

# Waging Peace: Women, Restorative Justice, and the Pursuit of Human Rights in the Solomon Islands

By

**Elizabeth Snyder** \*

Restraint and conciliation can seem maddeningly ineffective —  
but they are still the last, best hope for peace.

Nicholas Kristof

## **Introduction**

This paper will investigate the role of restorative justice practices and community-based approaches to conflict resolution in the Solomon Islands. Specifically, it will examine the grassroots initiatives by women in response to armed conflict. It will consider whether the strategies and outcomes of women peacemakers are consistent with broader social and political agendas for enhancing human rights and the rule of law. The paper begins with a brief overview of the relationship between criminal justice, human rights and the state, as well as the relevance of human rights to restorative justice. I will next explore the causes and impacts of armed conflict in the Solomon Islands and highlight the implications of state-endorsed violence and corruption on the criminal justice system. The paper then turns to the role of community-based women's groups in the Solomon Islands and investigates the challenges and successes faced by women peacebuilders. Key focal points are the impact of women's peace activities on inclusion, empowerment and security, and the similarities between traditional forms of restorative justice and contemporary conflict prevention and resolution. The paper concludes with a series of recommendations for strengthening human rights and the rule of law within the restorative justice paradigm. I propose that enhanced social justice in the Solomons requires greater linkages between state-administered justice and community-level dispute resolution. Improved collaboration must include the greater participation of women at all levels of decision-making and implementation—from family to community to nation.

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## **Human Rights, Criminal Justice and the State**

Joanna Shapland asserts that the legitimacy of the state 'is bound up with its espousal of universalistic values' and the administration, within formal criminal justice procedures, of these values. Among these universal values is the state dispensation of justice that is truly just, that adheres to basic principles of human rights. Human rights legislation, Shapland argues, is a means of safeguarding these values and serves as a bulwark between the 'lone powerless defendant' and the potentially 'coercive state' (Shapland 2003:207-208). This focus on protecting defendants from state corruption or miscarriages of justice is seen in international documents outlining basic principles of human rights. The UN Universal Declaration of Human Rights declares that 'everyone has the right to life, liberty and security of person; no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment; no one shall be subjected to arbitrary arrest, detention or exile' (UN 1948). Later human rights legislation, including the United Nations Declaration on the Elimination of Violence Against Women and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, likewise focus on citizens' entitlement to security, liberty, political affiliation, due process and equality. They aim to ensure that defendants have both the tools and the support—i.e. formal legal counsel—to take on the state (Shapland 2003:208).

## **Human Rights and Restorative Justice**

In recent years, restorative justice has assumed an increasingly prominent position in discussions of human rights and the rule of law. The Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in 2005, established a 'new high-water mark for restorative justice on the UN stage' (Porter 2005:1). The UN Congress promotes best practices in crime prevention and criminal justice and now considers restorative justice a necessary component of criminal justice reform. Proponents argue that restorative justice 'not only provides an alternative to prosecutions and imprisonment, but also holds offenders accountable in a manner that meets the needs of offenders, victims and the community' (Porter 2005:1). The issue of accountability is not limited to offenders, however. A key issue in the restorative justice debate is the reciprocal accountability of restorative principles themselves. A significant milestone occurred in 2002 when the UN Economic and Social Council adopted 'Basic Principles on the Use of Restorative Justice in Criminal Matters'. The basic principles acknowledge that restorative justice 'respects the dignity and equality of each person, builds understanding, and promotes social harmony through the healing of victims, offenders and communities' (UN 2002). The resolution provides guidelines for the implementation of restorative justice and encourages states to conduct research and evaluation of restorative justice programs. According to Paul McCold of the International Institute

for Restorative Practices, restorative justice principles 'have direct implications for how the United Nations organizes efforts to respond in the aftermath of mass violations of human rights and in the reconstruction of justice systems in countries recovering from occupation or authoritarian regimes'. McCold underscores the need for healing in the aftermath of violence and suggests that grassroots, community-level restorative justice is as essential as peace accords and the cessation of armed conflict. In short, restorative justice addresses the basic question: 'How do people stop hating each other?' (Porter 2005:2).

There are striking similarities between restorative justice practices and international agreements on human rights. For John Braithwaite, respect for fundamental human rights should be the yardstick by which restorative practices are designed, implemented and evaluated. Braithwaite outlines the connective links between restorative values and human rights. Common to both is the restoration of human dignity, freedom, damaged relationships, empowerment or self-determination, and a sense of duty as a citizen (Braithwaite 2000). Braithwaite insists that respect for fundamental human rights requires the establishment of 'consensus principles' or procedural safeguards in the application of restorative measures. Like criminal justice procedures, restorative processes are subject to power imbalances, intimidation and an absence of appropriate advocacy, especially for women and children. Braithwaite argues that accountability to human rights principles demands the right of participants to appeal the restorative resolution to a court of law. Of primary importance, Braithwaite contends, is the prevention of further injustice. To this end, restorative justice must be open to observation and evaluation to ensure its compliance with the standards of international human rights (Braithwaite 2003:9-11).

### **Fundamentals of Restorative Justice**

Despite the commonalities between criminal justice systems and restorative justice in terms of human rights protections, many argue that Western-based modes of criminal justice fail to address 'the fundamental human right of being interconnected with one another in healthy communities' (Lerman 1999). Restorative justice offers an alternative to the more adversarial practices of criminal law that 'pits victims against offenders' and stresses 'control, punishment and incarceration' (Jolly 2003:269). Restorative justice aims to change the direction of criminal law by focusing instead on aiding victims and repairing communities. There is less concern for which law was broken, who broke it, and what punishment should be meted out; of primary importance is the discovery of who was harmed, how they were harmed, and what the offender and community can do to put it right (Lerman 1999). In contrast to the individual-oriented focus of modern criminal justice, restorative justice acknowledges 'the social context of disputes and their impacts on a variety of parties' (Dinnen 2006:401-402). This focus allows the major stakeholders in the event—

victim, offender and community—to move forward. The grievance is used as a catalyst ‘to re-engage and empower victims and community members toward rebuilding stronger connections’ (Lerman 1999).

It is important to note that this emphasis within restorative justice on community-oriented approaches, and the duty of local citizens to build and maintain peace, does not absolve the state of responsibility for protecting its citizens. Restorative justice repairs relationships within communities; it also seeks to enhance the relationship between communities and their governments in responding to crime. The best responses are those that combine state-based security measures and community-led practices of mediation and prevention. Within the restorative justice paradigm, governments are still responsible for preserving a just public order; the state is likewise accountable for the protection of procedural justice and human rights (Ashworth 2002:434). Tony Marshall emphasizes this complementarity by stating that criminal and restorative justice cannot exist side-by-side and remain entirely independent. While restorative justice involves a ‘devolution of control to individual citizens and communities’, it should be integrated as a ‘complementary process that improves the quality, effectiveness and efficiency of justice as a whole’ (Marshall 1998:31). Braithwaite highlights the importance of this shared state-community responsibility in his assertion that empowerment and non-domination are the most important aspects of restorative justice. Empowerment allows communities to substitute state control of justice processes with their own approaches to resolving conflict. Non-domination requires that communal decisions safeguard fundamental human rights. Ultimately, it is the duty of the state to uphold human rights as enshrined in law and to set limits on community justice. State-based adherence to human rights dictates limits to punishments for wrongdoing, whether in criminal or restorative justice practices (Braithwaite 2003:36).

Feminist scholars likewise urge caution in the application of restorative justice to crimes against women. Feminist critiques of modern judicial procedures highlight the adversarial nature of court proceedings and women’s lack of control over the process and outcomes. Restorative justice offers an alternative approach that promotes rather than obstructs the survivor’s recovery. At the same time, approaches to sexual violence must take into account the victim’s expressed preferences for redress, including more retributive measures. The same argument applies to traditional or customary practices, which place ‘undue stress on reconciliation and harmony of the community at the expense of the wronged woman’ (Jolly 2003:273). Feminists insist that criminal justice and restorative justice alike provide physical and emotional safety to survivors, avoid imbalances of power during negotiation and settlement, and ultimately prevent further gendered violence (Hopkins and Koss 2005:708).

### **Conflict in the Solomon Islands**

The case of the Solomon Islands offers a number of challenges to this integrated or ‘whole justice’ approach (Marshall 1998:31). The Solomon Islands conflict erupted in May 1998 when a group of Guadalcanal youth, commonly referred to as the Isatabu Freedom Movement (IFM), violently evicted Malaitan settlers from their properties on Guadalcanal. Militants justified their actions based on government failure to address grievances of the Guadalcanal people: inadequate compensation for land loss and development activities; alleged murders carried out by Malaitans; discriminatory employment practices; and disrespect for indigenous Guadalcanal culture (SIA 2004:1). Malaitans responded to Guadalcanal incursions by forming the Malaita Eagle Force (MEF), comprised of various tribal groups and police officers. The social cost of the conflict has been aptly described as ‘quantitatively incalculable (SIA 2004:1), with experiences ranging from murder, displacement, the kidnapping of children for use as soldiers, pack rapes and the destruction of property and livelihoods. A Social Impact Assessment conducted in 2004 reports over 100 deaths and up to 35,000 internally displaced persons concentrated in Honiara, Guadalcanal and Malaita. 85 percent of interviewees reported that their families were directly affected by the conflict; 75 percent of women say they have suffered ‘direct personal trauma’ (SIA 2004:iv, 35).

In addition to this devastating social impact, the eruption of violent conflict severely undermined the government’s ability to fulfill basic state functions: raising revenue, managing state resources and maintaining law and order. Law enforcement and the administration of justice have been radically diminished by a financially constrained and ethically compromised police force. Malaitan police officers have been implicated in numerous human rights violations. Officers have sided with armed political groups and provided them with protection. In some cases, MEF militants were recruited into the Special Constables (SC) unit (Amnesty 2000:7). The police ultimately lost command and control over the deteriorating security situation, necessitating the arrival of an international regional assistance mission (RAMSI) in July 2003. By October 2004, there were 3,500 arrests, including high profile MEF and IFM leaders and combatants. In addition, 3,730 illegally-held firearms were confiscated (Amnesty 2004:1). Close to 30 villages in the Solomon Islands are now declared ‘gun free’.

Despite international security measures, there is widespread concern that the peace will not last. Public confidence in the police force has plummeted, with continued claims of criminal activity with the Royal Solomons Islands Police (RSIP)—from extortion, to complicity with militant gangs, to police-sponsored violence. The Townsville Peace Accord (TPA) of October 2000 attempted to stop further killings but did not prevent a renewal of violence. Many claim the government contributed to the TPA’s failure by refusing to enforce compliance and by avoiding investigations of human rights violations (Hegarty 2003). The inability of RAMSI to oversee a peaceful election in April 2006 has raised serious doubts about the overall success of the mission (*Wikipedia* 2006). For

Solomon Islanders, the root social and economic causes of the conflict have yet to be addressed. As Norman Arkwright observes, issues of social justice and compensation continue to be a 'minefield', reflecting the complex nature of competing demands from Malaitan and Guadalcanal leaders (Arkwright 2003:188). The people of Malu'u, when polled by outside observers, described the situation as 'peace with fear'. They fear retaliation from former militants as soon as RAMSI leaves (SIA 2004:10).

### **The Role of Women Peacemakers**

Shapland reminds us that 'when there are miscarriages of justice or corruption, confidence in state criminal justice can come down with a bump' (Shapland 2003:208). There can be little doubt that the failure of the Solomon Islands government to prevent crime and conflict has eroded public confidence in the state's ability to maintain law and order and protect human rights. At the same time, the inadequacies of the state judicial system have intensified grassroots efforts to deter violence, resolve conflict and enhance human rights. At the forefront of these efforts are women. The strategies used by women peacemakers seek to bridge state and community, tradition and modernity, and resonate strongly with current 'best practices' in conflict prevention and resolution. Their collective activism underscores Sinclair Dinnen's claim that 'so-called traditional justice practices are neither uniform nor static and have adapted to the exigencies of introduced change' (Dinnen 2006:401).

Women are recognized throughout Melanesia as the 'moral and economic backbone of local societies' (Douglas 2000:11). They are responsible for preserving customs, repairing relationships and uniting warring parties. In family or community disputes, women frequently act as go-betweens and use their clothing, words and bodies to defuse conflicts between opposing members (Pollard 2000:44). Women in the Solomons are generally more positive about peace building programs than men. They readily list the activities of civic and church groups as effective safeguards against further violence (UNIFEM 2005:12). Women also engender higher levels of trust than men. They served as leaders on weapons collection committees under RAMSI and encouraged communities to become weapons-free villages (Women War Peace 2006:3). Studies of women peacemakers in the Solomons reveal that community and church-based groups are highly organized and use deliberate strategies to promote dialogue, reconciliation and the de-escalation of violence. A recent report from UNIFEM suggests that public security is enhanced by community-level measures to instill respect for traditional values and customs. Security is also bolstered by initiatives to integrate youths as valued members of society and by awareness raising campaigns about civic rights and responsibilities (UNIFEM 2005:15-16). In the Solomon Islands, such activities are conducted largely by women. Thus, while women suffered tremendous hardship as a result of the conflict, they are far from passive victims. Helen

Leslie aptly observes that violent upheavals disrupt social constructions of gender and open up opportunities for new roles and sources of empowerment. Solomon women have drawn on their traditional roles as wives, mothers and peacemakers; they have simultaneously forged new identities by crossing ethnic boundaries and conflict lines, facilitating political dialogue, and advocating reform—with government officials, militant leaders, and the police.

### **Applications of Restorative Justice**

Women's peace activism is typically conducted collectively via church groups. Proponents of church-based restorative justice measures point to the strength of shared Christian beliefs in pursuing peace. Christianity is, as Bronwen Douglas notes, one of the few-shared values in an otherwise diverse, and frequently divided society. The church serves as the moral authority for village communities and the *de facto* provider of social services (education, health, welfare) in the absence of a strong and cohesive government. The church also acts as a counterweight to the 'doubtful legitimacy of the state' (Douglas 2000:12) and as an 'antidote to the collapse of internal security' (Douglas 2002:12). The absence of interdenominational rivalry and the broad range of denominational alliances among ethnic groups provide 'an alternative forum for interaction' and facilitate the role of churches in reconciliation and peacebuilding (Weir 2000:49). For women, church groups provide a culturally accepted form of collective social action. The application of 'low key' methods and a 'self-effacing ethos' allows women to pursue progressive, and often courageous, social agendas, in spite of their marginalization in national politics (Douglas 2002:12).

The restorative justice practiced by women bears striking resemblance to the four 'key values' of contemporary conflict resolution: open discussion of crime and its aftermath (*encounter*); encouraging offenders to 'make good' on the harm caused (*amends*); accommodating offenders back into the community (*reintegration*); and allowing all stakeholders affected by a crime to participate in its resolution (*inclusion*) (Restorative Justice Online 2005). The National Council of Women, which includes a broad range of church based groups, was formed in the early 1980s. It was initially established as 'the voice for Solomon Island women' and began by raising awareness about domestic violence (Billy 2000:173). With the eruption of armed conflict in 1998, the NCW turned its attention to peacebuilding. The National Council of Women made direct appeals to militants to disarm, presented them with food and basic necessities, and prayed with them for peace. The group organized food exchanges at checkpoints between women from warring ethnic communities. In 2000 the NCW brought together the governor-general of the Solomon Islands, the opposition leader and foreign diplomats. The meeting focused on international assistance between MEF and IFM factions and the promotion of peace, reconciliation, good governance, and democracy (Weir 2000:50). The goal of the National

Council of Women is the attainment of peace that is constructive, sustainable and inclusive.

A second major player in women's restorative justice initiatives is Women for Peace. Established in 2000, WFP is composed of a diverse group of women from Honiara. Its membership extends across ethnic lines and includes Guadalcanal and Malaitan women. Women for Peace works with traditional leaders, churches, community organizations, militant groups, the national government and the international community to enhance women's role in the peace process. The objectives of the WFP are two-fold: to 'actively and effectively support women's initiatives at all levels' and to find a peaceful solution to the political crisis (Pollard 2000:44). The organization's activities reveal a strong commitment to human rights and the enforcement of law and order. WFP members begin by listening and exchanging views with militants, government officials and the police in an effort to build trust and confidence. Open dialogue is then used to communicate women's experiences of the conflict and suggest non-violent means to maintain security. Delegates have attended conferences and forums, visited rural communities to aid the return of child militants, and provided essential goods to local families (Leslie 2002:15). They have met with police officers to encourage higher standards of professionalism and impartiality. Adherence to such standards, they argue, is a necessary precondition for the protection of human rights and the government's ability to pursue justice and redress for victims. Women for Peace also work to mobilize civil society in advancing peace and reconciliation, and seek assistance from international donors to strengthen and reform law enforcement (Pollard 2000:45).

Like Women for Peace, the Guadalcanal Women for Peace, established in the same year, simultaneously promotes non-violent solutions to conflict and a broader agenda for human rights. The group's platform includes short-term and long-term goals. The immediate need is to provide moral support for women, encourage the IFM to disband, and facilitate the return of militants to their families. The organization's long-term goals focus on alleviating the oppression of women and utilizing women's role as mothers to further the cause of peace. The Guadalcanal Women for Peace are committed to the principle that political participation is a basic human right and have spearheaded a vigorous public advocacy campaign regarding women's entitlements as citizens. Members raise awareness about domestic violence, incest, rape and gender equality. Central to the group's mission is the belief that humane and equitable treatment of all citizens begins with the family; only then can human rights be fostered in the community and nation as a whole (Paine 2000:48).

In sum, Solomon women have worked to alleviate conflict through structural and operational prevention. They contribute to structural or long-term prevention by reducing the potential for violence, promoting the cause of social justice and human rights, and advancing community-wide security. Women peacemakers in the Solomons also engage in operational or targeted prevention



through information-gathering and direct intervention with opposition parties (Shoemaker & Conaway 2005:11-12).

### **Challenges and Recommendations**

The operation of fundamental judicial procedures is indispensable for the administration of justice and the protection of human rights. Similarly, the failure of authorities to ensure these practices has long-term and widespread implications on citizens' trust in the fairness, impartiality and competence of government. The application of human rights to conflict and post-conflict zones often focuses on documenting and denouncing human rights violations and campaigning against those who perpetrate abuses. An alternative approach, and one which resonates with more traditional practices, seeks to facilitate a just and peaceful transformation of the conflict. This 'transformative' approach to human rights is based on the belief that human rights abuses are 'often a precursor to and always a consequence of violent conflict; reconciliation or the cessation of conflict is seen as the best avenue for attaining social justice (International Alert 1998:2). According to this model, local communities must be empowered to address the root causes of the conflict and must work collectively to prevent or resolve tension between opposing groups. The transformative approach to human rights is comprehensive and addresses a full range of national and communal issues: demilitarization, reconciliation, sustainable development and increased political participation (International Alert 1998:8)

There is a strong link between a transformative model of human rights activism and restorative justice as practiced by women in the Solomon Islands. Rather than cataloguing or denouncing abuses, women peacemakers seek to gain access to members of civil society, state actors, and armed militants to encourage an end to violent conflict and urge compliance with basic human rights. Increasingly, proponents and practitioners of restorative justice are using the term 'transformative justice' to describe women's unique capacities as peacemakers and mediators. An acknowledgment of the transformative power of conciliation shifts the emphasis from the resolution of particular conflicts to the process of creating broad-based and sustainable peace within and across communities. Transformative justice is, as Margaret Jolly explains, 'the proactive process of creating peace and harmony in communities that is wedded to a deep desire for justice, through fairness for all — men and women, old and young' (Jolly 2003:273).

Women's indigenous peacemaking, in conjunction with Christianity, is proving critical to reconciliation and reconstruction in the Solomon Islands. Women peacebuilders promote increased cooperation between community, state, and international agencies and emphasize the necessity of joint efforts to enhance human rights and the rule of law. Their efforts parallel current 'best practices' in conflict resolution or transformation. Their proposals likewise resonate with those of activists, policy-makers and scholars who insist on an integrated or whole justice approach to crime prevention and management. Sinclair Dinnen maintains that the ability of

local communities to respond to violent crime and the willingness of the state to embrace grassroots initiatives is crucial to the development of more sustainable approaches to crime and conflict. The ultimate objective, he writes, 'is to transform both the state and community justice sectors, rendering the former more accessible, responsive, and accountable, while bringing the latter into a human rights and rule of law regulatory framework' (Dinnen 2006:419). David Hegarty makes a similar claim when he proposes that post-conflict situations require 'multifaceted action' and that the restoration of the rule of law requires 'an integrated approach involving policing, legal institution building, civil administration and the building of public support' (Hegarty 2003). Amnesty International echoes these sentiments and calls for a 'combined effort' by government and police services, the MEF and IFM leadership, as well as civil society (Amnesty 2000:32).

Despite women's success in enhancing security, fostering reconciliation, and preventing the re-emergence of violent conflict, serious challenges remain. UNIFEM lists the following indicators as primary catalysts for conflict: government corruption, lack of trust between political groups, and women's lack of participation in government processes (UNIFEM 2005:iii). In the Solomon Islands, as elsewhere around the world, the exclusion of women from the peace process jeopardizes a sustainable peace (UNDP 2002:13). The passage of UN Security Council Resolution 1325 was an important step in promoting gender in peace building operations and highlights the vital role of women in the prevention and resolution of conflicts, peace negotiations, humanitarian assistance and the maintenance of security (UNSC 2000). The participation of women in political and civic life is recognized in the Solomon Islands in legislative terms. Nevertheless, women remain excluded from high-level decision-making and are denied access to formal peace processes. There is also widespread concern that the deeper structural problems in state governance have not been reformed and that RAMSI 'applied an expensive band-aid to the nation's wounds (Moore 2005:59). Clive Moore soberly observes that any intervention that restores law and order, but neglects to reform a corrupt public service and criminal justice sector, is doomed to failure. In the Solomon Islands, where senior political figures and police officers still possess illegal high-powered weapons, a 'leadership code of ethics with checks and balances' is highly unlikely (Moore 2005:71). The riots of April 2006, and the resignation of Prime Minister Rini after only six days, are evidence of continued political instability and distrust.

## **Conclusion**

The traumatic experiences of the Solomon's conflict require a continued commitment to reconciliation and healing between state and community, perpetrators and victims. A primary focus of human rights activism is support for individuals against the coercive or abusive power of

the state. While such efforts are vital, the condemnation of past human rights violations represents but one approach. Restorative justice offers a framework for repairing the harm caused by criminal acts, for strengthening state and local networks, and moving forward. The validity and efficacy of restorative justice can be seen in the growing integration of restorative practices in the criminal justice sector. An attorney from the American Bar Association writes that restorative justice transforms a 'cycle of fear' into a 'cycle of hope'. He adds: 'The basic human right of being recognized as a vital part of a community regardless of station becomes closer to reality' (Lerman 1999).

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