

State Society and Governance in Melanesia

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THE ROLE OF CHIEFS IN PEACEBUILDING IN PORT VILA

ABSTRACT

In contrast to the democratic system of government established at independence, the chiefly system in Vanuatu has claimed and now possesses widespread support for its work at the community level. Chiefs are regarded as the key to community harmony and, although Vanuatu is currently experiencing a period of relative stability, underlying social tensions contribute to the high level of importance placed on strong community leadership.

Chiefs in Vanuatu have demonstrated their willingness and ability to adapt to changing environments - since colonisation, chiefship has evolved and new chiefly structures have been developed. In the capital of Port Vila especially, chiefs have shown themselves to be resilient to the forces of urbanisation and globalisation. However as the holders of custom, they face a number of unique challenges for which their own systems of governance may not provide ready solutions.

Through a discussion on the response of chiefs to the riots that occurred in Port Vila in 1998 and 2007, this paper explores some of the issues currently facing chiefs in Vanuatu's capita city, Port Vila. Extending the notion that chiefs are responsible for community harmony and well-being, the paper discusses the role of chiefs within the broader framework of development.

INTRODUCTION

Vanuatu is currently experiencing a state of relative social, economic and political stability, but the Port Vila riots in 2007 demonstrated how quickly tensions can erupt into violence. Although the threat of state level violence in Vanuatu has been assessed as low (McLeod & Morgan 2007), in an environment where unease is developing over perceptions of rising crime rates, dissatisfaction with government, continuing tensions over land, the rural/urban shift and a sense of cultural fragility, community leaders face the pressing task of ensuring that peaceful conditions are sustained.

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The responsibility of maintaining the peace arguably belongs to the state, but in Vanuatu it is chiefly authority that is regarded as the key to community harmony. Whilst a democratic system of government has been in place since independence in 1980, the parliamentary system continues to be widely perceived as a foreign imposition. In contrast, chiefs have claimed and now possess widespread support for their work at the community level. The primary task of the chief is to ensure the security and well-being of the community - ultimately to maintain harmony - so in today's geopolitical climate it seems timely to examine the current role of chiefs in mitigating unrest.

Drawing on the work of commentators such as Lindstrom, White and Bolton, this paper examines the current role and structure of the chiefly system in Vanuatu and then explores some of the issues surrounding chiefly involvement in the maintenance of community harmony in the capital of Vanuatu, Port Vila. Placing peacekeeping within the broader framework of development, this paper discusses the potential capacity of chiefs to become more proactive in development initiatives. In addition, as much of the work of chiefs goes unrecorded, the paper aims to give recognition to the influence of chiefs in significant national events. In particular, it provides a written record of the chiefs' involvement in the 1998 and 2007 Port Vila riots. These two events highlight that chiefs have been successful in their efforts to transfer important customary processes from rural, subsistence environments into the urban setting of Port Vila.

THE CHIEFLY SYSTEM IN VANUATU

Vanuatu is multi-cultural, possessing over 80 active languages (Lynch and Crowley 2001, p. 4). Although marked by diversity, there are some generalisations that can be observed in relation to the ways that the various cultures are organised. They each adhere to systems of governance, referred to here as custom governance, which are systems of reciprocal support between the chief, his council and the community. The chiefs attempt to ensure that

the spiritual, environmental and economic needs of the community are met whilst the community augments the authority of the chief. Theoretically, a system of consensus decision-making gives each community member a voice. The chief listens to each perspective and acts according to the wishes of the community - a good chief is thus shaped by the people. When custom governance is functioning well a system of mutual respect allows the community to produce all that it needs, provides support for each of its members, and allows the chief to restore harmony when conflict occurs. The notion of consensus decision-making is, of course, open to criticism because customary processes may exclude women's direct participation and, in addition, skilled orators can guide the discussion in order to meet their pre-determined objectives. Nevertheless, the system is generally understood as inclusive, especially when compared with non-customary processes.

The nature of chiefship in Vanuatu is one of change as well as diversity. Chiefship has undergone processes of transition that have been influenced by the colonial past as well as the globalised present. Prior to colonisation, the appointment of chiefs was variable, with some regions of Vanuatu being characterised by *big men* who gained authority and prestige through grade-taking ceremonies, while in other areas hereditary chiefs held absolute power (Lindstrom 1997; MacClancy 2002; Bolton 1999). In some places, specific people took responsibility for managing community activities such as gardening, fishing or controlling the weather, and these positions were handed down through generations. Each of these systems is in operation today, although the rigidity of the system may vary from place to place. For example, in some places an inherited title may by-pass the natural successor if he is unpopular or deemed unsuitable. The mobility of the population allows some men to assume chiefly status whilst living in town but this status may not be recognised on their home island. In some instances chiefs retain their position for life, whilst on some islands chiefs are appointed for limited tenure only. Whilst the vast majority of chiefs are men, women can achieve chiefly status on some islands, although female chiefs are rarely considered to have equal status with their male counterparts.

A defining characteristic of a chief is that he is 'entitled to exercise powers of social control' over members of his community (Paterson 2004). Representatives on chiefs' councils must be 'custom chiefs,' defined as 'a person who is recognized by a community as entitled under the custom of that community to hold the position of a chief' (National Council of Chiefs Act 2006). Outside of these councils, however, almost any man of ambition and ability may call himself a chief in some contexts and, as a result, non-custom chiefs have proliferated (Lindstrom 1997). Further, the practice of conferring politicians with chiefly titles suggests that any man is potentially eligible to become a chief. Although the titles bestowed upon politicians and other men of high standing are theoretically honorific, it appears that their exercise of chiefly powers is not questioned to any extent (Paterson 2004).

The confusion over recognition of chiefs can be partly attributed to the British and French authorities, which, during colonial times, found it beneficial to work through appointed community contacts. These contacts, known as assessors, were selected partly for their ability to speak English or French. Although the assessors were not necessarily custom chiefs, their relationship with the colonial authorities resulted in them being referred to as chiefs (Jolly 1994; Rodman 1983). This destabilising arrangement created tensions which, in some instances, remain unresolved today.

Chiefship may also vary in the way that chiefs publicly portray themselves. For example, on the island of Tanna the role of spokesman is held by the *leni*. But although in public the *leni* may be regarded as the authority figure, in private he receives advice from the *Iaramara*. It is the *leni* who participates in chiefs' councils and who speaks in the *nakamal* (meeting place), but it is the *Iaramara* who can be considered the chief. On Tanna, the roles of *leni*, *Iaramara* and a third position of *Tupunus* are each inherited, with the title being passed from father to eldest son.

Chiefs today are not traditional in the sense that they do not embody traditions that have been passed through generations, but they do represent custom and, in this role,

they are charged with maintaining links with place and with preserving those practices that reinforce national identity.

The success of chiefs in claiming a role as keepers of the peace and holders of custom can be partly attributed to their ability to adapt to changing situations. As a means of promoting custom, chiefs in Vanuatu have adopted structures which are regarded as a hybrid between tradition and introduced systems. These structures take the form of councils which operate at different levels, reflecting the national divisions within Vanuatu. Starting at the ground level are Village Councils, then Ward Councils, Area Councils, Island and Urban Councils, and, finally, at the national level is the Malvatumauri National Council of Chiefs.

The Malvatumauri was established in the lead up to independence and represents a significant point in the evolution of chiefship. Bolton identifies three ways in which the establishment of the Malvatumauri was particularly significant: it formally recognised chiefship as a characteristic of the country; it created a new role for chiefs, allowing them to operate at a national level for the first time; and it created a name for itself that reinforced the notion that chiefs represent pre-colonial traditions. As such, with the establishment of the Malvatumauri, a diverse set of leaders was brought together under the one title of chief and they were understood to have knowledge about customary matters (Bolton 1999).

The Malvatumauri is made up of thirty-one representatives from twenty Island Councils and two Urban Councils, which are also provided for in the National Council of Chiefs Act of 2006.¹ According to the Act, the function of these councils is to: 'resolve dispute according to local custom; prescribe the value of exchange of gifts for a custom marriage; promote and encourage the use of custom and culture; promote peace, stability and harmony; and promote and encourage sustainable social and economic development' (National Council of Chiefs Act 2006). The Urban Councils pertain only to the two centres of Port Vila and Luganville and are appointed by the Island Councils. The Island Councils are elected representatives from the Area Councils which, in turn, are

elected from the Ward Councils. The Ward Councils are comprised of chiefs who work at the village level. Custom is linked indelibly with place, so whilst the chiefs' councils are understood as important for representing and upholding custom, it is the chiefs working at the village level that are perceived to most closely represent a customary system of chiefly authority.

THE AUTHORITY OF CHIEFS

The chiefly system operates alongside that of the state and the relationship between the two can sometimes be strained. Politicians rely on chiefs to legitimate state authority and to participate in social control, yet they are reluctant to increase chiefly powers.

The roles and powers of chiefs are largely defined by the somewhat vague notion of upholding custom. Their authority therefore is recognised in terms of custom but not necessarily in relation to the state - decisions based on custom can only be enforced if they comply with the laws of the state. Chiefs have been involved in ongoing attempts to ensure that their authority retains its force. For example, they have been involved in events such as the 2006 National Land Summit and the 2006 Vanuatu Judiciary Conference. Their efforts are also reflected in the development of the *Custom Policy of the Malvatumauri* (1983) and the first *Corporate Plan of the Malvatumauri* (2004-2008). At the village level, chiefs have sought to define their powers through the development of written documents which state the rules of their particular village. These efforts culminated in the 2006 revisions to the *National Council of Chiefs Act*, but although the functions, powers and structure of the Malvatumauri were given greater clarity, the Act does not extend the powers of chiefs.

The state relies on the involvement of chiefs in the maintenance of law and order - a function that is made difficult by their lack of effective recognition in the state system. The Constitution and other legislation provide for a limited role for the customary justice system. For example, the Constitution states that 'customary law shall continue to have effect as part of the law of the Republic

of Vanuatu' (Article 95) and it provides for the National Council of Chiefs to advise on any bill before Parliament (Article 83). The *Island Courts Act* of 1983 was an attempt to allow custom to determine dispute resolution processes and the *Customary Land Tribunal Act* 2001 takes customary land disputes out of the state judicial system by requiring chiefs to participate in a series of land tribunals. These provisions have, however, proven to be mostly symbolic, vague or ineffectual. When customary law has been found to be in conflict with other state laws, it has not been upheld (Corrin Care and Paterson 1999) and, in practice, the Malvatumauri is not consulted by Parliament (Newton Cain and Jowitt 2004). The Island Courts have proven to be unsuccessful and are widely perceived to be simply an extension of the state system (Jowitt 1999), and the Customary Land Tribunals are also experiencing difficulties, with critics concerned about both the diminished and the enhanced authority of chiefs in settling land disputes (Paterson 2005; Simo 2005).

In many instances the role of chiefs in dispute resolution is unrecognised because, although disputes may be brought into the public arena, they are unrecorded. And because chiefs have no legal authority, most village court decisions have no official standing in state terms. It is only when disputes are taken from the *nakamal* and brought to the attention of the state that the custom system gains attention. In its interviews with thirty nine chiefs from fifteen islands, the Juvenile Justice Project found that just over half of respondents believed that the power of the custom courts is unlimited. Others indicated that in extreme cases such as rape or murder, the matter should either be referred to the state or that chiefs and police should work together. Interviews with twenty-six young people who had committed offences found that the majority of cases that were dealt with by chiefs were minor or would not be considered an offence under state law. For example, chiefs dealt with matters such as drinking, fighting, parental disapproval of relationships, theft and disrespect. Cases pertaining to incest, rape, murder, domestic violence and shooting were all dealt with by the state system. Interestingly, police also dealt with a boy whose parents disapproved of his hairstyle (Rousseau 2003). The police responded

by cutting his hair, arguably showing their support for the custom system.

The relationship between the custom and state justice systems is impeded by a number of factors: a lack of communication and pathways between the systems; no clear guidelines as to which system should be used and when; an undermining of each system by the other; and the problem of issues being dealt with by both systems (Forsyth 2006). These problems were highlighted in 1993 when the decision of a group of chiefs was challenged in the Supreme Court. In this instance, chiefs in Port Vila had enlisted the help of local police to force a woman seeking a divorce to return with her husband to Tanna. The matter was brought before the Supreme Court, which acknowledged that the chiefs had acted according to customary law but had violated the rights of the woman as guaranteed in the Constitution of Vanuatu (Jalal and Madraiwiwi 2005).

CHIEFS IN PORT VILA

At the last census in 1999, Port Vila had a population of about 29,400 out of a national population of about 186,700 (National Statistics Office of Vanuatu 2007). Although the rural population remains dominant in Vanuatu, the rural/urban shift has been rapid, with Port Vila more than tripling in size since independence (National Statistics Office of Vanuatu 2007). This results in an urban population that is growing but retains strong rural connections that are continually reinforced through both familial links and customary practices.

Port Vila is unique within Vanuatu in a number of ways. As the larger of only two urban centres, it has the highest level of development and it is the nation's political and economic centre. In addition, it is the enclave for Vanuatu's non-indigenous population and it is the place of residence for people from sixty-five islands. Only around 2,600 residents originate from the island of Efate where Port Vila is located. Around 18,700 people represent seven islands, whilst the remaining fifty-eight islands are represented by between 1 and 700 people each (National Statistics Office of Vanuatu 2007b).

The level of diversity in Port Vila is easily portrayed as a source of volatility that requires a strong central government to stabilise. However, as suggested by White, from the ni-Vanuatu perspective it is the local rather than state institutions that gain attention (White 2006). In this case, it is the chiefs who are expected to provide stability because they represent a system of authority that has, over time, proven itself to be successful in mitigating unrest and in facilitating reconciliation.

Chiefs have the task of ensuring that custom governance and the practices within it are understood and upheld. Issues of governance are particularly difficult because in Vanuatu each community or even clan has its own distinct system and, as such, there are innumerable systems of custom governance in operation. Custom governance belongs to place, which means that when a group of people lives on land that is held by another group, the system of the landholder applies. In Port Vila, governance easily becomes confused by the number of systems operating in close proximity, the interaction of systems through inter-marriage, and the altered status of land holdings. This confusion is further exacerbated by the extra layering of the democratic system of governance, contributing to the perceived weakening of custom governance.

Chiefs living in Port Vila are faced with the challenging task of upholding custom - with its strong emotional links with the rural (and often idealised) past - whilst adapting to the expectations of a community living a modern, urbanised present. Although chiefs have clearly demonstrated their ability to adapt to changing environments, they may often take the more conservative approach to problems. This can be especially difficult when their decisions conflict with the expectations and rights of women. For example, controversy over the issue of women wearing trousers resulted in the Malvatumauri attempting to make it a legal offence (Cummings 2002). Considering the large number of women who now choose to wear trousers, it would seem that attempts to control women's dress codes were perhaps out of step with community standards and expectations.

Although faced with a range of challenges where customary practices may not always provide a ready solution, chiefs in Port Vila continue to fulfil their primary task of maintaining community harmony through the facilitation of dialogue. That is, crimes or misdemeanours that cannot be resolved satisfactorily at the domestic level or which have not already been passed on to the state system are brought before the chiefs in the *nakamal*. It is at this level that chiefs have perhaps the greatest opportunity to participate in national peacebuilding efforts.

Chiefs in Port Vila are faced with a unique set of difficulties because, unlike their counterparts in rural Vanuatu who are largely outside the reaches of the state, chiefs in urban settings must work in tandem with the state authorities. In Port Vila chiefs have demonstrated a willingness to continue their role in dispute resolution, but for a variety of reasons the state system is more likely to be called upon in Port Vila than in rural settings. First, the state has a stronger presence, making it more accessible. This allows people who are not happy with the decisions of the chief to turn to the state for an alternative judgment. Second, the types of issues that arise in an urban environment may not be suited to either the skills of chiefs or to customary processes that emanate from a subsistence setting. For example, the state system may be regarded as more appropriate for settling a dispute related to business practices. Further, when disputes occur between people from different communities, as is more likely in urban settings, the jurisdiction of the chief may be affected.

The role of the chief as peacemaker is crucial in Port Vila because it is there that problems of unemployment, out-of-school youth, petty crime, poor living conditions and economic disparity are most acute. As such, it is in Port Vila that tensions are most keenly felt and where problems of national or international significance are most likely to arise. But the capacity of chiefs to fulfil their role is made difficult because the authority of chiefs in urban centres is challenged by the forces of the state, globalisation, the formal economy and a myriad of other factors. Although chiefs in Port Vila may have greater knowledge of issues of national significance, the strong

links between custom and place contribute to a sense that custom 'happens on the ground' in rural settings. It is perceived that in the urban centres, knowledge and respect for custom governance is weakest, contributing to a growing sense of disenfranchisement, particularly amongst youth.

There have been a number of critical instances in Port Vila that have highlighted the strengths of the chiefly approach to conflict, but they also highlighted some of the difficulties faced by the current chiefly arrangement.

THE 1998 VANUATU NATIONAL PROVIDENCE FUNDS RIOTS²

In 1998, the Vanuatu National Provident Fund (VNPF) became the focus of attention when an Ombudsman's report linked senior politicians with alleged mismanagement of national retirement funds (Amnesty International 1998). The allegations followed a period of political turmoil that had increased public dissatisfaction with the government. Aware that community tensions were rising, chiefs from the Tanna community in Port Vila arranged a community meeting at which it was agreed that a petition in the form of an open letter would be submitted to the VNPF. However, on the morning of 12 January, when it became apparent that the petition would not be heeded, violence erupted amongst the estimated 500 people that had gathered at the VNPF building. Staff inside the building were threatened as stones were thrown, windows smashed and cars overturned. About 20 riot police were forced to turn away when demonstrators attacked them, injuring at least five officers (Amnesty International 1998).

It was at this point that chiefs were called upon to assist in quelling the violence. Many of the rioters were from the Tanna community, and so it was the chiefs from Tanna who addressed the crowd. Eyewitness accounts suggest that on their arrival, the chiefs were able to quieten the crowd, asking people from Tanna to sit and listen. The chiefs spoke politely to the people, asking them to return to their homes and to stop the violence. In response to this request, most

of the rioters did move away from the VNPF building.

The chiefs were not entirely successful in averting violence because looting of surrounding businesses occurred, triggering the declaration of a State of Emergency. Nevertheless, chiefs have been credited with mitigating the violence. In addition, the chiefs' consultative methods have been acknowledged because it is believed that, partly due to corruption within the police force at the time, more direct involvement of police would have led to higher levels of violence (Bong 2003).

In this instance, although violence was not averted, chiefs upheld community expectations by participating in peacemaking efforts. The chiefs played a role in anticipating and attempting to prevent violence, and their community standing allowed them to halt the violence to some extent. In the weeks following the rioting, the chiefs played a role in persuading perpetrators of crimes to come forward.

THE 2007 PORT VILA RIOTS³

In March 2007, a two week State of Emergency was declared following riots in Port Vila. The riots were triggered by the death of a woman and accusations of *nakaimas* (black magic). Three men were killed in the riots, others were injured, homes were burned and over two hundred and fifty people were temporarily displaced (Garae and Kualilautu 2007; Garae 2007; Willie 2007).

In the week leading up to the riots, people from the island of Ambrym were accused by people from Tanna of misusing *nakaimas*. People from within the Tanna community were trying to substantiate these claims when a woman originally from Malekula but married to a man from Tanna died unexpectedly. It was believed that black magic was the cause (a court later found that she died of food poisoning), exacerbating mistrust between the two communities.

Wishing to address the situation, community representatives from Tanna organised a public meeting for Saturday 3 March and invited representatives from Ambrym to attend. About seventeen representatives including one chief agreed to go, but reports suggest that five of the representatives were drunk when they arrived. It was intended that the meeting be held in the *nakamal* at Black Sands, an area inhabited primarily by people from Tanna. Fearful for their own safety, the Ambrym representatives insisted on meeting in neutral territory in the *nakamal* at Cross Roads. As a police negotiator was sent back and forth between the two groups, tensions mounted even further and a fight erupted. One man from Ambrym was attacked with stones and was taken to hospital. Another man from Tanna was stabbed and died later that day in hospital. Triggered by the death of this man, and led by a group from Tanna, people set about burning the homes of the people believed responsible for the *nakaimas*. During this rioting a second man, this time from Ambrym, died from stab wounds.

On Sunday 4 March, the day following the riots, a funeral was held for the man from Tanna. A large crowd walked in the funeral procession to the cemetery and it was a very emotionally charged gathering. The Prime Minister responded by sending a pig and some mats to the Tanna chiefs, a move which was understood as a plea for peace.

After the funeral, a Tanna community meeting was held in which it was decided that, in order to prevent further conflict, the Tanna chiefs would instigate two reconciliation ceremonies: the first between the people of Tanna and the second between Tanna and Ambrym. It was believed that through the reconciliation process, discussions would reveal the people responsible for both the killing and the destruction of houses and that problems between the two warring communities could be resolved. Both reconciliation ceremonies were planned for Monday 5 March, which was also Chiefs Day, a public holiday. But early on Monday morning, the police began making arrests and neither of the reconciliation ceremonies took place.

The man from Ambrym who had been stoned died in hospital on Monday 5 March, leaving the death toll at three - one from Tanna and two from Ambrym (Willie 2007). Due to the destruction of property, over 140 people from Tanna and around 120 people from Ambrym were forced to seek refuge in emergency housing (Garae and Kualilautu 2007).

Some reconciliation has been made between the two communities, but a formal ceremony had not been held at the time of writing. In this case, the customary process was delayed until the relevant state judicial processes were finalised. A commission of inquiry into the riots has been completed, but the results have not been released to the public and it is possible that the report will not be released due to its sensitive nature and the possibility that the findings could lead to further violence.

THE CHIEFS' RESPONSE TO VIOLENCE

In instances such as these, both the state and the chiefs have a role in pre-empting and mitigating violence, halting violence when it occurs and in restoring peace. But although the two systems of authority are in many ways interdependent in Port Vila, they do not always function in complementary ways. The role of the chiefs emanates from customary practices that are not clearly defined, are undergoing transformation, and emphasise outcome rather than process. The role of the state emanates from democratic systems that are clearly legislated and based on the rule of law. Problems can arise if the response of the chiefs is not compatible with that of the state. Nevertheless, both the state and society look to the chiefs to respond to such situations, reinforcing the important function of chiefs.

The chiefs' main response to the 2007 riots was to conduct a reconciliation ceremony. This process is possibly the most effective element of the customary approach to conflict management, as it allows issues to be aired publicly and it gives a voice to those with grievances. This ability to participate directly in important community

peace-making events and decision-making processes is widely perceived to be a strength of customary governance and chiefs are regularly called upon to perform reconciliation ceremonies. Although based on tradition, these ceremonies have been found to be useful in the contemporary context, especially as they can be used for institutions as well as individuals. For example, in 2002, the Malvatumauri was instrumental in ending a stand-off between the police force and its paramilitary wing, the Vanuatu Mobile Force (VMF). In this instance, where the government was unable to deal with conflict between two state institutions responsible for maintaining public order, customary processes came to the fore. As part of the settlement, the Malvatumauri held a reconciliation ceremony between the two parties. Although some of the charges against members of both forces remained in place (Jowitt 2002), the ceremony was perceived as a successful and peaceful resolution to the considerable tensions that had existed between the two parties.

Reconciliation ceremonies are important customary responses to conflict but they do not necessarily contribute to conflict prevention. The 1998 and 2007 riots and the events that lead up to them highlight some of the challenges that chiefs in Port Vila face in contributing to longer-term peacebuilding efforts. The riots bring attention to the problems associated with islandism and they also demonstrate how indelibly the customary and democratic systems of governance have become intertwined. These two factors impact upon both chiefs and state authorities and serve to reinforce how the roles and responsibilities within both systems have become blurred.

ISLANDISM IN PORT VILA

Islandism refers to the tendency of ni-Vanuatu to distinguish and align themselves according to their island of origin (or, where appropriate, by the origins of their father or husband). Islandism itself is a source of pride for ni-Vanuatu and island of origin can be placed above kinship connections. As such, islandism is supported through church membership and other popular community activities. Islandism can be greatly beneficial

because it ensures a level of support for each member of the community – a system that is particularly useful in a country that has a mobile population and that lacks state welfare. However, islandism has inevitably become linked with socio-economic status, exacerbating competition and friction between different island groups.

For some, islandism has contributed to increased involvement in crime, violence and poverty. For example, the Tannese population, which constitutes the largest single island group living in Port Vila, has gained a reputation for being trouble-makers. Negative stereotyping has impacted upon the ability of Tannese residents of Port Vila to access decent housing and employment and, as such, Tannese people have become caught up in a cycle of deprivation in which poverty and crime each exacerbate the other. This deprivation is evident in suburbs such as Black Sands, where large numbers of Tannese people live in crowded and poorly serviced housing and where poverty contributes to, amongst other things, high levels of unemployment and out-of-school youth.

The positive aspects of islandism are countered when unfounded resentments and hostilities between different groups are allowed to be justified and fostered. The negative impacts of islandism were clearly evident in the 2007 riots, which were a response to ongoing tensions between the communities of Tanna and Ambrym. As key island representatives, chiefs arguably have a role to play in maintaining peace between, as well as within, island groups.

BLENDING CUSTOM AND MODERNITY

The 2007 riots highlighted that Vanuatu is governed by an indelible mix of customary and modern influences. This is evident in both the causes of the conflict and the response to it.

The riots were triggered by accusations of *nakaimas* - demonstrating that some customary beliefs have maintained significant influence, if not universal acknowledgement,

in Vanuatu. According to some, *nakaimas* should only be performed with permission from the appropriate chiefs - since *nakaimas* may lead to illness or death, those chiefs must agree that the person to be targeted has committed wrong-doing worthy of such punishment.

In Vanuatu, cases of food poisoning are quite common because safe food-handling and cooking techniques are not always understood. In such cases, where unexplained illnesses occur suddenly, claims of black magic are frequent. In the case that triggered the riots in 2007, it was agreed by medical authorities and the woman's family that she had died as a result of eating a crab. However, for some, the belief in *nakaimas* over-rode this finding. While it must be conceded that, in this case, *nakaimas* could easily have been used as an excuse by people simply looking for a fight, it is apparent that *nakaimas* is understood as a legitimate belief.

Many other customary practices were evident in the response to the conflict. Some of these, such as the presentation of the pigs and mats by the Prime Minister, create an interesting juxtaposition between the two systems. However, some have the potential to create a conflict between customary and democratic systems of governance. For example, after the rioting occurred, the Tannese community decided that as an act of reconciliation, it would give two young women and two pigs to the people of Ambrym as payment for wrong-doing. In keeping with Tannese custom, the two women were selected from the families of the men responsible for the killing. By giving women to the Ambrym community, the men killed would be replaced and any children borne from the arrangement would create a permanent bridge between the two communities. Similarly, relatives of the woman who died from *nakaimas*/food poisoning were prepared to give a woman to the family of the man from Tanna who had died in the riots. As it turns out, the Ambrym chiefs declined the offer of women and two pigs, requesting instead only one pig, 10,000vt and help to re-build the homes that were destroyed. In this case, the potential conflict between custom and human rights was resolved.

Formal ceremonies and acts of gift-giving are an essential part of the reconciliation process in Vanuatu and it is believed by some that a formal, customary reconciliation ceremony would dissolve continuing tensions between the Tanna and Ambrym communities in Port Vila. This belief reflects the commonly held opinion that disagreements may be relinquished through customary processes. For example, the *nakamal* can be a site of heated dispute, but once a meeting is concluded, disagreements are theoretically put aside. Most acts of customary reconciliation are generally understood to be compatible with the processes of the state judicial system - problems only need arise if, as in the instance above, fines or punishment of the custom authority are not compatible with those sanctioned by the state. Further, dispute resolution processes are regarded as being superior in the way that they attempt to satisfy all parties involved in a dispute – a dispute resolution meeting may continue until all parties are in agreement.

Concerns have been raised by women who point to the lack of women's participation in decision-making processes as discriminatory. Although customary practices may sometimes require that women be consulted in decision-making, women's advocates suggest that current processes result in women being under-represented and effectively silenced. Women question whether justice can be truly restored when all decisions are made by men or when a significant power imbalance exists between the two parties (Naviti 2003). These concerns are validated by the rise in domestic violence and by the poor representation of women in public leadership roles (Piau-Lynch 2007; Tor and Toka 2004). Youths have also expressed their concerns that customary practices are discriminatory and do not always maintain their relevance (Cummings 2002). Nevertheless, in spite of such concerns, customary processes are generally regarded as respectful and effective because they address the concerns of both victim and perpetrator. So whilst the role of the state is widely accepted as being an essential element of the justice process, customary processes continue to retain their importance.

THE ROLES & RESPONSIBILITIES OF CHIEFS IN PEACEBUILDING AND DEVELOPMENT

Both the state and the chiefs have a role in mitigating the negative impacts of islandism and of guiding the interaction between custom and modernity – that is, they have a role in the broader approaches to peacebuilding. The democratically elected government has a duty to consider the well-being of all of its citizens and it is the state that holds responsibility for the development of social and economic policies and institutions. Chiefs are also responsible for the security and well-being of their communities and, as representatives of the islands and as holders of custom, chiefs also play a key role in social and economic prosperity.

There is a pervading opinion that the work of the chiefs and the state should remain separate because the chiefs represent custom whereas the state represents the rule of white men (Lindstrom 1997) - this opinion was demonstrated in the 2002 elections when none of the custom chiefs that stood as candidates received any significant degree of electoral support (Paterson 2004). However, in spite of this wish to keep the two systems separate, in practice the two cannot remain distinct. State politicians arguably wield the most power, yet even they acknowledge the political sway of custom and so may choose to retain or adopt chiefly titles and to perform custom ceremonies in order to reinforce their standing in the community. The blurring of boundaries was aptly demonstrated in 2007 when the Prime Minister, Ham Lini and Deputy Prime Minister, Edward Natapei, who both possess chiefly titles, donned traditional dress and performed a reconciliation ceremony. The substantial custom fine of ten pigs with circled tusks, mats, food and kava was paid by Natapei for his participation in several attempts at votes of no confidence, which were initiated in 2004 to bring down the Prime Minister (Binihi 2007).

In practice, the state system relies on chiefs to fulfil certain functions that could be regarded as duties of the state. For example, police in Port Vila have indicated that they believe that young offenders should

be dealt with by chiefs rather than police. Further, police have indicated a preference for customary methods by requesting that chiefs use their custom authority to send offenders in Port Vila back to their home islands (Rousseau 2003) - a punishment that is not always in keeping with the right to freedom of movement. But although there is a significant reliance on customary methods, all resources allocated to the criminal justice system go to the state rather than custom system (Forsyth 2006).

Even within the custom system itself, the roles and responsibilities of chiefs are not always clear and the changing nature of chiefship in combination with the rural/urban drift results in some confusion about chiefly status and authority. As previously stated, almost any man of ambition can call himself a chief in some circumstances, and in the case of the 2007 riots this blurring of status was significant. The meeting which immediately preceded the riots was organised by men regarded as community leaders and referred to as chiefs, but who were not 'custom chiefs' - they had not inherited their titles according to the custom of Tanna. This meeting, which effectively triggered the riots, was thus perceived by some to have been instigated by chiefs and, as such, the social status of chiefs was damaged through the implication that chiefs were responsible for instigating the violence.

Of greater significance is the function of chiefs in the development process as a whole, for if chiefs are responsible for the well-being of their communities, they arguably have a legitimate role in addressing issues related to poverty reduction. Current approaches to governance emphasise the link between leadership and development. Furthermore, if development is understood as a means of allowing people the freedom to fulfil their human potential,⁴ then peacebuilding and peacemaking are essential requirements. As such, chiefs as community peacemakers have a clear link with the development process.

The responsibility of chiefs to participate in development is supported by the *National Council of Chiefs Act* of 2006, which states that Island and Urban councils should 'promote and encourage sustainable social

and economic development' (2006). But this legislation, which formalises responsibilities of particular chiefs, arguably represents a slight shift in direction for chiefship. The level to which chiefs have participated in development efforts has to date been inconsistent, depending very much upon the individual chief and his place in his own community. Not all chiefs would consider that active participation in development is one of their roles, and in many cases this responsibility has been removed by the efforts of non-chiefly structures that have effectively instigated community projects. Many chiefs are at a disadvantage because of their lack of education, their lack of understanding of state systems and their lack of skill in dealing with organisations or institutions outside their village. (It is important to note that chiefs are not peculiar in this regard. In some cases, these limitations also apply to representatives of the state.) Structures such as area and island councils have assisted some chiefs to interact with external bodies to an extent. For example, the Lakalakabulu Area Council of Chiefs on Ambae, established in 1996, states that one of its aims is 'to protect and safeguard the general welfare and rights of our indigenous people.' It has attempted to meet this aim by initiating awareness-raising projects and by working with other authorities in the area (Vuhu 2003).

There are a number of initiatives taking place throughout Vanuatu that give chiefs the opportunity to become more actively involved in development. Significant among these is the *Customary Land Tribunal Act* of 2001, which gives chiefs the power and responsibility to participate in land disputes. Other initiatives include awareness-raising activities that educate chiefs and other community members about issues related to democratic governance, such as the constitution and voting processes, and to social issues such as domestic violence and reproductive health. These activities aim to, amongst other things, give chiefs the opportunity to be pro-active in development rather than be limited to taking a responsive role to problems as they arise.

In Port Vila, efforts are being made by chiefs to re-organise themselves in order to create a more effective forum for addressing social concerns. For example, chiefs

representing Tanna and the surrounding islands - the province of Tafea - have recognised the need to address issues that they consider to be underlying causes of conflict in Port Vila. In particular, they have identified unemployment as a key issue. Although chiefs are not currently in a position to directly address unemployment, they are exploring ways of diminishing some of the negative consequences. This includes initiatives such as improving conflict negotiation techniques, making use of skilled technical advisors, and forming support groups for particular sectors of the community.

Chiefs have always participated in development to some extent, but if they wish to continue and perhaps increase their participation, they may need to explore ways of further enhancing their capacity. This process has already begun through the formation of chiefly structures and the introduction of legislation, measures which allow chiefs to interact more effectively with the state and NGOs and which substantiate the chiefs' authority in some situations. More pro-active participation may require chiefs to overcome the limitations that are posed by lack of literacy skills, lack of resources and lack of knowledge of the state system, but it is apparent that support in overcoming these limitations is available. Such support comes from active individuals who are already demonstrating their advocacy and organisational skills, as well as from donor agencies that are engaging with chiefs to facilitate the development process.

Any successful engagement in development in Vanuatu requires that particular attention be given to the harmonising of customary and modern practices, and it seems that compromises may be required in some instances. The chiefly system is by its very nature conservative, and in the rapidly changing and globalised environment of Vanuatu, a conservative approach risks diminishing the relevance and effectiveness of custom governance. Since development theory and practice is influenced by a Universalist approach to notions of 'good governance,' there will inevitably be conflict between those ideas that come from outside Vanuatu and those that emanate from within. In particular, indicators of good governance

such as accountability, transparency, participation and adherence to human rights are challenged by inequitable gender relations, allegiances to kin (McLeod 2007) and islandism. Nevertheless, chiefs have demonstrated ability and willingness to adapt to changing attitudes and expectations and this capacity gives them great potential to instigate community projects and to advocate effectively for government services and programs.

AUTHORS' NOTES

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ENDNOTES

1. The National Council of Chiefs Act of 2006 increased the number of council representatives from twenty two to thirty one.
2. The following has been taken from articles and reports as referenced as well as eyewitness accounts.
3. The following account is taken from newspaper reports as referenced and from eyewitness accounts.
4. This idea has been advocated most notably by Amartya Sen as well as the United Nations Development Program. For a full discussion see Sen, A., 1999, *Development as Freedom*, New York: Knopf.

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