

Cotonou and the Pacific: governance, legitimacy and civil society

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The African, Caribbean, Pacific (ACP)-European Union (EU) Partnership Agreement, more generally known as the Cotonou agreement, which was signed in Cotonou, Benin, on 23 June 2000, being the successor to Lome and upon which the EU bases its development policy towards these areas, presupposes a number of conditions that it deems to be crucial and should be in existence or in the very least cultivated if the ACP states, or for our purposes the Pacific component of that triumvirate, is to attain a state of development. The vehicle for this which contains the clear expression of the Cotonou agreement are the Economic Partnership Agreements (EPAs) that the EU began negotiating with the ACP states in September 2002 and are due for implementation beginning January 2008.

I set out to accomplish two main tasks in this paper. Firstly, I provide an outline of the 'template of solutions' that the EU has proposed, in the guise of 'development policy', as the means by which its Pacific partners could attain their development goals. And secondly, I will briefly summarise some of the findings to date, where they relate to the present discussion, as a 'work in progress', from a research project we are currently conducting into EU-Pacific relations. In this context, the relationship will be examined where it intersects (or diverges as the case may be) in three points: governance, legitimacy and civil society.

The EU-Pacific project

Beginning in March 2003, the project set out to examine the political dimensions of the EPAs and what they reveal about EU-Pacific relations while using as variables three indices: legitimacy, institutional capacity and regional integration. That is, those political processes and institutions that the EU regards as contributing to the overall development of Pacific Island Nations (PINs).¹ This is notwithstanding the importance of the economic dimensions of development, since most indicators of development are related essentially to a state of well-being usually brought about by a rise in standards of living and related processes. We justified our choice of variables in the following way.

Legitimacy

It is generally agreed that legitimacy is a desired outcome for both political evolution and economic development. Legitimacy is undoubtedly crucial for regime survival but we have interpreted this in an expansive way to include both the letter and spirit of Cotonou. This led us to include in our examination good governance, democracy, rule of law, protection and promotion of human rights, transparency, accountability, the inclusion of non-state actors in the development process, to a name a few, together with the factors underlying our secondary assumptions such as an open societal culture and stability. In turn we produced pointing questions about the EPAs such as:

¹ In this case the 14 member states of the Pacific Islands Forum plus Timor Leste, which joined the ACP states in 2003 but is an Observer only at the Forum. It is deemed by the EU to be a part of the Pacific ACP states.

what legitimacy, if any, has been garnered by the process? Is the policy about EPAs one that is 'owned' by society as a whole or is it, as so often the case a decision by the elites? What is the role of civil society or non-state actors in all this? Are the assumptions linking democracy and development even relevant to the Pacific context and, if not, how do we construct applicable alternatives? Relating to the EU: Should the EU encourage and facilitate the democratic debate on EPAs in the Pacific? Is it possible to generate a political culture about EPAs?

Institutional capacity

In line with conventional thinking on development, the capacity of local structures to adapt, absorb and aid development processes is now regarded as being crucial for a successful development strategy. Sound and competent institutional structures and processes, therefore, are indispensable to effective policy implementation. Competent bureaucracies are needed for intra-regional integration as well as relations with the EU. Some relevant questions here are: how do you enhance institutional capacity in the PINs? How do you phase out the era of the overseas consultant and build up the capacity of, both human and physical, PINs? Relating more to the EU: is it helpful for the European Commission to require that the PINs deal with the Directorate-General Development for aid, development, and institutionalisation and so on and Directorate-General Trade for economic aspects of the EPAs? In assessing civil society and good governance, what forms and mechanisms will the Commission use? Will there be common criteria for all or specific ones for each culture?

Regional integration

The EU wishes to interact with partners on a region-to-region multilateral basis rather than encourage country-to-country bilateral relations. Furthermore, it argues that not only would this make sense organisationally but that such a setup would benefit countries more than were they to interact bilaterally with the EU. The general assumption on the part of the EU seems to be the EU integration model can be replicated outside Europe regardless of local conditions. This is in spite of the fact that such notions are not easily entertained, even in Europe. Relevant questions here are: what is the depth and extent of political integration in the Pacific? Is greater political integration developmentally necessary? Will economic integration be successful even? Some EU related questions: is regional integration *really* a precondition for developing EPAs? What is the political viability of EPAs? Can one have economic regional integration and an EPA with the EU without a comparable political regional integration or similar cultural or worldviews?

Cotonou

The EU has formulated and stated its thinking about what we are concerned with in the following way². However a note on procedure is in order here. There is perhaps a need to differentiate between levels and types of milieu in which processes are expected to operate. (Again this can be said of development assistance to PINs generally.) At an initial level one can find specific statements regarding legitimacy,

² The following prescriptions are similarly found in the thinking of other aid donors.

governance and civil society in the Cotonou agreement. The accent here is on, preliminarily, dialogue, which is a precursor of other developments:

The Parties shall regularly engage in a comprehensive, balanced and deep political dialogue leading to commitments on both sides (Article 8.1)

The ascendancy of political elements in the thinking of the partners is reflected in the following:

The dialogue shall cover all the aims and objectives laid down in this Agreement as well as all questions of common, general, regional or sub-regional interest. Through dialogue, the Parties shall contribute to peace, security and stability and promote a stable and democratic political environment. It shall encompass cooperation strategies as well as global and sectoral policies, including environment, gender, migration and questions related to the cultural heritage (8.3)

The dialogue shall focus, inter alia, on specific political issues of mutual concern or of general significance for the attainment of the objectives of this Agreement, such as the arms trade, excessive military expenditure, drugs and organised crime, or ethnic, religious or racial discrimination. The dialogue shall also encompass a regular assessment of the developments concerning the respect for human rights, democratic principles, the rule of law and good governance (8.4)

The intention is not just to focus on the constructions and revitalisation of conventional political institutions (such as government institutions) but also the recruitment and mobilisation of all sections of society, as the following requirement attests:

Regional and sub-regional organisations as well as representatives of civil society organisations shall be associated with this dialogue (8.7)

The ACP States shall determine the development principles, strategies and models of their economies and societies in all sovereignty... However, the parties recognise the complementary role of and potential for contributions by non-State actors³ to the development process. To this end, under the conditions laid down in this Agreement, non-State actors shall, where appropriate: be informed and involved in consultation on cooperation policies and strategies, on priorities for cooperation especially in areas that concern or directly affect them, and on the political dialogue (4)

³ The term 'non-state actors' is more inclusive than civil society and, according to Article 6, includes the private sector, economic and social partners, including trade union organisations and civil society "in all its forms according to national characteristics". Civil society, however, can also refer to: "human rights groups and agencies, grassroots organisations, women's associations, youth organisations, child protection organisations, indigenous people's representatives, environmental movements, farmers' organisations, consumer associations, religious organisations, development support structures (NGOs, teaching and research establishments), cultural associations and the media" (Understanding the EU: A Civil Society Guide to Development and Conflict Prevention Policies, Part III, The ACP-EU Cotonou Partnership Agreement).

The crucial position that non-State actors play in the new partnership is further underlined:

The central objective of ACP-EC cooperation is poverty reduction and ultimately its eradication; sustainable development, and progressive integration of the ACP countries into the world economy. In this context, cooperation framework and orientations shall be tailored to the individual circumstances of each ACP country, shall promote local ownership of economic and social reforms and the integration of the private sector and civil society actors into the development process (19.1)

Governments and non-State actors in each ACP country shall initiate consultations on country development strategies and community support thereto (19.3)

Cotonou also speaks of essential and fundamental elements.⁴ The range rather than prioritisation is of greater moment here, as indicated by the following prescriptions:

Cooperation shall be directed towards sustainable development centred on the human person...this entails respect for and promotion of human all human rights...including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are integral part of sustainable development (9.1)

Democracy, human rights and rule of law are supposed to inform both politics and society in general and government institutions in particular. However some concession is granted for the conditioning effect of local institutions and traditions.

The Parties reaffirm that democratisation, development and protection of fundamental freedoms and human rights are interrelated and mutually reinforcing. Democratic principles are universally recognised principles underpinning the organisation of the State to ensure the legitimacy of its authority, the legality of its actions reflected in its constitutional, legislative and regulatory system, and the existence of participatory mechanisms. On the basis of universally recognised principles, each country develops its own democratic culture. The structure of government and prerogatives of the different powers shall be founded on the rule of law, which shall entail in particular effective and accessible means of legal redress, an independent legal system guaranteeing equality before the law and an executive that is fully subject to the law (9.2)

These areas will be an important subject for the political dialogue. In the context of this dialogue, the Parties shall attach particular importance to the changes underway and to the continuity of the progress achieved. This regular assessment shall take into account each country's economic, social, cultural and historical context. These areas will also be a focus of support for development strategies. The Community shall provide support for political, institutional and legal reforms and for building the capacity of public and

⁴ See Holland (2003) for a fuller discussion of these elements.

private actors and civil society in the framework of strategies agreed jointly between the State concerned and the community (9.4)

On the political economy nexus, the agreement stipulates

The Parties consider the following elements as contributing to the maintenance and consolidation of a stable and democratic political environment: - sustainable and equitable development involving, inter alia, access to productive resources, essential services and justice; - greater involvement of an active and organised civil society and the private sector (10.1)

The Parties recognise that the principles of the market economy, supported by transparent competition rules and sound economic and social policies, contribute to achieving the objectives of the partnership (10.2)

The 'spirit of partnership' continues into the area of security:

The Parties shall pursue an active, comprehensive and integrated policy of peace-building and conflict prevention and resolution within the framework of the Partnership (11.1)

At a basic primary level, the Cotonou agreement is quite specific about what the partners deem to be important in their relationship. It spells these out while the signatories to the agreement are expected to abide by them. In cases where difficulties arise from misunderstanding, differing interpretations, and violations of the agreement, there are clear procedures for the clarification of areas of difficulty, resolution of disputes or, very rarely, suspension of a partner as a direct result of its contravention of the agreement.⁵ But it is significant that issues associated with, and including governance, legitimacy and civil society are important in the EU's consideration that they constitute 'cases of special urgency' where one party is not obligated to take part in mediation procedures if the other party failed to uphold them. According to Cotonou, this is when parties fail to fulfil "...an obligation stemming from respect for human rights, democratic principles and the rule of law..." (96.2). Indeed these principles are regarded as 'essential elements' and their importance is reflected in the minimal requirement that parties only have to 'fail' to promote them to trigger the mediation process or suspension from the partnership. However, suspensions are infrequent because of a number of reasons including the need to engage (for whatever reason), the relatively peaceable way by which PINs exist and interact, and the difficulty of substantiating a partner's manifest guilt. Therefore suspension is a measure of last resort (96c) and the penalties are to be revoked "...as soon as the reasons for taking them have disappeared." (96a). In other words, unless a partner commits a clear and serious breach, justification for suspension is generally problematic. One of the reasons for this complexity is the very nature of the multitude of unspoken assumptions, in addition to the codified ones, upon which Cotonou operates.

⁵ Fiji, to date, is the only Pacific ACP state that has had its aid discontinued, as a consequence of the 2000 coup, though assistance has since been restarted.

General assumptions

Democratic governance is, by nature, muddled and more so in fledgling democracies. The ambiguities are augmented by new phenomena such as the (increasing) inclusion of civil society in both thinking and political practice.⁶ Nevertheless its growing importance is the realisation of an old idea about the sociability and non-individualistic underpinnings of democracy and a new recognition of the holistic approach to development.⁷ The following ‘world picture’ is the usual characterisation and they form the secondary level. For a democracy to exist politically and socially, it must be comprised politically of, among other things, representative, responsible and responsive government; culturally, of a civic, civil and egalitarian ethic; economically, of capitalism; of a social plurality; competent institutional-structural capacity; legally, of an independent judiciary. These elements are not all essential for a democracy of course and the history of democratisation in both western and non-western societies is testimony to that fact. But some are clearly more fundamental than others. For instance, one could hardly regard a regime that excluded its citizenry from voting in governments democratic. Therefore the equal right (and sometimes choice) to elect representatives to parliament contributes to democracy. The point here is that the very nature of democracy (and of humans) makes any simple claim to comprehensiveness disingenuous. Moreover, this is the primary difficulty with which Cotonou has to contend, let alone succeeding contentions such as that concerning inapplicability, as seems to be courted by the statement “This regular assessment shall take into account each country’s economic, social, cultural and historical context” (9.4).

Taken together these issues and the questions they raise, and our findings, whether negative or positive, will not only be of concern to governance, legitimacy and civil society, Cotonou and the EPA process but, as can be seen with the nature of the examination itself, will also be of some utility to region-wide issues. Indeed this combination is evident in the table of questions that is reproduced below. The questions provided the template for the elite interviews that we have conducted up to this point, and hope to conduct further.⁸ The questions however were not meant to be hard and fast and restrictive. Rather in a lot of the conversations, the questions were furnished mainly to provide some uniformity and systemisation. In some they acted as pointers only. And in others still they provided the general background against which interviewees projected their own thoughts and opinions. Overall, however, the queries added extra meaning to earlier general prodding while at the same time they attempted to elicit responses that were deemed to be pertinent to individual contexts. In that way, it was hoped that the research, while producing results that could be used

⁶ Cotonou is quite innovative in this respect as it promotes the involvement of non-State actors in development. It also includes provisions for the enhancement of culture (Article 27) and equality among men and women (Article 31).

⁷ It might also have to do with an ‘alternative’ channel for development input in polities where governments are susceptible to corruption and other vices that tend to drain resources.

⁸ We generally relied on elite interviews involving a cross-section of society, as well as secondary sources to inform our analysis. Some 70 taped interviews and transcripts are kept by the authors, containing over 100 hours of interviews that were conducted from October 2003-April 2004.

as general propositions for the region as a whole they were also specifically robust enough to be utilised by individual PINs.

Table 1 *General template of interview questions*

Development	Political	Civil society	EU, Cotonou, EPAs	International relations and regionalisation
<p>Approaches to development: what and who it should involve ie a holistic approach involving all sectors of society or concentrated in a few; and should be 'directed/managed' or totally directed by market</p> <p>What is the input from the Pacific into the general direction of development and political evolution in the Pacific as this is often decided outside the region; or can Pacific islands and are they strong enough to influence the orientation and content of these processes?</p> <p>Cultural change/development</p> <p>Development sectors/strategies such as eg, where applicable, fisheries, forestry etc how do you develop them?</p> <p>Developmental infrastructure eg, transportation (land,</p>	<p>Capacity building – Pacific understanding of the idea. What exactly has been done and what needs to be done?</p> <p>Rule of law: Is rule of law entrenched in constitutional/legal terms? Is it practiced in reality? Does it have a fundamental meaning for the life of society? How well does it sit with other forms of rule eg custom, traditional precedent etc?</p> <p>Democracy and democratisation and thinking about these ideas and processes on whether and how it should be instituted, how to sustain it and make it durable ie taking into account the unevenness of the democratisation in the region. Are the measurement</p>	<p>Civil society and their role in development for political and economic ie the contextualisation of CSOs, NGOs in the Pacific and whether conditions determine outcome or should there be an universal approach regardless of local environment? How involved are they? Are they treated with fairness by government? Are they consulted and encouraged to participate?</p> <p>Media – do they participate effectively in the developmental process? Are they valued participants in national dialogue? Are they truly independent? How protected are their position</p>	<p>EU-Pacific relations: successes and challenges/problems</p> <p>Development policy and EU</p> <p>Perceptions of EU – how do you see the EU as an entity? What is your experience of it?</p> <p>Perceptions of Cotonou and Lome: A comparison?</p> <p>Experience and thinking about EPAs – the process and objectives, deadline and other related issues</p> <p>Will EPAs, apart from impacting on economic matters, enhance the general political development of your country?</p> <p>Pacific as part of ACP – the efficacy of the ACP idea – merits and problems</p> <p>Conditionality – will it work?</p> <p>General</p>	<p>Regionalisation; Pacific Islands Forum function and role; PICTA and PACER; is regional integration possible/desirable? What are the forces for integration and what are the impediments?</p> <p>Conflict resolution; security, terrorism and the role of the EU</p> <p>Outside actors in the region: NZ, Aust, Asia, US, EU, ADB, IMF, World Bank etc</p> <p>Globalisation: economic and others; WTO</p>

<p>air and sea); roads; airports; public utilities</p> <p>Small island states issues</p>	<p>devices appropriate for the Pacific or should we devise other modes of gauging democracy; is democracy only important politically and economically?</p> <p>Leadership issues – is there a will to improve? Is there a ‘culture of success’, innovation etc? How would you characterise the relation between government and people? What is the duty, in your view, of the rulers vis-à-vis the ruled? Do democratic principles inform leadership ethics? If not, then what? What is the traditional/cultural precedent?</p> <p>Efficacy of Pacific Way in development? Eg in Pacific Forum election of Sec Gen? eg in national politics? Eg in regional integration tendency?</p>	<p>in society/politics?</p> <p>NGOs role in development</p> <p>What specific structures, procedures are in place to ensure civil society is effectively included in the EPA consultation process? And is civil society involvement measurable?</p> <p>Media coverage of EU</p>	<p>thinking/experience about it</p> <p>EU and bilateral relations between member states and Pacific; in which context is trade/economic development better, bilateral or multilateral a la EU’s objective?</p>
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Provisional results

General regional remarks

In response to the general secondary assumptions that we listed earlier, the following general remarks can be catalogued here, but not wanting of course to obviate the danger of sweeping statements. Conditions among PINs are characterised by their unevenness and despite similarities in many areas, their heterogeneity in others have thwarted, and will continue to impede, efforts at designing region-wide solutions to common problems including orchestrated attempts at development. There are varying systems of government which includes variations on the Westminster model, presidential system, monarchy and attempts at fusing traditional and modern systems of rule that have serious implications for legitimacy. The protection of, and respect for human rights is still an issue in some polities. Politics, electoral systems and party systems are stable, stagnant or both in some places but unstable in others. There is a persistence of traditional cultures in the face of modern transitional cultures. Civil society organisations are numerous but an insignificant number play any part in 'official development' activities. Attempts at creating civic cultures are complicated by cultural precepts in some places where individual rights are often sacrificed on the altar of communal cohesion and group rights. There is some development capacity in some economies but mostly rudimentary in all. A legalistic framework for the rule of law can be found in most jurisdictions but the independence and effectiveness of the judiciary is questionable in others. Social pluralism in some societies is matched by intolerance in others. And the continued increase in the sprouting of many regional organisations coincides with the redirection of the Pacific Islands Forum as well as the institutionalisation of the free trade ethic as represented by the Pacific Island Countries Trade Agreement and the Pacific Agreement on Closer Economic Relations. It is clear that these elements exist in contrast to both the dictates of Cotonou and general political thinking in the western tradition that contributed to, and provided the justification for, the ACP-EU Partnership Agreement.

Country-specific preliminary findings

To date, we have accumulated data, both qualitative and quantitative consisting of interviews and published secondary sources, on five of the 14 member states of the Pacific Islands Forum. The group so far comprises the Cook Islands, Fiji, Palau, Tonga and Vanuatu. In conducting the interviews, we provided an extra dimension to the issues of legitimacy, institutional capacity and regional integration. We deliberately solicited the interviewees' response to the question: what are your perception and/or experience of the EU and/or EPAs? The main rationale behind this was partly to invite an opinion in cases where interviewees had no thoughts on the basic issues, and partly as a result of an illuminating just-concluded study on how the New Zealand media perceived the EU and how that reflected the level of

understanding of EU affairs, pointing to areas where the relationship may be improved.⁹ Our findings from each Island group are outlined in tabular form below.¹⁰

Table 2 *Group summary: Cook Islands, Fiji, Palau, Tonga, Vanuatu*

	Legitimacy	Institutional capacity	Regional integration	Perception/experience of EU and EPAs
Cook Islands	<p>Political instability</p> <p>Democratic governmental structure</p> <p>House of ariki</p> <p>Good governance issues</p> <p>Media freedom under threat</p> <p>Relatively open society</p> <p>Judicial conundrum</p> <p>CIANGO; non-state actors loose</p>	<p>Around 16000 decreasing population</p> <p>Small island state</p> <p>Developing</p> <p>Large public sector; recent reform</p> <p>Expatriates supplement local skill and expertise</p> <p>Newcomer to ACP; EU contribute to government expenditure</p> <p>Foreign investment not encouraged (!)</p>	<p>Reluctant to abandon special arrangement with NZ</p> <p>Reject full integration with NZ or other Pacific Islands</p> <p>Lukewarm attitude towards free trade area</p> <p>Member of PIF and other regional organisations</p>	<p>Generally good attitude towards EU though regrets EU bureaucracy</p> <p>Good experiences with EPA negotiations but point to encumbered process and delay in progress</p>
Fiji	<p>Ongoing political instability</p> <p>Race and land problems</p> <p>Chiefly tradition in</p>	<p>Larger population</p> <p>Better skilled workers</p> <p>Robust private sector</p>	<p>Recent indications of acceptance of ‘inevitability’ of integration and free trade</p> <p>Site of most regional</p>	<p>Has had long experience with EU because of ties with UK and sugar exports</p> <p>Often at forefront of EPA negotiations</p> <p>Stand to gain most</p>

⁹ Martin Holland and Natalia Chaban, ‘External perceptions of the European Union: a survey of New Zealanders’ perceptions and attitudes towards the European Union,’ NCRE series 1, National Centre for Research on Europe, University of Canterbury, 2003.

¹⁰ I have provided the summary of findings from our larger study which is beyond the more limited scope of this discussion in order to contextualise the analysis around the bigger picture.

	<p>politics</p> <p>Governance problems</p> <p>Media fairly treated and regarded</p> <p>Questions of judicial independence</p> <p>Multitude of NGOs; some such as CCF reviled by government; growing role in development</p> <p>Fairly experienced with democratic government</p>	<p>Site of higher education institutions</p> <p>A well-developed sugar industry</p> <p>Infrastructure development</p> <p>Good transportation network</p> <p>‘Cosmopolitan’ society</p> <p>Benefits of regionalisation for workforce, economy</p>	<p>organisations</p> <p>Ratu Mara’s influence in region</p> <p>Member of PIF and other regional organisations; joined Melanesian Spearhead Group in 1996</p>	<p>from EPAs</p> <p>Good representation in Brussels</p> <p>EC delegation to Pacific in Suva</p>
Palau	<p>US influence in governance structures</p> <p>Too democratic (!)</p> <p>Judicial competence</p> <p>Strong chiefly participation in government</p> <p>House of chiefs</p> <p>Independent media</p> <p>Political stability save some lapses</p>	<p>20000 population base</p> <p>Small land area</p> <p>Large government bureaucracy</p> <p>Well-travelled people</p> <p>Growing Asian workforce</p> <p>Growing private sector</p> <p>Substantial US grants</p> <p>Good standard of living</p>	<p>Member of PIF and other regional organisations</p> <p>Sees itself as part of Micronesia</p> <p>Rejects South Pacific idea</p> <p>Rejects greater integration</p>	<p>Relatively inexperienced with EU and EPAs</p> <p>Compares EU aid to US aid</p> <p>Brussels bureaucracy</p> <p>Hopes for new EC office in Pohnpei ie an office for the Micronesian region</p>

		Needs technical assistance		
Tonga	<p>Entrenched monarchical system</p> <p>Prodemocracy movement</p> <p>Future uncertain with ailing, aged monarch</p> <p>Chiefs not particularly strong but position guaranteed constitutionally</p> <p>Interference with judiciary</p> <p>New media laws interfere with rights to free speech/media freedom</p> <p>TANGO; many NGOs recently consulted</p> <p>Stratified culture</p> <p>Relatively 'stable'</p>	<p>Middle-sized population</p> <p>High literacy</p> <p>Lack technical expertise</p> <p>Large public sector; recent reform</p> <p>Need development infrastructure</p>	<p>Part of Polynesian Heritage Trust in the past</p> <p>Long-time member of PIF and other organisation</p> <p>Tries to be friendly with everyone</p> <p>Seems to be non-committal on greater integration</p>	<p>Has long experience with EU; present secretary of foreign affairs is usual EU contact</p> <p>Experienced with EU bureaucracy</p> <p>Regard EPAs as necessary step to continued EU relations, further development</p>
Vanuatu	<p>Political instability</p> <p>Problems with ombudsman in past</p>	<p>Larger population base</p> <p>High illiteracy rate</p>	<p>Part of PIF, MSG and others</p> <p>Unconvinced about merits</p>	<p>Some problems with EU relations; communication not good; some misuse of aid in the past</p>

	Council of chiefs	Larger land mass	of greater integration	View EPAs as being necessary
	Unstable 'party' system'	Need infrastructure	Tends to look to New Caledonia as role model	
	French and British legacy ie dual systems	Need technical assistance		
	VANGO; well developed NGOs	Need to develop private sector		
	Egalitarian cultures; multicultural, multilingual	Has had public sector reforms		
	Churches strong	Exports agricultural products; has some minerals		
	Media problems			

Concluding remarks: governance, legitimacy and civil society

The Cotonou agreement is remarkable for the attention that it has given to the political dimension of development and non-economic matters generally. In doing so it is quite clear in what it regards as important political concomitants of economic development. The idea is not new: that there is *some* correlation between economic development and political democracy is generally accepted and the only difficulty lies in the quantification of that relationship. Nor is it unique to the EU: major donors in the region are now demanding more accountability for their taxpayers' money. An important condition in this regard has been the requirement for good governance (democratic governance) principles to be institutionalised.

From Table 2 it is clear that there is a gap between Cotonou's prescriptions and Pacific realities with regards to governance, legitimacy and civil society. Our data indicate that all five of our PINs have experienced governance issues. There is political instability in the Cook Islands where it has had several changes of government since the last election.¹¹ This is complicated by a house of chiefs that sees

¹¹ Dissatisfaction with the main political parties, who many blame for the problems, is reflected in this week's general election where a large number of independents and women ran for office. However one needs to be clear about how instability is defined as the changes of government in the Cook Islands were done within the ambit of the constitution. Therefore it was not an overthrow of the system but rather manoeuvres within it. In any case, whether cosmetic or organic, the frequent changes of administration diminish the electorate's belief in the political system.

itself as having equal, if not more, power than elected leaders. In fact this is a problem that is experienced by almost all the jurisdictions under study – Vanuatu, Fiji, and Tonga among them - that have accommodated traditional leaders in modern government settings. Palau does not seem to have such a problem despite the fact that it has a robust chiefly system that is represented in state institutions - perhaps it has clear guidelines as to the areas of chiefly involvement.

Fiji continues to find itself in a perilous situation because of the racial tensions that resulted in coups in 1987 and 2000. One gets the impression that Fiji is never far away from trouble particularly at present when those responsible for the 2000 coup and army mutinies have come before the courts which saw the jailing of the vice president – a move that has proved to be unpopular with nationalists. The role of the Great Council of Chiefs in such a volatile situation adds to the uncertainty.

Palau's 'problem' is a positive one: it is generally regarded to be too democratic, if such a situation is possible. Extreme transparency and accountability in such a small society can have its costs but Palau has learnt well from American democracy. Governance and legitimacy in Tonga are affected by the dictates of the monarchical system where attempts at democratisation by the Tonga Human Rights and Democracy Movement have been largely thwarted by government intransigence. The situation is made worse by the uncertainty caused by an ailing aging monarch.

The legacy of British and French ways of doing things in addition to socio-cultural reasons seems to have contributed to the frequent changes in government in Vanuatu. Its chiefs are also powerful. The chiefs' position, on one hand, detracts from the legitimacy that is required by government. On the other hand, cultures with chiefly systems seem to need chiefs in positions of national responsibility for the system to be legitimate. This explains the dilemma that those polities are experiencing.

In some ways cultural elements also affect civil society – particularly civil society in the wider sense. For example, civil society is usually seen as the connection between people that leads to the creation of a vibrant, open society. But it is largely predicated on the assumption that this association is based on the actions of individuals in their capacities as individuals. This notion is difficult to sustain particularly in Tonga because of the stratified nature of society where one is seen as belonging to ranks which make it difficult for neutral encounters. It is also difficult in Fiji because of Fijian-Indo-Fijian tensions which run parallel to a chiefly system that also ranks people. The same difficulty could be seen in the Cook Islands and Vanuatu, though to a lesser degree. In fact these sentiments are behind the general apathy from governments and the general public towards the work of civil society organisations. These organisations are many and varied and they usually have umbrella organisations to co-ordinate their efforts such as CIANGO in the Cook Islands and VANGO in Vanuatu. But despite their number and their work at the social level they are generally not included in formulating development policy. Indeed we have found that they have just recently been included in some cases as a direct result of the requirement by Cotonou. However many still do not recognise or know of their newfound influence under Cotonou.

With the exception of Tonga, there is a general desire among the other PINs to refine their systems of democratic governance if not exactly to match Cotonou's

requirements then certainly to find variations that would accommodate local conditions with the principles of democratic government. However in reality there is some space between what Cotonou has prescribed and what there is in these Pacific countries and some effort will be needed from both these nations and the EU along with other donors to close the gap. But there have been continuing attempts, perhaps since the first contact between Islanders and outsiders, to find a way of marrying the best from both worlds: this is evident from culture, to the laws, to systems of government. This is undoubtedly one of the sources of present difficulties but it is a way of ensuring legitimacy and good governance which, ideally, should be made durable by an inclusive society.

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