

Pacific voices can advance global knowledge: reflecting on the 2023 ICON-S conference



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by Bal Kama

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This blog provides a brief reflection on the recent [International Society of Public Law](#) (also known as [ICON•S](#)) [annual conference](#) in New Zealand and, in particular, the number of Pacific participants. The society is “the world’s largest and leading learned society for all areas of public law” and this was its first conference in the Pacific region.

The conference – held at the Law Faculty of the Victoria University of Wellington from 3 to 5 July 2023 – gathered judges, scholars, practitioners and researchers from more than 60 countries. More than 430 people attended more than 150 seminars over three days.

The discipline of “public law” generally covers any area of law that concerns public interests – such as international law, constitutional law, human rights, environment and climate law – and their interactions with public institutions such as international agencies, courts and government bodies. Public law considerations are cross-disciplinary with other social science and science disciplines such as political theory, anthropology and technology. All these were [showcased at the conference](#).

This year’s theme was “Islands and Ocean: Public Law in a Plural World”. The theme was chosen to partly frame public law within a region of “islands and ocean” – the Pacific – and how disciplines of public law have and could respond to the various challenges it faces.

The Pacific states are a plural legal world where customs and traditions, adopted Western legal systems, and international law intertwine and at times collide. The theme could not be more appropriate for the region. Many of the seminars had strong relevance to the Pacific in either resonating with or raising different perspectives on current issues such as global climate justice; environmental harm;

indigenous governance; economic, social and cultural rights; plurinationalism; democratic constitutionalism; and judicial governance.

There were six participants from the Pacific who presented on various aspects of Pacific law and society: Justice Dr [Vergil Narokobi](#), Papua New Guinea Supreme Court; Associate Professor [Tamasailau Suaalii](#), University of Auckland; Professor [Brian Tamanaha](#), Washington University; [Richard Naidu](#), lawyer, Fiji; Dr [Mele Tupou Vaitohi](#), Victoria University of Wellington; and [Navneel Sharma](#), University of the South Pacific. At such an international forum, their presentations made unique contributions to global legal knowledge.

For instance, Samoan scholar Tamasailau Suaalii spoke about the [increasing loss of traditional political and legal institutions in Samoa](#) to transplanted institutions, and argued that the geography and isolation of large ocean states, such as Samoa and others in the Pacific, is ideal for undertaking innovative legal reforms in response to these risks. Hawaiian law and society scholar Brian Tamanaha, in a separate presentation, advanced this proposal, arguing that customary and indigenous laws are to be part of a modern state and that [the monotheistic view of law is unjust](#).

Justice Dr Vergil Narokobi of the PNG Supreme Court spoke on the [complexity of adjudicating electoral disputes](#) in the context of the country's dynamic electoral landscape. His assessments demonstrated the PNG judiciary as a leading and relatively experienced adjudicator of complex electoral matters, with its judges having a critical role in ensuring the welfare of the country's electoral democracy.

My contributions were mainly in seminars on the importance of the “fourth arm” of government, such as PNG's Ombudsman Commission, and how the entrenchment of the independence of the “fourth arm” outside the three traditional arms of government – legislature, executive and the judiciary – was not only [a constitutional innovation for PNG that was ahead of its time](#), but comparative to many other constitutions globally. I argue against some leading scholars in the Global North who have assessed [the “fourth arm” of government as a new phenomenon](#) in constitutional deliberations.

From observing the interactions and invaluable exchanges of presenters and audiences of other countries at this conference, and in other forums, it is clear to me that the experiences, findings and perspectives of Pacific scholars and practitioners can make important contributions to global knowledge. However, some of us present at the conference regretted that there was a lack of Pacific intellectual presence to engage with and contribute to the various topical discussions that are relevant to the Pacific and its socio-legal affairs. The six people who presented did so in only four seminars out of the more than 150 seminars in the program, and

three of the presenters travelled from only two Pacific countries (Fiji and PNG).

The dynamic political landscapes of the Pacific (that have resulted in events such as constitutional crises), the Pacific's leadership on climate justice (which has resulted in unique international legal developments such as Vanuatu's case at the International Court of Justice on climate change), and the legal pluralism that is alive in many parts of the region, make Pacific intellectuals important contributors of new knowledge and intellectual ideas. Where opportunity presents, Pacific intellectuals need to be bold in enriching global legal and political discussions in forums beyond the familiar spaces in Australia and New Zealand.

The need for a Pacific presence is made even more important when the theme of an international conference concerns the Pacific people and society. While it is common for scholars of non-Pacific Islands origin to speak for and represent the Pacific and its people, scholars and practitioners of Pacific origin need to assert their unique intellectual place in the fields that concern them.

The reasons for non-attendance at such gatherings could be many. There are significant barriers for Pacific peoples in funding, geography, access to information and general opportunity, which I acknowledge. My urging for more Pacific intellectual presence, however, is to enliven a collective effort from international and domestic organisations and institutions to create opportunities for Pacific intellectual voices to be active in forums that matter to Pacific people and their societies. The benefits are numerous and invaluable.

Apart from showcasing research, such forums allow for deeper intellectual engagement and networking with others from the Global South, whose work is similarly underpinned by lived experiences and insights. Engagement with others from the Global South can resonate beyond ordinary academic observations, and give an important sense of validation to a particular research or practice trajectory. There is also an empowering sense of going beyond the "Pacific bubble" and its echo chambers to contribute to discussions of global considerations.

As the Pacific becomes a hotbed of geopolitics, climate justice and other emerging regional and global issues, Pacific scholars and practitioners need to be present in forums that matter. Opportunities must be provided by their country institutions and domestic and international partners – not for mere representation, but in the genuine belief that Pacific voices are not only essential in forums that concern the Pacific, but can also contribute to advancing global knowledge.

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