FRONTLINE

17. 'Cloud forest', court battles and competing narratives
A Pacific research journalism case study

Abstract: This *Frontline* article documents and analyses the process of creating a piece of journalism about an Indigenous-run legal bid in the Solomon Islands to challenge potentially corrupt government logging approvals. It also documents the responses of 12 editors to whom the piece was presented to, including the reasons, in terms of standard newsworthiness criterion, that some of them gave for not running the article. This process illustrates how the criteria exclude coverage of some international issues. According to lawyers working on it, this case could set important legal precedents that change the way companies deal with both the government and traditional land owners in the Solomon Islands. Spreading its relevance to other places, the story, when told at length, differs from and therefore challenges stereotypical narratives about Pacific Islanders. In doing so, it contributes to a process called 'social bridging' described by Ward (2010) as being an aim of ethical journalistic practice. The writing and publication process are analysed with reference to Foucault's (1972) model of discourse and enunciative modalities.

Keywords: ethics, exegesis, Pacific, journalism ethics, legal issues, logging, media law, newsworthiness, Solomon Islands

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K OLOMBANGARA is a towering round volcanic island in the Western Province of the Solomon Islands. About 6000 people live there, mostly in huts, many without power or water. The jungle higher than 400 metres above sea level is called a 'cloud forest' because the altitude bestows ecological properties that make it biologically distinct from the lowland ecosystems.

In this region there are currently: companies interested in logging the cloud forest; some locals interested in profiting from logging; other locals keen to preserve the forest, who have a plantation company funding them; legislation that prescribes conditions for granting approvals; and a government that stands accused of granting approvals without

following the legislated protocols. This is the first time a local group has challenged the government in the nation's high court for its manner of managing approvals, so there are precedents being set that will influence future cases. The first legal injunction, stopping the chainsaws, was granted in 2010 and the current case is scheduled for trial in early 2015.

I first heard about the ongoing legal battle in 2011 from Stephanie Price, an AusAid-funded Australian lawyer, who was working on it through her position with the Landowners' Advocacy and Legal Support Unit (LALSU). This unit is part of the Solomon Islands government-funded Public Solicitors Office. The context of the conversation was social, not work. We have a family connection and I was in Honiara to visit her. The story struck me as interesting but it was not immediately obvious that it was 'newsworthy', in the way that commissioning editors would appreciate. In addition, I was aware that journalism ethics usually precludes interviewing relatives (Reuters, 2015; NYT, 2004) but relatives can provide leads that can be followed and, in this case, there would be other experts I could access. Over time, I started exploring ways to tell the story that came closer to fitting the structure and narrative that editors could accept.

This article is in two parts. The first is an exegesis that documents and analyses the process of creating a publishable feature article about the case in mid-2014, giving consideration to its 'newsworthiness'. The second presents the 2500 word feature article, in the form in which it was sent to 12 editors. Of these, six ran the story; four published the piece with minimal editing, while one assigned a staff journalist to work on a shorter/newsier version and one requested a 220-word version. Publication by these six outlets gave rise to at least three instances of publication by other outlets via copy-sharing arrangements. The reasons the other six editors gave for rejecting the story are discussed in the exegesis.

Part 1: Exegesis

The purpose of an exegesis is to locate a story within a scholarly context with reference to specific disciplinary and theoretical frameworks (Nash, 2014; Nash, 2013; Bacon, 2012). The disciplinary framework that gave rise to the creation of this piece of writing is journalism, as described by Ward (2010) in his book *Global Journalism Ethics*. The theoretical framework through which decisions about what to include/exclude will be analysed is Foucault's (1972) discussion about fields of discourse and enunciative modalities.

Journalism has been described by so many experts in so many ways that to simply say that 'this work is a piece of journalism' lacks specificity. Ward's *Global Journalism Ethics* (2010) was written 'with an eye to how journalism is practised on the ground' (p. 7) and the process of crafting this article about Kolombangara was informed and inspired by Ward's arguments. He contends that only with the help of a philosophical theory of justice and goodness can we be clear about what it means for journalism to serve the public good (p. 6). The argument that the journalism produced by academics should primarily seek to serve the public good by functioning as a 'critic and conscience

of society' is made by Robie (2015). Ward's model is derived from a liberal democratic perspective and draws on Western philosophical traditions such as contract theory, constructivism and cosmopolitanism. Responding to potential criticism of having Western bias, he explains that these ideas are not only Western: 'For example, cosmopolitan ideas can be found in Confucianism and Eastern philosophies' (p. 235). Ward's conclusion is that journalism should be cosmopolitan in content, procedure and aim, and he describes this as a necessary shift in the ethical identity of journalism that has struggled to hold its claim to be able to deliver 'objective' views from nowhere, and that has set itself the task of serving its audiences first and foremost. He wrote:

> Historically, journalism ethics has been parochial with its standards applying to particular groups. Journalism ethics was developed for a journalism of limited reach. The evolution of journalism ethics enlarged the class of people that journalism was supposed to serve, from political parties to the general public. But even today, the news media's claim that it serves the public has limits. It is usually assumed that the public includes readers of local newspapers, audiences of regional TV broadcasts, and the citizens of a country. Most of the 400 codes of journalism ethics in the world today are for local, regional or national media. Little is said about whether or not journalists have a responsibility to citizens beyond their town or country. Journalism ethics, it seems, stops at the border. (Ward, 2010, p. 158)

In light of Ward's suggestion that best-practice journalism should transcend national borders and promote cosmopolitan understanding there appeared to be value in telling the story of the legal battle to save the cloud forest to international audiences. The original contribution to knowledge made by the journalistic endeavour was to use the methodology of journalism (Lamble, 2004) to bring to light a situation that had not yet received any international media coverage. The challenge in doing so was to conform to the journalistic requirement to be succinct, while not sacrificing accuracy about the complexity of the story, because the empathy-evoking human struggle in this case is to do with persistence in the face of mind-numbingly slow and possibly negligent bureaucracy. In addition, the value in describing the complexity is that it challenges stereotypical descriptions that may be readily understood by readers, but that are not necessarily true or useful (Loto et al., 2006). Pratt (1986) mentions stereotyping in an essay about ethnography where she refers to writers commonly describing a 'utopian scene of first contact that acquired mythic status in the eighteenth century, and continues with us today in the popular mythology of the South Sea paradise (alias Club Méditerranée/Fantasy Island)' (p. 36). Rejecting stereotypes and depicting more complex situations conforms with one of the ethical 'goods' that Ward (2010) advocates that journalism should pursue, namely assisting with 'social bridging'. He argues that 'journalism has a duty to act as a bridge between diverse classes, ethnic groups, religions, and cultures within and among countries ... and to encourage tolerant but frank cross-cultural discussion of issues' (p. 170).

The genre selected to convert the story, as heard via conversation, into media content was text-based feature article structure. This was because, as Tanner et al, (2012, p viii) explain, feature writing is well suited to 'providing explanations of complex political, social or economic events and issues'. It achieves this via the use of colourful language, characterisation and narrative structures that engage readers, and by providing deeper analysis and more perspectives than news structure allows (Tanner et al, 2012). With regards to the choice of a text medium, a pragmatic consideration was that video images and natural sound would have been logistically difficult to acquire, given the constraints of distance and technology. High quality photographs taken by Andrew Cox, an AusAid volunteer who had spent two years on Kolombangara, were submitted along with the feature and used by all five online editors. The length of the original piece was confined to 2500 words because very few publications will run longer articles, although all editors were offered the opportunity to request a re-written version at any length they preferred, or as a series. Having decided on the long-form text format, the next decisions were to do with which facts and voices were included/excluded.

Firstly, in order to conform with the format of journalism, the story had to answer the standard journalism questions of where, when, who, what, why and how (Lamble, 2004). Facts about the location of the island and the timing of events therefore needed to be included and these were researched using the online archive of *The Solomon Star* newspaper and the Solomon Islands government website. Finding answers to who, what, why and how was a more complex process as it involved decisions about inclusion and exclusion. Foucault's (1972) concept of discourse and enunciative modalities is a useful theoretical framework for analysing journalistic practices such as these (Davies, 2009).

In the 1970s, Foucault turned his attention to describing the mechanisms through which change occurs in the ideas that inhabit the transient realm of contemporary culture. He developed a model of dots and lines to describe discursive fields (or discourses) that is useful in that it makes the slippery and rarely-defined components of cultural exchanges visible and amenable to discussion. The positions that speakers occupy are dots. They are modalities from which statements are enunciated (said/written). These statements are lines that join dot to dot. Some speakers (such as media content producers) are located in positions that give them access to more people than others; some are located in positions privileged with more authority than others. The webs or matrices formed by the adjoining lines are called 'discourses' or 'discursive fields'. It is important also to stress that Foucault's approach does not look at people as individuals, instead it focuses on the positions they speak from, as these positions are sometimes also imbued with limitations or rules about what can and cannot be said from them. In the case of this story I am looking at what I could say as a journalist given the subject matter and the format of feature article journalism.

In Foucault's (1972) model, it is the content and form (meaning the internal rules and practices) of a discourse that dictate the behaviour of institutions and individuals. But

he does not see discourses as static or stable. While the rules that operate within them can be described, he said a discourse is 'by nature, the object of a struggle, a political struggle' (1972, p. 120). ('Political' in this context meaning culturally influential, rather than governmental). What can be said in the media matters because Foucault (1977a, pp. 131-132) describes the media as an institution that, along with other institutions such as universities and the military, produces and controls the transmission of what a community perceives to be truth. In his book on the prison system (1977b), he wrote about the processes through which media can transform discourses, and to function as a battleground between opposing discourses.

An important field of discourse about Pacific Islanders is the one developed by anthropologists and ethnographers over the past few hundred years. Tyler (1986) described how, (in line with Foucault's premise that discourses are mutable), this field had evolved:

> In the eighteenth centre the dominant mode was 'ethnography as allegory', centring around the concept of utopianism in which the 'noble savage' played his enobling role as a therapeutic image. In the nineteenth century, the 'savage' was no longer noble; she was either 'fallen', in the continuing biblical allegory, or a figure of therapeutic irony—a minatory Satanic finger, or an instance of the primordial 'primitive', a 'living fossil' signifying past imperfection healed by time in the emerging evolutionary allegory. In the twentieth century, the 'savage' was no longer even 'primitive'. She was 'data' and 'evidence', the critical disproving instance in the positivist rhetoric of political liberalism. Later in the structuralist and semioticist revival of seventeenth-century rationalism, he again became pure 'difference', a formal pattern of collocated signs totally robbed of therapeutic significance. Now, in addition to these, each of which, or in some combination of them, still feeds the imagination of some ethnographer somewhere, she has become the instrument of the ethnographer's 'experience', the ethnographer having become the focus of 'difference' in a perverse version of the romanticism that has always been in ethnography, no matter how desperately repressed and marginalised by the objective impulses of seekers of pure data. As in the utopianism of the eighteenth century, the other is the means of the author's alienation from his own sick culture, but the savage of the twentieth century is sick too; neutered, like the rest of us, by the dark forces of the 'world system'. (Tyler, 1986, p. 128)

One of the elements of the Kolombangara story that appealed to me most was that it is not about a juxtaposition of Indigenous people and Western culture, or even, at the heart of it, about powerful corporations versus disempowered citizens. Instead, the conflict in the story is between Solomon Islanders who want to use the forest sustainably for long term economic reasons and other Solomon Islanders who want to sell it in the short term for economic gain. In addition, the conflict is being enacted by lawyers employed by the government and officials from the same government whose practice they are critiquing. In this way the narrative provides a natural challenge to the us/them

dichotomy described by Tyler (1986) and shown to still exist by Loto et al, (2006) who found that New Zealand print media reports predominantly portrayed Pacific people as unmotivated, unhealthy and criminal 'others' while non-Pacific New Zealanders were predominantly portrayed as active, independent, competent and caring. The framing of the story as a local vs local issue evokes the natural tendency of readers to take sides in stories about conflict, to build a 'social bridge', to use Ward's (2010) term, uniting readers with either pro or anti-logging Kolombagarans.

In order to draw attention to the conflict, and to highlight that it is a contest between Solomon Islanders, the court case was used as the news hook and centrepiece of the story. To draw still more distance away from the ethnographic 'savage' narrative, attention was also given to the legal complexity of the case and the educated way in which the law is being used by the Kolombangarans to settle the dispute. In order to do this the history and complexity of the laws in question needed to be described.

Once decisions had been made to highlight the court case and the legislation, along with the requirement to explain the geography and timing, the choice of interviewees was the next task. The relevant enunciative modalities were legal expertise, Kolombangara Island Biodiversity Conservation Association (KIBCA) expertise, and broader contextualising expertise. The people who spoke from the legal modality were Stephanie Price, who worked on the case in 2011 and 2012 and Martha Manaka, a lawyer from the Solomon Islands, who is still working on it. Both are from LALSU. In addition to providing verbal background information, Price was co-author of a paper published in an academic law journal (Hou, Johnson & Price, 2013) about an earlier phase of the legal challenge that included valuable background information about the relevant legislation. The inclusion of Price, someone known socially and through family connection, raised the risk of a perception of a conflict of interest and a resulting perception of bias (Reuters, 2015; *The New York Times*, 2004). In order to manage this potential perceived conflict we deliberately used Foucault's concept of enunciative modalities (1972). For the purpose of quoting her I was clear that I was asking her, as a lawyer, what she would like to say to me, as a journalist, about the case. None of the information from our casual conversations was used, only the statements given as lawyer to journalist were. I also disclosed our relationship to the editors involved in publishing the story, in line with the Reuters (2015) sourcing guidelines, which echo other industry codes.

The people who spoke about KIBCA and its motivations were Andrew Cox and Ferguson Vaghi. Cox's input was valuable because telephone contact with Vaghi was sporadic and often cut short by connectivity problems due to his location in the Western Province. Contact with Cox was easy though as he is now in Australia and so he provided abundant information that I later checked with, and sought comment on, from Vaghi. In addition to functioning as a source of both useable quotes and background briefing Price also functioned as a fixer, providing introductions to Vaghi and Cox.

While the process of expanding the circle of interviewees could have continued indefinitely, the word-limit of the chosen format constrained how many voices would fit into the article. Answering the question 'How much research is enough?' for a feature article, Tanner *et al* (2012, p 23) wrote: 'The simple answer is that you have done enough when you have the answers you need'. The five interviewees had provided ample answers for the construction of a 2500 word story. In addition, the list of five interviews (two Solomon Islanders and three Australian) satisfied requirements for ethical journalism described by Ward (2010, p. 182) in that it included 'less powerful voices' and allowed me to tell the story 'from the perspective of non-dominant groups[s]', the more powerful/dominant voices in this case would have been company and government sources. It is worth noting, however, especially as the article is about a conflict, why no attempt was initially made to contact the people on the other side of the dispute, namely the Director of the Environment, Jo Horoku, and the then-Commissioner for Forests, Reeves Moveni, and Forestry Minister and majority shareholder in the logging company Heinz Horst Bodo Dettke. My reasoning was that as the matter is before the courts they were unlikely to be willing interviewees or to expand beyond bare facts. In addition, their views on the matter were included in the story without need for an interview, as they were evidenced by a lack of capitulation in the legal actions to date.

The article also included the line: 'In August 2012 the Attorney-General, representing the Commissioner and Director, filed a defence denying any wrongdoing." This information was sourced from both lawyers and was in Hou, Johnson and Price (2013). The ABC, which published the article on 17 February 2015, requested that an attempt be made to contact them. Time was duly spent leaving messages at the various offices of Dettke, Moveni and Horoku but no calls were returned and no emails were answered. The lack of response was noted in the ABC's version of the story. Other parties who could have been interviewed include former Prime Ministers Gordon Darcy Lilo and Danny Philips, environmental scientists, and representatives from the plantation company that funds KIBCA. While adding these voices would have provided a more holistic view, they also would have lengthened the story and so a decision was made to interview Dr Ian Scales instead, as his 2003 PhD study had focussed on the dynamics between these individuals, and he was therefore able to provide a succinct yet informed description of the complexity of the issue. In addition, the inclusion of other political and scientific voices would have shifted the focus of the story to the question of whether the forest should be saved or not, and moved it away from the chosen focal point which was the use of legal mechanisms by a local group. In addition to having first-hand experience of conditions on Kolombangara, the five voices chosen were expert-sources, as described by Day (2010), in that they had all occupied relevant professional positions and therefore their inclusion bolstered the credibility of the article. But as none of them had previously had much, if any, exposure in international media, selecting them was not a case of 'over-accessing

of elite sources and thus a reiteration and perpetuation of dominant ideologies' (Atton & Wickenden, 2005; cited in Day, 2010, p. 13)

Having chosen the focal point and the facts and voices that would be included/excluded, the next stage was writing the story. I did this with mindfulness of editors' interest in 'newsworthiness'. Newsworthiness is a concept used as a measuring stick in all editorial decision-making, and it is commonly defined as comprising of a number of elements. While the exact number of elements in different definitions of newsworthiness varies (MacDougall, 1977; Masterton, 1995; Allan 1999) there is broad consensus about the sort of things it involves. Considering the strengths and weaknesses of the Kolombangara story in the light of MacDougall's (1977) list of five news values shows that it was not likely to be a perfect story from a news editor's perspective:

Table 1: Newsworthiness matrix for the Kolombangara story		
News values	Strengths	Weaknesses
Timeliness	The case is current	But very slow moving
Proximity	It is in our region	But not in Australia/NZ/UK
Prominence	The interviewees have relevant qualification	But are not already famous for any reason
Consequence	It may make a difference to the rate of logging in the Pacific	The outcome won't affect the daily lives of Australian/NZ/UK readers
Human interest	It could evoke some anger, empathy and/or admiration	But there is no horrific tragedy, it fails the "if it bleeds, it leads" test

Note: The five-point MacDougall news value scale as applied to the Kolombangara story. (MacDougall, 1977).

Aware that from the enunciative modality of an editor's chair there was a requirement to consider newsworthiness I sought to write the story in a way that was accessible and intriguing, in order to compensate for its deficiencies in conventional newsworthiness. This is standard practice with feature writing (Tanner et al, 2012). I then selected 12 publications to send it to. The publications were chosen because they were deemed likely, based on a brief scan of articles they had published previously, to potentially be open to the idea of publishing a piece of this length on this topic. (Future studies employing this technique could conduct more detailed content analyses prior to the selection of editors, to further test the application of standardised news values in story selection and to provide comparisons between story selection, and the publication's stated editorial policies). It is also worth noting that Nash and Bacon (2004) found that editors often impose resource and logistical constraints on coverage of international issues that they do not apply to domestic news. They explained that while there are patterns and gaps in international coverage, they are open to negotiation and change via the actions of journalists, and stories

are 'produced by dynamic interaction of agents in a structured terrain of resources and power' (p. 23).

In this case, the six editors I spoke to about the story who rejected it were:

- *The Australian* features editor Michelle Gunn who said: 'Unfortunately, I think I will find it hard to accommodate it in *The Weekend Australian*' but didn't elaborate about why (M. Gunn, personal communication, 20 October 2014; approval to publish this quote granted 14 January 2015).

- *The Australian Financial Review*'s *Weekend* editor Matthew Drummond who responded: 'What's the hook to get people from Australia interested in a fight over logging on Solomon Islands? There's the islands natural beauty but is there something else?' (M. Drummond, personal communication, 24 September 2014; approval to publish this quote granted 14 January 2015).

- *The Monthly* editor Nick Feik who said: 'It was a really interesting read, but unfortunately our focus at the moment is more on Australian stories and issues' (N. Feik, personal communication, 23 September 2014; approval to publish this quote granted 14 January 2015).

- *The Saturday Paper* editor Erik Jensen who said: 'It is an interesting piece, but unfortunately it's not quite right for *The Saturday Paper*. Our focus is overwhelmingly domestic, and our features rarely run to this length' (E. Jensen, personal communication, 17 October 2014; approval to publish this quote granted 20 January 2015).

- *Voyeur* (Virgin Pacific in-flight magazine) editor Sarah Norris who said the magazine was: 'currently more holiday-centric' and didn't cover this kind of issue (S. Norris, personal communication, 24 October 2014; approval to publish this quote granted 14 January 2015).

- *The Conversation*, environment and energy editor, Mike Hopkin, who said his editorial committee had said: 'It's a good issue, but it's a bit localised and remote.' (M. Hopkin, personal communication, 14 January 2054; approval to publish this quote granted 14 January 2015).

Looked at collectively, it appears that the most prominent reason for rejecting the story was weakness in terms of proximity and consequence to Australian readers. These responses, therefore, support Ward's (2010) assertion that there is a strong tendency for mainstream journalism to have a local or national, rather than an international, focus. (Note that these rejections were received prior to it running in the online publications that accepted it).

The six publications that accepted the article were UK-based *New Internationalist* magazine and online; NZ-based *Scoop* and *Pacific Scoop*, which are sister online publications in Wellington and Auckland respectively with different editors and readerships; Australian online publication *New Matilda*, and the ABC Online International Section.

The ABC assigned a journalist to work into the copy and she opted to give greater prominence to the role of the Minister for Forests, who owns the logging company involved but is not involved in the current court case. I dealt with two separate editors at *New Internationalist*, one for the hard copy magazine, which ran a 220-word version of the story on September 14, 2014, and another for the online edition which ran the feature at full length on November 6, 2014, hence my tally of 12 publications/editors. *Pacific Scoop* (December 12), *Scoop* (November 11) and *New Matilda* (November 11) also ran the story at length. Some of these publications have, via copy-sharing agreements, distributed the story to other news websites such as *The Solomon Star* (via *New Matilda*, November 17) and The Communist Party of Australia's *Guardian-Worker's Weekly* (via *New Internationalist*/November 12). As this project is part of my academic research work, I did not seek payment for the article from the publications' freelance budgets; as a result, no editors sought or claimed exclusive rights.

In conclusion, this exercise in creating a publishable media content about a topic with little conventional 'newsworthiness' can be considered successful because it is cosmopolitan 'social bridging' as described by Ward (2010). The feature article format made it possible for the story to challenge a demeaning stereotype that Pratt (1986) and Tyler (1986) described as rooted in the eighteenth century but still currently active, by highlighting the agency and professionalism of the Solomon Islanders involved. This stereotyping is reinforced by the mainstream media's habit of giving preference to stories about uprisings and natural disasters that portray Pacific people as being in disarray, rather than empowered and competent. While the cited ethnographer's statements are now a little dated, there is still such bafflingly unbalanced reporting of similar events in Western and developing nations that there is clearly more going on in decision-making about newsworthiness than simply the availability of footage (Why did the world ignore?, 2015; Loto *et al* 2006). In addition, rejection of the article by six editors, including the editors from the parts of News Ltd and Fairfax most likely to run long feature articles, gives credence to Ward's (2010) assertion that many media organisations have not yet grasped the importance of taking a global ethical stance and promoting 'social bridging' between nations. His argument is that we need 'to practice a journalism that helps different groups understand each other better ... to make sure we don't withdraw into insular ethnocentrism as a response to the confusing, pluralistic world around us' (p. 160). The publication of the article by outlets such as *New Internationalist, New Matilda*, and *Scoop* and *Pacific Scoop,* however, shows that there are editors and audiences engaged in the evolution of the field of discourse about Pacific Islanders and their interests.

**Figure 1: 'Cloud forest': Mt Rano from the crater rim near Mt Veve on Kolombangara Island.
Image: Andrew Cox/*Pacific Scoop***

Part 2: The article

SAVING THE CLOUD FOREST

The cloud forest is in danger and logging companies are part of the problem but, in this case, the fight's moved on. Now the Solomon Islands government is facing legal questions and work is underway on the real challenge of getting people with genuine developing world needs to find consensus; and that costs money. **By Kayt Davies**

KOLOMBANGARA is just one of many thousands of islands in the South Pacific. Dazed by the beauty of the whole archipelago that is the Solomon Islands, this one may not immediately seem remarkable, but its own people care deeply and the progress they are making in protecting it is slow but groundbreaking.

These are not spear-wielding noble savages holding logging trucks at bay. They are a collective of Indigenous landowners who formed an association that is testing the strength of the fledgling nation's environmental law and taking their own national government to court over alleged irregularities in the way it gave the green light to a logging company.

Viewed from above, Kolombangara is almost perfectly round and about 30km across. From ground level it towers dark green over 1770m high, with its peak hiding shyly in a veil of cloud.

Only a few intrepid travelers visit. Hikers who tackle the mud and vines find that the vegetation changes at about 400m above sea level, beyond that point they are engulfed by the 'cloud forest'—a biodiverse wonderland that is home to several species of birds and frogs found nowhere else in the world. The forest is also home to a network of 'Tambu' sites—places important to the history and culture of the people who have lived on the island for more generations than anyone can remember.

Most of the 6000 or so people of Kolombangara live in huts made of timber and leaves hacked from the bush with chainsaws or enormous bush knives. If they have light at night, it comes from kerosene or solar lamps, or the few diesel generators in the larger towns. Most homes have no plumbing, but water is easy to access from the many streams that course down the steep sides of the towering old volcano.

Conversations take place in Nduke, the island's local language, Roviana, a language shared with nearby islands or Solomon Pidgin. English is reserved for talking to visitors. Most children go to school and most people go to church.

There are about 90 small villages scattered around the outskirts of the volcano, and a few larger settlements. The most developed town, Ringgi owes much of its infrastructure to Kolombangara Forests Products Limited (KFPL), a timber company that has had Forest Stewardship Council (FSC) certification since 1998.

Stewardship in action
KFPL was 100 percent owned by the Solomon Islands government until April 2011 when a Taiwanese firm called Nien Made Enterprise bought 60 percent, declaring as it did that it was keen to keep the FSC status, that requires it to meet environment and social standards.

While KFPL's 75-year lease covers about 70% percent of the island and extends up to the crater rim, it restricts its commercial activities to the part of that land below the 400m above sea level mark and allows traditional owners to access and co-manage the cloud forest portion of the land.

It also provides vital infrastructure support to the Kolombangara Island Biodiversity Conservation Association (KIBCA), a community organisation established in 2008 to 'protect Kolombangara Island's rich marine and forest biodiversity and to educate, promote and encourage sustainable management of natural resources through viable economic and social ventures'. It is KIBCA that is pursuing a judicial review of decisions by key government officials to sign approvals for Success Company Ltd to log an area that includes some of the cloud forest.

Fighting law with law
The legal framework that the people of Kolombangara are trying to work within is the product of the nation's long political history.

Customary law is the term now given to the rules that evolved over millennia to govern island life, such as land and water rights, marriages and settling disputes. While

Figure 2: Local guides Mofat, Sese, Ashley and Boe leading a walking party through the mossy cloud forests near the Kolombangara Island crater, Patu Kolo, rim.

ancient in its origins, customary law is still alive and well in the Solomons and it governs the lives of many, especially in remote areas.

The first Europeans to visit the Solomons came in 1568. Not much changed immediately after their visit but by the 1800s whalers, traders and missionaries were arriving. By the end of the century, contention over British and German control over various Pacific islands was resolved under a treaty that gave Germany more of Samoa and the UK control of all nine of the major island groups in the Solomons.

During the British period a big priority was ending the practice of head hunting that was a common means for settling disputes between villages. Missionaries did a lot of this work and Christianity is now widespread. While head hunting doesn't happen anymore, this transition was damaging to traditional tribal structures and empowering to the government. Schools were established during this time and logging saw swathes of forests cleared. In some places, such as Kolombangara, plantations were established.

The UK granted the Solomons independence in 1978 and the young nation's 50-member house of parliament started drafting legislation, with the safety net of British law still applying unless it's overridden by the Constitution, an Act of Parliament, Customary Law or a judicial decision that declares it to be inappropriate.

Other quirks in the new constitution included a provision that, in general, only a Solomon Islander or certain groups, such as companies majority-owned by locals, can own land; and a provision that recognises Customary Law as a source of law.

The key logging law is the Forest Resources and Timber Utilisation Act (1969) that requires logging companies to do three things before they can start felling trees: to enter into an agreement with landowners; to obtain a licence from the Commissioner for Forests (who is appointed by the Minister for Forests); and to get extra permission for logging over 400m above sea level.

In addition, the Environment Act (1998) requires logging companies to conduct an Environmental Impact Assessment and to obtain a 'development consent' or to get an exemption from the Director of the Environment and Conservation Division.

On paper this seems to be geared towards empowering local communities to protect resources in order to make their villages sustainable. But in reality the Solomons have been logged unsustainably for decades, in many cases with few benefits flowing back to the local communities. What is remarkable about KIBCA's action is rather than being defeated by the complexity of the laws and the lax way they are sometimes administered, they are using the courts to argue for the rights enshrined in the legislation.

The first court case
It all started in 2009 when Success rolled in its trucks and started logging an area known as Lot 1. KIBCA investigated and found that while Success had a licence; it hadn't done an 'Environmental Impact Assessment' and it hadn't obtained the 'Development Consent' required by the Environment Act. It also had not obtained permission for logging over 400m required by the Forest Resources and Timber Utilisation Act.

So in July 2010, KIBCA took the bold move of filing an application in the High Court of the Solomon Islands seeking to restrain Success and its contractor from logging. In August 2010 Justice Chetwynd agreed to hear the matter and granted a temporary injunction that stopped the trucks and chainsaws.

According to Stephanie Price, an Australian lawyer who worked on the case, one of KIBCA's most significant victories so far was gaining recognition of its right to bring that legal action. In the 2010 case, Success claimed that KIBCA 'lacked standing' to make a claim because it was a group representing landowners and not a landowner, in itself. The High Court rejected this argument and Price said: 'This was important because it paves the way for other landowner and environmental groups to challenge decisions that are contrary to environmental laws.' Without this recognition by the judge, KIBCA would have been required to get official permission from the Attorney-General before it could 'seek enforcement of public rights', and its request for this permission had been knocked back.

In November 2010 KIBCA was back in court making its case about the lack of proper permissions and it won. Justice Chetwynd upheld his injunction against logging, pending the granting of the proper approvals.

Yes, Minister
But in the background other things had been happening. In August 2010, Heinz Horst Bodo Dettke, who owns two-thirds of the shares in Success, was elected as a Member

of Parliament and also appointed as the Minister for Forests.

In September 2010, the Commissioner for Forests (who works under the Minister for Forests) granted approval for logging above 400m.

Then in March 2011, the Director (from the Ministry of Environment) granted Success a 'development consent'. According to the Act, Success needed to conduct an Environmental Impact Assessment before getting a development consent, and so Success had hired a consultant to do one. The consultant spent just one day on the island making the assessment.

KIBCA was told nothing about these approvals though, and in June 2011 it welcomed then-Prime Minister Danny Phillips to its shores and celebrated when he dedicated all of the 20,000 hectares above 400m on Kolombangara as a special area for conservation. The feel-good declaration, however, lacked any legal clout and may have just been pretty words.

Andrew Cox is an Australian who was at the Kolombangara festival in June 2011. He was working as a volunteer with KIBCA and said that when the KIBCA board heard rumours that the approvals had been granted and that no one had bothered telling them, they were exasperated and suspected that it was 'a sign of the same old practices that they were sick of, involving corrupt logging approval processes'.

In the following weeks Cox travelled to the capital, Honiara, to find out what had happened and he provided KIBCA with confirmation that the approvals had been granted.

KIBCA was furious and in July 2011 it filed an appeal to the 'Environmental Advisory Committee' against the Director's decision to grant the development consent. That appeal is still languishing in a queue, waiting for the attention of the Committee, which has drifted apart and isn't holding meetings.

The second court case
Undeterred, in November 2011 KIBCA applied to the High Court for a judicial review and the quashing of both the Commissioner's approval for logging over 400m and the Director's Development Consent.

Among other things, KIBCA is claiming that the Environmental Impact Assessment doesn't meet the requirements in the Environmental Act and that the Director took into account "an irrelevant consideration" which was that the Commissioner had given logging over 400m the go-ahead.

In August 2012 the Attorney-General, representing the Commissioner and Director, filed a defence denying any wrongdoing.

The wheels of justice are turning painfully slowly. In June 2014 the parties met to put before the court the agreed facts, and according to Martha Manaka, senior legal officer with the Solomon Islands government's Landowners' Advocacy and Legal Support Unit, there's a chance that the court date may be set before the end 2014.

Manaka stressed the importance of the case, saying that it 'sets a precedent in terms of how companies deal with gaining "development consents" for logging and other activities'.

But while she and KIBCA are hoping for success, winning the court case does not guarantee long-term protection.

As Price points out: 'Even if the case succeeds and the High Court declares that the existing Development Consent and 400m approval are invalid, the Director of Environment and the Commissioner of Forests could just grant those consents again.'

A more permanent fix

Ferguson Vaghi, the co-ordinator of KIBCA, is frustrated but tenacious.

Despairing at the grinding slowness of the case he said: 'If the court cases were fast and the companies were punished for not following the law then the system would work. But that's not how it is. 'But looking on the brighter side he added: 'The good thing about the case is that it has slowed down the logging activities and it has given us time to work on more permanent solutions. 'KIBCA's new plan of action is to get the area above 400m designated as a National Park under the Protected Areas Act 2010, which would make it illegal for the Director and Commissioner to grant approvals for logging.

This is a long process though, because it requires all of the landowners to consent, and there are some Kolombangara people who see 'locking up forests' as akin to giving them away for no return.

As Vaghi explains: 'It's a local mentality that can be overcome by doing what we are doing. We are used to depending on the forest for almost everything, so if we are going to stop people from making money from the forest we have to find incentives and offer alternatives. 'He elaborates that this means finding other ways of monetising the forest, such as eco-tourism, agro-forestry, honey production and other sustainable industries.

While this sounds good, Dr Ian Scales, whose PhD focussed on logging and land politics on Kolombangara, is concerned that the process of gaining approval from all the landowners will be difficult because there is an undertide of power politics, an attitude of elitism among the 'big men' and a reluctance to cede power.

He said: 'The competing narratives will make it hard.'

Elaborating he explained that the nation's current PM Gordon Darcy Lilo, who hails from Kolombangara, is a big player who made part of his fortune from logging, that included some above the 400m mark. According to Dr Scales, Gordon Darcy Lilo is keen to take the decisions about logging out of the hands of local chiefs and to have the decisions made in Honiara. Competing against this perspective are the views of other influential people, such as Luma Darcy, who are keen for Kolombangara to maintain its independence.

Despite these gloomy predictions, Vaghi seems pragmatically optimistic. He said: 'It's not difficult, it's just that money talks. When we can offer money, we get agreement. It's taking time but we have money coming soon from the United Nations Development Programme and when that comes we will make more progress. It's the way forward as far as I can see. 'In the meantime, Manaka in the Landowners' Advocacy and Legal Support Unit office is getting her papers in order and preparing for a court battle in the next few months.

Published versions

This is the version of the article that was sent to eleven editors in all. It was published with minor
edits on these sites:

newint.org/features/web-exclusive/2014/11/06/solomons-cloud-forest/

newmatilda.com/2014/11/11/saving-kolombangaras-cloud-forest

www.scoop.co.nz/stories/HL1411/S00068/saving-the-cloud-forest.htm

pacific.scoop.co.nz/2014/12/saving-the-kolombangara-cloud-forest-in-the-lawcourts/

www.pmc.aut.ac.nz/articles/saving-kolombangara-cloud-forest

www.cpa.org.au/guardian/2014/1664/12-saving-the-solomons.html

www.solomonstarnews.com/news/national/4962-saving-kolombangara-s-cloud-forest

And with more substantial edits here:

www.abc.net.au/news/2015-02-16/solomon-islands-landowners-challenge-logging-approval-
kolombanga/6091994

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edition of *New Internationalist* magazine newint.org/issues/2014/09/01/

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