Common property has often been regarded as an obstacle to development and best—or inevitably—replaced by private or state ownership. However, there are now many well-documented examples of successful management of open-access resources, and experiments in 'co-management' by users, owners, and government officials. The idea that the government should intervene to remedy the defects of common property, perhaps by registration, is now contested by a celebration of indigenous systems of self-management (Bromley 1989, Bromley and Cernea 1989). Government intervention may sometimes make things worse. Common property claims are also part of indigenous peoples' defence and reaffirmation of political sovereignty.

The following chapters offer perspectives on common property from different academic disciplines, and from different islands and regions within and around the Pacific ocean. The disciplines include Geography, Economics, Anthropology, Law, History, and Political Science. The Pacific region includes settler societies like Australia, New Zealand and Canada, where indigenous systems were marginalised, and islands like Papua New Guinea and Fiji, where they were conserved, and even strengthened during and after colonial rule. The word 'governance' in the title recognises the political context of property rights, and refers to the idea that order, including systems of
property, is the outcome of interactions between governments, markets and communities (Larmour 1996a, 1996b).

**What is common property?**

Bromley defines property in terms of rights and duties towards a stream of benefits flowing from the resource. He notes that rights to use private property may be qualified, for example, by zoning legislation. He goes on to define common property as follows

The management group (the owners) have a right to exclude non-members, and non-members have a duty to abide by this exclusion. Individual members of the management group (the co-owners) have both rights and duties with respect to usage rates and maintenance of the thing owned (Bromley 1989:872).

By contrast, in non-property there is

...no defined group of users or owners and so the benefit stream is available to anyone. Individuals have both privilege and no right with respect to usage rates and maintenance of the asset. The asset is an open access resource (Bromley 1989:872).

The same resource may be treated in some circumstances as common property and in others as open access, or something in between. Common property regimes may dissolve into the free-for-all of open access. Equally, property regimes (common, private, or state) may be established over formerly open-access regimes—the creation of Exclusive Economic Zones would be a good example.

The distinction between common and open-access regimes can be explained in terms of the characteristics of the resource, particularly excludability and rivalry.

In Table 1, excludability refers to the technical difficulty and expense of excluding people from using the resource. Rivalry refers to the degree to which one person’s consumption eats into another’s. Roads, for example, are mostly excludable. Users can be charged a toll, and non-payers excluded. They are also mostly non-rivalrous, except when they become congested. Public goods are famously non-rivalrous and non-excludable, but there are few examples beyond clean air or even, perhaps, gravity (Keohane and Ostrom 1994:416). Common pool resources, however, are both rivalrous and non-excludable.

Excludability and rivalry are matters of degree, and excludability is a technical and economic matter. Exclusion is often technically
possible, but not worth the cost, for example fencing a farm. Changes in technology may also make exclusion cheaper—electronic sensing makes it easier to charge vehicles entering crowded town centres. In Table 1, the offshore fishery is to some extent rivalrous: if I catch a fish, you cannot, but many fish escape us both and die naturally. Exclusion is technically possible, but at the cost of maritime surveillance, patrol boats and so on. It may be managed as common property or left to open access.

While the characteristics of any particular resource may limit the possible ways it may be managed, property regimes are also determined by other historical and political factors, such as colonisation or democratisation.

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Hardin’s powerful image of the ‘tragedy of the commons’ is often blamed for obscuring the distinction between common property and open access resources (McCay and Acheson 1990:6–10, Feeny, Hanna and McEvoy 1996). Ostrom is particularly scathing about the policy conclusions typically drawn from Hardin’s model: privatisation, or state ownership as ‘the only way’ (1990:8–15), and she goes on to identify conditions for long running self-management of what she calls CPRs (common pool, or open access, resources). She defines a ‘common pool resource’ as

> a natural or man-made resource system that is sufficiently large to make it costly (but not impossible) to exclude potential beneficiaries from obtaining benefits from its use (Ostrom 1990:30).

The conditions for self-management of such a resource are

1. clearly defined boundaries
2. congruence between appropriation and provision rules and local conditions
3. collective choice arrangements
4. monitoring
5. graduated sanctions
6. conflict resolution mechanisms
7. minimal recognition of rights to organise
8. (For CPRs that are part of larger systems) nested enterprises

(Ostrom 1990:90).

Taken together, these are quite a demanding set of conditions, explaining why common property regimes may easily dissolve into open access.

**Arguments against common property**

David Hume classically put the arguments against common property in the form of a parable about ‘draining the meadow.’

Two neighbours may agree to drain a meadow, which they possess in common: because it is easy for them to know each others’ mind; and each must perceive that the immediate consequence of his failing in his part is the abandoning the whole project. But it is very difficult, and indeed impossible, that a thousand persons should agree in any such action; it being difficult for them to concert so complicated a design, and still more difficult for them to execute it; while each seeks a pretext to free himself of the trouble and expense, and would lay the whole burden on others (1911[1740]:239).

Hume raised two issues, which are now called ‘transaction costs’, which are the costs of making and keeping agreements, and the problem of the ‘free rider’, who benefits from the activity, but shirks from participation. The idea of transaction costs has allowed New Institutional Economists to explain the existence, and persistence, of non-market institutions which (they argue) arise in order to reduce transaction costs. The existence of firms, private property, and the state itself have been explained in this way (Williamson 1975, Demsetz 1967, North 1990).

The common property of indigenous people is often used as an example. Demsetz (1967) refers to an historical study of the fur trade in Labrador, noting how the local Indians began marking off and excluding other families from defined hunting areas as the trade developed. More empirically, Trosper (1978) investigated the relative efficiency of American Indians ranching on land leased from tribes through the Bureau of Indian Affairs. Trosper finds these American Indians as financially and technically efficient as their non-Indian
neighbours, but investing less, perhaps because of uncertainty over lease renewal (a transaction cost), or because of knowledge of large coal deposits under the land, and the likelihood of eventual strip-mining. In any case he is cautious in recommending privatisation, recognising the political, historical and ethical point that

the federal government has created a connection between individual land ownership and eradication of tribal existence (Trosper 1978: 514).

Clearly, there are transaction costs in making and keeping agreements about the use of common property, and institutions such as cooperatives, trusteeship, and majority voting rules may be created to reduce those costs—for example, the lengthy negotiations over the law of the sea and the institution of Exclusive Economic Zones, or the Forum Fisheries Agency in the South Pacific.

Michael Taylor and Sara Singleton (1993) use ideas about transaction costs to extend Ostrom’s ‘design rules’. They praise Ostrom for isolating the features of successful common pool resource management, but fault her for failing to provide an explanation for ‘why the successful groups are able to monitor themselves and why endogenous sanctioning alone suffices’ (Taylor and Singleton 1993:207).

They argue that the successful groups have characteristics ‘in virtue of which the transaction costs of an endogenous solution are relatively low’ (Taylor and Singleton 1993:199). These are

- stability of relations among members: they expect to be dealing with each other for a long time, over a number of interactions
- multiplex relations: they deal with each other in different contexts
- direct relations: they deal with each other face to face, unmediated by officials
- shared beliefs and preferences.

They summarise these characteristics as ‘community’, arguing that it reduces the search, bargaining and monitoring and enforcement costs of managing common pool resources. There is less uncertainty about what each other wants. Tradeoffs are easier to identify and implement. Monitoring and informal enforcement are less costly. Equally, ‘economic inequality, and ethnic, linguistic, religious or other forms of cultural heterogeneity’, weaken community, and increase transaction costs (Taylor and Singleton 1993:200).
The politics of distribution of property rights

While clear property rights may enhance efficiency, the allocation of clear rights has political implications. A good illustration is Bates' (1995) discussion of Coase's famous example of the railway that pollutes the farmland through which it travels. The example originally came from Pigou, who saw the 'uncompensated damage done to surrounding woods by sparks from railway engines' as a case for regulation (quoted in Coase 1960:31). Coase's criticism was that the harm was in a sense reciprocal, and the economic issue was the optimal mix of trains and woods, not the extinction of one or the other. The case gets more interesting if the railway cuts through customary land in a colony. Issues of 'who was there first', and whether governments create or merely recognise rights, would be important.

Coase argued that a system of property rights, rather than government regulation, could force the railway to take into account these externalities. But the distribution of property rights would not matter: either the farmers' right to be free of pollution would force the railway to compensate them, or reduce train traffic. Or the railway company's right to pollute would force the farmers to pay the company to reduce its traffic in order to protect their farm income. Either way, if it is easy to reach agreements, the traffic is reduced to a level that takes into account the pollution it causes, and to an economically optimal mix of trains and farms.

Bates (1995) notices the political point: the relative ability of farmers and railway companies to put pressure on the government to allocate the property rights to one, or the other. Farmers, for example, may be better, or worse, organised than railway owners. Authoritarian regimes may be more sympathetic to concentrated interests, like railway owners, than to diffuse interests, like farmers. In democratic systems, however, farmers' votes may count. In developing countries the government may favour the interests of exporters, or domestic rather than foreign firms. The railway may run through a government's political support base, or through that of its opponents.

Clear (and hence efficient) property rights in the Pacific region are often very unevenly distributed between different ethnic groups, between foreigners and locals, between income groups, and between genders. Freehold tends to be owned by non-indigenous, higher-income, men. Customary land tends to be owned by indigenous, lower-income men and women. Foreigners are generally excluded

The governance of common property in the Pacific region

6
from both. These categories of people differ in their political rights, and in their ability to organise themselves in order to influence government policy.

Nor are transaction costs evenly distributed. Atwood (1990:666) argues that clarification may reduce transaction costs for some people (for instance, outsiders) but increase them for others (such as insiders, who now have to pay survey and registration fees whereas previously they could rely on the cheaper, but secure, informal methods they were familiar with). The cost of lawyers often weighs disproportionally on the poor. For example, the recent Land Commission in Cook Islands found a strong popular opinion that transaction costs biased outcomes in favour of the rich and well-educated, both within families, and in the courts. The Commission found that ambiguity about voting rules within families ‘has allowed the cunning and shrewd among us to abuse the system’ (Cook Islands Press, Sunday 7–14 April 1996). Once in court

The procedural rules and courtroom environment have become more formal and legalistic, causing great dissatisfaction, discomfort, distrust and added expense to our people (Cook Islands Press 1996:2).

The Commission recommended reducing such transaction costs by specifying voting rules more clearly, relying more on written genealogies, excluding lawyers, and registering landholdings (presumably increasing the tax burden, which might also fall unequally).

Papua New Guinea’s ‘land mobilisation’ program, though often obscure about its intentions, seems to be particularly aimed at reducing the transaction costs for outsiders. This reduction might be at the cost of increasing them for insiders who ‘knew their way around’ the informal system, or became insiders before they transacted—for example, by marriage.

The role of the government in self-managed common property resources

To talk of the role of government in self-management may sound contradictory, but all common property resources are now embedded in states, and the reach of states is extending into Exclusive Economic Zones, Antarctica, and space (though some of these states, such as Somalia or Liberia, have collapsed from within). Particular government agencies are often appropriators, as well as regulators, of CPRs,
in what Ostrom calls the ‘rich mix’ (1990:184) of public and private agencies, such as those involved in the governance of the California water table. Local governments and local courts are often involved, or competitive with, the institutions of self-management. Indeed, it is hard to tell where ‘the government’ stops and ‘non-government’ or ‘self-government’ begins.

The structures of government seem to matter. Federal, or semi-federal systems, such as those in Micronesia and Melanesia allow for the nesting of locally variable property systems within a supportive national framework, as in Papua New Guinea’s experiments with different provincial land registration systems. Parliamentary politics puts a brake on centrally initiated changes in land legislation. Explaining the absence of much land reform in the South Pacific, Crocombe argued

> political leaders considered almost any modification of tenure too sensitive for the voting public, and too vulnerable to misrepresentation by any political opposition (1987: 394).

An independent national judiciary, however, is not necessarily one which would be supportive of local common pool resources. It may be able to provide local ‘conflict resolution mechanisms’ (Ostrom’s rule 6), but at the cost of creating opportunities to appeal that may undermine the legitimacy of local regimes. Similarly, court support for individual human rights, such as freedom of movement, or freedom not to participate in commons-maintaining activities, may also undermine common pool resources.

**Government strategies towards common pool resources**

Government approaches towards common pool resource managers will depend on the constitutional and political situation, as well as the technical character of the resource. In colonial situations, or where indigenous people are a minority, the government may simply marginalise them.

> If the state disregards the interests of those segments of the population largely dependent upon common property resources—then external threats to common property will not receive the same governmental response as would a threat to private property (Bromley and Cernea 1989:19).

In postcolonial situations, the government may find common pool resource regimes politically suspect, or an obstacle to their programs
of nationalist modernisation, as Anderson observed in Malaysia

the government choked off all efforts by the fishermen to help themselves or adapt to their situation. It replaced grassroots democracy in the cooperatives and elsewhere with appointed party men; it abolished the one political party that spoke to and for the fishermen; it stopped the conflict over capturing the commons; it tried to regulate fishing effort (Anderson 1990:334).

Often it seems the best that a government can do is keep out. Thus Wade concludes from his study of the management of common property within ‘village republics’ in India,

the less the state can, or wishes to, undermine locally based authorities, and the less the state can enforce private property rights effectively, the better the chances of success (Wade 1988:216).

But the state may have a more positive role, too.

If a political regime does not provide arenas in which low cost, enforceable agreements can be reached, it is very difficult to meet the potentially high costs of self-organisation (Ostrom 1990:146).

Several of Ostrom’s design rules for long running common pool resources point to more specific conditions. First, individuals affected by the rules must be able to participate in modify them (rule 3). Some minimum political rights of participation must be recognised, including participation by women, who are often users of common pool resources. The central government has to recognise the local users’ rights to organise themselves (rule 7).

If external governmental officials presume that only they have the authority to set the rules, then it will be very difficult for local appropriators to sustain a rule governed CPR over the long run (Ostrom 1990:101).

Even rights to get around the common pool resource regime, and appeal to some external authority, may undermine it. Such appeals might be to courts, as mentioned above, but also to political authorities called in to protect their supporters or constituents. More generally, Ostrom’s rule implies that central governments should not feel politically threatened by local organisations, undermine or seek to incorporate them into the ruling party.

Ostrom concludes that common pool resource regimes should be nested: organised by levels, with the smaller fitting within the larger. Rules at one level, without the support of appropriate rules at the level above, or below, may not work. This rule implies, at least, some
dialogue between levels, and might be threatened, for example, by
different parties or ethnic groups being in power at different levels.

At first sight these design rules seem unexceptionably benign, and
consistent with devolved, democratic systems like those in place in
most of the Pacific region. But the prohibition on appeals, and
Ostrom’s endorsement of self enforcement, rather than using the
police, in rule 5 already challenge some conceptions of the ‘rule of
law’, and modern states’ claims to what Max Weber famously called
‘the monopoly of the legitimate use of violence’.

**The chapters**

Next, I want summarise each chapter, and then discuss how they
conceptualise common property, and what they have to say about
governance.

The first two chapters deal generally with the Pacific islands.
Ward’s is concerned with changes taking place to customary land
Tenure in the islands. He finds a spontaneous tendency towards
individualisation, in spite of government declarations of support for
traditional, communal ownership. In some cases what now counts as
traditional was a product of colonial rule, or, in Tonga, nineteenth
century land reform. Everywhere, the pragmatic, adaptive character of
‘custom’ is stifled by codification, and people seek ways around the
law to achieve their purposes.

Chand and Duncan’s chapter finds the Pacific island nations
unable to support their growing populations in a condition of
’subsistence affluence’, but is optimistic about their prospects for
growth through trade and specialisation. Customary tenure, which is
appropriate for subsistence agriculture, must therefore give way to
freehold or long leases that allow for trade and investment in land.
They identify sources of supply and demand for changes in land
tenure: opportunities for emigration, for example, may reduce the
demand for change in tenure, while entrenched traditional institutions
may be reluctant to supply it. They go on to propose a formal model of
the factors that determine changes in land values.

The next three chapters focus on mining in Papua New Guinea,
where practically all the land is under customary ownership. Ballard
and Lakau are particularly concerned with the moral consequences of
large-scale mining, and the differences it opens up between what
Ballard calls the ‘resource élite’ and the ‘downstream majority’.
Ballard shows how land tenure is deeply embedded in wider political relationships, and is not easily reduced to a code that everyone can agree on. He finds landowners gaining steadily increasing shares of mining revenues, while mining companies provide the local services that the state cannot afford.

Lakau finds that custom provides an equivocal guide to the ownership of minerals. On the one hand, valuable mineral resources like clay and salt might be regarded as belonging to the group that owned the land. On the other hand, landowners might be regarded as trustees for a wider, public or common interest, in looking after rivers and gravel. The law in Papua New Guinea, however, now vests mineral rights in the state.

Duncan and Duncan address the insecurity of the contracts that have been drawn up, and often broken, between mining companies and landowners. Using a model of strikes in labour negotiations, they notice that very different information is available to each side; that each side’s interests change during the time of the contract; that contracts cannot cover all contingencies; and that the government is not a disinterested arbiter between mining companies and landowners. They go on to propose a set of recommendations that might provide more stability.

The next four chapters deal with the very different circumstances of New Zealand, Canada and Australia where indigenous minorities are reclaiming rights to land and natural resources lost to trappers, settlers, pastoralists and governments.

Kawharu’s chapter deals with two institutional consequences of the recovery of the Treaty of Waitangi as the foundation of New Zealand’s constitution. The first, which began in 1982, was the link between existing Maori land law and the Treaty. Kawharu describes how the New Zealand Maori Council sought to reverse a long process of individualisation of Maori title, by linking the law to the protection of kinship values expressed in the treaty. The second, which followed the New Zealand government’s attempt to put a ‘fiscal envelope’ around future compensation claims, concerned Maori representation at national level. Kawharu describes the difficulties in reconciling the need for a peak body, with the more local and tribal basis of traditional Maori politics, and the non-tribal basis in which many Maori now live their day-to-day lives.

Usher’s chapter also deals with constitutional changes and the renegotiation of relationships with Canada’s indigenous people. His
main concern is with institutions for the co-management of particular resources that have been set up, sometimes ad hoc, and sometimes in permanent settlement of indigenous claims. Though formally advisory, these boards or committees include equal numbers of government officials and indigenous representatives. Usher finds several conditions for success: that the structures are negotiated, rather than invitations being issued to join existing structures; that aboriginal members are accountable representatives; that only claims-based boards are permanent. Usher finds co-management particularly useful in dealing with migratory species that cross boundaries, and in negotiating access for outsiders.

Reynold's chapter points to a paradox in the Australian High Court's famous Mabo judgment that found, in some circumstances, 'native title' had survived in Australia. While overthrowing the idea that Australia was *terra nullius* in terms of land tenure, by allowing that native title had existed, and might have survived, the Court preserved the idea that the country was *terra nullius* in terms of sovereignty. It accepted the idea the Crown was the first and only sovereign, and that this sovereignty was established instantly, absolutely, and throughout the country (and so able to extinguish native title, by law, if it wished). Instead, Reynolds proposes a doctrine of aboriginal sovereignties, surviving until extinguished piecemeal by settlement, but persisting in a more plural vision of Australia.

Rose's chapter also reflects on the Mabo decision, but in a way that, following the literature on common property, links management to ownership. The Aboriginal rights belatedly uncovered by the Australian High Court are related to responsibilities for environmental management, by means that included fire-stick farming, and protecting the places where kangaroos foraged during droughts. Totems, she argues, provide the link between rights and responsibilities. Having traced the intellectual history of anthropological theory of totemism, which typically used Australian data, Rose proposes an ecological explanation: totems are associated with duties towards the management of particular plants and animals.

Thus Rose finds governance of resources to be a matter of differentiated but complementary responsibilities often exercised at a regional scale. Restraint is as important as activity. Self-interest is not necessarily opposed to the interests of others, the interests of the collectivity, and the continuity of other species. Governance is achieved through common property institutions like totemism.
The chapters by Hunt and Oh deal with the management of fisheries in the South Pacific on two levels. Hunt’s paper shifts between the intergovernmental level, and the subgovernmental level, at which inshore resources are managed by coastal communities (with some government support, perhaps through council by-laws). Hunt shows how these two management regimes may interact, for example when tuna boats collect bait from inshore fisheries. Oh’s paper looks in greater detail at the level at which governments have negotiated to manage highly migratory species within 200 nautical mile Exclusive Economic Zones. In this game, the small states are nominally equal players with much larger countries. Oh shows how this form of management imposes duties as well as rights on the claimants.

Finally, Kalit and Young’s paper brings the regions and some of the themes together in a comparison of Papua New Guinean and Australian aboriginal ideas about the management of common property, and recommends the creation of intermediate institutions to help landowners manage and exploit their resources in a sustainable way.

**Ideas about common property**

Several of the chapters adopt Bromley’s definition of common property, as distinct from private property, and an open-access free-for-all. But they introduce important elaborations, qualifications and quite different conceptualisations as well.

Ward raises the question of equality among members of the group managing the resource. He notices that common property might involve great inequality within a group. He also is careful to distinguish the legal concept of ‘customary land’ from the implication that customary ownership is necessarily communal. He finds historical precedents for individual customary ownership, and alienability of customary land, and suggests that in some cases the idea of communal ownership may be a colonial construction, perhaps no longer relevant to the needs of independent citizens.

Chand and Duncan take the traditional negative view of common property, noting the problem of free riders, and the disincentives that common property may pose for investment. They note that self-management may work only for small groups, with effective norms, and see a global tendency towards clear, individualised, transferable titles.
Ballard recognises the 'insistence' with which people in Melanesia identify with land, and so suggests a more reciprocal relationship between owners and land. Individuals and groups constitute themselves, as individuals and as groups, by referring to land. They do not exist before, or separately from it.

Lakau's chapter makes the important distinction between group or clan interests, and broader 'societal' or 'public' interests. The common interests of a group may be just as 'selfish' as that of an individual, while groups may have common interests that they can only satisfy by acting together as members of a wider society (and face similar disincentives to act together, as Oh and Hunt's discussions of the two levels of management of fisheries suggest). Lakau then goes on to raise doubts about whether the state, as presently constituted, can plausibly act in the societal or public interest—particularly if, as in mining, it is a player as well as a referee. Landowning groups, he suggests, may 'free ride' on society. Duncan and Duncan also discuss the conflicts of interest faced by the state using mining revenues to fund its budget, and a similar suspicion of the state underlies Kalit and Young's argument for intermediate bodies (though these may be in conflict too). Similar issues about the role of peak bodies representing the interests of tribes are raised by Kawharu.

**Governance**

In almost all of the chapters, issues of resource management slide quickly into questions of governance, just as questions of land tenure become quickly questions of sovereignty. Ward noticed the overlapping claims to sovereignty that underlay competing and confusing systems of tenure. He also saw the legitimacy of politicians, and of islands states generally, tied up in sometimes unrealistic claims about tradition. Chand and Duncan explicitly recognises the intertwining of ownership and governance in traditional systems, such as Tonga. They see central governments as one of the causes for the breakdown of village level self-management, while government institutions that entrench custom (such as Fiji's Native Land Trust Board) limit the supply of change.

For Ballard, land provides a 'foothold' from which local people may gain attention from the state. But the state turns out to be a figment ('only a concept'), franchising out the delivery of services, and unable to command any moral authority at local level. Lakau confronts
these questions more directly, questioning the private interests and competence of state officials. For Duncan and Duncan, the lack of neutrality of the government is one source of contract instability, while one function of an ideal state (if it could be conjured up) would be to provide the stable framework which long-term, sustainable investment requires.

The chapters on New Zealand, Canada and Australia deal with questions of sovereignty more subtly and more directly. In Kawharu’s reading of the Treaty of Waitangi, Maori and Europeans exchanged sovereignty for rangatiratanga (trusteeship or, more broadly, ‘good government’) that protected and maintained Maori institutions and way of life (a part of the deal that had lapsed until the recovery of the Treaty). Usher questions the possibility of sovereignty at subnational level in an era in which nation-states are in decline in the face of globalisation. The co-management arrangements he commends are explicitly not to do with self government. Indeed the idea that the boards are advisory to ministers goes back to very traditional concepts of the ‘sovereignty of parliament’. Reynolds floats the idea of pluralistic, divisible, and graded, sovereignties, against the absolute claims to sovereignty embodied in Australian executive, parliamentary and judicial institutions.

Sovereignty and governance are also in the foreground in Oh and Hunt’s discussions of fisheries. Sovereign power is invoked to support local management regimes in Hunt’s recommendations for conservation by-laws. For Oh, sovereign governments are themselves players in an international management regime (which might, therefore, be unprofitably excluding non-government actors). The United Nations’ Law of the Sea Convention however, grants them ‘sovereign rights’ rather than absolute sovereignty over the Exclusive Economic Zones.

The government is more in the background in Kalit and Young’s bottom-up approach, but they note the importance of a benign political climate for self-management, and the contradictions that Ward’s first chapter noted between the government’s role as custodian of custom and promoter of development. Decentralised or intermediate institutions may embody these contradictions by turning them into intergovernmental relations.
References


*Cook Islands Press*, Sunday 7–14, April 1996.


Larmour, P., 1996a. Research on Governance in Weak States in Melanesia, State, Society and Governance in Melanesia Discussion Paper 96/1, Research School of Pacific and Asian Studies, The Australian National University, Canberra.


