An Assessment Agrarian Conflict Dynamics and Conflict Resolution Practices in Central Borneo

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ABSTRACT

The aim of this article is to introduce the factors of agrarian conflict and resolution practices in Central Borneo Province. Central Borneo is the highest of agrarian conflict sectors with 87% oil palm plantation owned by the company, and smallholder's only 13% of oil palm plantation belonging to independent smallholders. Conflict over the land and natural resources issues are often found among various factors and involved diverse parties. It could include members of households, families, ethnic groups, governments, and the agencies or other actors such as investors or corporations. Agrarian conflicts in general caused by two things. Firstly, the inequality of land tenure. Secondly, the countries and corporations that have control over the land that is dominant rather than the control of society in rural areas who lives in under poverty line. Therefore, the hypothesis is discussed by requires balancing between access to use forest and sustainability ways. Imbalance of planting oil palm industry has resulted in the degradation of forest and environment. Furthermore, this study will use the term of "best practice" in analyzing dispute and conflict resolution of oil palm plantation in a sustainable way. In one hand, oil palm plantation to increase the productivity, on the other hand decreasing dispute on the local community and company in Central Borneo. The analysis will significantly contribute to the development of conflict resolution practices on the governmental studies, particularly on dealing conflict natural resource of oil palm plantation. The methodology of this research uses qualitative method with the explanatory approach. Data collection technique used in term of library research by collecting data from the books, academic journal, article and other sources that relevant with this research.

Keywords: Natural resource, Policy, Resolution Practices.

I. INTRODUCTION

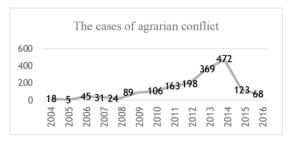
Conflict over the land and natural resources issues are often found among various factors. Land conflicts are involved various parties. It could include members of households, families, clans or ethnic groups, governments, and the agencies or other actors such as investors or corporations [1]. The conflict over land in Indonesia usually arises between 2ndigenous communities, Industries and the state [2]. Land tenure arrangements have undoubtedly influenced the way in which natural resources are controlled by the state and indigenous communities in Indonesia [3]. The term of land tenure means a set of rights which include the right to access, right to use, right to manage, exclusion, and divert. Access refers to the right to enter certain areas. Usage or utilization means the right to obtain resources from the forest [4]. The explanation indicates that research on agrarian and conflict analysis is necessary to determine the cause of the agrarian conflicts and conflict resolution practices.

The increasing of agrarian conflicts required the agrarian reform, conflicts caused by inequality of ownership, control, and management of agrarian resources or inequality of the agrarian structure. The agrarian conflicts are a) Chronic, massive and widespread, legal, social, political and economic. b) Structural agrarian conflict, government policy on land

use and natural resources management. c) Permit of land use and natural resource management. d) Human rights abuses [5]. Land access regulated through a system of land ownership. Land tenure is a legal aspect or relations between indigenous people as individuals or groups associated with the land [6]. According to the Centre for International Forestry Research (CIFOR), it is stated that Indonesia needs to have a conflict resolution, in resolving land conflicts. Therefore, the business development that utilizes the large land plantations has great potential overlap to the community land and forest area. The cases of agrarian conflict that occurs including inequality of ownership, control, and management of agrarian resources (inequality of the agrarian structure) become a major problem unresolved even last ten years.

Agrarian disputes cause the loss of social welfare, property, and live hoods. The dispute also interferes the performance of government and industrial efforts, especially in the local government (provincial and district levels), the impact is not directly to the indigenous peoples and the local community, but the local and national levels and industry [7].

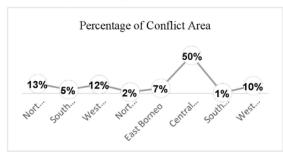
Figure 1 The Agrarian Conflict cases in Central Borneo During 2012 to 2016



Sources: KPA (Consortium for Agrarian Reform) and BPHN 2015

The rapid expansion of oil palm in some area of Indonesia, especially in Central Borneo can contribute to deforestation, peat degradation, biodiversity loss and burning and slash of forest area, but oil palm became the major contribution to economic growth for regional government income. In 2012, roughly 11 million hectares were planted with oil palm plantation [8]. Most of the oil palm were in Sumatra (64%) of oil palm plantation and followed by Borneo with (31%) of oil palm plantation. The unsustainable expansion of oil palm plantation damaged forest area, wildlife, and the environment. Most of the palm oil industry had a land dispute with land communities.

Figure 2 The Agrarian Conflict Area



Source: HUMAWIN REPORT, 2015

The high numbers of conflict that occurs in Central Borneo are interesting to choose Central Borneo as a research area in 2015, In this case. It is noted that the government plays roles in resolving conflicts in Central Borneo. Conflict resolution between society and company becomes a challenge for any stakeholders, the interest of certain parties in the protected conflicts. The conflict which occurs in Central Borneo describes that

the conflict could not be resolved especially in the case of conflict between society and company. There are many terms of land tenure and land tenancy. Land tenure means the legal status such as ownership rights and land tenancy that people who as owner, occupy and land use. It is undeniable that many conflicts between society and companies based on authority, and perceived divergence of interest. In order to describe the issue, this research will utilize the secondary data and this study will analysis the conflict resolution between society and company in the context of ownership.

There are three reasons why the research on agrarian conflicts in this study becomes important, which are: first, the increasing of agrarian conflict cases in various years. Second, Central Borneo is the highest number of agrarian conflicts. Third, conflict and resolution practices are involved various parties. Therefore, this research will discuss how the settlement of conflicts in Central Borneo could be completed in case of conflict resolution in Central Borneo.

The Objectives of this research are: To study on the conflict dynamics of agrarian issues and conflict resolution practices in Central Borneo.

II. THEORETICAL FRAMEWORK

Theoretically, the scientists defined agrarian conflicts in different understanding, depends on the perspective. According to [9] states that the conflict is a process of interaction between two or groups in getting the interest of the same object. Limbong sociologically argues that conflict is a social interaction between two or groups where one party trying to get rid of the other parties [10].

1. The Cause of Conflict,

Soetrisno (2003) says that there are several causes of conflict in various forms that are: Conflict objectives; A conflict may occur due to the differences of the purpose of the system. In a social system, there is a faction, a group that has a purpose and a different mindset. Each group has purpose accordance with the purpose which they are formulated, and this can lead to conflict. Resource of conflicts; the organizations require human resources, money, materials, and machines to execute the activity. Organizations must compete on the limited resources. Competition for these resources could lead to the conflict. Conflict of powers; one of the influences of groups in a building up social power is leadership influence. Leadership is the process of

influence while power is the potential to influence and authority to act. Without power, it's hard to influence others and policies often lead to the conflict. *Conflict of Culture;* Conflicts can occur in the aspect of culture, ethnic background, education, experience, gender, etc. This diversity raises the differences of mindset, behavior, and communication. The diversity can lead to conflict, both within communities, organizations, and governments [11].

2. Agrarian conflicts

Agrarian conflict, as stated by Christodoulou, is "Agrarian reform is the offspring of agrarian conflict" [12]. Agrarian reform is the agrarian conflict. It means that it come up from the reformation of ownership/land control and known as the "land reform" which is developed into "agrarian reform" is a response toward the conflict situation on land issues. Therefore, to understand about agrarian reform, the problem of agrarian conflict should be understood [9]. According to [27] divide three types of conflicts causes of land ownership. The main of the conflict causes are:

First, Politics factors. Almost every conflict occurs on land ownership. The potential to become a conflict when there is a big changes (which are really happening or presumed exits) land tenure.

Second, Legal aspects. Many land tenure conflict occurs cause of several problems. The main problem is that some actors do not know the legal rights, unknowing about the legal framework that governs access to some areas and utilizes of natural resources in a manner opposite to each other. The organizations on the legal authority to set the same area can also cause the land tenure conflicts.

Third, Economic factors. The land is a source of income and a natural resource for grabs are involved in the conflict, and they are ready to do anything to maintain their positions.

As a social phenomenon agrarian conflict is a when process of the interaction between two or more people or groups which pursuit of the interest with the same object, namely, land or other objects related to land, water, plants, etc. but when they opposed each other there was a conflict situation [9]. The source of agrarian conflict is basically because of the imbalances and incompatibilities of land status[12].

3. Conflict Resolution

According to [9] there are several approaches in dealing with conflicts that are: *First*, to avoid the conflict, being uncooperative and unassertive, withdraw from the developing situation, and or neutral in all

conditions. Second, authoritative, being uncooperative, but assertive, against the wishes of other parties, struggle to dominate in a situation of "win or lose", by using existing powers. Third, leveling, let the other party wishes to stand out, leveling the differences in order to maintain the harmony created artificially. Forth, Compromise, be cooperative and assertive, not at extreme levels. Working towards a partial interest of all parties concerned, implementing bargaining efforts to achieve solutions, nobody feels that he won or lost absolutely, and five, problem solving, be cooperative and assertive, trying to achieve the satisfaction of any interested party, through differences that exist, solve the problems that everyone achieves advantages as a result. Based on the theory it can be concluded that the conflict may occur among individuals in organization, institutions and community. It is considered to be endemic to all social relations and could be understood as a conflict about legitimacy and authority in any organization, roles, and positions, by using the perspective of [12].

III. METHODOLOGY

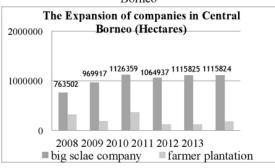
Qualitative method is the primary method in this research which used to find out and analyzed the data. Qualitative research involves the studied use and collection of a variety of empirical materials case study, personal experience, observation and describes the problematic moments [13]. The research conducted is included the category of library research. Moreover, the Data collection technique used by collecting various journal articles, documents, books that related to the agrarian conflict. It is useful to examine the dynamic of agrarian conflict over the land, reflects an attempt to secure an in-depth understanding of the land dispute phenomenon in question [14]. In this research, the researchers used explanatory qualitative research approach, focused on analyses the agrarian conflict in Central Borneo. The problems of this research were related to the dynamic of the agrarian conflict. In order to describe the issue, this research will utilize the secondary data and analysis the conflict resolution practice based on best practice. Data collection is done by describing the data to understand what is happening based on the data that has been presented [15]. The conclusion from the entire data of each variable by comparing the data obtained from the various sources to see the possible variations that occur, based on findings could be concluded into the conclusions. This research located in Central Borneo, it's one of the highest

expansion areas for palm oil plantation and the numbers of agrarian conflict cases.

IV. RESULT AND ANALYSIS

Indonesia has recently become the biggest producer of oil palm in the world, with over six million hectares of oil palm plantations that can produce over 17 million tons of crude oil palm (CPO) [16]. The demand for oil palm on the global market has encouraged the Indonesia government to stimulate the expansion of oil palm plantation. Many facilities and incentives have been given to private investor to invest the sectors. While the policies that protect local communities and environment are lacking [17]. The investors cover more than seven million hectares and are managed by more than 600 companies and one million small farmers.

Figure 3 The Numbers of plantation area in Central Borneo



The emerging of companies began from Mega Oil Palm Projects and the new focus of development plants after the fall of Soeharto in 1998. Under Soeharto era, the area had been allocated to military controlled logging concessions, reflecting both the importance of the timber industry and security concerns. The first plans to develop the area with oil palm were drawn up under Megawati in West Borneo for the expansion area. Under Susilo Bambang Yudhoyono, Central Borneo is an expansion area as oil palm corridor.

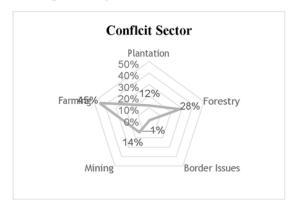
Industrial forest plantations are expected to expand dramatically to meet the demands of the needs, food, and energy in the future, the expansion of plantations occur on a large scale which reaches five million hectares per year globally [18]. Master plan acceleration and expansion of Indonesia's economic development (MP3EI) 2011-2025 assert that the economic corridors are designed to produce a particular global commodity.

The Borneo corridor became the center of production and processing of mining products and the national energy sector with the focus on oil, gas, oil palm and coal. According to [23] Rachman, the stakeholders to understand how the acceleration and expansion of global commodity production in the term of plantation concessions, forestry and mining became the main establishment of the three fundamental problems, that is the damage to the environment, the distribution of land tenure and natural resources are lame, and the occurrence of agrarian conflicts.

The increasing of oil palm plantation in Central Borneo has started since 1994 until 2014. It shows that the conflict frequency every year which reaches the highest cases of agrarian conflict, the expansion of plantation build up the social conflict between community and company in term of land tenure. The causes include the local people felt the injustice related to large-scale forest management system which causes community access to the forest resource is limited.

According to [19] states that the widespread expansion of monoculture plantations such as oil palm in Borneo reduces forest area drastically. The development of oil palm plantation sector investment is alleged to strengthen the pressure on land needs and the most vulnerable which are the forests. A massive plantation conflict that occurs indirectly is triggered by the government ambition to make oil palm as primary commodities in Indonesia. It's considered as business community of oil palm sector to get protection from the local government is also involved in facilitating the ownership and oil palm plantation operation in region with economic and political considerations of short-term planning [20].

Figure 4 Conflict sectors in Central Borneo



Sources: Central Bureau of Statistics, 2013.

Conflicts over natural resources and agrarian in general caused by two things. *First*, the inequality of land tenure (overlapping of land tenure), countries and corporations that have control over the land that is dominant rather than the control of society in rural areas who lives in under poverty line. The data of Consortium for Agrarian Reform (KPA) asserts that about 64.2 million hectares or 33.7 percent of land in Indonesia used by forestry companies, mining, gas, minerals, and coal in the form of concessions (Rachman, 2014) and the implementation of REED+ by the government still questioned.

The second, cause of the agrarian conflicts are differences between the systems of land tenure in the agrarian conflict is uncertainty. Society adamant tenure is hereditary and informal while the company and the other actors come up with the formal system which is unknown in society [21] the root of natural resource and agrarian conflict usually stems from inequality of land tenure and natural resource. Inequality of tenure due land grabbing of the right and over control of the land and natural resource, the control over the land are dominant. Meanwhile, the other party is eroded by power. The power can lead to intense of conflict that occurred [20]. The main impact of various interpretations the policies that are the conflict occurs and dispute claims over the land ownership between communities and companies [22].

Central Borneo Province is the highest of agrarian conflict and natural resource based on the HUMA data and the partners [20]. The expansion of oil palm in Central Borneo (doubled during the last ten years) which is spurred economic growth in Central Borneo, but has caused a loss of social and environmental significantly. However, the local Parliament of Central Borneo province issued the regulation years 2011 on Management of Plantation Sustainable Business [8].

In other local government about the case of agrarian conflict that occurs, in Central Sulawesi, the competition in securing access to the land in the context of migration of people and changing the pattern of land ownership which caused a conflict between indigenous people and migrants people [24]. The same causes of agrarian conflict are also found in Maluku, many migrants of Javanese and Bugis get more profit and privilege during Suharto era to access the natural resource, its caused the indigenous people even begrudge them [25]. In Papua, the power and arrangement by the government were reported as the cause of conflict [26]. Besides, the comparison help to understand the dynamic of natural resources controlled,

regulated and divided, and how various actors could access and land use of natural resources, and the causes of conflict that occurs in any provinces.

In Kapuas District of Central Borneo Province which documented by Yayasan Petak Danum (Local cummuity) (HUMA, 2014), it is asserted that is around 7.000 territories of indigenous people Sei Ahaz and several villages included in palm oil plantation by the company. This region is the new status of non-forest areas which decree by Ministry of Forestry No. 529/Ministry of Forestry II/2012 regarding the amendment of forest area become the non-forest area in Central Borneo. The explanation above shows the assessment conflict importance of between communities and companies. Besides, the local government policy to give permits for palm oil plantation and mining company not only caused by the problems and changes in the system of land tenure, but also opposed to national policy and decision to preserve and protect land use [24].

The procedure for land settlement and post-conflict management, Settlement legally or by placing a formal law as main points, mostly deadlocked and not proportional to the costs which incurred by each party involved (both the plantation of community and company), complicated situation to find out the point of conflict resolution, moreover, the cases which involving many parties will uncounted costs.

The conflict resolution mechanism has been established through Governor's Decision No. 188.44/108/2012 concerning a mechanism to prevent, handle and resolve conflicts related to plantation businesses. Land conflicts and causes have been identified (Earth Innovation Institute, 2015). Based on Central Borneo Governor Decree No. 188.44 / 335/2010 on the Formation Team Prevention, Control, Management and Business Interruption Settlement of Plantation in Central Borneo province. Central Borneo has published the Governor Regulation No. 42/2014 concerning management and conflict resolution plantation business in Central Borneo province. In 2010 approximately 12 years after the agrarian conflict began, the uncertainty of legal, the citizens are entitled to claim the former plantation land, and the company also felt entitled to the land. The community will win on the field, but the company will win on legal, the position of the State, in this case, the national land agency (BPN) is silent. The Supreme Court decision for the execution is to deal with the citizens and plantation actors. All parties do not desire this situation to the

dispute, is the need for ensuring legal certainty for all sides to get legal justice.

Dispute resolution mechanisms developed by the Regional Government, both the Provincial Government and District Government (in this case is the Kapuas district), [7] dispute settlement mechanisms of agencies, Such as the Department of Plantations, and the Dispute Settlement Mechanism by the regional and national land agency office. Governor regulates the indigenous land and community's rights on land, and provincial level regulation on sustainable oil palm as follow: first, the rights of local communities, especially for customary or traditional land claims. Second, a responsibility of the company to comprehend the indigenous land claims and invest in job creation locally supports for small farmers and build the diverse local economy.

According to UNDP, there are five important stages in best practice conflict. The first: Grievance: the existence of natural resource related issues or claims by one part of society against another. Grievances are common in many societies. A grievance is an issue, concern or claim perceived which held by one party against another party.

Second, insecurity: when one or more groups perceive their interests or community to be under threat. In a context of insecurity, there is often a growing recognition of the potential for land grievances to become violent, at this stage, land dispute management efforts should focus on addressing land-related grievances as part of a comprehensive conflict prevention strategy.

Third, conflict: the transformation of grievance into violent conflict and the evolution of that conflict over time. Forth, negotiation and Peacemaking: attempts to transform the conflict from one characterized by violence to a non-violent path and resolution.

In practice, the rights of rural populations are often ignored despite the recognition of rural land tenure rights by national regulations. Several technical issues currently preventing the recognition of rural land tenure are:

Clear evidence, such as a map, will be required to obtain formal recognition of land. Developing a map of traditional or customary land tenure. However, it's challenging, the boundaries of customary claims between individuals or groups are usually marked by natural features such as a stone, trees, a river or certain plants. As communities are no longer ethnically

homogeneous, the natural boundaries are no longer effective.

The consultant company that won the bid for executing the national program on land certification does not understand the complexities of land tenure claims in Central Borneo.

The research institutes such as the Centre for International Forestry Research (CIFOR) have used community mapping techniques to document and facilitate local conflict resolution mechanisms.

V. CONCLUSION

The increasing numbers of agrarian conflict in Central Borneo are caused by inequality of ownership (overlapping of ownership), spatial planning of forestry area and inequality of agrarian resources management. The agrarian conflict that occurred in Central Borneo is one of expansion result of oil palm plantation. The impacts of oil palm plantation are indigenous land disputes between the community with company owners over the land community and forest area and land grabbing land needs. Oil palm plantation is the potential in term of economic growth, and it could provide job opportunity to the local community and provides the income resource for local government. However, the consequences of the increase of palm oil companies are the number of agrarian conflicts, forest degradation, and environmental impact.

Furthermore, the government of Central Borneo Province roles to deal with the conflict resolution, the procedure for land settlement and post-conflict resolution are, *first*, the extension of management area between community and company, which accelerate the conflict resolution process and prevent the rise of new conflicts. *Second*, improved land use practices and legal framework and practices of spatial planning and forest arrangements. *Third*, improved transparency and regulatory changes, *fourth*, conflict resolution through the courts and mediation and Five, community involvement in the decision-making process through *Musrenbang* (discussion forum) and socialization forum.

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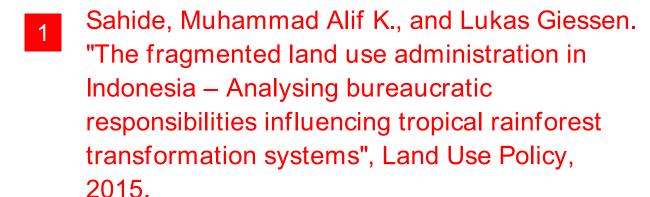
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