bridge of shared understanding between the tribal societies of Papua New Guinea and the western democratic tradition, particularly as represented by Westminster (indeed this formed the context for contemporary political analysis such as Osmar White’s
Parliament of a Thousand Tribes (1972) or Les Johnson’s unpublished manuscript Westminster in Moresby (1984)).

In seeking views, for example, on citizenship, the discussion papers that informed the discussion group exercises explored people’s understanding of their relationship with the state. This was done in a perfectly simple way, by asking the question ‘how can we decide who is a citizen?’, which was often answered in the negative, by attempting to define who would not be a citizen following independence: white people, for example, or those who do not contribute to the economic wealth of the community. In excluding some people from the national enterprise it was a relatively short step to acknowledging who would be included – and in so doing, to begin to recognise the common characteristics of the people from the various tribes and smaller groups who were to be part of it.

The period from the start of the discussion exercise to eventual independence was relatively brief – a matter of two and a half years at most. At the time attention was paid to addressing some of the more pressing challenges involved with making the transition from dependent colony to independent state, most prominently perhaps the attempt to ensure a secure stream of revenue and financial support. But the program of consulting the people in such a widespread and systematic way also meant that the idea of the nation grew to be accepted and owned by them, in such a way that allowed independence, when it came in 1975, to be shared and celebrated by all. Now thirty three years afterwards, and despite many serious economic and social challenges that have confronted the new state, it retains the constitution that it granted itself at independence, a highly unusual feat among former colonial territories.

Relevance to the Middle East?

What is there of relevance to a dialogue between the Asia Pacific – in this case, specifically the Pacific – and the states of the Middle East in all this? Well, to return to this paper’s introduction, it can be argued that the new states in the Pacific share a history of colonial interference with them, with the outcome of national boundaries being laid out in what appeared to be an arbitrary manner, which paid little heed to long-lasting patterns of alliance and enmity. In particular, the reshaping that has taken place – indeed still is in progress – following armed confrontation in Afghanistan and Iraq, as well as the continuing attempts to establish a meaningful state in Palestine has led to consideration of ways for these states to constitute themselves for a peaceful future. Again, in each case there has been a tension between the ideals and tenets of a western democratic system – Westminster or Washington – and the underlying, localised and perhaps more accepted ways of political organisation. It has not been at all easy to establish a western-style democracy in any of the three nations mentioned.

I believe that the principal lesson in terms of comparison between the states of the
Pacific and those of the Middle East might be that of involvement and a sense of ownership of the enterprise. While in the Pacific – with the prominent exception of Fiji – there has been a high degree of constitutional stability since the decolonisation era, this was by no means a self-evident conclusion, given the almost complete lack of a sense of national unity in each of the colonial territories. How could it be otherwise, considering the environmental and linguistic barriers? Put simply, seeking not just the views of the people but making them a part of the decision making process itself was a mechanism that helped to ensure the healthy future of the democratic project.

There have been attempts in both Afghanistan and Iraq to achieve this, through the establishment of constitution commissions and traditional decision making entities such as the Afghani Loya jirga. However it has proved difficult for the governments set up as part of the constitutional development process to maintain legitimacy and problems have continued to be evident where significant parts of each state pay little if any regard to the actions of the established authority (problems of legitimacy are inherent in the continuing occupation in each country by foreign military forces, of course). In the case of Palestine, attempts to secure legitimacy for the draft constitution and the Basic Law face serious challenges from a range of fronts and it is hard to see a time when these might be satisfactorily seen off. The problems in all three states (or quasi-states) are manifold and serious, without doubt.

In this paper, I have hoped to suggest that there is room for a two-way dialogue that connects the people of this region – broadly defined as the Asia Pacific – and those in the Middle East, in particular those in the damaged states of Afghanistan, Iraq and Palestine. Faced with challenges of state formation and political legitimacy, people in the Pacific were brought into their resolution in what has been called in other discussions a ‘Pacific Solution’, and I hope that the brief recounting of how this was accomplished in the Pacific state of Papua New Guinea might be of some help to others who are dealing with similar challenges.

References


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**About the Author**

**Jonathan Ritchie**

Jonathan Ritchie has a PhD in History from the University of Melbourne and a Bachelor of Arts (Honours) from Victoria University of Technology. His research focuses on decolonisation in the Pacific, and in Papua New Guinea in particular, and he is interested in the extent to which Indigenous Pacific Island people claimed ownership of the decolonisation process. Currently Dr Ritchie is Alfred Deakin Postdoctoral Fellow at Deakin University in Melbourne, Australia.