

EDITORIAL: VOICES OF THE PACIFIC IN A GLOBALISED WORLD

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Talofa lava, Mālō e lelei, Ni sa bula vinaka, Namaste, Kia orana, Taloha ni, Ia orana, Fakaalofa lahi atu, ‘Ālii, Malo ni, Halo Olaketa, Mauri, Aloha mai e and Warm Pacific Greetings.

This Special Issue of the *Canterbury Law Review* arises from the 2018 Pacific Law and Culture Conference held at the University of Canterbury. The Conference was jointly hosted by the School of Law, the Pasifika Law Students’ Society and the Macmillan Brown Centre for Pacific Studies, and sponsored in part by the New Zealand Law Foundation. The aims of the Pacific Law and Culture Conference series are to increase understanding of Pacific legal issues and to strengthen relationships between Pacific legal scholars and students. The Conference provides a regular platform for emerging and established Pacific legal scholars to consider the critical question of how to ensure law operates effectively whilst also remaining culturally appropriate to the Pacific. In 2018, the overall theme of the Conference was “Voices of the Pacific in a Globalised World.” This theme raised various questions including what can be done, in an increasingly globalised world, to ensure that Indigenous Pacific voices and perspectives are heard locally, nationally and internationally. It also led to consideration of how issues of conflict between international law or state law on the one hand, and Pacific culture and/or customary law on the other might best be resolved. Also considered was how Pacific perspectives might be incorporated into the laws of states, such as New Zealand, with large Pacific diaspora.

A range of rich and diverse papers addressing these questions was presented by scholars from around the Pacific region, and we are delighted to include some of these in this Special Issue. Although this collection of articles is primarily concerned with the law, it also provides a platform for scholars from other disciplines to share their research to increase understanding of Pacific legal issues. Together, the articles indicate that it remains challenging in the face of the pressures of globalisation for Indigenous Pacific perspectives to be heard and reflected in law and governance arrangements – at the local, national, regional and international

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levels. Tensions remain between adopting and adapting legal norms for the Pacific context and ensuring that these norms are not a tool for the suppression of Pacific culture. Encouragingly, each of the authors in this Special Issue has a focus on the future, and between them they offer ideas – from the practical to the truly visionary – as to how this might be achieved.

In the first article, **Claire Slatter** considers three new and emerging developments in international law in the areas of prohibition of nuclear weapons, business and human rights, and marine biological diversity in areas beyond national jurisdiction. She suggests that while all three of these developments provide avenues to potentially redress historical wrongs and protect against future abuses in the Pacific, they are not sufficient on their own. Slatter instead proposes that the establishment of legal personhood rights for the Pacific Ocean is required.

John Hopkins also considers the impact of international legal developments and what this means for the Pacific region in the area of Disaster Risk Reduction (DRR). He explores whether there is an emerging Pacific approach to DRR or whether it is another instance of global norms being implemented through transmission belt regionalism. He notes that although co-operation in the DRR field still retains the feeling of something being done to Pacific states rather than being done by them, recent developments may suggest the beginning of a true Pacific Way in the field of DRR.

From international and regional legal developments, the Special Issue moves to look at the role and impact of one of the major powers in the region with **Ashalyna Noa** exploring China's evolving presence in Samoa – past, present and future. Noa explores how Chinese influence in Samoa has evolved over the years through cycles of migration, trade, investment and more recently foreign aid and bilateral relations. Noa notes that these developments have largely been positive, and that this provides a firm foundation for future evolution of the relationship between China and Samoa, despite the anxieties of traditional partners.

Jennifer Corrin and **Graham Baines** also consider past, present and future perspectives in their article on land tenure in Solomon Islands. They note that since the arrival of foreigners in Solomon Islands, one of the most challenging issues has been how to balance land as a spiritual and social cornerstone with land as an economic base. Their article discusses the various attempts that have been made to convert customary land into a form of tenure that facilitates economic development, concluding that to date, Solomon Islands has failed to find an appropriate system that responds to the needs of its population. Corrin and Baines suggest that the future lies in moving away from the Western paradigm of land as property and developing a truly Melanesian base on which to develop a form of customary land tenure that

makes available some land for economic development, while also fostering cohesive communities by preserving social links to the land.

The third country of individual focus is Tonga where **Wiliame Iupeli Gucake** looks at the 2017 dissolution of the Tongan Parliament from two contrasting perspectives – the customary perspective using the four golden pillars of Tongan society (*Kavei Koula'e Fa*) on the one hand, and the common law via judicial review on the other. He argues that what is required to promote constitutional harmony in the future is greater *faka'apa'apa* being shown within Tonga's constitutional relationships.

In the final substantive article in this Special Issue, we return to consider the Pacific region as a whole. **Fuimaono Dylan Asafo** provides a visionary blueprint for development of a Pacific Critical Legal Theory (PacCrit) to help Pacific peoples respond to the inequities around the world and voyage to new places of freedom from subordination by the law. This ambitious undertaking responds forcefully to the challenge of the Pacific Law and Culture Conference series – how to ensure law operates effectively whilst also remaining culturally appropriate to the Pacific. This and the other articles in this Special Issue provide much food for future scholarly thought in this hugely important area.

The Editor hopes that readers enjoy all six interesting and thought-provoking articles from diverse voices of the Pacific region. I thank Dr Elizabeth Macpherson for her role in helping to organise the 2018 Conference and for the opportunity to edit this Special Issue. I am also grateful to the Canterbury Law Review production team including Dr Toni Collins, Brenna Sharpe and Christine Whittle. Fa'afetai tele lava.

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Guest Editor
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